



Government of India  
National Commission for Scheduled Tribes

6<sup>th</sup> floor, 'B' Wing, Loknayak Bhawan  
Khan Market, New Delhi-110 003.

File No. BVV/2/2017/STGGJ/DELAAL/RU-I

Date: 24/04/2018

To

1. The Secretary,  
Tribal Development,  
Govt. of Gujarat,  
Department, 6th Floor, Block 8, New  
Sachivalaya,  
Gandhinagar  
Gujarat 382010.
2. The Principal Secretary,  
Panchayat Rural Housing  
& Rural Development  
Department,  
Govt. of Gujarat,  
New Sachivalaya,  
Gandhi Nagar – 382020.
3. The Secretary,  
Revenue Department,  
Govt. of Gujarat,  
New Sachivalaya,  
Gandhinagar,  
(Gujarat).
4. The Managing Director,  
Gujarat Cooperative Milk Marketing  
Federation Ltd.,  
Amul Dairy Road,  
Opp: Hotel Surabhi, Anand, Gujarat  
388001.
5. The Registrar,  
Co-operative Societies,  
Block No-10,  
Dr. Jivraj Mehta Bhavan,  
Gandhinagar,  
Gujarat.
6. Director of sugar office  
Dr. Jivraj Mehta bhavan,  
Block No.8 ,2nd floor,  
Gandhinagar.  
(Gujarat).
7. The District Collector,  
District Naramda,  
Rajpipla,  
(Gujarat).

**Sub:** Report on the field visit / spot inquiry of team of National Commission for Scheduled Tribes lead by Hon'ble Member, Shri H. C. Vasava in the State of Gujarat from 02/04/2018 to 04/04/2018 on the various issues related to local ST people.

Sir,

I am directed to enclose a copy of the Report on the field visit / spot inquiry of team of National Commission for Scheduled Tribes lead by Hon'ble Member, Shri H. C. Vasava in the State of Gujarat from 02/04/2018 to 04/04/2018 on the various issues related to local ST people of Gujarat.

It is requested that action taken on the recommendations of the Commission may please be sent urgently.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)  
Assistant Director  
Ph. 011-24641640.

Copy to:

1. Concerned files of the cases.
2. PS to Hon'ble Member (HCV).
3. NIC, NCST (for uploading on the website of the Commission).



NATIONAL COMMISSION FOR SCHEDULED TRIBES

**REPORT ON THE FIELD VISIT / SPOT INQUIRY / OF TEAM OF NCST LEAD BY  
THE HON'BLE MEMBER, SHRI HARSHADBHAI CHUNILAL VASAVA,  
NCST IN THE STATE OF GUJARAT.**

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|----|--|--|
| 1. | Name of the Visiting Dignitary               | Shri Harshadbhai Chunilal Vasava, Hon'ble Member, NCST along with officials of NCST  |
| 2. | Date of Visit / Tour                         | 02/04/2018 to 04/04/2018   |
| 3. | Places visited                               | Gandhinagar, Narmada - Rajpipla District & Chhota Udaipur District.  |
| 4. | Key Persons / Officials / Organisations met. | <b>Petitioners:</b><br>Shri Bhupatsingh Vitthalbhai Vasava – Land issue.<br>Shri Fogatbhai Rajvibhai Vasava & others., - Land issue<br>Ms. Kiranbhai Chhotubhai Vasava – Compassionate appointment.<br>Shri Ganpatbhai B. Patel & others – Narmada Sugarcane issue.<br>Ms. Kanchanbhai Shanabhai Vasava, District – Rajpipla, Narmada – Milk Co-operative issue. |

1.1 Hon'ble Member Shri Harshadbhai Chunilal Vasava and the National Commission for Scheduled Tribes officials visited the State of Gujarat for various issues related to the local Tribal people for which representations had been received by the NCST and hearing were also convened at NCST office, New Delhi but still they were pending at the local administration which necessitate Commission to solve by spot visit and meeting with local administration at District level and at State level. State administration was sent the list of pending issues lying in their office for urgent redressal of the same. The matter listed were:

| File No.                     | Subject  |
|------------------------------|--|
| BVV/2/2017/STGGJ/DELAAL/RU-I | Representation dated 14.6.2017 received from Shri Bhupatsingh Vitthalbhai Vasava District Narmada regarding tribal land matter.  |
| DKV/2/2017/STGGJ/SEHRMT/RU-I | Representation dated 13.2.2017 received from Shri Fogatbhai Ravjibhai Vasava regarding re allotment of the land acquired by Govt. having survey no. 206-1, 1881203, 195-1 of village jeetnagar, Narmada District |



श्रीहरशदाई वासाव/Harshadbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



|                             |  |
|-----------------------------|--|
| GBP/2/2017/STGGJ/SEOTH/RU-I | Representation dated 3.6.2017 received from Shri Ganpatbhai B Patel and other District Bharuch regarding exploitation and cheating of ST members of Narmada Sugarcane Industry Co-operative ltd.     |
| KSV/8/2017/STGGJ/SEOTH/RU-I | Representation dated 28.05.2017 received from Ms Kanchanbhai Shanbhai Vasava District Narmada regarding injustice to the Scheduled Tribes in assistance by Milk Cooperatives of Bharuch and Narmada. |
| KCB/1/2017/STGGJ/SEOTH/RU-I | Representation dated 12.02.2017 received from Ms. Kiranbhai Chhotubhai Vasava, District Narmada regarding compassionate appointment.   |

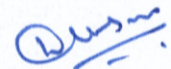
**Case File No. BVV/2/2017/STGGJ/DELAAL/RU-I**

1.2 **Background:-** Representation dated 14/06/2017 received from Shri Bhupatsingh Vitthalbhai Vasava, R/o Narendra Park Society, Plot No. 2, at Vadiya, Taluk-Nandod, District-Narmada, Gujarat regarding compensation to the acquired land.

1.3 The matter was taken up with the Secretary, Road & Building Department, Govt. of Gujarat vide the Commission's letter dated 30/06/2017. No reply was received from them, therefore, Shri H. C. Vasava, Hon'ble Member, NCST fixed a sitting with the Secretary, Road & Building Department, Govt. of Gujarat for discussion in the matter on 09/08/2017 at 3:00 P.M. in the Commission. Accordingly, a sitting notice was issued.

1.4 Shri N. K. Patel, C.E. and A.S., Road & Building Department, Govt. of Gujarat appeared before the Commission on 09/08/2017. Petitioner Shri Bhupat Singh V. Vasava also present on the day of sitting. The matter was discussed in detail. The Hon'ble Member asked the petitioner to explain his case. The petitioner submitted that their agricultural land has been acquired by the District Administration in 1984 and compensation of acquired land was provided in the year 1988 through cheque but the petitioner had refused to receive the cheque as the amount was too small for his land and also he was not willing to part with his Land.

1.5 The Hon'ble Member asked the C.E. and A.S., Road & Building Department, Govt. of Gujarat to explain the position of matter. C.E. and A.S., Road & Building Department, Govt. of Gujarat submitted before the Commission that said land was acquired in 1984 and compensation of above land was provided to the petitioner in 1988 but they have refused to receive the cheque at that time. He also submitted that possession on said land has been given to the Road & Building Department in the year 2012. C.E. and A.S., Road & Building Department, Govt. of Gujarat informed the Commission that matter is concerned with Revenue Department, Govt. of Gujarat as the



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compensation amount is deposited with that Department. Therefore, the matter may be taken up with them for further action.

1.6 Since there was no response from the State Govt., the Commission visited the spot of land of Shri Bhupatsing Vitthalbhai Vasava in the presence of Deputy Collector, Rajpipla, Tehsildar and Agricultural Officer and Forest Officer Rajpipla. The petitioner, Shri Bhupatbhai Vasava was present during the visit. The petitioner intimated the Commission that the said land was in the name of his father. The Government acquired their land without any proper compensation. He apprised to the Commission that their land is situated in marketing area on mega Highway which is highly valuable but Govt. is providing minimum compensation in case which was not accepted by them. He has requested that compensation of above acquired land may be provided to him as market rate as their land situated in marketing / commercial area.

1.7 The Commission noticed that land acquired of Shri Bhupatsingh Vasava is situated in marketing / commercial area on mega Highway, therefore the petitioner is entitled for compensation at market rate of their land. The District Collector, Rajpipla, Narmada assured the Commission that compensation of land will be provided to Shri Bhupatsingh vitthalbhai Vasava at market rate.

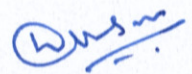
1.8 This matter was also taken up in the meeting of Revenue Secretary and Collector of Rajpipla. During the meeting the Collector, reiterated that market rate of land acquired will be provided to the original owners of the land.

1.9 The Commission advised the Revenue Secretary and Collector, Rajpipla to provide market rate of the land to the petitioner within two weeks' time. The Commission also requested the Revenue Secretary that the tribal petitioner should not be put into further difficulty.

**Case File No. DKV/2/2017/STGGJ/SEHRMT/RU-I**

1.10 **Background:-** A representation dated 13/02/2017 received from Shri Fogatbhai Ravjibhai Vasava regarding re-allotment of the land acquired by Govt. having no. 206-1, 1881203, 195-1 of village Jeetnagar, District – Narmada for allotment of any other in lieu of the acquired land.

1.11 The matter was taken up with the Revenue Secretary, Govt. of Gujarat and District Collector, District Narmada, Gujarat vide the Commission's letter dated 14/03/2017 for necessary action. No reply was received from the Department, therefore, the Hon'ble Member (HCV) fixed a sitting for discussion in the matter on 09/06/2017 with the Revenue Secretary, Govt. of Gujarat and District Collector, District Narmada, Gujarat. But no officials attended the sitting.



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National Commission for Scheduled Tribes  
सं. 17, नया रा. मंत्रालय, नई दिल्ली-110002



1.12 The Hon'ble Member has fixed another sitting with the Revenue Secretary, Govt. of Gujarat and District Collector, Narmada, Gujarat on 29/06/2017 at 11:30 A.M. Minutes of sitting has been issued to the Secretary, Revenue Department, Govt. of Gujarat and District Collector, District Narmada, Gujarat vide the Commission's letter dated 13/07/2017. In this connection the Hon'ble Member fixed a further sitting with the above authority on 04/10/2017 at 2:30 P.M. Only the Deputy Collector, Narmada appeared on the above said day of sitting. None was present from the Department of Revenue, Govt. of Gujarat on the day of sitting. Therefore, the Hon'ble Member directed to issue summons to the to the above authorities for their personal appearance in the Commission on 13/10/2017 at 12:30 P.M. Accordingly, summons was issued.

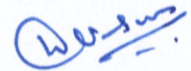
1.13 Shri N.U. Pathan, Deputy Collector, Narmada appeared before the Commission o 13/10/2017. None was present from the Department of Revenue, Govt. of Gujarat on the day of sitting. Petitioner was also present in the day of sitting. The matter discussed in detail. It is noticed that the Agricultural land of said tribals had been acquired by the State Govt. in the year 1984. There is provision in the land acquisition act 2013 that compensation of tribals for their acquired agricultural land should be provided immediately but no compensation was made to the tribals by the State Govt. today. It was also informed to the Commission that alternative land was now allotted is in a very faraway place and is not suitable for cultivation. The Commission has viewed the matter very seriously and decided that a spot / field visit / inquiry will be conducted by the team of Commission in this matter.

1.14 Since no positive response was received from the State Govt. the Commission visited the place of area of Rajpipla District where land of Shri Fogatbhai Ravjibhai Vasava and others were acquired. Petitioner was also present during the visit. The acquired land of above tribals was seen by the Commission and found that physical possession on above land of tribals is still with original owners and accordingly they are cultivating there since the acquisition of land.

1.15 It was informed to the Commission that when the matter was brought to the notice of this Commission, the District Administration allotted alternative land about 12 to 15 kilometres away from their village. But the petitioner was not at all happy with the allotted land.

1.16 The Commission visited the allotted land and the Commission was surprised to note that the land allotment is on a rocky terrain and it is not at all suitable for cultivation and no irrigation facility is available.

1.17 The petitioner intimated to the Commission that Government owned of land is available near 2 to 3 Km. of their acquired land on the canal side. The Commission visited the above land and found that the land is available and farming of Papaya is done there by others. The petitioner intimated the Commission that said land was



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shown as pond as per land use. The Commission asked the District Administration on the above statement of the petitioner. No proper reply from the District Administration of the above issue. The Commission observed that discrimination is being done by the District Administration with the tribals.

1.18 When this matter was brought to this notice of Revenue Secretary and Collector of Rajpipla, they informed the Commission that they were not aware of such allotment and they agreed that suitable good / cultivable land will be allotted near the village of the petitioner.


1.19 The Commission advised that alternative good/cultivable land should be allotted within two weeks near their village. The Commission also advised that disciplinary action should be taken against the Officials of District Administration who were involved in the allotment of unsuitable land.

1.20 The Commission advised that compensation in form of land may be provided to the tribals on the land situated on canal side which is near 2 to 3 Km. from their acquired land. The District Collector, Rajpipla assured the Commission that compensation of land will be provided to the petitioner as their desire.

**Case file No. GBP/2/2017/STGGJ/SEOTH/RU-I**

1.21 It was brought to the notice of the National Commission for Scheduled Tribes by Shri Ganpatbhai B. Patel, a shareholder of the Narmada Sugarcane Co-operative Society Ltd vide application dated 3.6.2017 and another application dated 13.10.2017 to the NCST complaining that the Co-operative bye-laws of the company has been violated by the administrator/ Governing body of the company. The shares allotted to the tribes had been transferred to Non-ST candidates gradually and the percentage of shareholders of Scheduled Tribes have been reduced drastically which is clear cut violation of the bye-laws of the Society. On receiving the petition, a sitting was held by NCST in New Delhi on 13.10.2017 with all the stake holders but the issue was not resolved.

1.22 The petitioners alleged that it is a fraudulent activity carried out by the governing body of the Society which should not be tolerated as it is against law and invited intervention of the NCST to safeguard interest of the STs of the State. During the spot visit of the Narmada District for this pending issues by the Commission, one representation has been made by Shri Ganpatbhai B. Patel vide his application dated 3.4.2018 again requested suitable actions for violation of bye-laws and the ulterior motive of the governing body. He has quoted certain facts pertaining to his case and pleaded that the logical points raised by him be redressed by the NCST through the District and State Level administration for safeguarding interest of STs.



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1.23 After the spot visit, the Commission held a meeting with Registrar, Co-operative Society, Director (Sugar) and other concerned Government officials and the Governing body of the Narmada Sugarcane Co-operative Society Ltd and their officials when Shri Ganpatbhai B Patel made his oral representation about the alleged misdeeds of the Governing Body. Commission observed that the formation of the Co-operative Society was for the betterment of STs of the area because they were the land losers and Govt. has provided subsidy to purchase the shares of the Co-operative Society to the tribal. The major shareholders were also STs of this area but the shareholders of STs have reduced drastically and non-tribal have increased without maintaining the ratio which should have been maintained which is violation of the essence of formation of the Co-operative Society and the by-laws of the Society.

1.24 The facts and figures provided by the petitioner is compelling Commission to derive at the conclusion that violation has been made by the Governing Body ignoring the rights of STs, as shareholders. The Commission felt that STs shares in the society should have been maintained at 50% of the shareholder however, to get it corrected Commission have requested the Registrar (Co-operative) to provide original register of the shareholder with names from the date the society was formed and also a copy of original bye-laws of the society. The commission also advised the Registrar, Co-operative Society, Govt. of Gujarat to conduct a discreet inquiry in the matter and to find out any violation of bye-laws of the society was made. Thereafter, appropriate action to be taken as per law. A report should be sent to NCST within one month showing their findings as how the shares of Non-STs have increased in the Society and rights of STs were violated. The Commission also advised that if any violation of bye-laws of the Society had been done, then the same should be rectified


**Case file No. KSV/8/2017/STGGJ/SEOTH/RU-I**

1.25 It is a matter related to mismanagement by the Governing body of the Bharuch District co-operative Milk Producers Society Ltd.

1.26 The District is mainly consisting of the Scheduled Tribes people and the Chairman and Managing Director of the Bharuch District co-operative Milk Society Ltd has been mis-handling the funds of the Society and are being wasted, resulting loss to the local tribals who are directly affected by the mismanagement and financial irregularities of the Society.

1.27 State Government's I.D.D.P. R.K.V.Y fund has been allotted to the Society by Tribal Development Department for the purchase of Milching Animals (Buffalo) and providing it to the Scheduled Tribes.

1.28 The officials and Chairman of the Society were present in the Sitting earlier held by the NCST at Delhi, on the basis of a representation by Shri Kanchanbhai Shanabhai



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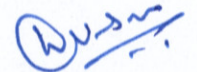


Vasava of Narmada District. Even after the hearing the matter was not resolved. The Commission while on tour to the District requested the Concerned officers to remain present in the meeting was to be held in Gandhinagar. Accordingly, Registrar Co-operative, Collector, Narmada District, District Co-operative Registrar of Bharuch and Narmada District and other related Government officers were present at the meeting on 3.4.2018.

1.29 During the meeting in Gandhinagar Shri Kanchanbhai Vasava raised the issues related to the wastage of the Government fund provided for the upliftment of the tribes by providing the milching animals (ie. Buffalo) for their source of income. The management said on the issue that all the procedure prescribed for this has been observed and nothing sort of mismanagement as alleged has been done. Everything done as per the guidelines provided by the Government and it was very transparent and the question of mismanagement or wastage of the Government fund for STs does not arise. Hon'ble Member said that if the milching animal provided after following the procedure, the output of the milk of the Co-operative Society should have been increased. It should be checked by comparative dates before providing the milching animal and after providing the animals, whether good progeny of the animal provided? A study on how long the animals have given milk and in what quantity will clear whether the quality of animals provided was healthier and progeny of the Buffalo was good or not.

1.30 During the deliberation it was brought to the notice of the Commission that there are number of cases of mismanagement and financial irregularities by the Governing body for which M.P of Bharuch Shri Mansukhbhai Vasava had raised the issues in Co-ordination Committee of the District which was also related to the construction of cattle field factory in the village Khokhare Umar without permission of Government. This issue was also discussed during the meeting that the Dudh Dhara Dairy which constructed a cattle field plant in the land i.e. one of survey no. 52/2 and 1of survey no. 52/2 without the bifurcation of the land (block) which is in the name of two brothers and one of them Mr. Umesh has objected to the construction of cattle field plant nearby his agriculture land. The construction being done by the Dudh Dhara Dairy management without obtaining the NA permission, was also objected. Since, the issue of the bifurcation of block was pending, and panchayat authorities of District have not issued any NA orders, Management of society has continued the construction and without following the rules and regulations of the Co-operative act the management continued unlawful activity which should be noticed by the Co-operation Department. When Management failed to receive NA orders from District Panchayat it has been obtained by Collector Narmada by hiding the facts which should have been brought to the notice of the Collector.

1.31 Chairman of Dudh Dhara Dairy has given in writing to the Collector stating that the default in his part for carrying out the construction of the cattle field plant without



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permission and without NA may be regularised by charging fine for the default as it is permissible in the Co-operative laws even if it is will full disobedience of the Co-operative laws, rules and regularities. MD Bharuch District Co-operative Milk Producers Society Ltd has paid Rs. 4000/- vide Chalan in treasury on 18.01.2018 as a fine for not obtaining permission under land tenancy act 1963 AA. On hearing this, the Commission observed whether is it permissible under Co-operative Societies who have defaulted to pay fine or it is not a punishment to pay the sum of Rs. 4000/- as paid by the Management. On hearing all these issues and allegations the Commission observed that there are number of issues which arose regarding the mismanagement, financial irregularities which need to be considered by the Registrar Co-operative. The Commission, accordingly advised that necessary action may be initiated without delay in this matter against alleged wilful irregularities of the Chairman and MD of the Doodh Dhara Dairy.

1.32 The Commission also advised that the submission of the petitioner received in the Commission in writing along with the enclosure should be sent to the Registrar of Co-operative, Gujarat State, Gandhinagar to initiate suitable action against Co-operative Milk Federation as per law.

**Case file No.KCB/1/2017/STGGJ/SEOTH/RU-I**

1.33 **Background:-** A representation dated 12/02/2017 was received from Shri Kiranbhai Chhotubhai Vasava, R/o 27 - Devasis Society, Mukkam Post - Vadiya, Rajpipla, District-Narmada, Gujarat regarding compassionate appointment in the Panchayat Department.

1.34 The matter was taken up with the Principal Secretary, Panchayat Rural Housing and Rural Development Department, Govt. of Gujarat for taking necessary action vide the Commission's letter dated 14/03/2017. No reply was received from the PRHRD Department, therefore, Shri H.C. Vasava, Hon'ble Member, NCST has fixed a sitting on 07/06/2017 at 12:00 Noon in the matter. Accordingly, minutes of sitting has been issued to the concerned authorities vide the Commission's letter dated 21/06/2017. In response to minutes of sitting, a reply dated 25/07/2017 has been received from the Panchayat, Rural Housing and Development Department, Govt. of Gujarat which has found not satisfactory. Therefore, another sitting was fixed by the Hon'ble Member (HCV) on 04/10/2017 at 2:30 P.M. Accordingly, a sitting notice has been issued to the concerned authorities.

1.35 Shri Raj Gopal, Principal Secretary, PRHRD Department, Govt. of Gujarat and Shri N. U. Pathan, Deputy Collector, Narmda appeared before the Commission. Matter was discussed in detail. The Hon'ble Member asked to the Principal Secretary for consideration of compassionate appointment of Shri Kiranbhai Chhotubhai Vasava. The Principal Secretary assured to the Commission that matter will be looked at his level as a special case. The Commission advised that case of Shri Kiranbhai

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Chhotubhai Vasava should be considered a special case since the petitioner belongs to Scheduled Tribe poor family and it is a very very old case being pursued by the applicant since very long time.

1.36 Since there is no progress in the case, the Commission decided to discuss the matter with the Principal Secretary, PRHRD Department, Govt. of Gujarat during the visit to the State of Gujarat. Accordingly, the matter was discussed with the Principal Secretary, Shri Rajgopal in the Circuit House, Gandhinagar on 03/04/2018. The Principal Secretary apprised the Commission that the case of Shri Kiranbhai Chhotubhai Vasava has been submitted to the GAD, Govt. of Gujarat which is under consideration. The Principal Secretary also informed that this matter needs the approval of Hon'ble Chief Minister of Government of Gujarat as there is no policy as on today to appoint any person on compassionate ground. The Commission advised the Govt. of Gujarat that action for compassionate appointment of Shri Kiranbhai may be taken as a special case since the petitioner belongs to scheduled tribe community and is very poor and need support.



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