

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(File No.UK/10/2012/STGJN/ DEAAAL/RU-3)

Minutes of the meeting taken on 12.09.2013, by the Chairperson National Commission For Scheduled Tribes (NCST) , in the Regional office of the Commission at Ranchi concerning setting up of Industrial Projects at Tonagatu, Distt. Ramgarh

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- 1) Shri Umakanta Mahato, Social Worker, Kokar, Ranchi submitted a representation dated 05.12.2012 to the Chairperson, NCST wherein it has been alleged that M/s Inland Power Limited Company, Tonagatu, PS:Gola, Dist: Ramgarh has acquired more than 300 acres of land in violation of the 5th Schedule of the Constitution and Chottanagpur Tenancy (CNT) Act. The land has been acquired by the Company forcefully with low price without providing any facilities to the land owners. The State Government without following the rules have transferred lands belonging to the tribals to benefit the Company. Shri Mahato, petitioner, requested for taking legal action against the Company and to take necessary steps for restoration of the tribal land.
- 2) The matter was taken up with the Chief Secretary, Government of Jharkhand, Ranchi and Dy. Commissioner, Ramgarh vide letter No.UK /10/2012 /STGJN/DEAAL/RU-3 dated 18.12.2012 followed by reminder dated 28.03.2013 to submit point-wise comments on the representation of Shri Mahato. Since reply was not received from the concerned authority, Chairperson, NCST decided to hold a meeting with the Chief Secretary, Government of Jharkhand and Deputy Commissioner, Ramgarh at the Hqrs. office of the Commission on 09.04.2013. Accordingly notice of the meeting vide letter dated 22.03.2013 was issued to them. It was informed that Chief Secretary, Govt. of Jharkhand was pre-occupied with some other work hence he would not be able to attend the meeting . Shri Amitav Kousal, Dy. Commissioner, Ramgarh attended the meeting. During the meeting Dy. Commissioner, Ramgarh vide his letter No.256 dated 06.04.2013

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submitted Para-wise comments on the representation of Shri Mahato During discussion the reply furnished by the Dy. Commissioner was examined and noted that the reply was neither convincing nor acceptable. Therefore vide letter dated 16.05.2013 Dy. Commissioner was requested to furnish action taken report as per the discussions held 09.04.2013 at NCST, New Delhi. The Dy. Commissioner vide his letter dated 28.06.2013 submitted the reply but complete reply relating to Point No.11 regarding number of persons who became landless / displaced due to setting up of the Project and the action taken by the Govt. for their rehabilitation was not furnished. Subsequently reply on the above point was submitted by the Dy. Commissioner vide letter No.595 dated 20.07.2013. However, Chairperson, NCST desired to discuss the issues of representation with the Dy. Commissioner in person. Accordingly, the meeting was held on 12.09.2013 wherein the Dy. Commissioner along with the Superintendent of Police, Ramgarh attended the meeting. Shri Umakanta Mahato, Social Worker also attended the meeting.

3) During discussion, Chairperson, asked Shri Mahato to explain the issues of his petition with regard to difficulties faced by the tribals due to setting up of the Project. Shri Mahato submitted that the transfer of tribal land has been done in violation of the CNT Act. He further stated that as per the CNT Act, before acquiring the land for any project notification is to be published and it should be widely circulated for the information of the general public. As alleged by Shri Mahato due procedures was not followed in the instant case and also submitted that the Government should follow the due process, as laid down in the CNT Act for protection of the Scheduled Tribes. Further he verbally stated that initially the piece of land under question was acquired for the Bihar State Electricity Board and also mentioned that the land in the neighbouring area was sold at about Rs. 20000/- per decimal. Subsequently, Shri Mahato has submitted a copy of sale deed attached herewith as Annexure-I for piece land in Tonagatu, Distt. Ramgarh for which transaction was held in the year 2005, and as per it land in question was sold @ Rs10000/- per decimal.

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4) Shri Mahato further stated that due compensation has not been paid to the tribals. He also demanded that the tribals should be provided employment in lieu of their land so that the tribals should not migrate to other places in search of their livelihood or the land which has been transferred in violation of the CNT Act should be restored to the tribals.

5) The Dy. Commissioner, Ramgarh, who was present in the meeting, stated that the point raised by Shri Mahato that employment in the project in lieu of their land has not been incorporated in the MOU. Regarding payment of due compensation and other demands, he stated that he will negotiate with the Company for the same.

6) Chairperson, NCST directed the Deputy Commissioner to obtain the documentary evidence in support of the submissions of Shri Mahato regarding initial allotment of land to the Bihar State Electricity Board . As regards land reportedly sold at Rs. 20000/ per decimal in the neighbouring area during the period of acquisition of land in question, Chairperson directed that relevant documents should be obtained by the Dy. Commissioner so as to arrive at the correctness of the state of affairs and reasonableness of compensation.

7) Chairperson also emphasised that priority for employment in the project should be given to the displaced persons. The issue raised by Shri Mahato that State Government without following the rules have transferred lands belonging to the tribals to benefit the Company also need to be covered in the report to be submitted on the matter .

8) Chairperson advised that action taken report on the issues requiring examination/collection of information by the Deputy Commissioner Ramgarh should be submitted to the Commission within one month from the date of issue of proceedings.

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