



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No.HN&O/1/2012/STGMZ/DEOTH/RU-II

To

The Chief Secretary to the
Govt. of Mizoram,
Aizawl, Mizoram

The Director General
Border Security Force,
(Engineering Branch),
10, CGO, Complex,
Lodhi Road, New Delhi-03

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्किट, नई दिल्ली-110003

6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated 05-09-2012

Subject: Regarding furnishing of ATR on the proceedings of the hearing taken by the Chairman, NCST on 23/08/2012 at 12:30P.M. and record of discussion held during the visit of the Chairman, NCST to the State of Mizoram from 28/08/2012 to 30/08/2012 in connection with the case pertaining to payment of compensation to the ST land owners of Dawngzawl, District Serchhip for Acquisition of Land for BSF.

Madam/Sir,

I am directed to refer to the subject mentioned above and to forward herewith proceedings of the hearing held on 23/08/2012 and record of discussion held during the visit of the Chairman, NCST to the State of Mizoram from 28/08/2012 to 30/08/2012 on the subject mentioned above.

It is therefore, requested that an action taken report on the points raised in the proceedings of the hearing taken by Chairman, NCST on 23/08/2012 and record of discussion held during the visit of Chairman, NCST to the State of Mizoram from 28/08/2012 to 30/08/2012 may please be furnished to this Commission at the earliest.

Yours faithfully,

(Suresh Chandra Tamta)
Under Secretary

Copy alongwith of copy of proceedings and copy of record of discussion forwarded for information and necessary action to:-

1. The Secretary to the, Ministry of Home Affairs, Govt. of India, North Block, New Delhi.
2. The Revenue Secretary, Govt. of Mizoram, Aizawl, Mizoram.
3. The Assistant Director, NCST, Govt. of India, Regional office, Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001
4. Mr. Huliana and 13 others, S/o Thangliauva, Leisang Veng, Serchhip, District Mizoram, Aizawl.

(Suresh Chandra Tamta)
Under Secretary

PROCEEDINGS OF THE HEARING TAKEN BY THE CHAIRMAN, NCST ON 23RD AUGUST, 2012 AT 12:30 HRS REGARDING ISSUES RAISED BY MR. HULIANA AND OTHERS IN THEIR MEMORANDUM REGARDING ACQUISITION OF THEIR LAND (85 ACRES) FOR BSF IN SERCHHIP DISTRICT OF MIZORAM.

The list of those present in the Hearing is annexed.

2. A Special Power of Attorney furnished by 12 Petitioners including Mr. Huliana, in favour of Miss Lalremsangi Fenai to represent them before the Chairman, NCST was submitted before the Chairman, NCST. Based on the Special Power of Attorney, Chairman, NCST permitted presence of Miss Fenai in the meeting.

3. The Commission noted that neither DG, BSF nor any official from MHA attended the Hearing. Sh. Ashok Kumar, IG (Admn.), B.S.F. submitted that DG, BSF had asked him to attend the meeting on his behalf, being concerned Officer dealing with the subject. Chairman, NCST observed that the DG, BSF is not expected to abstain himself against the Notice issued to him by the Commission to attend the meeting in person and no formal request was submitted by him for seeking exemption from attending the Hearing. Chairman, NCST desired that a Notice should be issued to the DG, BSF for a Hearing after ascertaining convenience of the Commission. Chairman, NCST put his appreciation on record for the presence of the Chief Secretary, Government of Mizoram, though he was superannuating at the end of the month.

4. Chairperson, NCST observed that briefly, the issues raised in the Memorandum dated nil from Mr. Huliana and others are as under:

- (i) Transfer of ownership of the land of the tribals to a third party without their permission and consent in collaboration with the Revenue Department for preparing/ transferring the LSCs with unfair means in order to grab money/ benefits by depriving the original land holders from receiving compensation for land;
- (ii) Non-payment of compensation to the land-owner based on the final compensation paid by the BSF Authorities to the State Govt.,
- (iii) Doubts on the role of Revenue Authorities in issuing LSCs for transfer of land in haste in favour of Mr. C. Zokhuma, Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga and Mrs. F. Aizami (recipients of the Award), without their

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consent and permission of the competent authorities.

- (iv) Indication of under-estimated compensation of Rs. 70 Lakh by Mr. C. Zokhuma (which was finally Rs.19.60 crore) and not distributing assured share out of Rs. 70 lakh by Mr. C. Zokhuma;
- (v) Need to investigate into alleged corruption in the Land Acquisition

5. Joint Secretary, NCST briefly explained the background of the case. He mentioned that the State Govt. vide letter dated 10th July, 2012 has mentioned that there is neither record nor document to suggest existence of irregularities or bias towards the petitioners. Similarly, BSF vide letter dated 29th February/ 1st March, 2012 informed that as per the existing guidelines and spirit of the Land Acquisition Act, the requiring body is not involved in making payment or any such negotiations with land owners. Further, BSF deposited all the amounts with the Distt. Revenue Authority for further disbursement to the concerned land owners and BSF was nowhere involved in any dealing with land owners. MHA has also clarified vide letter dated 21st August, 2012 that land acquisition is primarily concerned with the State Government and that MHA has no role in the entire land acquisition except for sanctioning of the funds as per the award announced by the Land Acquisition Collector of the State. Joint Secretary, NCST further informed that the Commission had asked State Govt. as well as the BSF to produce relevant records in the matter and in response, both the authorities had made available limited records for examination by the Commission on 21st August, 2012 and 22nd August, 2012 respectively.

6. Chairman, NCST emphasized that it was necessary to critically examine the whole process of acquisition and the manner in which the case was handled by all concerned. The moot issue is to examine whether any action of the BSF or the State Govt. benefited Mr. C. Zokhuma, and other 3 persons in terms of reported fraudulent transfer of land in their favour or unreasonable monetary benefits. In this connection, he mentioned that based on the examination of the limited records made available by the State Govt., replies furnished by the State Govt., BSF and the discussion held with the officers deputed by these organizations on 21st and 22nd August, 2012 respectively, certain facts have emerged, as under, which require consideration/examination.

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6.1 As per the procedure intimated by the BSF, the proceedings of the Board of Officers set up to assess the suitability of land offered/ suggested by State Government and recommending the advantages/ disadvantages of the proposed land is approved by DG, BSF and the formal requisition is thereafter placed with Land Acquisition Authority for initiation of Land Acquisition Proceedings. In the instant case, the proceedings of the Board of officers were approved on 11 Sept, 2006 by IG, Frontier Hqrs, Tripura. Subsequently, on 03 May, 2007, FHQ Ops Dte conveyed the approval of MHA regarding change of KLP of BSF Bn from Aizawal-II to Serchhip. However, available record reveals that BSF vide letter dated 12th March, 2007 (much before approval of MHA for change of KLP of BSF to Serchhip (03 May, 2007), requested the State Government for acquisition of land (85 acres). This letter has been reportedly issued with the approval of the IG and not DG, BSF as required. Subsequently, as a follow-up, within a period of one week, Mr. M.A Khan VSM, BSF Sector HQ, Zembawk, Aizawl vide letter No. Engg/Land-Serchhip/07/3324-28 dated 17th March, 2007 to the State Govt stated that the land proposed to be acquired belonged to the 4 land owners viz, Mr. C. Zokhuma, Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga and Mrs. F. Aizami and requested the State Government to take immediate action in the matter in the light of the clarification given about the owners of the premises. The BSF authorities couldn't present any record/evidence to show that the land belonged to these 4 persons prior to 18 June, 2007 and the basis on which letter dated 18 June, 2007 was issued by them. It is also noted that these 4 persons were Mr. C. Zokhuma and his family members/close relatives (Mr.C.Zokhuma, Mrs.F.Aizami-wife, Mr.C.Lalhmangaihsanga-son, Mr.B.Vanlalhruaia-son-in-law).

6.2 The State Government has not produced any record to confirm transfer of land in favour of Mr. C. Zokhuma, Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga and Mrs. F. Aizami (recipients of the Award), prior to 18 June, 2007 on which the land owners being stated to have verbally requested the Settlement Officer of the Revenue Authorities in Serchhip District to take immediate actions for issuing and mutating (transfer) of Land Settlement Certificates (LSCs). It is also revealed that the ownership of the said land also stood changed in favour of Mr. C. Zokhuma and his family members/close relatives on the same day viz. 18 June, 2007.

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6.3 Prior to 18 June, 2007, there was no official record available with the State Govt. regarding ownership of land in favour of Mr. C. Zokhuma and his family members/close relatives and neither the District Administration nor the State Administration had any documentary evidence(s) relating to alleged negotiations/understanding for transfer of land in favour of Mr. C. Zokhuma and his family members/close relatives or any consideration in monetary terms to them for this purpose prior to 18 June, 2007, which Mr. C. Zokhuma and other 3 persons have been advancing in their favour. Under such circumstances, the need for BSF to provide such a clarification regarding ownership of land in favour of Mr. C. Zokhuma and his family members/close relatives to the State Government and the basis on which the BSF Authorities proceeded with communication of such a nature to facilitate processing of their proposal needs explanation as the said reference creates a documentary evidence from a Government Department regarding ownership of the land in favour of Mr. C. Zokhuma and his family members/close relatives who were non-existent land holders at that time as per the revenue record. Such an action on the part of the BSF Authorities may also be seen as presenting a favourable opportunity to these non-existent land holders (Mr. C. Zokhuma and his family members/close relatives to negotiate and exploit prices from the persons who were actually possessing the land at that time (Mr. Huliana and others). In fact, the clarification regarding ownership of the land is not desired from a requiring body (BSF), as this is an issue which is within the purview of the State Govt. It was noted that the BSF has also clarified that BSF does not deal directly with Private Land Owners and as per the estimate provided by the State Government, BSF obtained necessary admin approval and expenditure sanction from MHA for acquisition of land. MHA vide their letter dated 21st August, 2012 has also clarified that neither MHA nor the Central Armed Police Forces interfere in the land acquisition process. The Commission has also noted that in the instant case, BSF authorities proceeded without approval of the competent authority for acquisition of land under emergency provisions and also without any indication of estimated cost of acquisition by the State Govt.

6.4 The Commission also noted that the District Collector & Deputy Commissioner, Serchhip pronounced the award in r/o the land on 25.03.2008 and asked BSF to deposit an amount of Rs. 15,25,48,873/-. However, the BSF

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Authorities decided in September, 2008 with regard to de-requisition for acquisition of land for establishment of Bn HQ at Serchhip, Mizoram. But, the proposal could not be processed considering the implications of shelving the matters which involved huge compensation etc. and also resentment and misgiving among owners of the land who had also been denied cropping of their land for almost two years, as informed by the Government of Mizoram. The matter was also followed by the Chief Minister, Mizoram vide letter dated 11.02.2009 with the Home Minister, Government of India. Subsequently, the case was reconsidered by the Ministry of Home Affairs and it was decided to revive the land acquisition proceedings at Serchhip. Subsequently, MHA vide letter dated 01.02.2010 sanctioned an amount of Rs. 15,25,48,873/-, which was deposited with the District Collector & District Commissioner, Serchhip on 05th April 2010 and the possession of the land was taken over by BSF on 19.10.2010.

The decision of the BSF authorities of de-requisition for acquisition of land in Sept,2008 in the light of their original request dated 12 March,2007 to the State Govt. for acquisition of land under emergency provisions also needs scrutiny, considering the impact of emergency provisions for acquisition of land on the total cost of acquisition as it finally benefited Mr. C. Zokhuma and his family members/close relatives only. It is also understood that the BSF Authorities had ordered an enquiry into the acquisition of land under emergency provisions. The impact of acquisition of land under emergency provisions on the total cost of acquisition as well as its likely impact on strengthening the bargaining position of Mr. C. Zokhuma and his family members/close relatives for soliciting transfer of land in their favour can't be ignored.

6.5 Aggrieved with the award of LAC, an appeal u/s-18 of LA Act was filled before the District Collector & Dy Commissioner, Serchhip by the land owners. The Ld Addl District Judge, Aizawl in his Judgment dated 19.10.2010 directed to deposit Solatium amount within three months from the date of the said judgment. Accordingly, MHA vide Order dated 14.01.2011 sanctioned Rs. 19,60,49,491/- as enhanced compensation with financial implications of Rs 4,35,01,031/- and the sanctioned amount was deposited with the concerned Authority on 27.01.2011. Thus, about Rs. 19.60 crore has been paid towards land acquisition in the instant case so far.

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6.6 The Commission has been informed by the BSF authorities that at no stage the estimated cost of acquisition of land was informed by the State Government and the sanction was issued only after receipt of the final cost of acquisition from the State Government. The reasonability of the claimed prices by the State Government has not been made available except a copy of the award No. 2 of 2007 which after explaining various factors for the purpose of determination of cost of acquisition flatly fixed market value of the land at Rs. 38/- per square feet. This cost of acquisition has been reported to be higher by the BSF Authorities, as compared to any other cost of acquisition in remaining part of the country and in Mizoram itself.

6.7 According to the latest Report of the Comptroller and Auditor General (CAG Audit Report for the year ended 31 March 2011 (Civil, Revenue & Commercial), presented at the State Assembly), the Collector, Serchhip District irregularly awarded a compensation of Rs.1421.53 lakh for payment to two persons interested viz., Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga against the entitled compensation of Rs. 1257.36 lakh as per claims preferred by them, which resulted in an excess payment of Rs. 164.17 lakh (details as under). Thus, this is a case where the DC awarded more compensation than actually claimed.

| Name of land owners | Actual compensation to be awarded | | | Total | Compensation paid | Excess payment made |
|---------------------|-----------------------------------|----------|--------|---------|-------------------|---------------------|
| | Value of land (including crops) | Interest | 30 % | | | |
| B. Vanlalhruaia | 480.00 | 24.96 | 144.00 | 648.96 | 768.41 | 119.45 |
| C. Lalhmangaihsanga | 450.00 | 23.40 | 135.00 | 608.40 | 653.12 | 44.72 |
| Total | 930.00 | 48.36 | 279.00 | 1257.36 | 1421.53 | 164.17 |

6.8 The crucial public notice dated 25th October, 2007 by the District Collector as required under Section 9 of the Land Acquisition Act, 1894, calling upon any persons who regard themselves to be entitled for compensation against the proposed land acquisition to respond within 15 days was not given proper and wide publicity such as vernacular newspaper etc. As per the records available, the State

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Government has confirmed that Mr. Huliana and others did not make any claims or complaints to the DC, Serchhip that they are legitimate land owners. Their reactions erupted only when they realized that Mr. C. Zokhuma and others made windfall profits from the land transferred from them few months ago.

6.9 The State Government has informed that the Anti-Corruption Branch (ACB) has not pointed out any specific instance of highly irregular or corruption element in the matter. ACB has brought out that there are some instances of forging signatures in land transfer documents but confirmed the existence of proxy signature with proper consent of the person(s) concerned. In addition, Vigilance Department was also asked to step in to see if there is any irregularity in the matter. The Final Report of the Vigilance Department has not yet been communicated to the Commission. The facts on the basis of which ACB has concluded proper consent of the person(s) even with the existence of the forged signatures in some cases have not been made available. The validation of the forged signature by the village council in such cases also raises serious questions regarding their credibility with regard to validation in respect of signatures of land holders in respect of other petitioners too and also the loopholes in the process, including approval of the competent authority of the LSC prepared with forged signatures.

6.10 The Land Settlement Certificates(LSCs) and Non-Encumbrance Certificate, issued by the Government of Mizoram, also show cuttings/corrections in favour of Mr. C. Zokhuma, Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga and Mrs. F. Aizami against the name of the petitioners. It is not clear why the persons doing such irregularities of serious nature have not been identified and appropriate administrative action not taken against them.

6.11 The reported issue of LSCs to the petitioners as well as mutation of land in favour of Mr. C. Zokhuma and his family members/close relatives has taken place in a single day (i.e. on 18 June, 2007) in a large number of cases (17) involving 85 acres. The nature of deficiencies in the process of acquisition don't reveal that the District Administration handled the acquisition proceedings, particularly issue of LSCs and mutations proceedings, with responsibility, circumspection and in a transparent manner, as expected from them.


7. Sh. Ashok Kumar, IG (Admn.), B.S.F. submitted that the letter dated 17th March, 2007, issued by Mr. M.A Khan VSM, BSF Sector HQ, Zemabawk, Aizawl,

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providing clarifications regarding ownership of the land in favour of Mr. C. Zokhuma, Mr. B. Vanlalhruaia, Mr. C. Lalhmangaihsanga and Mrs. F. Aizami, appears to have been issued in good faith. Shri Kumar also confirmed that the Issuing Authority of the letter dated 12th March, 2007 (Sh. P.K. Mishra, Inspector General, FtrHQ BSF Silchar, Masimpur, PO Arunchal, Distt. Cachar, Assam) was not empowered to communicate acquisition of land under emergency provisions.

8. Sh. R.L. Rinawma, Principal Secretary, Revenue Deptt., Govt. of Mizoram informed that the State Government had also observed that there are serious irregularities in the process of acquisition. Such deficiencies have also been noticed in other cases pertaining to land acquisition. He also brought out that interaction of the BSF officials in this particular case and also in other cases with the representing land owner has been noticed. In the instant case, questionable role of one Mr. M.A Khan- a Kashmiri Pandit is also emerging, who has also been reported to have a ST certificate fraudulently acquired from the State Govt. in the 1998 from the official, who also happened to be the Dy. Commissioner at the time of transfer of land on 18th June, 2007 and was also involved in the process of acquisition. He also informed that as per the report of the Anti-Corruption Branch (ACB), 46 % of the amount initially paid by the BSF to the State Government has been paid to Mr. Khan as a gift. The matter has been referred to the Home Department of the State Government for further enquiry and investigation. He was also of the opinion that though the whole process appears to have legal validity, but the circumstantial evidences may be further investigated to arrive at a conclusion regarding fairness of the process of acquisition or otherwise. The Chief Secretary, Govt. of Mizoram also mentioned that he had taken a meeting with all Deputy Commissioners to ensure a transparent and fair acquisition of land in all cases.

9. Chairman, NCST observed that, prima-facie, BSF Authority exceeded their mandate in communicating status in favour of Mr. C. Zokhuma and his family members/close relatives vide their letter dated 17th March, 2007, without being asked from the State Government for any clarification in this regard. Considering the background of the case and the way it has been processed/ handled at all levels by the various Deptts./Agencies, the misuse of this communication by the vested interests can't be ruled out. Chairman, NCST also observed that such an action on


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the part of the BSF Authorities may also invite action under under Section 3. (1) (ix) of the SC and ST PoA Act, 1989, which states:

Offences of atrocity

3.(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe-

"gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of Scheduled Caste or Scheduled Tribe;

10. The Commission observed that the position brought out above warrants investigation of the whole process of acquisition of land with reference to the issues raised in the Memorandum and available evidences which show that the case has been handled in a manner which allows loopholes in the system for possible exploitation by vested interests.

11. The Commission observed that the petitioners were important stakeholder in the case but couldn't present their case directly before the Commission. Therefore, it was decided that before formulating views in the matter, the Chairman, NCST would visit the State to have direct interaction with them in the presence of the District Administration/State Govt. Authorities and subsequently, to have further discussion with the State Govt. and the BSF authorities on the subject.

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List of persons who attended the Hearing taken by the Chairman, NCST with the Chief Secretary and other senior officials of the Govt. of Mizoram and BSF on 23/08/2012 at 1230 hrs. in connection with issues raised by Mr. Huliana and others in their Memorandum regarding acquisition of their land (85 acres) for BSF in Serchhip District of Mizoram

NCST

1. Smt. K. Kamla Kumari, Member
2. Sh. Bheru Lal Meena, Member
3. Shri Aditya Mishra, Joint Secretary.
4. Sh. S.C. Tamta, Under Secretary
5. Smt. K.D. Bhansor, Dy. Director
6. Sh. Balak Ram, Research Officer

Govt. of Mizoram

1. Sh. Vanhela Pachuau, Chief Secretary
2. Sh. R.L. Rinawma, Principal Secretary, Revenue. Deptt.
3. Sh. Dharmendra, Resident Commissioner, New Delhi

BSF

1. Sh. Ashok Kumar, IG (Admn.), B.S.F
2. Sh. Suresh Kumar, Offg. DIG (OPS), Mizoram & Cachar, BSF
3. Sh. Rana Brajesh, DC (Land), BSF HQ

Petitioner

1. Ms. Lalremsangi Fanai – representing petitioners on the basis of Power of Attorney

NATIONAL COMMISSION FOR SCHEDULED TRIBES

RECORD OF DISCUSSION HELD DURING THE VISIT OF THE CHAIRMAN, NCST TO THE STATE OF MIZORAM FROM 28TH AUGUST TO 30TH AUGUST, 2012 IN CONNECTION WITH THE CASE PERTAINING TO PAYMENT OF COMPENSATION TO THE SCHEDULED TRIBE LAND OWNERS OF DAWNGZAWL, DISTRICT SERCHHIP FOR ACQUISITION OF LAND FOR BSF

A team comprising of Dr. Rameshwar Oraon, Chairman, National Commission for Scheduled Tribes, New Delhi, accompanied by Shri Aditya Mishra, Joint Secretary and Shri R.K. Dubey, Assistant Director visited the State of Mizoram from 28th August to 30th August, 2012 to enquire into the case pertaining to payment of compensation to the Scheduled Tribes land owners of Dawngzawl for acquisition of land for BSF as per the programme sent to the Government of Mizoram vide wireless message No. HN&O/1/2012/STGMZ/DEOTH/RU-II dated 27th August 2012.

2. During the visit, the Commission interacted with Mr. Huliana and 13 other persons who had filed the complaint in the Commission on the subject, and Mr. P. Lalchhuanga, Deputy Commissioner and other concerned officers of the Silchipp District and also had discussion with the senior officials of the State Govt. and BSF in the matter. Following points emerged out of the discussion:

29th August, 2012: discussion at Serchhip District

3. The Commission noted that out of 14 petitioners, 13 were present before the Commission. The Commission was informed that except Mr. Sailopara Sailo, remaining 12 have become landless as a result of the land acquisition. The Commission also took note that two of the petitioners, namely, Mr. Rinpuia and Mrs. Lalruali are in the BPL category.

4. The petitioners informed the Commission that they were allowed to occupy some plot of land by the Village Council Serchhip, in the year 1999. Ever since it was allotted to them, they were looking after the said plot of land by planting fruit bearing trees. In the year 2006, the said plot of land were put under periodic patta in the names of petitioners. The petitioners requested the Revenue Authorities at Serchhip to convert the said periodic patta into the LSCs. Accordingly, the petitioners submitted the periodic patta to the Dy Commissioner, Serchhip District, Serchhip who was in charge of Revenue. The petitioners approached the Dy Commissioner, Serchhip District, as well as the Asstt. Settlement Officer – II Land Revenue and Settlement, Serchhip District and enquired as to when the said LSC

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would be issued. The ASO-II informed that the said land are being acquired for accommodating the BSF and the petitioners would be paid compensations.

5. The petitioners further informed the Commission that in the mid year of 2006, Mr.C.Zokhuma R/o Tuikhuah veng, Mr.B.Vanlalhruaia son-in law of Mr.C.Zokhuma and Mr.M.K.Khan alias P.C.Lalthangkima R/o IOC veng Serchhip approached them and proposed to purchase their land for setting up their dairy farm. There were 17 families who owned the lands at Dawngzawl and used to produce oranges and other crops on the said land. They were poor and almost illiterate persons and were not aware about the valuation of their lands. The petitioners verbally agreed to sell the said land for a consideration of a sum of Rs.70 lakh. They reached a negotiation with Mr.C.Zokhuma and others and were happy with the amount of Rs.70 lakh which was a big amount for them. When they approached Mr.C.Zokhuma for the money, they were informed that the purchase of land by them was still under process. Later they came to know that their lands were being acquired by the BSF authorities and not Mr.C.Zokhuma and his co-members.

6. The petitioners highlighted that they were not issued with any notice regarding the acquisition or the award passed by the Dy Commissioner, Serchhip. As positive response was not received from the Dy. Commissioner- cum- Collector, Serchhip District as well as the ASO – II, LR&S, Serchhip District, the petitioners through B.Johana submitted a petition seeking information regarding the conversion of the periodic patta (requested by them earlier) to which the ASO – II, LR&S, Serchhip District vide his letter dated 4th August 2010 informed that the LSCs were transferred in the name of Mr.C.Zokhuma and Mrs.B.Vanlalhruaia respectively.

7. The Commission was informed that all LSCs were mutated in favour of Mr.C.Zokhuma (6 LSCs-13.9Ha) and his family members/close relatives (wife:Mrs.F.Aizami (2LSCs-7.71Ha), son: Mr.C.Lalmangaihsanga (4LSCs-11.9Ha), son- in-law:Mr.B.Vanlalhruaia (5LSCs-11.9Ha). Mr.Huliana, one of the petitioners, informed the Commission that he had not signed on the LSCs and his signatures were forged.

8. The Commission also noted that at the time of finalization of LSCs/mutation proceeding on 18th June 2007, the District Administration was aware that the land being mutated in favour of Mr.C.Zokhuma and his family members/close relatives was meant for acquisition for the BSF. It was also noted that finalization of LSCs as well as mutation proceedings in favour of Mr.C.Zokhuma and his family members/close relatives took place by working late night on 18 June,2007 (upto 12 pm midnight, as confirmed by the District Administration in the meeting also). On a query form the Commission, the District Administration informed that there was no other case to their knowledge in which such proceedings involving both finalization of LSCs and mutation of land certificates had taken

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place in such a short time. Therefore, the case illustrated that the mutation proceedings in favour of Mr.C.Zokhuma and his family members/close relatives were completed with a haste not witnessed in any case in the past. The Commission was informed that five certificates were required for the transfer of ownership of land, namely, Land Settlement Certificate, Land Value Certificate, Non- encumbrance Certificate, tax/land revenue clearance certificate and no objection certificate. However the District Authorities transferred the ownership of land in the name of Mr.C. Zokhuma and his family members/close relatives without obtaining these documents. In the mutation forms also, the said land has been shown as gifted to the brothers and sisters of petitioners whereas Mr. C. Zokhuma and his family members/close relatives in whose favour the land has been transferred are not related to the petitioners

9. The petitioners further informed the Commission that on being aware about the acquisition of their land by BSF, they approached Mr.C.Zokhuma who informed them that the land was actually taken for BSF Battalion Headquarters and no compensation for the crops damaged by Mr.C.Zokhuma would be paid to them. The petitioners also came to learn later that an amount nearing Rs.42 lakh was taken for crop compensation by Mr.C.Zokhuma and his team. Further, apart from the principal amount, solatium was also received by Mr.C.Zokhuma and his co-members.

10. The Commission noted that subsequently, aggrieved with the award of LAC, an appeal u/s- 18 of LA Act was filled before the District Collectors & Dy Commissioner, Serchhip by the land owners viz. Mr. C. Zokhuma and others. The Ld Addl. District Judge, Aizawl in his Judgment dated 19.10.2010, directed to deposit Solatium amount within three months from the date of the said judgment. Accordingly, MHA sanctioned enhanced compensation with financial implications of Rs.4,35,01,031/-, amounting to Rs.19,60,49,491/- vide Order dated 14.01.2011. The sanctioned amount was deposited with concerned Authority on 27.01.2011. Thus, about Rs.19.60 crore has been paid towards land acquisition in the instant case.

11. The Chairman desired to know the status on recovery of extra payment of Rs.164.17 lakh made to two persons viz, Mr.B.Vanlalhruaia (son-in-law of Mr.C.Zokhuma) and Mr.C.Lalmangaihsanga (son Mr.C.Zokhuma) as observed in the latest report of the Comptroller and Auditor General (CAG Audit Report for the year ended 31 March 2011 (Civil, Revenue & Commercial), presented at the State Assembly. The District Administration could not submit the position in the matter.

30th August,2012: Discussion with the Principal Secretary, Revenue Department and other senior Officers of Govt. of Mizoram and BSF

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Chairman
National Commission for Scheduled Tribes
Govt. of India
New Delhi

12. BSF Authorities confirmed that no record /notings are available to explain the reasons for issue of letter dated 17th March, 2007 by Mr. M. A. Khan, DIG BSF AIZAWAL, addressed to the Revenue Secretary, Govt. of Mizoram, which wrongly clarified the position regarding ownership of land in favour of Mr.C.Zokhuma and his family members/ close relatives. A copy of the said letter, was also endorsed to the IG BSF C&M Arunachal. They also confirmed that the said letter appears to have been issued by Mr. Khan without the information of his superior Officers.

13. Secretary, Revenue Department Govt. of Mizoram mentioned that on investigation, it is revealed that an amount of Rs.6.5 crore as loan and Rs. 5 Lakhs as payment towards the services rendered as an interpreter was transferred to Mr. M. K. Khan alias Pr. P. C. Lalthankima (reported to have worked as interpreter during the process of acquisition) by Mr. C. Zokhuma. The transfer of such a huge fund, under the circumstances mentioned above, raises serious doubts towards the declared objective of transfer of such a huge amount and its legitimacy.

14. The State Govt. informed that based on the report of the Anti-Corruption Branch and the Vigilance Department, administrative action against the then DC, Serchhip was being contemplated. Chairman NCST emphasized that the State Govt. should look into the whole gamut of issues involved in the process of acquisition, including the role of Mr. M. K. Khan alias Pr. P. C. Lalthankima, payment of compensation and the deficiencies noticed in the process of acquisition which the petitioners have advanced to have resulted in denial in their legitimate right of compensation as paid by the BSF to the State Govt.

15. Both in the Memorandum submitted by the petitioner and the reply furnished by the State Govt., the name of Mr. M.K. Khan alias Pr. P. C. Lalthankima is appearing in the process of acquisition. The State Govt. has informed that the role played by him is not borne in the records of the Dy. Commissioner of Serchhip. However, in the report of other Department, Mr. Khan alias Mr. P. C. Thankima (allegedly a Kashmiri Pathan) assisted Mr. C. Zokhuma as interpreter to deal with the officers of the BSF. The State Govt. has also informed that Mr. Khan possessed a false ST Caste Certificate which was issued earlier by Shri P. Lianhrima who happened to be the then SDM of the area at that time and later Dy. Commissioner, Serchhip District responsible for issue of LSCs and mutation of land in favour of Mr. C. Zokhuma and his family members/close relatives on 18th June 2007. The District Administration also informed the Commission that Mr. Khan has since surrendered his ST caste certificate. The State Govt. informed that the matter regarding issue of false caste certificate to Mr. Khan was under examination by the Scrutiny Committee, constituted in the State.

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