



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

Case File No. AK/1/2017/STGM/DEOTH/RU-IV

Dated: 03.06.2019

To,

- |   |  |   |  |
|---|--|---|--|
| 1 | <b>The Chief Secretary,</b><br>Government of Maharashtra,<br>Mantralaya,<br>Mumbai.  | 2 | <b>The Secretary,</b><br>Ministry of Power,<br>Shram Shakti Bhawan,<br>Rafi Marg,<br>New Delhi – 110 001.  |
| 3 | <b>The District Collector &amp; Magistrate,</b><br>District – Palghar,<br>Chintupada Road,<br>Udhyog Nagar, Palghar,<br>Maharashtra – 401 404. | 4 | <b>The Chairman &amp; Managing Director,</b><br>Power Grid Corporation of India Ltd.,<br>B-9, Qutab Institutional Area,<br>Katwaria Sarai,<br>New Delhi – 110 016. |

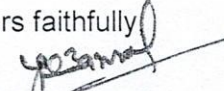
**Sub: Proceedings of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chair Person, National Commission for Scheduled Tribes (NCST) on 08.05.2019 in the matter of Shri Ashok Kumar, CITU Delhi State Committee Member, New Delhi regarding non payment of loss compensation (Muavja) for the damage of land and trees etc (Talasari-Vikaspada, Tehsil, Post-Talasari, District – Palghar) due to the formation of High Tension Electric Line by PGCIL.**

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 08.05.2019 under the Chairmanship of Dr. Nand Kumar Sai; Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

  
(Y.K. Bansal)  
Research Officer

Copy to:

Shri Ashok Kumar,  
CITU Delhi State Committee Member,  
C/o BTR Bhawan,  
13-A, Rause Avenue,  
New Delhi – 110 002.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

AK/1/2017/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 08.05.2019 AT 12.30 P.M CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI ASHOK KUMAR, CITU DELHI STATE COMMITTEE MEMBER, NEW DELHI REGARDING NON PAYMENT OF LOSS COMPENSATION (MUAVJA) FOR THE DAMAGES OF LAND AND TRESS ETC (TALASARI-VIKASPADA, TEHSIL-TALASARI, POST-TALASARI, DISTRICT – PALGHAR) DUE TO THE FORMATION OF HIGH TENSION ELECTRIC LINE BY PGCIL.

Date of Sitting: 08.05.2019

List of officers present in sitting is Annexed.

Shri Ashok Kumar, CITU Delhi State Committee Member, New Delhi vide his representation dated 05.04.2017 has represented before the Commission regarding non payment of loss compensation (Muavja) for the damages of land and tress etc (Talasari-Vikaspada, Tehsil-Talasari, Post-Talasari, District – Palghar) due to the formation of High Tension Electric Line by PGCIL.

2. The petitioner has submitted the following grievances:

- (i) In the year 2014, the Power Grid Corporation of India Ltd., formed High Tension Electric Power Line on the Agriculture land of Scheduled Tribes at village Talasari – Vikaspada, Tehsil Talasai, District – Palghar and due to which the agriculture land of the area gone useless and trees were destroyed. The officials of the PGCIL declared compensations for their losses to the affected farmers. But the PGCIL officials adopted discriminatory attitude in the distribution of compensation amount to the farmers.
- (ii) The declared compensation (Muavja) was not paid to the farmers as per the PGCIL policy.
- (iii) The Commission's recommendations dated 24.07.2018 has not been implemented by the authority concerned.

3. The case was earlier heard under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member on 24.07.2018. The Commission recommended the following:

- The District Collector, Palghar should re-visit the compensation plan offered by the PGCIL and will explore the possibilities to sanction compensation as per Ministry of Power notification dated 15.10.2015. In addition, the District Collector, Palghar will hear the grievances of the petitioner in person before finalization of the award of revised compensation plan.
- The District Collector, Palghar and the PGCIL authority should conduct a study in the case on the issue of bad and good impact of the formation of transmission land and present status of cultivation on the affected land. A study report should be submitted to the Commission.
- The District Collector, Palghar and PGCIL authority will submit an action taken report to the Commission within one month. On receipt of the action taken report the case will be considered and decided by the Commission.

4. In response to the Commission's recommendations, the PGCIL has submitted an ATR dated 11.01.2019 wherein it was informed that as per Commission's recommendations, the Company with the help of Local District Administration conducted joint inspection about impact on the land after installation of transmission land. During the joint inspection it was observed negligible impact on cultivation below transmission line.

5. The District Collector, Palghar informed that all due compensation has been sanctioned and provided to the affected persons as per rule.

6. However, the petitioner being satisfied with the action taken of the authority concerned has prayed following before the Commission.

(a) Non payment of proper compensation to the land, Corp, trees and other loses to the affected Tribal and other residents of the area of (Gaondan) Vikramgarh, Palghar, Maharashtra of the formation of Aurangabad – Boisar 400 KV electrical line by the Power Grid Corporation of India as per the sub section (2) of clause (a,b,c,d,e,g,k &n) and (3A) of section 67 of the Electricity Act, 2003.


(b) The violation of the Electricity Act, 2003 and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989 and latest 2018 and Forest Rights Act, 2006 initiated by the officials, licensee or contractor or workman of the Power Grid Corporation of India Ltd during the work of formations of the Power Grid Electric Lines in the area of Vikramgarh, Maharashtra.

(c) The non-implementations of the notification of 2015 issued by the Ministry of Power of India It is submitted as under:

- That the Vikramgarh, District Palghar is declared Scheduled Area by the Hon'ble President of India under the Fifth Scheduled of Constitution of India.
- That the affected tribal of the area informed that the officials of the Power Grid formed the Power Grid Lines as mentioned in the subject clauses, but not paid their proper Compensations to the Land, Corp, Trees and other loses and they also not allow them to present at the time of formation of the Grids in their lands, whereby, the clear instructions given in the Notice served by the Power Grid officials to the affected Tribes in this regard.
- That it is submitting that the officials of the Power Grid those were present at the time of formations of the Grid, they totally ignored and violated to the declarations mentioned in the notice issued by the Power Grid.
- That it is also pertinent to mention here, that the officials of the Power Grid did not provide any order copy of other Executive Magistrate/Finance Department or any competent officer deputed by the Finance Department to declare the rate of compensations of the affected Tribes.

7. After analysis of the petitioner's grievances and PGCIL report, it was found that the petitioner's grievances have not been rightly addressed by the authority concerned. Accordingly, the Hon'ble Chairperson, NCST fixed a sitting on 08.05.2019 to have a discussion in the case with the authority concerned.

8. In sitting, on behalf of the Chief Secretary, Govt. of Maharashtra, the Divisional Commissioner, Konkan Mumbai, on behalf of District Collector, Palghar, the SDM, Dahanu, District Palghar appeared. From Ministry of Power, the Chief Engineer and the Director

  
नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

(Transmission) appeared. From PGCIL, the acting Chairman cum Managing Director and other senior officers were present. The petitioners were also present.

9. The petitioners informed the Commission that the PGCIL and other authority concerned did not follow the Commission's recommendations and not provided adequate compensation against the land taken for establishment of transmission line. Further, the District Collector and PGCIL authorities has made discrimination with regard to providing compensation. The affected persons of one village was given compensation on higher rate and at the same time, the compensation sanctioned to the petitioners at lower rate. In addition, at the time of deciding of compensation to the affected persons, no prior notice for hearing their views was not issued by the District Administration. No compensation was paid for trees and other items as per the Government's order. Due to discriminatory attitude, the petitioners have not taken compensation. The compensation should be paid as per the Government's GO issued in 2015.

10. The Officers of PGCIL informed the Commission that compensations are paid on the recommendations of the District Collector concerned. In this case, there were 501 affected persons and out of which 378 villagers have taken compensation. The remaining 24 affected persons including petitioners have not taken compensation and raised their objection. The compensation for trees and other items has also be paid. However, if the District Collector concerned will recommend any more compensation then the same will be complied.

11. The Divisional Commissioner, Konkan and SDM, Dahanu informed the Commission that the petitioners allegations of discriminatory attitude towards sanction of compensation will be examined and the District Administration will take necessary steps to provide equal compensation for all affected persons.

12. The case was discussed in detail. The Commission recommends as follows:

- The Divisional Commissioner, Konkan will re-examine the compensation issue in light of the petitioner's demand of providing compensation as per Government's GO 2015.
- The District Collector, Palghar will hold a hearing with the affected persons regarding their grievances by the 2<sup>nd</sup> week of June, 2019. Hearing notice be also issued to all affected persons in advance and all discrepancies may be meted out. Video recording of the proceedings will be done and ATR be submitted.
- The District Administration will also consider to provide equal compensation and will ensure that no injustice is done to the ST petitioners. The decision should be arrived after hearing from the petitioners.
- It was also observed that there are two more cases namely Shri. Dilip Babu Sathvi, Village – Vagadi, Post – Kasa, Tehsil – Dahanu and Shri Devrang Barkya Lahange, Village – Talasari, District- Palghar wherein no compensation was paid to these ST persons against their assigned lands. The compensation should immediately paid these persons.
- The petitioners will meet to the Divisional Commissioner, Konkan and District Collector, Palghar along with all relevant documents in support of their grievances.
- A team on the NCST under the Chairmanship of Hon'ble Vice-Chairperson, NCST will visit the affected areas to access the petitioner's grievances in June, 2019. These recommendations of the Commission will be reviewed during the visit.
- An action taken report on the Commission's recommendations should be submitted within a period of 30 days on the receipt of the proceedings.

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7/5/19  
Nand Kumar Sai/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. AK/1/2017/STGMH/DEOTH/RU-IV)

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Hari Krishna Damor, Hon'ble Member
3. Shri A.K. Singh, Secretary
4. Shri S.K. Ratho, Joint Secretary
5. Shri P.T. Jameskutty, Deputy Secretary
6. Shri Y.K. Bansal, Research Officer

**Officers of the Government of Maharashtra**

1. Dr. Jagdish Patil, Divisional Commissioner, Konkan, Mumbai
2. Shri Sawrath Katiyar, SDO, Dahanu, District – Palghar

**Officers of Ministry of Power**

1. Shri Ghanshya M Prasad, Chief Engineer
2. D.K. Srivastava, Director (Transmission)

**Officers of the Power Grid Corporation**

1. Shri Ravi P Singh, CMD (Acting)
2. Dr. R.K. Srivastava, CGM (in-charge)
3. Dr. D.K. Singh, ED, WRTS-2

**Petitioners**

1. Shri Ashok Kumar
2. Shri Raju Pandhara