

मोरीस कुजुर

उपा-म

MAURICE KUJUR

VICE-CHAIRMAN

(Rank: Union Minister of State)

DO No.NCST/2008/REHAB/01



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR
SCHEDULED TRIBES

छठी मंजिल, लोकनायक भवन,

खान मार्किट, नई दिल्ली - 110003

6TH FLOOR, LOK NAYAK BHAWAN,
KHAN MARKET, NEW DELHI - 110003

Tel. : 24657272 Fax : 24657474

Dated the 06th August, 2010

Dear Shri Handique ji,

As you are aware, the Constitution of India enjoins upon this Commission to monitor all matters relating to the safeguards provided for the Scheduled Tribes, and to participate and advise on the planning process of socio-economic development of the Scheduled Tribes. Clause (9) of Article 338A of the Constitution also provides that "The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes. Clause 5(d) further provides that the Commission shall present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards. While reviewing the status of implementation of resettlement and rehabilitation of tribals displaced by the development projects, the Commission has noted the following areas, which require urgent attention.

2. The tribal people have had to provide the land for the major part for the land requirement for the development projects in the country, because, through a natural coincidence, the tribal habitats contained reservoirs of mineral resources and the catchments of streams and rivers possessing enormous irrigation and power potential. Development-induced displacement in the country has brought severe economic, social and environmental problems to the displaced people. Its most important serious consequence for the tribal people has been the dispossession of land, both agricultural and homestead, along with the loss of their traditional occupation, besides traumatic psychological and socio-cultural problems.

3. In a development project, all factors of production, viz land, labour and capital have to be adequately compensated out of the profit from the project. The Commission is of the view that only limited rights over the land should be acquired from tribal land owners in the form of a lease; and the land returned to the owners after ecological reclamation of mined areas, or future earnings shared if non-agricultural use is continued in another form. In the case of mining projects, whilst mineral rights may have been vested in the State by law, a sum equal to the royalty due should nevertheless be paid to tribal land owners also for the duration of mineral extraction, to compensate them equitably for deprivation of livelihood. If some land rights are being ceded in perpetuity, the Commission suggests that the future earnings from the project activity should also be shared with the land owners in the form of "sweat- equity" (besides compensation for denial of use of land surface).

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4. I would, therefore, request you to consider introduction of necessary measures for fair profit sharing / relief to the tribals displaced as a result of mining related-development projects, and also apprise the Commission of the action taken in this regard.

With regards,

Yours Sincerely,

Maurice Kujur
(Maurice Kujur)

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C.V.B./w

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