

# **COMMITTEE ON PETITIONS**

**(THIRTEENTH LOK SABHA)**

## **FIRST REPORT**



*(Presented to Lok Sabha on 24.2.2000)*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*February, 2000/Magha, 1921 (Saka)*

## CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS ..	(iii)
I. Introduction .	(v)
II REPORT	
Representation of Youth Farmers whose land had been acquired by I.O.C. from 1960 to 1993, regarding Unemployment problem pending with Gujarat Refinery, Koyali, Baroda . . . . .	1—20

## APPENDICES

I. Report of the Collector and District Magistrate, Baroda . . . . .	21—35
II. Report on Land Losers as furnished by the Ministry of Petroleum & Natural Gas . . . . .	37—88

# FIRST REPORT OF THE COMMITTEE ON PETITIONS

(Thirteenth Lok Sabha)

## INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this First Report of the Committee to the House on the Representation of Youth Farmers whose land had been acquired by I.O.C. from 1960 to 1993, regarding unemployment problem pending with Gujarat Refinery, Koyali, Baroda.

2. The Committee considered the draft Report at their sitting held on 16 February, 2000 and adopt it.

3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;  
16 February, 2000  

---

27 Magha, 1921 (Saka)

BASUDEB ACHARIA,  
*Chairman,*  
*Committee on petitions.*

# FIRST REPORT OF THE COMMITTEE ON PETITIONS

(Thirteenth Lok Sabha)

## INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this First Report of the Committee to the House on the Representation of Youth Farmers whose land had been acquired by I.O.C. from 1960 to 1993, regarding unemployment problem pending with Gujarat Refinery, Koyali, Baroda.

2. The Committee considered the draft Report at their sitting held on 16 February, 2000 and adopt it.

3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;  
16 February, 2000  

---

27 Magha, 1921 (Saka)

BASUDEB ACHARIA,  
*Chairman,  
Committee on petitions.*

**REPRESENTATION OF YOUTH FARMERS WHOSE LAND HAD BEEN ACQUIRED BY I.O.C. FROM 1960 TO 1993, REGARDING UNEMPLOYMENT PROBLEM PENDING WITH GUJARAT REFINERY, KOYALI, BARODA**

During 11th Lok Sabha, Shri Vijay Patel, then Member of Parliament, forwarded a representation signed by one Shri Vinubhai Thakkar and other youth farmers whose land had been acquired by the Indian Oil Corporation from 1960 to 1993 Koyali, District Baroda (Gujarat) regarding unemployment problem pending with Gujarat Refinery, Koyali, Baroda.

2. The main points put forth in the representation were as under:—

- (i) In the initial stage of establishing the Gujarat Refinery at Koyali in the year 1960 the Government assured that wherever Central Government's undertaking would be set up by acquiring farmers land, one member of each farmer whose land had been taken away would be provided permanent job in Central Government Project;
- (ii) On the above assurance of the Government, the farmers of Koyali Village of District Baroda had offered their land to Indian Oil Corporation in 1960 for opening of Gujarat Refinery at Koyali Village. At the time of acquisition of land, the IOC refinery assured at least one job to every land loser's family without any condition, but till date hardly 200 numbers of youth have been absorbed in this project and about 650 youths whose land had been acquired are still fighting for their right to job in Gujarat Refinery, Koyali;
- (iii) During 1992 it was decided that the families who are more economically distressed should be given first priority. Hence a priority list of 155 out of 650 was promised to recruit during commissioning of Hydrocracker Project of Refinery expansion which was started in 1993. Gujarat Refinery issued interview letters to 155 but did not recruit more than 22 numbers between 1992 to 1996 and recruitment of other employees from all over India was going on other than land losers;

3. The Petitioner, therefore, requested that necessary instructions might be issued to Indian Oil Corporation/Gujarat Refinery; Koyali to make suitable arrangements for employment of land losers.

4. The Ministry of Petroleum & Natural Gas who were asked to furnish their comments on the points raised in the representation *vide* their O.M. dated 30 May, 1997 submitted as under:—

“IOC has acquired land in different phases from 1961 to 1962 for the Koyali Refinery Project and was responsible for about 348 affected displaced families. This number was determined on the basis of criteria decided by the concerned Collector and District Magistrate. In 1978 District Administration laid down criteria to provide employment to at least one person per affected family who fulfilled the suitability. As a result, IOC had already provided employment to 336 land-losers. IOC also had, as a measure of goodwill, extended help and assistance to the needy families in the shape of allotment of shops in the Township Shopping Centre, sponsoring dependents of affected families for ITI training, employment under Contractors in the Refinery etc.

As regards the claim now of 650 land-loser families for employment etc., the IOC and the State Government are having interaction about the veracity of the claims and we hope the issue will be jointly resolved.”

5. After perusing the comments furnished by the Ministry, the Committee however, decided to undertake on-the-spot study visit to Vadodra, for having an informal discussion with the petitioners. Accordingly, the Committee visited Vadodra on 24 June, 1997 and held informal discussions on the subject with the Petitioners, District Collector, Vadodra and the officials of Gujarat Refinery, Koyali.

During the discussion, the petitioners, informed the Committee that Indian Oil Corporation had acquired land in different phases between 1960—65, 1966—1980, 1981—1987, 1988—1990 and in 1993. Farmers were not interested to give the land and there was mass agitation and they had boycotted the Lok Sabha elections in 1960-61 but the Government machinery forced them to give their land at cheaper rate stating that they would not be provided jobs and other economic developmental activities of the area otherwise. They were promised that each farmer whose land had been taken up would be issued a certificate by local Government agency (Land Acquisition Officer) which would be valid for getting job specifically in Gujarat Refinery.

6. As regards giving compensation to the land losers of the Gujarat Refinery, the petitioners stated that Indian Oil Corporation did not acquire land at the market rate prevailing at that time. They were told that if the land was given at the market price, the job and other facilities of development would not be given to them. If they gave land at cheaper rates they deserved to be given jobs to one member of each displaced family irrespective of their qualifications.

7. As regards the criteria followed in selecting 155 families to be given

jobs on priority basis and the basis on which the rest of the candidates were denied recruitment, the petitioner stated that after 1991-92 mass agitation, there was a tripartite discussion between Gujarat Refinery, Collector of Baroda and Land Losers Committee at which it was decided that those families from all villages of land losers should be screened out who were hand to mouth and struggling for survival. As such a list of 155 numbers was prepared for recruitment in Hydro Cracker Project commissioned in 1992-93. Out of 155 persons interviewed, only 22 were recruited and the others were given false promises which were never kept thereafter.

8. During informal discussion with the officials of Indian Oil Corporation/Gujarat Refinery the representative of Gujarat Refinery explained in brief the background of the land acquired from the farmers stating that the land for Gujarat Refinery which was originally under ONGC was acquired through the State Government of Gujarat under the Land Acquisition Act, 1894 and on 1.4.1965 this project became part of Indian Oil Corporation Limited. He stated that during the period 1961 to 1967 Government of Gujarat acquired a total of 1892 acres of land and in 1969 and 1983, 737 acres of land was transferred to State Government for use of other industries namely IPCL, GIDC etc. From 1987 to 1993, 287 acres of land was acquired for Gujarat Refinery both on Consent Award basis and regular Award basis. During the process of land acquisition, the number of families affected due to land acquisition was 667 and the number of families whose land was transferred back to State Government for other undertakings was 319. Thus the number of families whose land was retained by Gujarat Refinery was only 348.

9. In reply to a question by the Committee whether any promises were made to the people in terms of giving employment and other alternative economic support and whether any written contracts were executed in this regard, the representative of Gujarat Refinery stated that while no written contracts were executed for providing employment and/or other economic support, as a measure of goodwill and on humane considerations, the affected persons were given employment. Other concessions in the form of allotment of shops, hawkers licenses and employment under the Contractors in the Refinery etc. were provided to the affected persons.

10. The Committee further desired to know about the policy laid down by the Central Govt. regarding economic growth and welfare of the people of rural areas where their land had been acquired and the steps that had been taken by them in this regard.

11. The representative of Gujarat Refinery stated that inspite of there being no specific guidelines, employment to the affected families was provided right from the initial stages. From the commissioning of Gujarat Refinery in 1965 till as late as in 1978, the issue of providing employment to the land losers never came up as an issue. District Collector advised

Employment Exchange Officers to conduct a detailed survey of the affected families in various villages with a view to identify the genuine land losers and forward the list to the Refinery for consideration. As a result of this survey, 200 number of land losers were recruited from 1978 to 1984 and the issue was settled. In 1981, while acquiring a small portion of land for new L.P.G. bottling plant, the Sarpanch of the affected villages including Koyali village again raised the issue with the District Collector, Vadodra for inclusion of 5 families, which were left out in the survey conducted in the year 1978. A tripartite agreement between the village Sarpanch, the Management and District Collector was arrived at wherein it was agreed to include these 5 families. It was also agreed that no further names will be added to the list. This understanding was duly implemented. Thus, the issue of providing employment to original evictees was fully resolved and settled.

After a gap of 11 years, in the year 1992, a group of land-loser started agitation for employment at the time when Gujarat Refinery was in the process of commissioning, the prestigious and first-ever in the country, the Hydrocracker Project. However, there being a few positions available for induction, it was suggested that in case Employment Exchange sponsors the names of land losers also alongwith others and other things being equal, they would be given preference. As a result, 30 persons were empanelled out of which 22 have already been provided employment between 1994 and 1996.

The contention of the petitioners that a priority list of 155 families was drawn up in 1992 is not based on any factual position.

12. The District Collector, Vadodra during his informal discussion with the Committee gave his considered views/suggestions that the main issues which required investigation were (i) the number of original land loser in 1960; (ii) number of them who were still alive and were not given jobs; (iii) the number who were first generation dependent and not got jobs. Further the land was acquired by State Government for Gujarat Refinery and for other Government bodies like IPCL, GDIC etc. It was to be decided who was responsible to give jobs in such cases. He stated that his staff was already working on it and it might take some more time to gather the factual information. He assured to sort out the problem in the least possible time.

13. Reacting to certain suggestions made by the Committee during informal discussion, the Indian Oil Corporation informed that as advised by the Committee, they had enlarged their community development activities with more spending in the affected villages. They also stated that the issue pertaining to claim for employment by land losers, had been referred to the Collector, Vadodra for its settlements.

14. The Committee requested the District Collector, Vadodra to get the records of 532 Land losers verified and send a report to them.



15. The District Collector, Vadodra sent the verification report of the records of the 532 land losers alongwith detailed information.

Later on, a list of 74 land losers received from the petitioner was also got verified from the District, Vadodra. The report furnished by the Collector and District Magistrate, Vadodra vide his D.O. No. LAQ/3374/97 dated 11.10.1997, is at *Appendix-I*

16. The Collector and District Magistrate, Baroda, vide his D.O. No. LAQ/3374/97, dated 11.10.1997 submitted as follows:—

“The list of 532 persons sent by the Committee has been verified by the officials from the revenue records and also the records available with Gujarat Refinery, the details of which are as under:—

- (1) Land acquired by Gujarat Refinery has been verified from the land records of villages and it is found that the lands of majority of survey numbers, mentioned in the list, have been acquired by Gujarat Refinery.
- (2) List of applicants seeking employment, which has been forwarded by the Committee and their relationship with the original land losers have been ascertained from the Pedhinama and have been found to be correct.

- (3) Land has been acquired by Gujarat Refinery in two phases:—

Land acquired prior to 1986.

Land acquired in and after 1987.

#### Land acquired prior to 1986

The status of applicants in respect of land acquired prior to 1986 is mentioned below:—

Particulars		No. of Candidates	Employment Given as per record
1	2	3	4
(a) Matric:			
	More than 10 Gunthas	117	57
	Less than 10 Gunthas	18	08
(b) Below Matric:			
	More than 10 Gunthas	85	34
	Less than 10 Gunthas	24	08
(c) Land transferred to State Govt./IPCL			
		83	12

1	2	3	4
(d)	Survey Nos. not available with Gujarat Refinery (i.e. neither Retained by Gujarat Refinery Nor transferred to others)	09	
(e)	Repetition of names against same Survey Nos.	74	
Total:		410	119

A list of 119 persons who have been given employment by Gujarat Refinery is annexed as "Annexure—A—to A-V" (as per above categories).

In the past, demands were raised by the farmers, who lost their lands and the District Administration had intervened in the matter.

In this regard, in the year 1978 the district Collector, Baroda through employment exchange office had decided to provide employment to one member from each family of the Land Losers against suitable vacancy in the Refinery.

Again on 27.9.1982 discussion was held with the Collector, Baroda and a joint record note of discussion was prepared by Shri B.R. Dholakia, Chief Personnel & Administration Manager, Gujarat Refinery and Shri Kailash Nathan, Assistant Collector, Baroda in which it was decided as a basic principle that those losing land measuring 10 Gunthas or more would only be considered as land loser or land dispossessed one.

In 1981, a joint agreement was signed between Refinery Officials, District Administration and Village Sarpanches and five more families were added to the list of land losers. But it was also agreed upon that thereafter no more names would be added to the list of land losers.

17. The District Collector and Magistrate, Baroda, further reported that according to Indian Oil Corporation Recruitment Rules, the minimum educational qualification for unskilled employees such as helpers, messengers etc. has been prescribed as Matric/SSC, which is uniformly applicable to all the units/offices of Indian Oil Corporation. The minimum and maximum age limit was also laid down as 18 and 32 years respective with statutory relaxation as applicable.

"As regards persons displaced due to acquisition of land by the Gujarat

Refinery in and after 1987, and whose name figured in the list of 532 persons sent to District Collector for verification by the Committee, the District Collector state:

"As regards *lands in and after 1987*, the details of lands acquired and details of applicants for employment (out of the list of 532 persons sent by the Committee) are as under:

Particulars	No. of Candidates
By Consent Award	63
By Regular Award	59
	122"

According to the District Collector and Magistrate, Baroda, following issues emerged from the facts gathered by him during verification of the lists sent by the Committee:

- (I) For employment in Refinery, minimum educational qualification of candidate is Matric/SSC.
- (II) For this purpose (for getting employment), land acquired should be minimum 10 Gunthas (0.25 acre).
- (III) 57 persons have been provided employment from the family of those 119 land losers, whose land acquired measured 10 Gunthas or more.

The position in regard to remaining 60 persons taking into account their relationship with the original land losers, as ascertained, is as follows:

Sons	— 17
Grandsons	— 41
Grand Daughter	— 01
Nephew	— 01
	<hr/> 60 <hr/>

It may be mentioned that the original land owners are not alive."

18. The District Collector while submitting his report put the following points for consideration of the Committee:—

"At present main issue that needs to be considered is that after the death of original land owners and after a lapse of about 30 years:

- Whether the second generation of original land owners is to be given employment.

- Similarly, whether the third generation should also be given employment.”

19. He also made the following suggestions for consideration of the Committee:—

- “1. The list of applicants for employment as sent by the committee should be treated as final list of land losers and no further name may be added to the same in order to close the matter once for all.
2. On humanitarian ground, the 17 second generation heirs (sons) whose land acquired measures 10 Gunthas or more and who possess minimum Matric/SSC qualification may be considered as suitable for employment, subject to observing recruitment rules of refinery and availability of vacancies. This may be done after completing formal recruitment procedure.
3. The other 43 candidates, as could be seen, are of third generation, therefore, in our opinion it may not be appropriate to consider them for employment. However, it is for the Committee to take a suitable view in the matter.”

20. Due to dissolution of 11th Lok Sabha on 4 December, 1997 matter was not pursued further.

21. The Committee on Petition (12th Lok Sabha) however, resumed examination of the subject. Accordingly, the Committee took oral evidence of the officials of the Ministry of Petroleum & Natural Gas on 4 January, 1999.

22. During his evidence before the Committee, retracing the history of this long pending case, the Secretary, Ministry of Petroleum and Natural Gas stated:—

“In 1962 the then Prime Minister and Minister for Petroleum reportedly mentioned that the land would be acquired for Koyali Refinery in Gujarat and the land-losers would be compensated by way of employment for one member of every family. Of course, that was not on record. At that time 1892 acres of land was acquired by the Gujarat Refinery and in 1981 seven acres were also acquired making the total to 1899. The refinery started functioning in 1965. The question of giving employment was not seriously agitated by the land owners. Neither was it seriously taken up with the refinery authorities till 1978. Out of 1899 acres, Koyali Refinery had 1162 acres and 737 acres were handed back to the State Government and then from the State Govt. it went mainly to the Indian Petrochemicals Corporation 1969. Therefore, any liability or any obligation which the public sector companies held by way of employment, had to be provided by two organisations in that ratio.

\*\*\*

\*\*\*

\*\*\*

The Point here is, Koyali Refinery is responsible for 1162 acres of land for providing employment and for acquiring 737 acres, mainly Indian Petro-Chemicals Corporation and the Gujarat State Government are responsible for employment."

Explaining further, the Secretary stated:—

"When the matter was agitated in 1978, all the due formalities of Government examining the issue were gone through. Meeting was held by the Collector, Vadodara, the District Land Acquisition Officers were present, the management of IOC and IPCL were present, the *Sarpanchs* were present, People's representatives were present and it was decided that the people who have lost more than 10 *gunthas* of land, that is, quarter of an acre, should be compensated. Even if that holding is held in the name of three names, each of those three names should be considered as a unit and they should be compensated. At that point of time, no educational qualifications were prescribed. These came up only after 1987. Each family conforming to these conditions would be compensated. It was found that 667 families were involved in the acquisition of 1899 acres. This is a clear revenue record, which cannot be disputed. Out of this, 319 families correspond to the IPCL land of 737 acres. What we were left for to answer was  $667-319=348$  families. At the rate one per family we have to provide employment.

\*\*\*

\*\*\*

\*\*\*

After 1978-81, trouble again arose in 1992. In 1978, issue arose because Koyali was expanding its capacity to 3 million tonnes. In 1992, Hydro Cracker Project was coming up. When this project was coming up. There was again opportunity for further employment. They notified in the employment exchange and recruitment was made through the employment exchange. Therefore, the pressure again came up. My suspicion here in this case is that it is also evident from certain inquiries which we have made, that the third generation of land losers are asking for employment, again in addition to the second generation and the first generation. This seems to be the problem.

\*\*\*

\*\*\*

\*\*\*

The Committee of Petitions went to Gujarat in June, 1997. They had their own independent discussion with the Collector, which we are not aware of. As a result of which, the Collector has carried out certain exercise. In the course of doing this exercise, the Collector had necessarily to collect some statistics from us. We have furnished whatever statistics we have. We are not aware of the final report of the Collector to the Committee on Petitions.

If the Collector's report is given to us, we will compare it with our figure, send our people to reconcile it and then come back to the Committee with a clear finding.

In terms of that solemn commitment which was entered into and by which we stand by, if names have been left out in our list, there cannot be a dispute on the facts, because those figures are available with us.

\*\*\*

\*\*\*

\*\*\*

Now, till 1997, we have provided employment only to 112 persons. This corresponds to till the time when people took it easy. Promises had been made to the effect that if necessary we will give employment. When probably pressure rose and employment was given nothing happened. But after that, I can give you statistics to show how systematically year after year between 1978 and 1996 and especially between 1978 and 1984, 200 people were employed. Till 1996 or till now, we have employed 336 people, out of 348. I have got the list with me also. Only 12 persons remained to be employed. Out of 12, eight have been empaneled. This exercise of drawing up the list was to be done with the involvement of the District Employment Officer, Sarpanchs, District Revenue Officers, IOC in 1978. This was given to the beating of the tom-tom in the villages, announcements were made, and applications were invited. In fact, this exercise was done so perfectly that in 1981 there was again a stock taking and some people who had been left out in that original enumeration, they came back.

Collector convened another meeting (9.3.1981 and 12.3.1981). There are recorded minutes of that meeting. It was found that five families had been left out and they were added. That is how the figure became from 662 to 667. All this division took place and up-to-date, we have given employment to 336 and another eight are ready and empaneled. You might ask why they were not appointed earlier? In 1987, IOC like all other public sector companies, and in respect of all its divisions took a decision that even if unskilled persons are there, we will employ only Matric passed persons. Now, these eight people who were empaneled belongs to those families through which employment could not be given. But now they have got candidates who fulfil these conditions. They can avail. Another four more have to be given employment. Even regarding those four, even if they do not have qualification, I am prepared to give employment. In order to close this case, I am ready to take them in, whatever be the conditions, and complete it. The list of 336 to whom employment has been given is with me. This is not disputable."

23. The Secretary, Ministry of Petroleum & Natural Gas stated that out of 348 persons they had given employment to 336. Eight more persons have fulfilled the qualification. Remaining four were to be empaneled. He

assured the Committee that they would provide employment to these four persons also. He further informed the Committee about that following break up of providing employment to these people.

Period	No. of persons employed
1963 to 1977	112
1978 to 1983	192
1984 to 1996	32
Total:	336

The Committee were informed by the Secretary, that after 1986-87, Koyali Refinery acquired 287 acres of land for its Hydro Cracker Project. However, the land losers of these 287 acres were not considered by them for employment as on 3rd February, 1986, the Ministry of Industry, Department of Public Enterprises (DPE) Government of India issued the following order:—

“In the context of the urgent necessity of Public Sector Enterprises operating at commercially viable levels and generating adequate internal resources, over manning has to be guarded against. Any understanding, formal or informal, in regard to offer of employment to one member of every dispossessed family in the project will stand withdrawn.”

24. When the Committee desired to know whether the land losers whose land was handed over back to the Government of Gujarat/IPCL were given employment and whether the claim of the Land Losers' Association that there were 650 land losers included the persons whose land was handed over back to the Government of Gujarat/IPCL, the Secretary, Ministry of Petroleum & Natural Gas, stated that the number 650 given by the Land Losers' Association roughly tallies with the number of land losers available with them i.e. 667. Out of these 667, employment was to be provided by Indian Oil Corporation to 348 persons and 319 persons were to be employed by IPCL. In response to the query whether IPCL has given employment to these 319 people, the Secretary stated that 'I am not aware of it.'

He further submitted “.....in the process of doing this exercise, if I can have my inter-departmental consultation with IPCL, take them along and then this Committee can also give a direction to IPCL in the matter, it would help us very much..... the Committee may involve IPCL also in the finding because it is only on the basis of that, I can compel them to do it.....”

\*\*

25. Explaining the background of the demarcation of responsibility of providing employment between Indian Oil Corporation and Gujarat Government/IPCL etc., the Secretary stated as under:—

“In the 1978 Tripartite Meeting of Collector Vadodara which was held with IPCL & the Revenue, Indian Oil Corporation Management and the Sarpunches, all these figures were placed before them. The liability of the IPCL and Indian Oil Corporation has been recorded in the 1978 meeting. After that there was a meeting in 1981 in which our liability of this is perfectly known to the Government of Gujarat and everyone.”

26. When asked about the difference between the figures given by the Collector, Vadodara and Land Losers' Association, the Secretary, Ministry of Petroleum and Natural Gas stated as follows:—

“As far as the Collector was concerned, I do not have the official figures. But in the extract sent to us it was mentioned that about 410 people deserve employment; of which 119 have been employed and 290 are yet to be employed. This is the Collector's figure. If so, the Collector is totally off the mark. He would not be able to give a pronouncement on that till he knew what he was talking about. Now, the Land Losers' Association is talking of 650 when the Committee visited there, the figure given was 532 plus 74, that is 606. My figure is 667. There were various figures. The number, 667 is an authentic figure, which was established in 1978.”

\*\*\*

\*\*\*

\*\*\*

“There are discrepancies in this (The report of the DC) as you yourself started at the outset saying that this case of 1960 is going into the third generation and grandsons are getting employed. Some private inquiry which I made into this reveals that a bulk of it, in 75 per cent of the cases employment is being demanded to their grandsons.”

He therefore, submitted that:—

“the authenticity of certain documents must be accepted. During the meetings in 1978, 1979, 1980 and 1981, there were certain figures—319, 348—which had been arrived at and the total number arrived at was 667. Then, there must be some sanctity to those numbers. But after five years, the number will change; I can assure you that it will change. Therefore, the number, 667, which the Collector and everyone present at that time agreed, would be frozen.”



27. The Committee then asked whether the Land Losers Association was taken into confidence on the employment issue, the Secretary stated as follows:—

“Yes, Sir, Sarpanches, etc. all have been taken into confidence throughout. I do not know when this Association was registered. We will take the Association into confidence.”

28. When asked to explain the rationale behind the decision to give employment only to those who lost land measuring 10 Gunthas or more, as the said decision goes against the interest of small land holders, the Secretary stated that he was not in a position to explain the rationale behind this decision. He further stated that as per a joint record of discussions held in 1982 between Collector & Management it was decided as a basic principle that those losing land measuring 10 Gunthas or more would only be considered as land losers or land dispossessed one. He added that he could not go beyond that nor was he authorised to reopen that decision.

29. Regarding verification of the records, the representative of the Ministry stated as under:—

“In the meeting held on 9.3.1981 and 12.3.1981 between the Collector (Refinery) and officials and the village sarpanches, it was mentioned that even though employment has been given to one person from the family affected due to land eviction earlier, other member of the family may be considered for employment, as a special case, in case the family has lost the entire land. Such case, if any, shall be forwarded to Gujarat Refinery by village Sarpanch. Only 8—10 such cases are there which will be submitted by the sarpanch latest by 30 April, 1981. Names of such persons to be considered, as a special case, will be included at the bottom of the merit list and they will be employed as and when vacancy arise. It was also clarified that employment will be given out of the list prepared in consultation with the Employment Exchange. A final list will be prepared and employment will be given from this list only. Only about five persons were left out for the employment who have lost their lands in 1962-63 and they may be considered, if they represent.”

30. When the attention of the witness was invited to the suggestions made by the D.C. in his report to the Committee that ‘(i) the main issue being considered is after the death of the original owner whether the second generation of the original land owner is being given employment, (ii) whether the third generation has to be given employment’, the Secretary assured the Committee that he would examine the matter and would take a decision in the matter within three months in consultation with the District Collector and the representatives of the Land Losers’ Association.

However, before the Committee on Petitions could deliberate on the matter and present their report to the House, the 12th Lok Sabha was dissolved on 26th April, 1999 and matter lapsed.

31. The Ministry of Petroleum & Natural Gas *vide* their O.M. No. R-37012/8/98-OR-I dated 3 May, 1999 stated *inter-alia* as follows:—

“During the evidence it was indicated to the Committee that efforts will be made to settle the issue within three months by scrutinising the recommendations submitted by District Collector, Vadodara in the two list (numbering 532 and 74) and also by involving the District Collector. The Land Loser Association was also to be taken into confidence while finalising the lists. Accordingly, the two lists submitted by Land Loser Association to the District Collector, Vadodara and the District Collector report was also scrutinised. The DC was also apprised about the methodology followed by the Gujarat Refinery for analysing the two lists. In order to take Land Loser Association in confidence, the DC, Vadodara also convened a meeting on 23rd March, 1999, which was attended by representatives of the Association and Village Sarpanchs. However, the representatives of the Association indicated that they would await for the final decision from the Parliamentary Committee.

A copy of the report on the discussions held with the DC, Vadodara and the conclusions arrived at are enclosed (Appendix-I) for perusal of Chairman, Committee on Petitions. As can be seen from the enclosed report, the DC has recommended certain criteria for employment, to be approved by the Committee before the same is applied.

IOC is agreeable to follow the principles enunciated by the DC in his report and the variance in number for employment of eligible land losers between the analysis of DC and IOC report can be further scrutinized at the level of DC and the issue resolved.”

32. On 23rd December, 1999, Shri Dileep Sanghani, MP forwarded a representation from Shri Vinubhai Thakher and Shri Hasmukhrao Barot requesting for reconsideration of their petition by the Committee.

33. In view of the request of the petitioners, the Committee on Petitions at their sitting held on 3rd February, 2000, considered the above reply alongwith the report on land losers as furnished by the Ministry of Petroleum & Natural Gas *vide* their O.M. referred to in para 31 above.

34. The Ministry of Petroleum & Natural Gas in their report on the Land Losers issue submitted that in order to comply with the direction of the Committee on Petitions they formulated the following action plan:—

- “1. To scrutinise the recommendations of District Collector, Vadodara on the two lists submitted by the Land Loser Association with reference to the records of Gujarat Refinery.

2. Scrutinise the two lists submitted by the Land Loser Association with reference to the original ownership and survey numbers retained by the Gujarat Refinery by verifying the land acquisition certificates & pedhinama's of all the enlisted persons issued by the Land Acquisition Officer.
3. To verify with IPCL the number of land losers employed by them against the survey numbers which were transferred to them in 1969/1983, for which the Committee on Petitions was requested to write to IPCL for necessary cooperation.
4. On completion of the activities at Sl. No. 1 to 3 discussions to be held with Collector to arrive at a final analysis of the two lists submitted by the Land Loser Association.
5. To take into confidence the representatives of the Land Loser Association and Village Sarpanchs before the District Collector of the final verification as desired by the Chairman, Committee on Petitions (Lok Sabha)".

35. It has been reported that the activities enumerated at points 1 to 3 have since been completed. According to the Ministry, the DC was fully briefed with the findings of their analysis of the two lists submitted by the Land Losers Association. He was also apprised of the variance between the report of the then D.C. & their findings.

36. According to the Ministry, the D.C. opined that the eligibility criteria should first be finalized by the Committee on Petitions in the light of recommendations by the then D.C. After approval of the criteria, variance if any can be further scrutinised. D.C. also convened a meeting on 23rd March, 1999, which was attended by IOC officials, representatives of Land Losers Association and village sarpanchs. During this meeting the District Collector then reiterated the eligibility criteria for providing employment to land losers which was evolved as a result of joint consultation between representative of villages, Indian Oil Corporation Management and the office of District Collector. The criteria mentioned by him before the Land Loser Association was as under:—

"Such land losers who have lost land prior to 1986 can only be considered for relief because of the Central Government guidelines and court's judgements in the matter.

The land acquired should be 10 Gunthas or more.

Liability for providing employment in respect of land already transferred to IPCL/State Government does not remain with Indian Oil Corporation.

Candidate should fulfil the eligibility criteria of age and qualification for induction level posts."

37. When asked by District Collector about their reaction to the above criteria, Shri Vinubhai Thakker and Shri Hashmukh Rai Barot reiterated that they have produced all necessary documents/evidence to the Committee and upon necessary scrutiny of the same by the then District Collector, the report has been submitted by him to the Parliamentary Committee on Petitions (Lok Sabha). They are waiting for final decision in the matter from the Committee.

It was reported that in spite of repeated persuasion by ED-Gujarat Refinery and District Collector regarding analysis of the lists submitted by them, the representatives of Land Loser Association remained adamant and mentioned that they would await for the final decision from the Parliamentary Committee on Petitions on the subject, as they did not have any intimation from the Lok Sabha Secretariat to discuss this issue with the District Collector, Vadodara/IOC officials.

#### **Employment to the land losers**

38. As per the report 'right from the inception till 1996, a total of 336 land losers as per our records, have been provided employment as against 348 affected families in respect of land acquired upto 1986, which indicates that a very marginal number remains to be considered for employment.'

It has also been pointed out in the report that:—

"In five court cases filed by a total of 106 land loser petitioners in various courts at different point of time against Gujarat Refinery, the claim for employment has been consistently rejected by the Courts."

39. The Ministry of Petroleum & Natural Gas in their report have stated that 'maintaining the same basis as recommended by the District Collector only 9 claimants belonging to 1st generation who are matriculates and have lost more than 10 Gunthas are *prima facie* entitled for consideration for employment.'

40. On the basis of their study, the Ministry have concluded as under and made the following suggestions for consideration of the Committee:—

#### **"Conclusions & suggestions**

Against the backdrop of our past experience that the issue pertaining to land losers has been surfacing after intervals of every 3 to 4 years, and the present issue is one such occasion, before suggesting further course of action, attention is drawn to the following aspects:

The basic reason due to which the original land losers had been considered for employment was for the purpose of providing continuous source of livelihood to them as a part of rehabilitation package.

As mentioned in the report of the District Collector that after the death of original land owners and after a lapse of about 30 years,

whether the 2nd/3rd generation land owners need to be given employment.

The issue of providing employment to the land losers was finally settled in 1981 with the intervention of District Collector and in agreement with Village Sarpanch.

At present there is a restricted employment potential due to interventions such as Automation, Information Technology, right sizing, etc. leaving little scope for employment particularly for unskilled category.

#### **Suggested course of action**

- (1) The DC, Vadodara, on the basis of records verified and in view of the past decisions taken by his office in the years 1978, 1981 and 1982, Government guidelines of 1986 and various Court judgments has submitted a very comprehensive report along with his considered recommendations.
- (2) In his final analysis, DC has recommended that on humanitarian grounds 20 (2nd generation) applicants who meets the following criteria, may be considered for employment:—

Land acquired prior to 1986 i.e. before issue of Government guidelines

Qualification matriculation

Land acquired; more than 10 Gunthas

As against the figure of 20 recommended by District Collector, our analysis indicate 9 such applicants who are eligible for consideration."

41. While summing up the report, the Ministry of Petroleum & Natural Gas submitted as follows:—

"We agree to comply with all the principles enunciated by the District Collector in his report which is pending consideration of the Hon'ble Committee. The variance in number between the analysis of the District Collector and IOC Report can be further scrutinised at the level of District Collector, Vadodara and the issue resolved.

DC in his report has also identified 48 candidates who belong to 3rd generation (grand children) who are meeting the aforementioned eligibility criteria. He has, however, indicated that it may not be appropriate to consider them for employment. However, he has left upon the Committee to take a final view in the matter.

While summing up it is reiterated that we are agreeable to comply with the recommendations of DC and in this regard the Hon'ble Committee on Petitions may take a final view in the matter."

### Observations/Recommendations of the Committee

42. The Committee note that the main demand of the petitioners whose land was acquired by the Government of Gujarat for ONGC for setting up Gujarat Refinery between 1960 and 1993, is that the necessary instructions might be issued to Indian Oil Corporation/Gujarat Refinery, Koyali to make suitable arrangements for employment of land losers.

43. The Committee further note that between 1960 and 1981, a total of 1899 acres of land was acquired by the Government of Gujarat for ONGC rendering 667 families land less. Out of this 1899 acres of land, 737 acres of land was transferred back to the State Government of Gujarat and IPCL. This land belonged to 319 families.

44. It is also observed from the petition that at the time of acquisition of land, the Government have made a commitment to the affected families that one person from each affected family would be given job in the Gujarat Refinery. Thus, one person each from 348 affected families was to be given job in the Gujarat Refinery by the ONGC (later I.O.C).

On the same principle, one person each from 319 affected families (whose land was transferred back to the Government of Gujarat and IPCL) was to be given job by the IPCL/Government of Gujarat.

Between 1987 and 1993, Gujarat Refinery further acquired 287 acres of land affecting 204 families.

45. The Committee note that due to acquisition of land between 1960 and 1986 a total of 667 families were affected.

46. During their on the spot visit, the Committee were informed by the representatives of Indian Oil Corporation/Gujarat Refinery that the issue of providing employment to land losers never cropped up upto 1978. However, in 1978, an agitation broke out in Gujarat. On the advice of the District Collector, Vadodra, Employment Exchange carried out a detailed survey of the affected families to identify the genuine land losers. As a result of this survey, 200 number of land losers were recruited from 1978 to 1984 and thereafter, the matter was settled.

47. The Committee also note that at the time of commissioning of the Hydrocracker Project by the Gujarat Refinery, Koyali, in the year 1992, a group of land losers again launched an agitation.

48. During their on the spot visit to Vadodra, the land losers submitted them two lists of land losers one containing 532 families and the other containing 74 families. Those lists were got verified by the Committee from the District Collector, Vadodra.

49. The Committee note from the District Collector, Vadodra's report submitted at their behest that as per a discussion held on 27.9.1982, it

was decided as a basic principle that those losing land measuring 10 Gunthas (.25 acre) or more would only be considered as land loser or land dispossessed one.

50. The Committee note that out of 667 families, employment to one person each from 348 families was to be provided by Gujarat Refinery/ Indian Oil Corporation. Whereas to one person each belonging to the remaining 319 families, the employment was to be provided by the IPCL. As regards, 348 families, job has already been provided to 336 persons of these families and 8 have since been empanelled and four would also be accommodated shortly.

51. The Committee feel that the Government should also pursue the matter with IPCL for providing job to one person each from the 319 families whose land was transferred mainly to IPCL.

They hope that persons belonging to these families will also be given job, if not already given, by IPCL without any further loss of time.

52. The Committee were informed by the Ministry of Petroleum & Natural Gas that the land losers have been agitating the issue before the Court of Law also. In fact in all five court cases filed by a total of 106 land loser petitioners in various Courts at different point of time against Gujarat Refinery, Koyali for employment have been consistently rejected by the Courts.

53. The Committee are happy to note that the Government have responded positively to their suggestion to settle the long pending issue of providing employment to land losers and that the Indian Oil Corporation was agreeable to follow the principle enunciated by the District Collector in his report. They further note the assurance that the variance in number for employment of eligible land losers between the analysis of District Collector and Indian Oil Corporation report can be further scrutinized at the level of District Collector and issue resolved.

54. The Committee note that due to delay in settling the issue, the matter has been allowed to succeed to the 3rd generation of land losers, thereby posing a serious question to answer by the Committee. They feel that had the Government been as sensitive as they are today, to resolve the issue, the matter would not have succeeded to the third generation.

55. The Committee note that though a tripartite agreement was reached in 1981 between the village sarpanch, the Management of the Gujarat Refinery and the District Collector wherein it was agreed *inter alia* that no further names would be added to the list, thereby resolving the issue of providing employment to original evictees, the land losers were not honouring the said agreement and went on adding names to the lists from time to time. In fact, two lists one containing 532 names and other containing 74 names were submitted to the Committee by the Land Losers Association during their on the spot study visit to Vadodra. In view of the

fact that the matter has been pending since long and also in view of the fact that Courts have five time rejected the claim of the petitioners for job, and also in view of the agreement signed in 1981, the Committee recommend that no more names should be added to the list of land losers families and lists of applicants for employment as submitted to the Committee should be treated as final list so that matter is settled once for all.

56. The Committee note that as per District Collector the main issue for their consideration is that after the death of original land owners and after a lapse of about 30 years:—

- \* “Whether the second generation of original land owners is to be given employment,
- \* Similarly, whether the third generation should also be given employment.”

57. The Committee are inclined to accept the suggestion made by the District Collector ‘that on humanitarian ground, the 17 second generation heirs (sons) whose land acquired measures 10 Gunthas or more and who possess minimum Matric/SSC qualification may be considered as suitable for employment, subject to observing recruitment rules of refinery and availability of vacancies. This may be done after completing formal recruitment procedure.’

58. The Committee, therefore, recommend that 17 applicants who belong to 2nd generation of land losers, as referred to in District Collector’s report should be provided suitable job, subject to completing necessary formalities, without further loss of time.

59. As regards providing jobs to 43 candidates who belong to third generation of land losers, though the District Collector is of opinion that it would not be appropriate to consider them for employment, the Committee while agreeing with the District Collector in principle, feel that as the delay on the part of Government in settling the issue has allowed the matter to come to this stage and also in view of the fact that the only source of their livelihood was taken away by the Government, the Committee recommend that to provide these youth an opportunity to live honourably, their cases, subject to their suitability otherwise and availability of jobs, may also be considered by the Government purely on humanitarian ground.

NEW DELHI;

15 February, 2000

26 Magha, 1921 (Saka)

BASUDEB ACHARIA,

Chairman,  
Committee on Petitions



To

Shri Ram Autar Ram  
Director,  
Lok Sabha Secretariat  
319, Parliament House  
New Delhi-110001

Sub: Representation regarding unemployment problem with Gujarat Refinery, Koyali, Baroda of youth Farmers whose lands have been taken by Indian Oil Corporation from 1960 to 1993.

Dear Shri Ram Autar,

With reference to your letter no. 70/CI/97 Dated 09/07/97 on the above subject, following report is submitted for kind perusal.

The list of 532 persons sent by the Committee has been verified by the officials from the revenue records and also the records available with Gujarat Refinery, the details of which are as under:

- (1) Land acquired by Gujarat Refinery has been verified from the land records of villages and it is found that the lands of majority of survey numbers, mentioned in the list, have been acquired by Gujarat Refinery.
- (2) List of applicants seeking employment, which has been forwarded by the committee and their relationship with the original land losers have been ascertained from the Pedhinama and have been found to be correct.
- (3) Land has been acquired by Gujarat Refinery in two phases:

Land acquired prior to 1986.  
Land acquired in and after 1987.

*Land acquired prior to 1986*

The status of applicants in respect of land acquired *prior to 1986* is mentioned below:

Particulars	No. of Candidates	Employment Given as per record
(a) Matric:		
More than 10 Gunthas	117	57
Less than 10 Gunthas	18	08
(b) Below Matric:		
More than 10 Gunthas	85	34
Less than 10 Gunthas	24	08
(c) Land transferred to State Govt./IPCL	83	12
(d) Survey Nos. not available with Gujarat Refinery ( <i>i.e.</i> neither retained by Gujarat Refinery nor transferred to others)	09	
(e) Repetition of names against same Survey Nos.	74	
<b>TOTAL</b>	<b>410</b>	<b>119</b>

A list of 119 persons who have been given employment by Gujarat Refinery is annexed as "Annexure-A-I to A-V" (as per above categories).

- (4) In the past, demands were raised by the farmers, who lost their lands and the District Administration had intervened in the matter.

In this regard, in the year 1978 the District Collector, Baroda through employment exchange office had decided to provide employment to one member from each family of the Land Losers against suitable vacancy in the Refinery.

Again on 27.9.1982 discussion was held with the Collector, Baroda and a joint record note of discussion was prepared by Shri B.R. Dholakia, Chief Personnel & Administration Manager, Gujarat Refinery and Shri Kailash Nathan, Assistant Collector, Baroda in which it was decided as a basic

principle that those losing land measuring 10 Gunthas or more would only be considered as land loser or land dispossessed one.

- (5) In 1981, a joint agreement was signed between Refinery Officials, District Administration and Village Sarpanches and five more families were added to the list of land losers. But it was also agreed upon that thereafter no more names would be added to the list of land losers.
- (6) In 1986, an Office Memorandum dated 03/02/86 was issued by the Ministry of Industry, Department of Public Enterprises, Bureau of Public Enterprises, Govt. of India and on page 4 thereof, it has been clearly mentioned that :

“In the context of the urgent necessity of Public Sector Enterprises operating at commercially viable levels and generating adequate internal resources, overmanning has to be guarded against. Any understanding, formal or informal, in regard to offer of employment to one member of every dispossessed family in the project will stand withdrawn.”

- (7) (a) In 1986, 7 land losers of Koyali village filed a writ petition in the Gujarat High Court. While rejecting the petition the High Court stated that :

“Those who are deprived of their lands are paid adequate compensation under the relevant provisions of Land Acquisition Act. Simply because their lands are acquired for public purpose there is no reason why the family members of such persons should be given such preferential treatment disregarding the claim of those who did not have land in past and who are not likely to get land in future for so many years. Vast majority of the people who are landless and who do not possess sufficient property which can be acquired by the Government for some public purpose, should not be deprived of their legitimate right of equality in claiming appointment to all the public posts. Reliance placed on letter dated 11/01/1977 does not help the petitioners in as much as discriminatory directions and cannot be given effect to by the Court. In above view of the matter the petition is rejected.”

- (b) A similar petition was filed by 8 persons of villages Jasapura, Sherkhi and Koyali by Special Civil Application No. 4549 for getting employment on the basis of being land losers. This was

also rejected by Hon'ble High Court of Gujarat State on the same grounds as mentioned in para 7(i) above. The order also stated that :

"The land was acquired in the year 1961-62 and now in the year 1988, after such a long lapse of time, the petition cannot be entertained."

- (8) On perusal of IOC's recruitment rules given in the Personnel Manual, it is found that the recruitment level qualification for unskilled employees such as Helpers, Messengers, etc. has been prescribed as Matric/SSC, which is uniformly applicable to all the Units/Offices of IOC.

Similarly, the age limit for recruitment is prescribed as 18 years minimum and 30 years maximum except for relaxation in the upper age limit in the case SC/ST, OBCs and PH persons as per Government instructions.

- (9) As regards *lands in and after 1987*, the details of lands acquired and details of applicants for employment (out of the list of 532 persons sent by the committee) are as under :

Particulars	No. of Candidates
By Consent Award	63
By Regular Award	59
	122

From the above facts, following issues are emerging :

- I. For employment in Refinery, minimum educational qualification of candidate is Matric/SSC.
- II. For this purpose, land acquired should be minimum 10 Gunthas.
- III. 57 persons have been provided employment from the family of those 119 land losers, whose land acquired measured 10 Gunthas or more.

The position in regard to remaining 60 persons taking into account their relationship with the original land losers, as ascertained, is as follows :

Sons	—	17
Grandsons	—	41
Granddaughter	—	01
Nephew	—	01
		<hr/>
		60
		<hr/>

It may be mentioned that the original land owners are not alive.

At present, main issue that needs to be considered is that after the death of original land owners and after a lapse of about 30 years:

- Whether the second generation of original land owners is to be given employment,
- Similarly, whether the third generation should also be given employment.

After considering the above points/issues, following suggestions are made for consideration of the committee.

1. The list of applicants for employment as sent by the committee should be treated as final list of land losers and no further name may be added to the same in order to close the matter once for all.
2. On humanitarian ground, the 17 second generation heirs (sons) whose land acquired measures 10 Gunthas or more and who possess minimum Matric/SSC qualification may be considered as suitable for employment, subject to observing recruitment rules of refinery and availability of vacancies. This may be done after completing formal recruitment procedure.
3. The other 43 candidates, as could be seen, are of third generation, therefore, in our opinion it may not be appropriate to consider them for employment. However, it is for the Committee to take a suitable view in the matter.

The Committee may like to seek appropriate decision from the Central Government regarding the Office Memorandum dated 03/02/86 of Government of India. But as per the instructions contained in the said OM, as on today there is no relationship between land acquisition and providing employment, and therefore, we believe that no opinion is required to be given from our side in this regard.

The original list of the Land Losers' Association forwarded by the Committee is also returned herewith.

With kind regards,

Your's sincerely,  
Sd/-

**(Rajiv K. Gupta)**

Enclosures : As above.

LIST OF PERSONS PROVIDED EMPLOYMENT  
(MATRIC/SSC + 10 GUNTAS OR MORE)

Sl. No.	Name of Applicant	Acquisition Year	Survey Nos	Name of person employed
1	2	3	4	5
*Village Bajwa				
1	Rupeshkumar Mafatbhai Patel	1964	0132	MK Patel
*Village Fazalpur				
2	Vakhatsingh Udesingh Gohil	1962	04801	AM Gohil
*Village Jasapura				
3	Dolabhai Devjibhai Gohil	1966	0680	HD Gohil
*Village Karachiya				
4	Bhavinkumar Parshottam Patel	1983	0106	RR Patel
5	Deepakbhai Bhogilal Patel	1961	0043	BK Patel
6	Maheshbhai Melabhai Parmar	1962	0122	RG Parmar
7	Mahendrabhai Pujabhai Parmar	1962	0177	ID Parmar
8	Sureshbhai Parshottam Patel	1962	0071/1	BP Patel
9	Vipulbhai Vinubhai Patel	1992	0063	JA Patel
10	Dineshbhai Gopalbhai Patel	1983	0062/1	GF Patel
11	Dineshbhai Gopalbhai Patel	1983	0040	AJ Patel
12	Atulbhai Kantibhai Patel	1963	0083	RG Patel
13	Dilipbhai Muljibhai Parekh	1962	0482/1	YG Patel
*Village Koyali				
14	Hamendrakumar Ishwarbhai Patel	1962	1399	PA Patel
15	Eleshkumar Chandrakant Patel	1962	1271	CS Patel
16	Vijaykumar Bhikhabhai Patel	1962	1321	HM Patel
17	Vijaykumar Bhikhabhai Patel	1962	12492	BH Patel
18	Nileshkumar Niranjambhai Patel	1962	1249/1	BS Gohil
19	Nileshkumar Niranjambhai Patel	1962	1197	PN Patel
20	Kamleshkumar Ravjibhai Patel	1962	1626	JR Patel
21	Shantilal Jivabhai Makwana	1962	1438/1	MD Parmar
22	Nileshbhai Shankerbhai Jadav	1962	1372	Bakor Vira
23	Thakorabhai Desaibhai Patel	1962	1413	BM Patel
24	Amarsinh Sursinh Jadav	1962	1440	JH Jadav
25	Bhailalabhai Muljibhai Chauhan	1962	1389/2	MR Baria
26	Shaileshkumar Pradhuman Mehta	1962	1384/6	KP Mehta
27	Laxmanbhai Ranchhod Chauhan	1962	1415	MF Chauhan

1	2	3	4	5
28	Hasmukhbhai Dhulabhai Chauhan	1962	1280	DC Chauhan
29	Ranjitbhai Dahyabhai Gohil	1962	1264	Fatehsinh. D
30	Punambhai Ravjibhai Jadav	1962	1312	Chatur Shanta
31	Maheshkumar Rambhai Chauhan	1962	1273/1	MR Gohil
32	Sureshbhai Amarsinh Gohil	1962	1290	MB Gohil
33	Riteshkumar Sureshbhai Patel	1962	0256/1	NC Patel
34	Pravinbhai Shankerbhai Chauhan	1962	1439	SJ Chauhan
35	Bhathibhai Shankerbhai Chauhan	1963	1369	HR Patel
36	Pankajbhai Prafulbhai Patel	1963	1524	MD Patel
37	Prakashbhai Jashbhai Patel	1963	1320	AT Patel E.No. 57289
38	Prakashbhai Jashbhai Patel	1963	1323	AT Patel E.No. 57279
39	Prakashbhai Jashbhai Patel	1963	1316/2	GI Patel
40	Daksheshkumar Ambalal Patel	1962	1403	CD Patel
41	Samirbhai Jashbhai Patel	1963	1324	BC Patel
42	Pankajbhai Chimanbhai Patel	1962	1614	BH Chauhan
43	Mayurkumar Chandulal Thakkar	1963	1394/1	SM Thakkar
44	Sudhirbhai Arvindbhai Patel	1962	0247	VC Patel
45	Rameshbhai Punambhai Chauhan	1962	1379/2	GM Chauhan
46	Maheshbhai Somabhai Chauhan	1962	1379	BS Solanki
47	Vinalbhai Ghanshyambhai Patel	1964	1436	SA Patel
48	Hemantkumar Bipinbhai Patel	1987	1495	TJ Patel
49	Chiragbhai Narendrabhai Patel	1987	0730	VS Patel
50	Snehalbhai Purshottam Patel	1962	1367/1-3	BH Patel
51	Snehalbhai Purshottam Patel	1962	1367/1	HN Patel
52	Himanshu Mahendrabhai Patel	1964	1322	DK Patel
53	Vijaykumar Bhikhabhai Patel		1249/2	DC Patel
54	Allahrakha Hussiansha Diwan	1963	1364	DM Solanki
**Village Nandesari				
55	Gohil Jayraj Kumar Somabhai	1989	0016/1	SP Gohil
**Village Undera				
56	Rajendrabhai Ambalal Patel	1963	0141	PA Patel
57	Mahendrapuri Jethapuri Goswami	1962	0025/2	JS Goswami



LIST OF PERSONS PROVIDED EMPLOYMENT  
(MATRIC/SSC + LESS THAN 10 GUNTHAS)

Sl. No.	Name of Applicant	Acquisition Year	Survey Nos.	Name of person employed
<b>**Village Fazalpur</b>				
1	Rameshbhai Maganbhai Gohil	1968	04663	RC Gohil
2	Ganpatbhai Shankerbhai Gohil	1977	0486	DD Patel
3	Kiransinh Chandrasinh Gohil	1978	0510	SG Gohil
<b>**Village Koyali</b>				
4	Rajubhai Virubhai Rana	1992	0198	Amarsinh Udesinh
5	Nileshbhai Bhailalbhail Patel	1979	1218	AB Patel
6	Mafatbhai Fulabhai Chauhan	1960	12831	CS Chauhan
7	Kiranbhai Bhailalbhail Patel	1962	16031A	HA Patel
8	Sunilbhai Vitthalbhai Patel	1962	846	NM Patel

LIST OF PERSONS PROVIDED EMPLOYMENT  
(BELOW MATRIC+10 GUNTAS OR MORE)

Sl No	Name of Applicant	Acquisition Year	Survey Nos.	Name of Person Employed
1	2	3	4	5
**	Village Bajwa			
	1 Thakorbhai Chaturbhai Patel	1962	0213/2	KU Rana
**	Village Fazalpur			
	2 Ganpatbhai Amarsinh Gohil	1970	0388	PF Gohil
	3 Karanbhai Madhabhai Parmar	1973	0465	PM Parmar
	4 Bhailal Chhatrasing Gohil	1963	0468/2	Ramesh Gaba
	5 Arvindbhai Ravjibhai Gohil	1971	0502/1	RG Gohil
**	Village Jasapura			
	6 Ranjitsing Ramsing Gohil	1966	0099/2	Natha Gaba
**	Village Karachiya			
	7 Pravinbhai Jashbhai Patel	1962	0108/2	GJ Patel
	8 Ishvarbhai Parshottam Parmar	1962	0118	RM Baria
	9 Maheshbhai Punjabhai Parmar	1962	0135/1	Shanker Desai
	10 Rameshbhai Ambalal Parmar	1962	0196/1	CM Solanki
	11 Dilipbhai Muljibhai Parekh	1961	0469/2	MN Valand
**	Village Koyali			
	12 Uday Kumar Bhagwansinh Gohil	1963	1273/2	NM Patel
	13 Shantilal Bhanabhai Jadhav	1962	1288/89	MB Gohil
	14 Pratapsinh Somsinh Gohil	1962	1290	KK Patel
	15 Parshottambhai Bhailal Jadav	1962	1309/2	BM Jadav
	16 Najirshah Manishah Divan	1962	1364	MI Divan
	17 Haffedisha Hemadsha Divan	1962	1364	VU Divan
	18 Harjibhai Shankerbhai Chauhan	1963	1368	SB Chauhan
	19 Udesinh Somabhai Jadav	1962	1374	HS Padhiyar
	20 Kantibhai Khodabhai Padhiyar	1963	1384/5	KR Padhiyar
	21 Arvindbhai Mangalbhai Chauhan	1962	1390/1	BM Chauhan
	22 Kanubhai Udesinh Majpura	1962	1405/2	MJ Padhiyar
	23 Kanubhai Punjabhai Solanki	1962	1449/1	RP Solanki
	24 Chandubhai Shanabhai Bariya	1962	1450	HS Solanki
	25 Bhupendra Prabhashanker Bhatt	1962	1462	SP Bhatt
	26 Ashokbhai Shankerbhai Gohil	1963	1516	PS Baria
	27 Manubhai Punjabhai Parmar	1962	1595/2	PB Parmar
	28 Bhagwanbhai Ranchhod Parmar	1962	1602/1	RR Parmar
	29 Ambalal Mangalbhai Parmar	1962	1605/1	TJ Chauhan

1	2	3	4	5
	30. Melabhai Pujabhai Parmar	1962	1606	PB Parmar
**	Village Undera			
	31. Rakeshbhai Ramanbhai Patel	1962	0033	CJ Patel
	32. Jesingbhai Dhulabhai Solanki	1963	0034	KN Solanki
	33. Rakeshbhai Punjabhai Patel	1962	0035	RD Patel
	34 Dharmeshbhai Jashbhai Patel	1964	0158	RC Patel

**LIST OF PERSONS PROVIDED EMPLOYMENT  
(BELOW MATRIC+LESS THAN 10 GUNTHAS)**

Sl. No.	Name of Applicant	Acquisition Year	Survey Nos.	Name of Person Employed
**	Village Bajwa			
	1. Chandrakant Vishrantbhai	1962	0194/3	DN Vankar
	2. Chandrakant Vishrantbhai		0194/3	MN Vankar
**	Village Fazalpur			
	3. Khumansingh Vajesingh Gohil	1962	0395/3	GB Gohil
	4. Mahendrabhai Udesinh Gohil	1966	0477	CS Gohil
	5. Ratanbhai Gedalbhai Gohil	1978	0490/1	VD Gohil
**	Village Jasapura			
	6. Udaising Mangalbhai Padhiyar	1966	0027	RK Rajput
	7. Rameshbhai Mangalbhai Gohil	1966	0085/2	NR Gohil
**	Village Koyali			
	8. Aiyubkhan Pratapsinh Rana	1962	0211	FR Rana

LIST OF PERSONS PROVIDED EMPLOYMENT  
(LAND TRANSFERRED TO OTHERS)

Sr. No.	Name of Applicant	Acquisition Year	Survey Nos.	Name of Person Employed
**	Village Dhanora			
1.	Gopalbhai Dalpatbhai Makwana	1979	0025	RD Makwana
2.	Manilal Ravjibhai Parmar	1961	0036	PM Parmar
3.	Laljibhai Rupabhai Parmar	1963	0052/3	RR Parmar
4.	Mukeshbhai Shanabhai Parmar	1962	0056	Shana Himmat
5.	Manilal Ravjibhai Parmar	1961	0056	SH Parmar
6.	Thakorbhai Chhotabhai Padhiyar	1963	0073	CS Padhiyar
7.	Bharatsing Babubhai Makwana	1962	0086/2	KP Makwana
8.	Sampatsing Ratansing Makwana	1963	0087	RK Makwana
9.	Bhagwanbhai Ramabhai Parmar	1961	0241	MC Patel
**	Village Karachiya			
10.	Rajubhai Mohanbhai Jadav	1962	0208	MD Jadav
**	Village Undera			
11.	Pratikbhai Kanaiyalal Pathak	1962	0159	RD Pathak
12.	Navnectbhai Chimanbhai Patel	1962	0185	NJ Patel

## APPENDIX—II

(See para 31 of the Report)

No. R. 37012898-OR-I  
GOVERNMENT OF INDIA  
Ministry of Petroleum & Natural Gas  
\*\*\*\*\*

New Delhi, the 3rd May, 1999

### Office Memorandum

**Sub: Representation regarding unemployment problem pending with Gujarat Refinery, Koyali, Baroda Youth Farmers whose land had been acquired by Indian Oil Corporation.**

As Lok Sabha Secretariat is aware, the Committee on Petitions had taken the oral evidence of this Ministry on 4.1.99 on unemployment problem pending with Gujarat Refinery of IOC. During the evidence, it was indicated to the Committee that efforts will be made to settle the issue within three months by scrutinising the recommendations submitted by District Collector, Vadodara in the two list (numbering 532 and 74) and also by involving the District Collector. The Land Loser Association was also to be taken into confidence while finalising the lists.

2. Accordingly, the two lists submitted by Land Loser Association to the District Collector, Vadodara and the District Collector report was also scrutinised. The DC was also apprised about the methodology followed by the Gujarat Refinery for analysing the two lists. In order to take Land Loser Association in confidence, the DC, Vadodara also convened a meeting on 23rd March, 1999, which was attended by representatives of Land Loser Association and Village Sarpanchs. However, the representatives of the Association indicated that they would await for the final decision from the Parliamentary Committee.

3. A copy of the report on the discussions held with the DC, Vadodara and the conclusions arrived at are enclosed for perusal of Chairman, Committee on Petitions. As can be seen from the enclosed report, the DC has recommended certain criteria for employment, to be approved by the Committee before the same is applied.

4. IOC is agreeable to follow the principles enunciated by the DC in his

report and the variance in number for employment of eligible land losers between the analysis of DC and IOC report can be further scrutinized at the level of DC and the issue resolved.

(S. CHANDRASEKHAR)  
*Under Secretary to the Govt. of India*

Shri Ram Autar Ram,  
Director,  
Lok Sabha Secretariat,  
319, Parliament House Annexe,  
New Delhi.

**REPORT**  
**ON**  
**LAND LOSERS ISSUE**  
**GUJARAT REFINERY**



**REPRESENTATION REGARDING UNEMPLOYMENT PROBLEM  
PENDING WITH GUJARAT REFINERY, KOYALI, BARODA OF  
YOUTH FARMERS WHOSE LANDS HAVE BEEN TAKEN BY INDIAN  
OIL CORPORATION LIMITED**

**INDEX**

---

<b>BRIEF INTRODUCTION OF THE ISSUE</b>	<b>A</b>
--	----------

---

<b>BACKGROUND NOTE</b>	<b>B</b>
* Land Acquisition Details	
* Affected Families	
* Compensation to Land Losers	
* Employment to Land Losers	
* Important Milestones	

---

<b>SCRUTINY OF THE DISTRICT COLLECTOR'S REPORT</b>	<b>C</b>
--	----------

---

<b>IOC'S ANALYSIS OF THE STUDY</b>	<b>D</b>
------------------------------------	----------

---

<b>COMPARATIVE ANALYSIS OF DC'S REPORT VIS-A-VIS IOC'S REPORT</b>	<b>E</b>
---	----------

---

<b>CONCLUSION &amp; SUGGESTIONS</b>	<b>F</b>
-------------------------------------	----------

---

## **BRIEF INTRODUCTION OF THE ISSUE**

1  
2

3

## INTRODUCTION

The Land Losers Association of surrounding villages of Gujarat Refinery have been submitting representations to various authorities claiming that large number of families still remain to be considered for employment.

### **VISIT OF PARLIAMENTARY COMMITTEE ON PETITIONS OF LOK SABHA TO GUJARAT REFINERY**

On a petition made by the Land Loser Association, the Parliamentary Committee on Petitions of Lok Sabha visited Gujarat Refinery on 24th June, 1997 for holding informal discussions with the petitioner, and officers of the Indian Oil Corporation.

- \* The Parliamentary Committee after holding discussions both with the petitioners and the Management of Indian Oil, separately, decided that the claim of land losers be referred to the Collector, Vadodara for making investigation and giving his findings on the claim raised by the petitioners.
- \* The Committee on Petitions referred two lists of land losers, containing 532 and 74 land losers respectively to Collector, Vadodara for verifying their claims. On completion of verification, the Collector sent his report to the Secretariat of the Committee on Petitions.

### **ORAL EVIDENCE OF THE REPRESENTATIVES OF THE MOP&NG BEFORE THE COMMITTEE ON PETITIONS (LOK SABHA) HELD ON 4.1.99.**

The Parliamentary Committee on Petitions called Secretary MOP&NG for oral evidence on 4.1.99.

- \* During the oral evidence Secretary, MOP&NG gave a detailed presentation on the subject issue.
- \* After deliberations, the Chairman, Committee on Petitions (Lok Sabha) decided that IOC should scrutinise the recommendations submitted by the District Collector, Vadodara, after verifying the 2 lists numbering 532 and 74 submitted by the Land Loser Association towards their claim for employment in Gujarat Refinery.
- \* The Chairman desired that this exercise should be completed within a period of 3 months (i.e. by 4th April 1999) and in case there are difficulties to complete the exercise within this period, he should be approached for extension in time.
- \* He also mentioned that IOC while scrutinising the recommendations of District Collector as well as the list submitted by the Land Loser

Association, should involve the District Collector. The Land Loser Association should also be taken in confidence about the final verification.

- It was mentioned to the Committee by the Secretary that the report of the District Collector, Vadodara, was not available with IOC. The Chairman of the Committee agreed to provide copy of the said Report for scrutiny.

### ACTION PLAN

In order to comply with the directives of the Chairman, Committee on Petitions (Lok Sabha), the following Action Plan was formulated:

- (1) To scrutinise the recommendations of District Collector, Vadodara on the two lists submitted by the Land Loser Association with reference to the records of Gujarat Refinery.
- (2) Scrutinise the two lists submitted by the Land Loser Association with reference to the original ownership and survey numbers retained by the Gujarat Refinery by verifying the land acquisition certificates & pedhinama's of all the enlisted persons issued by the Land Acquisition Officer.
- (3) To verify with IPCL the number of land losers employed by them against the survey numbers which were transferred to them in 1969/1983, for which the Committee on Petitions was requested to write to IPCL for necessary co-operation.
- (4) On completion of the activities at Sl. No. 1 to 3, discussions to be held with Collector to arrive at a final analysis of the two lists submitted by the Land Loser Association.
- (5) To take into confidence the representatives of the Land Loser Association and Village Sarpanchs before the District Collector of the final verification as desired by the Chairman, Committee on Petitions (Lok Sabha).

### ACTION TAKEN

The activities enumerated at point nos. 1 to 3 have since been completed and the findings are appended.

The findings of our analysis of the two lists submitted by the Land Loser Association were fully briefed to the District Collector, Vadodara. The DC was also apprised about the variance between the then District Collector's Report and our findings. The District Collector appreciated the methodology followed by the Gujarat Refinery for analysing the two lists. However, he added that the Committee on Petitions should first finalise the eligibility criteria for rehabilitation in the backdrop of recommendations made by the then District Collector in his report. Once the criteria is decided, the variance between DC's Report and analysis

made by Gujarat Refinery can further be scrutinised based on the factual position to assess the exact number of land losers falling under the agreed criteria.

In order to take Land Loser Association in confidence, District Collector, Vadodara, was requested to convene a meeting with the representatives of Land Loser Association and Village Sarpanchs. In pursuance to this request, District Collector convened a meeting on 23rd March, 1999, which was attended by IOC officials, representatives of Land Loser Association and Village Sarpanchs.

The discussions in brief are stated as under:—

- ◇ District Collector indicated that the meeting has been called as the Parliamentary Committee on Petitions had desired that the Land Loser Association should be taken into confidence in the matter pertaining to the analysis of the lists.
- ◇ The co-ordinator of the Land Loser Association Shri Hashmukh Rai Barot mentioned that necessary scrutiny and investigation have already been carried out by the District Collector's Office on the lists submitted by the Land Loser Association and since report to this effect has already been sent to the Committee on Petitions, there is no necessity to carry out scrutiny once again.
- ◇ District Collector then reiterated the eligibility criteria for providing employment to land losers which was evolved as a result of joint consultation between representative of villages, IOC Management and the office of District Collector. The criteria mentioned by him before the Land Loser Association was as under:—
  - Such land losers who have lost land prior to 1986 can only be considered for relief because of the Central Government guidelines and court's judgements in the matter.
  - The land acquired should be 10 gunthas or more.
  - Liability for providing employment in respect of land already transferred to IPCL/State Government does not remain with IOC.
  - Candidate should fulfil the eligibility criteria of age and qualification for induction level posts.
- ◇ District Collector asked the representatives of Land Loser Association whether they have to say anything on this issue. To this, Shri Vinubhai Thakker and Shri Hashmukh Rai Barot reiterated that they have produced all necessary documents/evidence to the Committee and upon necessary scrutiny of the same by the then District Collector, the report has been submitted by him to the Parliamentary Committee on Petitions (Lok Sabha). They are waiting for final decision in the matter from the Committee.

- › In spite of repeated persuasion by ED-Gujarat Refinery and District Collector regarding analysis of the lists submitted by them, the representatives of Land Loser Association remained adamant and mentioned that they would await for the final decision from the Parliamentary Committee on Petitions on the subject as they did not have any intimation from the Lok Sabha Secretariat to discuss this issue with the District Collector, Vadodara/IOC officials.

\*\*\*\*\*

## **BACKGROUND NOTE**

- \*Land Acquisition Details
- \*Affected families
- \*Compensation to Land Losers
- \*Employment to Land Losers
- \*Important Milestones

## BACKGROUND NOTE

### LAND ACQUISITION DETAILS

The land for Gujarat Refinery Project which was originally under ONGC was acquired through the State Government of Gujarat, under the Land Acquisition Act, 1894. On 1.4.65 this project became part of Indian Oil Corporation Limited. The details of land acquired are as under:

**Prior to 1986**

YEAR	AREA (in acres)	AFFECTED FAMILIES
1961—1967	1892	657
1981	7	10
TOTAL	1899	667

### LAND TRANSFERRED BACK TO STATE GOVERNMENT/IOCL

YEAR	AREA (in acres)	AFFECTED FAMILIES
1969	682	295
1983	55	24
TOTAL	737	319

### AFFECTED FAMILIES

Total affected families of the land retained by Gujarat Refinery (667—319): 348

**After 1986**

YEAR	AREA (in acres)	AFFECTED FAMILIES
1987—1993	287	204

### COMPENSATION TO LAND LOSERS

The amount of compensation towards land price as determined by the State Govt. was paid to the land losers.



## EMPLOYMENT TO LAND LOSERS

1963—1977

There was no guidelines during those days to regulate the employment of land losers nor was there any agreement between IOCL and the State Government to provide employment to one member of each dispossessed family. However, as a measure of goodwill and human consideration affected persons had been considered for employment and 112 persons were employed during the above period.

1978

During, 1978, a local agitation was launched by the land losers for employment in Gujarat Refinery. The crux of the demand of agitationists was that there were many land losers who had not been provided employment either because they were not qualified for the employment or for other factors. A demand was raised that from every affected family, either the land loser or one of his/her dependent should be provided employment. Subsequently, discussions were held between the State Government Authorities at the District level, the Revenue Authorities, the representatives of the agitators and the representatives of the Corporation on 12.7.1978 (*Annexure-A*).

During the above meeting, it was agreed, in principle, that

- \* the concerned Employment Exchange would carry out a survey to identify the land losers who had not been provided employment and a list of identified land loser candidates would be prepared.
- \* The listed person would thereafter be interviewed giving relaxation in qualifying standards, wherever possible, with a view to assess their suitability for employment and would be given employment, subject to satisfaction of other requirements, as and when vacancies occur in future.

As a result of this understanding, a survey was conducted by the Employment Officer and a list of land losers was forwarded to the Gujarat Refinery.

1981

In 1981, while acquiring a small portion of land for new LPG Bottling Plant, a demand was raised for the inclusion of names of 5 families of land losers whose names had not been included in the survey conducted in 1978. Again a meeting was convened by the District Collector wherein

Revenue and Panchayat Authorities, the representatives of the agitators and the Management participated. A Tripartite Understanding was reached (*Annexure-B*), *Inter-alia* agreeing that:—

- \* Five families which were left out in the survey conducted in 1978, shall be included in the list.
- \* No further names will be added to the list.

Thus, the issue of providing employment to the original evictees was fully resolved and settled in line with the discussions/guidelines issued by Collector, Vadodara.

## 1982

During a meeting with the Assistant Collector, Baroda, the earlier understanding as regards the persons who would qualify as land losers was formalised and it was noted that those who have lost land from their total holding to the tune of 10 Gunthas or less do not qualify as land losers (*Annexure-C*).

Upon completion of the selection process, 200 land losers were given employment in the Refinery from 1978 to 1984.

## 1992

Another agitation by a group of land losers was started at the time when Gujarat Refinery was in the process of commissioning the Hydrocracker Project.

The agitation was primarily to put pressure on the management for employment of 2nd/3rd generation of affected families sensing some employment opportunities in the Hydrocracker Project.

The matter was again discussed at the level of District Collector, Vadodara. Gujarat Refinery stand during the discussion was as under:—

- \* The issue of providing employment to land losers had been finally settled in 1981 and therefore the employment on this ground cannot be considered.
- \* In case the names of qualified land losers (prior to 1986) are sponsored by the Employment Exchange, meeting our qualifying standards of qualification, age etc. they would be considered along with others and other things being equal, shall be accorded preference.

Subsequent to the discussions with District Collector on the basis of stand taken by Gujarat Refinery in 1992, a total of 24 persons have been employed.

In this entire process, right from the inception till 1996, a total of 336 land losers (*Annexure-D*), as per our records, have been provided employment as against 348 affected families in respect of land acquired

upto 1986, which indicates that a very marginal number remains to be considered for employment.

### IMPORTANT MILESTONES

#### \*Government Guidelines

In the year 1986, Government of India, Ministry of Industry issued instructions *vide* Office Memorandum dated 3.2.86 (Annexure-E) stressing upon the urgent necessity of Public Sector Undertakings to operate on viable and commercial basis and to safeguards against over-manning. The memorandum specifically states that:

"Any understanding, formal or informal, in regard to offer of employment to one member of every dis-possessed family in the project will stand withdrawn."

In view of the above, guidelines of Govt. of India, the affected families on account of land acquisition for the Gujarat Refinery from 1987 to 1992 measuring 287 acres, are not perse entitled for relief of employment in the Gujarat Refinery. However, the affected candidates, if sponsored by the Employment Exchange are accorded preference, subject to other things being equal, in employment in relation to others.

### LITIGATIONS

In 1985-86 certain persons belonging to the families of land losers filed a civil suit against the Corporation claiming their right to employment with the Corporation on the ground that their land holdings were acquired by the Gujarat Refinery. The suit was dismissed.

They then filed a writ petition in the Gujarat High Court. The petition was also dismissed by the Gujarat High Court by an order dated 7.4.88 (Annexure-F) stating that simply because their land is acquired for public purposes, there is no reason why the family members of such persons should be given such preferential treatment disregarding the claims of those who did not have land in past and who are not likely to get land in future for so many years.

In yet another similar case pertaining to Gujarat Refinery, the High Court by its order dated 12.4.88 dismissed the suit of land losers. While the High Court maintained its earlier order, stated above, added that land was acquired in the year 1961-62 and now in the year 1988 after such a long lapse of time, the petition cannot be entertained.

In five court cases filed by a total of 106 land loser petitioners in various courts at different point of time against Gujarat Refinery, the claim for employment has been consistently rejected by the Courts.

\*\*\*\*\*

The Personal Manager,  
 Indian Petrochemicals Corporation Ltd.,  
 Indian Oil Corporation, Gujarat Refinery,  
 Jawaharnagar (District Vadodara).

Subject: Employment to land-losers.

Dear Sir,

You would recall a meeting was organised in my office on 1st July, 1978 regarding providing jobs to land-losers. Based on the views exchanged, following broad decisions were taken in this meeting:—

- (1) The Employment Exchange Officer would go to the concerned villages after notifying a suitable date and register names of land-losers and their family-members who wish to take up a job. Advance intimation would be given about his programme so that those wishing to get their names registered may be ready with necessary documents.
- (2) The Employment Exchange Officer would thereafter send to your organisation a complete list of land-losers and their family members whose names have been so registered. These candidates would be called for interview by you for assessing their suitability for various jobs in your project. This assessment would be made not with reference to any vacancies but with reference to their suitability for various jobs. In other words, candidate would be interviewed for ascertaining their suitability for jobs in your project and not with reference to vacancies.
- (3) In assessing their suitability, a relaxed standard would be adopted in view of the fact that it has been the policy of the Government, as reflected in the accompanying circular, to recruit at least one member from each land-loser's family. There should be no difficulty in doing this because most of the candidates would be taken in class III/IV posts only, where relaxation can be made without inconvenience.
- (4) Whenever any vacancy in any category arises, appointment would be made only from the list prepared as mentioned in para (2) above, except to the extent necessary to meet the requirement of compulsory reservations, such as for Scheduled Caste/Scheduled Tribe etc. As long as there are candidates available from this list, no outsider should be taken in your project.
- (5) The Mamlatdar, Vadodara would prepare and send to you a list giving names of persons whose land has been acquired, giving

therein details of land acquired and the total holding available with them after acquisition.

I trust you must already to making arrangements for action in terms of the decisions mentioned above. A line in confirmation would be most welcome.

Yours faithfully,

(S.K. Choudhury)  
Collector and District Magistrate  
Vadodra.

ENGLISH VERSION OF TRIPARTITE AGREEMENT SIGNED IN  
1981 BETWEEN GR, DISTRICT ADMN. & VILLAGE  
REPRESENTATIVES

RECORD NOTES OF DISCUSSIONS OF THE MEETING HELD  
UNDER THE CHAIRMANSHIP OF COLLECTOR ON 9.3.81 &  
12.3.81

Sub: Regarding providing employment to Land Losers in Gujarat  
Refinery and acquisition of Village Karachia land.

Ref: Regarding discussions held on 1.7.78 and 14.5.79 and decisions  
taken therein.

Following were present in the meeting:—

1. Collector Shri Ashok Chawia
  2. Asstt. Collector Shri S.K. Nanda
  3. Sp. Land Acquisition Officer, Baroda Shri Kherda
  4. Add. Mamlatdar Baroda
  5. Shri B.R. Dholakia, on behalf of GR
  6. Shri A.K. Agnani, on behalf of GR
  7. Shri B.D. Patel, on behalf of GR
  8. Sarpanch, Bajwa, Shri Bhogilalbhai Patel
  9. Sarpanch, Koyali, Chimanbhai Patel
  10. Sarpanch, Karachia, Chandubhai Patel
  11. Dy. Sarpanch, Dr. Harmanbhai Patel
  12. Village Panchayat Member, Karachia
  13. Village Panchayat Member, Karachia
  14. Village Panchayat Member, Karachia
1. The priority in jobs will be given to those who have been earlier interviewed. While giving priority in the employment, the merit list will be taken into consideration. All villages will be given equal representation in the employment. The left out names of the land loser due to administrative error of Employment Exchange will be sponsored by Employment Exchange and such cases will be added to the selection panel of the candidates drawn in 1978.

The names of such persons who are not registered with Employment Exchange will be registered within 10 days and the same will be sent to GR and thereafter such persons will be interviewed within 2 months. The list of successful candidates will be made

depending upon their suitability and they will be given employment as and when vacancies arise. This empanelled candidates will be taken in employment after exhausting earlier panel.

As mentioned above the final list will be prepared and employment will be given from this list only.

Only about 5 persons are left out for the employment who have lost their land in 1962-63 and they may be considered, if they represent.

2. It is not possible to provide employment to all land loser at a time as per rules. Will such time Land Loser get permanent job in Refinery the following facilities may be given:—

a. Tea lorry opening permission may be given in GR construction area so that 4-5 person can get supplementary work. Such names will be given to GR by respective village sarpanch.

b. GR will make arrangement to get them in job contracts. Such arrangement will be made only if contractor has vacancies. GR will try its best to help in this connection.

3. Relaxation in the standard of suitability:—

Collector on behalf of Govt. requested GR to give employment to atleast one person from the family in non-technical vacancies by giving some more relaxation in the qualification criteria.

Considering the request GR on humanitarian ground, has shown readiness to see this problem sympathetically. Moreover, it is also decided that such relaxation will be applicable only to those candidates who are on select panel. No such relaxation would be given in future in any of the cases. Thereafter, relaxed standard will not be applicable to left-out candidates after interviews are over. That is those who have completed 18 years of age as on date and who have been interviewed or are to be interviewed as above, will only get above relaxation.

Regarding representation by village people and sarpanch of Karachia village relating to land acquisition, following will take place:—

Even though employment has been given to one person from the family affected due to land acquisition earlier, other member of the family may be considered for employment, as a special case, in case the family has lost entire land. Such cases, if any, shall be forwarded to GR by Village Sarpanch. Only 8—10 such cases are there which will be submitted by Sarpanch latest by 30.4.81. Names of such

persons to be considered as special case, will be included at the bottom of the Merit List and they will be employed as and when vacancies arise.

No further names will be added to the list of selected candidates. However any such subject matter may be considered with the permission of District Collector.

4. Regarding acquisition of Karachia village land:—

At present discussions are going on regarding acquisition of Karachia village land and handing over possession to GR.

In this regard village people do not have any objection for handing over the possession. It is felt that the discussions were satisfactory during the meeting.

Villagers are ready to hand over the possession on 21.4.81. The above record note of discussions were made on 9.3.81 and 12.3.81 at 3.30 PM and all the members who remained present have signed it. List will be prepared by GR within 2 months.

*On behalf of GR*

1. Shri BR Dholakia, PAM
2. Shri AK Agnani,
3. Shri BG Patel

*On behalf of Villagers*

1. Sarpanch—Bajwa
2. Sarpanch—Koyali
3. Sarpanch—Karachia
4. Village Panchayat  
Member—Karachia

*As mediator*

1. Collector, Vadodara—Shri Ashok Chawla
2. Asstt. Collector, Vadodara
3. Add. Mamlatdar, Vadodara



Record note of discussions held with Asstt. Collector, Baroda with regard to Employment of Land losers on 27-9-82

1. The record note of discussions held with the Collector on 9/12-3-1981 together with the details of land holding/required by Gujarat Refinery as given by Mamlatdar as per the instructions of Asstt. Collector earlier was reviewed in details.
2. In view of the decision to give employment to those who have lost total or near total land, on proportionate basis, 21 posts available for employment were to be distributed as under :

Koyali	—	19
Karachia	—	7
Undera	—	2
Bajuwa	—	1
		<hr/>
		21

It was also noted that those who have lost land from their total holding to the tune of 10 gunthas or less do not qualify as land losers.

ANNEXURE D

Land losers employed in G.R. yearwise

Sr. Village No.	Year																		Total
	63	64	65	66	68	73	74	76	77	78	79	80	82	83	84	93	94	96	
01 Karachia	01	—	—	—	08	06	01	02	01	12	32	08	04	10	04	—	02	02	093
02 Koyali	09	10	05	04	14	12	—	—	05	21	36	12	05	16	04	—	08	05	166
03 Undera	—	01	—	—	01	02	01	01	—	03	03	—	01	05	—	—	01	—	019
04 Dhanora	—	02	01	—	10	01	01	—	01	—	—	—	—	—	—	—	—	—	016
05 Baiwa	—	—	—	—	03	—	—	—	—	02	05	—	01	01	—	01	01	01	015
06 Angadh	—	—	—	—	—	—	—	—	—	—	01	01	—	—	—	—	01	—	003
07 Ranoli	—	—	—	—	01	—	—	—	—	—	—	—	—	—	—	—	—	—	001
08 Sherghi	—	—	—	—	01	—	—	01	—	01	01	—	—	—	—	—	—	—	004
09 Fazaipur	—	—	—	01	04	—	—	—	—	—	09	02	—	—	—	—	01	01	018
10 Nandesari	—	—	—	—	01	—	—	—	—	—	—	—	—	—	—	—	—	—	001
Total	10	13	06	08	43	21	03	04	07	39	87	23	11	32	08	01	14	09	336

No. 15/13/84—IPS(C)  
Ministry of Industry  
Department of Public Enterprises  
Bureau of Public Enterprises

CGO Complex, Block 14,  
Lodi Road, New Delhi—3  
Dated the 3rd Feb. 1986

## OFFICE MEMORANDUM

SUBJECT:—*Land acquisition and rehabilitation aspects involved in major projects.*

Government have been seriously concerned about the lack of uniformity in approach in regard to acquisition of land for projects and alleviation of the difficulties faced by the dispossessed persons. After careful consideration of the matter in all its implications, Government have decided as follows.

2. *Land Acquisition*

(i) Where land acquisition becomes inevitable, the selection of site should be done by a Committee consisting, among others, also of a representative of the State Government. After deciding the district in which the Project is to be located, the Committee should indicate to the district administration the extent of land required, as also the basic infrastructural requirements, for suggesting various alternative sites in the district. The site suggested by the district administration may be inspected by the Committee before a final selection is made. While selecting the site every effort should be made to avoid acquisition of valuable agricultural land especially wet land, forest land or ecologically fragile land. The acquisition of whole villages should also be avoided as far as possible. The primary aim should be to cause the least amount of disturbance to human habitations and their way of life. With a view to avoiding acquisition of land far in excess of the requirements, the project authorities in the detailed project report should clearly indicate the minimum quantum of land required for setting up the unit along with detailed justification, functional distribution etc. and such requirements should be supported with a map duly authenticated by the State Governments and their willingness to acquire land for the purpose. The requirement of land for expansion in the foreseeable time horizon should be taken into account but at best such additional requirement could be only 25% of the land required in the initial project. The Public Investment Board, while considering the project, will examine the requirement of land

and give its recommendations on the extent of land which it considers to be justified for the project.

(ii) Many of the existing public undertakings have in their possession lands far in excess of their present requirements and also possible expansion in the near future. A survey may be undertaken by the administrative Ministries/Departments/Undertakings to identify such surplus lands. This survey should be completed by Sept. 30, 1986. After identification, the surplus land could be transferred for the appropriate use by Central Government Departments, or for the establishment of new public sector undertakings, or for location of ancillary units. Such land could even be considered for transfer to the State Governments for setting up small industrial units or industrial estates. In appropriate cases, the surplus land could be released for afforestation. Wherever feasible, construction of housing projects for workers would also be considered on surplus land. If small chunks of land are available, these could be utilised for promoting housing cooperatives of the employees of the public sector undertakings. The transfer of surplus land will, in all cases, have to be decided after taking into consideration the terms and conditions in the original deed of acquisition.

(iii) Government consider it desirable to set up a joint management agency for the planning and provision of common services and amenities to public sector enterprises contiguously located especially for items like townships, water supply, medical and educational facilities etc. The feasibility of establishing services and facilities for the projects to be set up in the same area will be considered by the Department of Expenditure in consultation with the concerned Ministries/Departments and the Ministry of Environment and Forests and placed before the Public Investment Board for a decision.

(iv) Before deciding on fresh acquisition of land, the concerned Industrial Infrastructure Development Corporations of the States should be consulted and the availability of acquired land with them ascertained. This will minimise the need for new acquisition with all its consequent problems.

3. *Compensation:* The land acquisition authorities should streamline the procedure for payment of compensation in the light of the provisions of the recently amended Land Acquisition Act. It should be ensured that the compensation amount is disbursed to the real beneficiaries within a reasonable time. The Department of Rural Development will separately undertake case studies on the procedure being followed in regard to land acquisition, payment of compensation to affected persons, the time taken to complete the formalities etc. and suggest measures for further improvement in the system. It will be the responsibility of the concerned State Governments to remove any encroachments noticed on land notified under the Land Acquisition Act.

4. *Rehabilitation:* (i) Each Land Acquisition Unit will have a small Rehabilitation Cell. This Cell will identify the persons who are to be treated as dispossessed persons following the acquisition of land and forward a list of all such persons to the project authorities. The cost of running this cell will be met by the project authorities, for a limited period (say 2 or 3 years) as may be agreed to between the Project authorities and the State Governments.

(ii) Rehabilitation assistance will be limited to those whose land or homesteads are acquired provided they are themselves cultivating those lands or residing in the homesteads. Absentee landlords will not be entitled to any rehabilitation assistance.

(iii) Persons whose land holdings have been completely acquired will be given priority in rehabilitation assistance as compared to others whose land has been only partially acquired. Where homesteads have been acquired, alternative house sites should be provided to the displaced persons. These sites should be provided with infrastructural amenities like roads, water supply, sanitation, educational and medical facilities etc. All expenditure thereon will be a charge on the project.

(iv) The Project authorities should be directed to examine the list of awardee families eligible for rehabilitation assistance received from the Rehabilitation cell with reference to their educational attainments and arrange for imparting to them suitable education and training to equip them to be considered for employment in the project, subject to availability of vacancies. Such education and training should be imparted through the existing and available training institutions of the State and the Central Governments. The projects authorities may meet the cost of training of the persons who are selected from among the evictee families. If suitable disciplines or faculties required for the needs of the public sector undertakings are not available with the existing training institutions, the Project authorities should undertake to fund and start such training courses which will equip candidates for employment in the public sector undertakings. Such training given at the cost of public sector undertakings should not be presumed to be a commitment for ultimate employment in the undertaking concerned. The main idea is to enable some members of the evictee families to qualify themselves for employment and compete for the same along with the others.

(v) In the context of the urgent necessity of public sector enterprises operating at commercially viable levels and generating adequate internal resources, over-manning has to be guarded against. Any understanding, formal or informal, in regard to offer of employment to one member of every dispossessed family in the project will stand withdrawn. However, with a view to encouraging the dispossessed families taking to useful avocations like poultry farming, animal husbandry etc. the project

authorities will assist the concerned State Governments in organising and financing such activities. The basic responsibility of initiating such schemes will be that of the State Governments.

(vi) The progress of rehabilitation of the dispossessed families will be monitored by the Rehabilitation Cells in the same manner as monitoring of the implementation of the project.

(vii) Where the dispossessed persons are tribals, the Ministry of Welfare and Ministry of Environment and Forests should also be associated with the preparation of their rehabilitation schemes.

(viii) The entire cost of rehabilitation covered in the preceding paragraphs should form part of the project cost. The amount which is required exclusively for rehabilitation purposes should form part of project cost and the financial calculations should take into account these costs while working out the economics of the project. If need be, the amount that is required for meeting the rehabilitation cost may be given by the Government either as grant or as equity depending upon the merits of each case.

5. The undersigned is directed to bring the foregoing decisions of Government which apply equally to public sector enterprises, departmental undertakings and directly executed works of the Central Government to the notice of all Ministries/Departments of the Government of India and to request that suitable instructions may be issued to all the offices/enterprises under their control to give effect to these decisions.

(T.S. RATNAM)

*Adviser (Construction)*

To

1. Ministries/Departments of Govt. of India.
2. All Financial Advisers.

Copy to :

1. Chief Executives of Public Sector Undertakings.
2. The Secretary, Central Vigilance Commission, (C.T.F.'s Organisation) Block 10-A, Jamnagar House, New Delhi-110011.
3. The Secretary, SCOPE, A-81, 8th Floor, Himalaya House, K.G. Marg, New Delhi 110001.
4. The Comptroller & Auditor General of India, 1C, Bahadur Shah Zafar Marg, New Delhi-110002.
5. PAD, Planning Commission.
6. Plan Finance Division, Deptt. of Expenditure.

7. Director, Central Electricity Authority, TPLA Directorate, Sewa Bhavan, North Wing, R.K. Puram, New Delhi.
8. Member, Audit Board & Ex-Officio Director of Commercial Audit (Petroleum & Oil), Rasheed Bhavan, 622, Anna Salai, Madras-600006.
9. Adv. (P), Adv. (F), Secy. (PESB), Director (M), Director (Wages) Director (I&R), DS (C), PS to Chairman PSEB, PS to Addl. Secy. and PS to Secy. (DPE).
10. Central Secretariat Library, New Delhi.

## SPECIAL CIVIL APPLICATION NO. 6371 OF 1986

Coram : A.P. Ravani, J.  
(April 7, 1988)

## ORAL ORDER:

The petitioners claim that in the year 1960-61 land belonging to their family was required for the purpose of Gujarat Refinery. Therefore they seek employment with the respondent Corporation on preferential basis. The averments made in para 10 and 11 of the affidavit-in-reply clearly disclose that the petitioners are not entitled to preferential treatment. There is no reason to disbelieve the averments made in para 11 to the effect that even the Central Government has given directions not to give such preferential treatment. Apart from Central Government's direction there is no reasonable basis for giving such preferential treatment to the family members of persons whose lands have been acquired for public purposes. The directions contained in letter dated January 11, 1977 written by the Joint Secretary to Government of India, addressed to the Chief Secretaries of the State Government *prima facie* contain discriminatory directions. Such directions cannot be enforced by way of writ petition under article 226 of the Constitution of India. Those who are deprived of their lands are paid adequate compensation under the relevant provisions of Land Acquisition Act. Simply because their lands are acquired for public purpose there is no reason why the family members of such persons should be given such preferential treatment disregarding the claim of those who did not have land in past and who are not likely to get land in future for so many years. Vast majority of the people who are landless and who do not possess sufficient property which can be acquired by the Government for some public purpose, should not be deprived of their legitimate right of equality in claiming appointment to all the public posts. Reliance placed on annexure-B dated 11th January, 1977 does not help the petitioners inasmuch as discriminatory directions cannot be given effect to by the Court. In above view of the matter the petition is rejected. Notice discharged.

April 7, 1988

A.P. Ravani, J.



**SCRUTINY OF THE DISTRICT COLLECTOR'S REPORT**

## FINDINGS OF SCRUTINY OF DISTRICT COLLECTOR'S REPORT

- \* District Collector's Report has been submitted *vide* letters dated 11.10.97 & 30.3.98.

### SOURCES OF VERIFICATION:

List of persons verified from:

- \* Revenue records
- \* Records available with Gujarat Refinery

Land acquired by Gujarat Refinery verified from:

- \* Land records of villages

List of applicants seeking employment verified from:

- \* Pedhinama

### Past decisions/documents—forming basis of DC's report

- \* 1978 - DC's decision to provide employment to one member from each family of the land losers against suitable vacancy in the Refinery.
- \* 1981 - Joint agreement signed *vide* which 5 more families were added to the list of land losers and agreed that no further would be added to the list of land losers.
- \* 1982 - Joint record note of discussions *vide* which it was decided as a basic principle that those losing land measuring 10 gunthas or more would only be considered as land losers or land dispossessed one.
- \* 1986 - Ministry of Industry - BPE's OM dated 3.2.86 mentioning among other things, that any understanding, formal or informal in regard to offer of employment to one member of every dispossessed family in the project will stand withdrawn.
- \* The decisions of various courts including High Court while rejecting the petition filed by land losers for preferential employment.

The provisions of the IOC Manual regarding the prescribed induction level qualification and age limit for recruitment.

**Analysis of Reports submitted by DC Vadodra**

<b>Total Enlisted Applicants in both Lists</b>	-	<b>606</b>
<b>Claimants in respect of Land Acquired-Prior to 1986</b>	-	<b>470</b>
<b>-After 1986</b>	-	<b>136</b>
		<hr/> 606
(a) <b>Employment given on land retained by Gujarat Refinery</b>	-	<b>122</b>
* Matric - more than 10 Gunthas	-	67
* Matric - less than 10 Gunthas	-	08
* Non-Matric - more than 10 Gunthas	-	39
* Non-Matric - less than 10 Gunthas	-	08
		<hr/> 122
(b) <b>Claimants in respect of Land transferred to State Government IPCL</b>	-	<b>105</b>
* Employment given by Gujarat Refinery on this transferred land	-	21
(c) <b>Survey no. not retained/available with Gujarat Refinery</b>	-	<b>12</b>
(d) <b>Repetitions of names against same survey nos.</b>	-	<b>79</b>
(e) <b>Remaining Families for rehabilitation</b>	-	<b>152</b>
		<hr/> <b>470</b>

**Analysis of 152 families**

* Matric - more than 10 Gunthas	-	68
* Matric - less than 10 Gunthas	-	12
* Non-Matric - more than 10 Gunthas	-	56
* Non-Matric - less than 10 Gunthas	-	16
		<hr/> <b>152</b>

**Analysis of 68 (Matric more than 10 Gunthas)**

* Sons	-	20
* Grand Son	-	46
* Grand Daughter	-	01
* Nephew	-	01
		<hr/> 68

**Recommendation of Collector restricts to:**

- (1) Land acquired prior to 1986
- (2) Matriculation incumbents
- (3) Who have lost more than 10 Gunthas of land

While giving recommendation, the Collector has raised a issue for consideration of the Committee that after the death of the original land owners and after a lapse of about 30 years, whether the 2nd/3rd generation land owners are to be considered for giving employment.

**Recommendations of the District Collector**

1. On humanitarian grounds, the 20 second generation heirs (son) whose land acquired measures 10 Gunthas or more and who possess minimum SSC/Matric qualification may be considered as suitable for employment subject to observing recruitment rules of the Refinery, availability of vacancies and compliance of formal recruitment procedure.
2. In case of other 48 candidates being of third generation it may not be appropriate to consider them for employment. However, it is for the Committee to take a final view in the matter.
3. The Committee may seek a decision from Central Government on office memorandum of 3.2.86 but as on date no relationship exist between land acquisition and providing employment, subsequent to the instructions dated 3.2.86.
4. Looking to the trend of continuously adding to the list of land losers by the interested party, it is necessary to put a seal on this at this stage itself in order that the matter does not remain open ended and it closes here once for all.

## **IOC'S ANALYSIS OF THE STUDY**

## **FINDINGS OF IOC'S ANALYSIS OF THE LISTS SUBMITTED BY LAND LOSER ASSOCIATION**

### **METHODOLOGY USED FOR STUDY**

#### **SOURCES OF INFORMATION :**

- \* A list of 606 applicants submitted by Land Losers Association indicating Name of Applicant, Qualification, Land Owners Name, Survey No. of Land Acquired, Measurement of Land, Year of Acquisition, Relationship of Applicant with the Original Land Owner, Land Acquisition Certificate No. & Remarks.
- \* Pedhinama i.e. Family Tree and Land Acquisition Certificate in respect of above 606 applicants received from Land Losers Association through Special Land Acquisition Officer, Vadodara.
- \* Our Land Records available in various awards and Data of Land available in Various Files & Registers etc.
- \* Details of Employment given to Land Losers against Land Acquired by Gujarat Refinery prior to 1987.
- \* Details of Land Transferred to IPCL/State Govt. as available in Das Gupta's Committee Report of 1969 and agreement for Transfer of land between Gujarat Refinery and IPCL in respect of Land Transferred in 1983.
- \* Personal Files of Land Losers Employed in Gujarat Refinery from time to time.
- \* Details of Employment given by IPCL on Land Transferred from Gujarat Refinery.

#### **PROCESS OF INTEGRATING DATA/INFORMATION:**

- \* The Data/Information regarding Land, Employment Transferred Land etc. mentioned in the forgoing para has been compiled in two ways.

**Manual Compilation:** The list of 606 applicants was first entered into computer and the same was verified with the Pedhinama and Land Acquisition Certificate given by the Land Losers Association and the discrepancies noticed were corrected.

Similary, the details of Land Acquired and retained, employment, trasferred land, employment by IPCL on transferred end etc. was also entered into computer and all the details were manually checked and correction made in PC to have the accurate information.

**Integration of Data/Information through Software:** A Software on "LAND MANAGEMENT SYSTEM" has been developed to prepare various reports on the list submitted by the Land Losers Association and also for future reference of existing Land/Employment details so that any claim for relief/rehabilitation can be verified online and replied immediately.

The Details of applicants were stored in the computer in a separate Data Base file. These details were compared through Software with our database on Land Acquisition, Transfer of Land, Employment in GR and Employment by IPCL on Transferred Land. After integrating data in this way, various output files were generated. The analysis based on these reports are as under

<b>Total Enlisted applicants in the two lists given by the Land Losers Association</b>	<b>606</b>
--	------------

**Analysis of 606 families**

- |  |     |
|--|-----|
| * Based on Survey numbers & Pedhinama No. of families against the lists of 606 | 401 |
| * Repetitions of names against same survey Nos.                                | 205 |

606

**Analysis of 401 Families**

- |  |     |
|--|-----|
| * Land acquired prior to 1986<br>(i.e. before Govt. Guidelines dt. 3.2.86) | 309 |
| * Land acquired after 1986   | 92  |

401

**Analysis of 309 families**

- |   |    |
|---|----|
| A. Employment already provided on the same survey<br>Nos. and land retained by Gujarat Refinery |    |
| * SSC + Land 10 Gunthas or more   | 73 |
| * SSC + Land less than 10 Gunthas   | 05 |
| * Below SSC + Land 10 Gunthas or more   | 41 |
| * Below SSC + Land less than 10 Gunthas   | 03 |

122

B. Land Transferred to Govt./IPCL (1969—682 acres—State Govt. 1983—55 acres—IPCL)			
* Employment given by IOC-GR	07		
* Employment given by IPCL	52		
* Employment given by IOC+IPCL	17		
* Employment not given	22		
			98
C. Land neither acquired nor retained by GR	09		09
D. Incomplete details of land/Pedhinama	03		03
E. Families having applicant's qualification below SSC			
■ Land measuring more than 10 Gunthas			
➤ Son	08		
➤ Grand Son	17	26	
➤ Nephew	01		
■ Land measuring less than 10 Gunthas			
➤ Son	07		
➤ Grand Son	05	13	
➤ Relationship not mentioned	01		
			39
F. Families having applicant's qualification SSC or above but have lost and less than 10 Gunthas			
■ Son	04		
■ Daughter	01		
■ Grand Son	03		08
G. Families left out for rehabilitation (SSC + land more than 10 Gunthas)			
■ Sons	09		
■ Grand Sons	20		
■ Nephew	01		30
			<hr/> 309 <hr/>

### Finding

Maintaining the same basis as recommended by District Collector only 9 claimants belonging to 1st generation who are matriculates and have lost more than 10 Gunthas are *prima-facie* entitled for consideration for employment.

\*\*\*\*\*



**COMPARATIVE ANALYSIS OF DC'S REPORT VIS-A-VIS  
IOC'S REPORT**

**COMPARISON BETWEEN IOC'S VERIFICATION EXERCISE VIS-A-VIS DISTRICT COLLECTOR, VADODARA REPORT**

	<b>Our Report</b>	<b>DC Report</b>
<b>Total Enlisted applicants in the two lists given by the Land Losers Association</b>	<b>606</b>	<b>606</b>
<b>Preliminary Analysis</b>		
<input type="checkbox"/> Based on Survey numbers & Pedhinama	401	527
<input type="checkbox"/> No. of families against the lists		
<input type="checkbox"/> No. of applicants shown extra/repetitions against same survey Nos.	205	79
	<b>606</b>	<b>606</b>
<input type="checkbox"/> Land acquired prior to 1986 (i.e. before Govt. Guidelines dt. 3.2.86)	309	470
<input type="checkbox"/> Land acquired after 1986	92	136
	<b>401</b>	<b>606</b>
<b>D. Employment already provided on the same survey Nos. and land retained by Gujarat Refinery</b>		
■ SSC + Land 10 Gunthas or more	73	67
■ SSC + Land less than 10 Gunthas	05	08
■ Below SSC + Land 10 Gunthas or more	41	39
■ Below SSC + Land less than 10 Gunthas	03	08
	<b>122</b>	<b>122</b>

	Our Report	DC Report
E. Land Transferred to Govt./IPCL (1969 - 682 acres - State Govt. 1983 - 55 acres - IPCL)		
■ Employment given by IOC-GR	07	21
■ Employment given by IPCL	52	—
■ Employment given by IOC + IPCL	17	—
■ Employment not given	22	84*
	98	105
F. Land neither acquired nor retained by GR	09	12
	09	12
D. Incomplete details of land/Pedhinama	03	—
	03	—
E. Families having applicant's qualification below SSC		
■ Land measuring more than 10 Gunthas	26	56
■ Land measuring less than 10 Gunthas	13	16
	39	72
II. Families having applicant's qualification SSC or above		
But have lost land less than 10 Gunthas		
■ Son	04	
■ Daughter	01	
■ Grand Son	03	
	08	12

\*DC had not studied employment given by IPCL on transferred land.

	Our Report	DC Report
I. Families left out for rehabilitation (SSC + land more than 10 Gunthas)		
■ Sons	09	20
■ Grand Sons	20	46
■ Nephew	01	01
		01 Grand Daughter
	30	68

#### REASONS FOR VARIANCE BETWEEN DISTRICT COLLECTOR'S REPORT AND IOC FINDINGS

- The District Collector Report was for 606 applicants, where as the current position is for No. of affected families arrived at after eliminating more than one name against same Survey Nos.
- DC's Report was based on the data furnished by Land Losers in the list of 606 applicants, land records of villages and the pedhinama where as our analysis is based on actual Land Acquisition Certificates linked with the Pedhinama submitted by the enlisted applicants.
- In the previous report of DC's apparently the actual number of families could not be worked out due to non availability of Land Acquisition Certificates in respect of all 606 applicants, which were obtained from the individual claimants this time by the Special Land Acquisition Officer nominated by District Collector for this exercise.

\*\*\*\*\*

## CONCLUSION & SUGGESTIONS

## CONCLUSION & SUGGESTIONS

Against the backdrop of our past experience that the issue pertaining to land losers has been surfacing after intervals of every 3 to 4 years, and the present issue is one such occasion, before suggesting further course of action, attention is drawn to the following aspects:

- The basic reason due to which the original land losers had been considered for employment was for the purpose of providing continuous source of livelihood to them as a part of rehabilitation package.
- As mentioned in the report of the District Collector that after the death of original land owners and after a lapse of about 30 years, whether the 2nd/3rd generation land owners need to be given employment.
- The issue of providing employment to the land losers was finally settled in 1981 with the intervention of District Collector and in agreement with Village Sarpanch.
- At present there is a restricted employment potential due to interventions such as Automation, Information Technology, right sizing, etc. leaving little scope for employment particularly for unskilled category.

## SUGGESTED COURSE OF ACTION

- (1) The DC, Vadodara, on the basis of records verified and in view of past decisions taken by his office in the years 1978, 1981 and 1982, Government guidelines of 1986 and various Court judgements has submitted a very comprehensive report along with his considered recommendations.
- (2) In his final analysis, DC has recommended that on humanitarian grounds 20 (2nd generation) applicants who meets the following criteria, may be considered for employment:—
  - Land acquired prior to 1986 i.e. before issue of Government guidelines
  - Qualification matriculation
  - Land acquired; more than 10 gunthas

As against the figure of 20 recommended by DC, our analysis indicate 9 such applicants who are eligible for consideration.

We agree to comply with all the principles enunciated by the District Collector in his report which is pending consideration of the Hon'ble Committee. The variance in number between the analysis of the District Collector and IOC Report can be further scrutinised at the level of District Collector, Vadodara and the issue resolved.

DC in his report has also identified 48 candidates who belong to 3rd generation (grand children) who are meeting the aforementioned eligibility criteria. He has, however, indicated that it may not be appropriate to consider them for employment. However, he has left upon the Committee to take a final view in the matter.

While summing up it is reiterated that we are agreeable to comply with the recommendations of DC and in this regard the Hon'ble Committee on Petitions may take a final view in the matter.

\*\*\*\*\*