

NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. S-2/Steel-1/Development/2006/RU-II

Proceedings of Sitting with SAIL Officers of Shri Maurice Kujur, Hon'ble Vice Chairman, NCST at 1500 Hrs on 11-05-2009

ISSUE

Non payment of compensation or job to Shri Marashalan Bud ,Munda (ST) against displaced from his land at Hati Bari , Purnapani Pahar Toli in Distt. Sundergarh , Orissa by RSP, Rourkela.

BACKGROUND

A representation dated 4/11/2006 was received from Shri Subir Paul, General Secretary, All India Development Trust, Distt. Sundergarh, Orissa mentioning that 7.9 acres of agricultural land of Shri Marashalan Bud , S/o Shri Nirmal Bud, Munda (ST) , R/o Village Hati Bari , Purnapani, Pahar Toli in Sundergarh Distt., Orissa was alienated by the Rourkela Steel Plant (RSP) in 1953 through the State Government of Orissa on the terms & conditions that RSP will provide compensation to the displaced people in the form of financial assistance / employment in the RSP but till now Shri Bud is neither given any compensation nor employment by the RSP.

The matter was taken up with the General Manager, Rourkela steel Plant, Rourkela vide commission's letter dated 28/12/2006, followed by Commission's reminders letter of even number dated 29/3/2007, 21/11/2007, 08/01/2008, 01/02/2008, 29/02/2008 and 04/07/2008 .No reply in the matter had been received from the RSP.

Since there was no response from RSP, Rourkela, Shri Maurice Kujur, Hon'ble Vice Chairman, National Commission for Scheduled Tribes desired to have a discussion with GM, RSP on 22/09/2008 at 3:00 PM in the Commission. Accordingly, an intimation dated 02/09/2008 was sent to GM, RSP. A letter from GM(P), SAIL, New Delhi was received on 22/09/2008 mentioning that RSP had not received earlier communications from the Commission and also the subject matter pertains to RMD, a unit of SAIL. SAIL requested one month time to submit their reply in the matter.

After perusal of the case, Hon'ble VC has accepted the request of SAIL and a letter dated 23rd Sept, 2008 was sent to the SAIL, New Delhi to this effect. A letter dated 24.02.2009 was also sent to CMD, SAIL to get a reply.

In view of the above, Hon'ble Vice Chairman decided to have a discussion with Chairman, SAIL on 28/04/2009 at 3:00 pm in the Commission. SAIL vide their letter date 20/04/2009 informed that due to a prescheduled visit to Bhilai Steel Plant by senior officers on 27.04.2009 and 28.04.2009, it would not be possible for them to attend the meeting on 28.04.2009 in the Commission and requested for rescheduling of the date and time of the meeting.

Shri Maurice Kujur, Hon'ble Vice Chairman has kindly considered the request of SAIL and rescheduled the discussion on 11.05.2009 at 3.00 pm in the Commission.

SAIL vide their letter dated 05.05.2009 intimated the following –

- i) The Land for establishment of RSP was acquired by Govt. of Orissa and was handed over to RSP on different dates till 1962.
- ii) The erstwhile HSL now RSP deposited a sum of about 1.32 Crores with the State Govt. for compensation.
- iii) As per Govt. records 4094 families(2901 from Rourkela and 1193 from Mandira) were displaced. Though as per Act provision of employment in the project is not there, till 1973 LDPs were given preferential employment. From 1973 to 1986, the policy of employment to one member from each displaced family in RSP was followed as per suggestion of the then Steel Minister.
- iv) In 1986, as per the directives from BPE employment facility to LDPs in PSU was withdrawn, however, 6197 LDPs were employed in RSP.
- v) Due to agitation by some people for employment under LDP category, in 1993, 1098 khatahs were listed with Govt of Orissa who were covered for employment in RSP. RSP agreed to train them in ITI Rourkela at its cost and consider passed candidates for employment in the Plant.
- vi) A group of LDPs filed a WP no 167 of 1992 in the Hon'ble Supreme Court of India, which was dismissed on 30/03/1995 holding that :
 - a) Land acquired under Land Acquisition Act and compensation paid at market rate, therefore there is no violation of Article 21.
 - b) Obligation of state to provide livelihood do not hold to provide employment to every member of family of LDPs.
 - c) Even if Govt or RSP would not have offered any employment to any person, it would not have been violation of fundamental right.
 - d) The claim of petitioners for employment to each adult member is indeed stretching Article 21 and acceptance of such demand ould be against Article 14 of the Constitution.
- vii) In spite of above directions, RSP has honored its commitment and 505 persons out of 1098 identified families have been employed. 85 more are under training at ITI Rourkela for employment in RSP.

DISCUSSION

The Commission was informed that mines division of RSP was separated and a new division has been formed named as 'Raw Material Division' in 1989-90. The present case of Shri Marshalan Bud (Munda) of Purnapani comes under the jurisdiction of RMD.

It was further intimated that the mines at Purnapani are closed long time back. Based on the records it was stated by them that land of one Shri Nirmal Munda was acquired through State Govt. and the compensation was given. The details are available with State Govt., as the land was acquired by the State Govt. and compensation was also paid by them. RSP had deposited an amount of Rs 1.32 crore with the State Govt. There is no record of acquisition of land from Shri Marshalan Munda at RSP. They further suggested that if required petitioner can approach State Govt for further details.

RECOMMENDATION

The Commission recommended that a sincere effort should be made by the RSP, chronologically giving details of the Tribal family displaced and the financial assistance/ compensation/ employment extended to them in a tabulated form and providing necessary information to the Commission. The Commission further desired to hold specific discussion with the proper authorities of RSP as to how RSP is meeting its social obligations towards the Tribals and Weaker Sections of the Society.

ANNEXURE

The following were present in the sitting on 11.05.2009:

National Commission for Scheduled Tribes

1. Shri Maurice Kujur, Hon'ble Vice Chairman**In Chair**
2. Shri Vinod Aggarwal, Director
3. Shri K. C. Behera, PS to VC

SAIL

1. Shri A. K. Mishra, GM (P), C.O., New Delhi
2. Shri Rabindra Singh, GM (P&A), RMD, Kolkata
3. Shri B. Kullu, AGM(P), RSP
4. Shri Pawan Kumar, AGM (P), C.O., New Delhi