

COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

TWELFTH REPORT



[Presented to Lok Sabha on 3 May, 1994]

LOK SABHA SECRETARIAT
NEW DELHI

April, 1994/Vaisakha, 1916 (Saka)

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COMPOSITION OF THE COMMITTEE ON PETITIONS
(1993-94)

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3. Shri Naresh Kumar Baliyan
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7. Dr. B.G. Jawali
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9. Shri Sarat Chandra Pattanayak
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11. Shri Muhi Ram Saikia
12. Shri Gabhaji Mangaji Thakore
13. Shri Ramesh Chand Tomar
14. Shri Arjun Singh Yadav
15. Shri Satya Pal Singh Yadav

SECRETARIAT

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Shri S.C. Gupta	— <i>Joint Secretary</i>
Shri R.K. Chatterjee	— <i>Deputy Secretary</i>
Shri J.P. Jain	— <i>Under Secretary</i>

TWELFTH REPORT OF THE COMMITTEE ON PETITIONS
(TENTH 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 Twelfth Report of the Committee to the House on the following matters:—

- (i) Petition No. 25 regarding rehabilitation of persons affected due to construction of Tarapur Atomic Power Project No. 3 & 4.
- (ii) Other representations:—
 - (a) Representation from Smt. Krishna Devi regarding Grant of Freedom Fighter Pension.
 - (b) Representation from Shri Ravindra Nath Dhingra regarding restoration of cancelled lease and refund of misuse charges by DDA.

2. In connection with the petition regarding rehabilitation of persons affected due to construction of Tarapur Atomic Power Project, the Committee undertook on the spot study visit to Bombay/Tarapur from 13 to 14 October, 1993 and held informal discussions with petitioners, the Department of Atomic Energy and the Ministry of Rehabilitation of the State Government of Maharashtra.

3. The Committee considered the draft Report at their sitting held on 28 April, 1994 and adopted it.

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

NEW DELHI;
28 April, 1994.

P.G. NARAYANAN,
Chairman,
Committee on Petitions.

PETITION NO. 25 REGARDING REHABILITATION OF PERSONS AFFECTED DUE TO CONSTRUCTION OF TARAPUR ATOMIC POWER PROJECT NO. 3 & 4

Introductory

1.1 Shri Ram Naik, M.P., presented to Lok Sabha on 18 December, 1992, a petition (No. 25—See Appendix-I—signed by Shri D.R. Raut, Chairman, Shri Gangadhar J. Patil and other members of the Tarapur Anushakti Prakash Pedit Janata Sammiti, Akkarpatti) regarding rehabilitation of persons affected by the construction of Tarapur Atomic Power Project No. 3 & 4.

1.2 The petitioners prayed for proper compensation of the acquired land, alternative land for agriculture, housing accommodation and employment to the affected persons.

1.3 The petition was forwarded to the Department of Atomic Energy for furnishing their factual comments on the points raised therein for being placed before the Committee on Petitions. The Department of Atomic Energy furnished their comments on 4 March, 1993.

1.4 The Committee on Petitions considered the comments furnished by the Department of Atomic Energy. The Committee also undertook an on-the-spot study visit to Bombay/Tarapur on 13 & 14 October, 1993. The Committee discussed the various problems and issues with the petitioners, the Department of Atomic Energy and also the Ministry of Rehabilitation of the State Government of Maharashtra.

Detailed Background

1.5 The Tarapur Atomic Power Station with two boiling water reactors namely TAPS 1 & 2 of 210 MWe capacity each was commissioned in April 1969 and was declared commercial in November, 1969, under the agreement for co-operation between the Governments of USA and India. These two units have been rerated to a level of 160 MWe each since 1985 and have been feeding power to Maharashtra and Gujarat States. It was proposed to add two more units—TAPP 3 & 4 of 500 MWe each at the site, the construction of which is proposed to commence during the 8th Five Year Plan. The environmental clearance for the site for TAPP 3 & 4 was accorded by Union Ministry of Environment & Forests in July 1990.

subject to preparation of a rehabilitation project by the Project Authorities which would be acceptable to the Ministry of Environment & Forests. Financial sanction for TAPP 3 & 4 project was accorded by the Govt. in Jan. 1991. The area within the radius of 1.6 Kms. around the site has been declared as exclusion zone and no habitation is permissible in this area. For this exclusion zone, land measuring 217.20 Hectares is proposed to be acquired from the villages of Popharan and Akkrpatti. Out of this 57 Hectares is Govt. land and the remaining 188.26 Hectares have to be acquired from private holders. These would be the Project Affected Persons (PAPs). A total of 956 families will be affected by the acquisition and they are proposed to be rehabilitated at alternate sites with their consent.

Rehabilitation being a state subject, the Govt. of Maharashtra has taken up the rehabilitation Project Affected Persons (PAPs) as per the norms laid down in Maharashtra Rehabilitation of PAPs Act 86. The project authorities i.e. the Nuclear Power Corporation of India Ltd. have agreed to finance the rehabilitation package as per the recommendation of the Govt. of Maharashtra. The land acquisition proceedings have been taken up by Maharashtra Govt. It was proposed to take the possession of the land in the month of November 1991 and later in the month of Sept. 1992, but the Hon'ble Minister of Revenue granted a stay on the same in view of the opposition from the PAPs. A rehabilitation package acceptable to the Project Authorities (NPCIL), Govt. of Maharashtra and the PAPs has been under discussion among the 3 parties mentioned above since Jan. 1990. Subsequently, the rehabilitation package has been discussed with the PAPs in various fora.

1.6 During the on-the-spot study visit, the Committee were furnished with a written note from the Additional Collector, Thane indicating the present position in regard to acquisition proceedings of the lands of the affected villages. It has been stated *inter alia* that this project has sent proposal of acquisition of lands from village Akkrpatti and Popharan Talukas Palghar. Almost all lands and Gauthan of both the villages are under acquisition. The total lands under acquisition are as under:—

Sl. No.	Village	Lands under acquisition			Total land H. Ares
		under urgency clause H. Ares	under non urgency clause H. Ares	Gauthan under urgency clause H. Ares	
1.	Akkarpatti	9.83.4	46.53.6	6.52.3	102.89.3
2.	Popharan	1.27.9	20.39.0	—	61.66.9
		11.11.3	66.92.6	6.52.3	164.56.2

The gauthan lands of both the villages are under acquisition.

1.7 About the acquisition of lands the present position under Urgency Clause is as follows:

(i) *Akkarpatti Village*

In respect of acquisition of lands from village Akkarpatti measuring 49.83.4 hectares, the Award has been declared on 22.9.1993 by the Special Land Acquisition Officer, Surya Project, Dahanu. The payment of amount of compensation and taking over possession of the above acquired lands is being arranged shortly.

(ii) *Popharan village*

The final Award of acquisition of 41.27.9 hectares area of lands from village Popharan has been declared on 13.9.1993 by the Special Land Acquisition Officer, Surya Project, Dahanu. The payment of amount of compensation and taking over possession of required lands is being arranged shortly.

1.8 In this connection, the Department of Atomic Energy in their communication dated 17 September, 1993 intimated the views of the Ministry of Environment and Forests regarding rehabilitation of the Project Affected Persons. It has been stated *inter alia* that "the Ministry of Environment & Forests (MOEF), have stipulated the preparation of a satisfactory rehabilitation plan, in consultation with the State Government of Maharashtra, as condition while granting environmental clearance to the Project. A rehabilitation package acceptable to the project authorities (NPCIL), State Government of Maharashtra and the Project Affected Persons (PAPs) has been under discussion amongst these parties since January, 1990. The State Minister of rehabilitation has been chairing these discussions himself. In view of the fact that the Central and State Projects exist side by side quite often, it becomes necessary that the rehabilitation for the Project Affected Persons of the two projects is carried out on terms which are comparable. An attempt has, therefore, been made during these discussions to bring about a re-conciliation between the guidelines of rehabilitation being pursued by Ministry of Environment and Forests, Government of India and the State Government of Maharashtra.

The Government of Maharashtra have finally decided a package of rehabilitation for project affected persons (PAPs) in consultation with project authorities which has been forwarded to the Ministry of Environment and Forests. The Ministry of Environment and Forests, has,

however, not agreed to this package, as it was not found satisfactory by them. The State Government of Maharashtra is reluctant to enlarge the package of rehabilitation as per the suggestions of Ministry of Environment and Forests, because it feels that the rehabilitation is a State subject and a package of rehabilitation prepared to satisfy Ministry of Environment and Forests would give rise to a number of difficulties for the State Government."

Issues

1.9 The petitioners have highlighted some of the major demands in their petition. Some of them are dealt with in the following paragraphs.

I. Compensation for the land acquired

1.10 The petitioners have pointed out that the present market value of the agricultural land should be paid as per the rehabilitation rules framed by the Central Govt. However, the State Government are not considering this point on the ground that the other future projects in Maharashtra will claim such a similar compensation.

1.11 In this connection, the Department of Atomic Energy in their comments dated 3/4 March, 1993 stated that in a meeting held on 2.7.92 between PAPs & Divisional Commissioner, PAPs demanded compensation at the rate of Rs. 30,000 and Rs. 15,000 per acre of Kharif land and varkas land respectively and Rs. 200 per hectare for pothkharab land. The same was recommended for acceptance by commissioner. This recommendation was accepted in the meeting held on 9.9.92, by the Govt. of Maharashtra and Project Authorities and it was decided that the Minister for rehabilitation, Govt. of Maharashtra will discuss this further with Shri Ram Naik, M.P. of the area who will, in turn, discuss it with PAPs. The issue was discussed with Shri Ram Naik on 9.10.92 and a final decision is yet to be taken.

1.12 In this connection, the Additional Collector, Thane, in his resume on the matter furnished to the Committee on 13 October, 1993 has stated *inter alia* that the matter about the rate of lands payable to the villagers of these two villages is under decision with the Hon'ble Minister, Resettlement. In the last meeting held on 9.10.1992, the Hon'ble Minister, Resettlement, the representatives of Project Affected Persons, requested to postpone the acquisition proceedings till the final settlement of land rate and other rehabilitation problems. But in the above two cases the last dates of declaration of Awards were due in by 24.9.1993. If the Awards would have not been declared the acquisition proceedings in both the cases would have been lapsed.

In two land acquisition cases in which the Awards have been declared, the villagers are getting total amount of compensation per hectare of land of different categories as detailed below:

(1) Akkarpatti Village

Category showing assessment of land per hector		Land rate per hector applied to Category	Total amount of compensation including 30% solatium and 12% additional compensation
Rs.	Rs.	Rs.	Rs.
0	65	26175	42094
1	00	26460	42553
5	35	29940	48149
15	25	37895	60910
29	05	48945	78713

(2) Popharan Village

0	75	25000	40125
1	10	25000	40125
5	80	26000	41730
10	15	27000	43335
16	65	27000	43335

On fixation of rate of lands by discussion with the Hon'ble Minister, the differential amount between the amount payable at the rate fixed by the Hon'ble Minister and the amount of compensation declared in above two cases will be payable to the Khatedars as ex-gratia.

1.13 The Additional Collector in his note has further stated that in the last meeting held by the Hon'ble Minister (Resettlement) it was told to Project Affected Persons that Govt. is considering to sanction the enhanced land rates for payment of compensation as shown below:

1. Kahrip land Rs. 30,000/- per hectors.
2. Warkas land Rs. 15,000/- per hectors.
3. Pot Kharaba Rs. 200/- per hectors.

It is yet to be finally decided.

II. Alternative Land

1.14. The petitioners have stated that amongst the affected persons more than 90% are farmers. Their means of livelihood depends on farming.

Therefore, the agricultural land is required for their future rehabilitation and livelihood; however, the Maharashtra Government is reluctant to "provide land-to-land" for rehabilitation on the plea that "this project is not irrigation project".

1.15 In this connection, the Additional Collector, Thane, who furnished a written note to the Committee on 13.10.1993, has stated *inter alia* that the Project Affected Persons are demanding alternate lands for their lands being acquired. But the lands are not available to give them alternate area of lands. Also as this project has no benefited zone, the Project Affected Persons are not entitled as per provisions of Resettlement Act, for getting alternate lands.

1.16 The lands from village Ghivali and Akkarpatti total 113.83.0 hectares was acquired for its stage of this project, the year 1962-64. There were 234 khatedar project Affected persons and 24 non khatedars. The compensation of acquired land at the rate of Rs. 5,227.50 per hectares was granted and the alternate lands were given to these Project Affected Persons in the villages shown below:

S. No.	Name of village	Alternate land	granted to total No. of area (Acres) P.A.Ps.
1.	Vengani	90	177.08.12
2.	Akkarpatti	32	97.30.04
3.	Patharadi	28	84.11.04
4.	Saravali	25	75.03.12
5.	Agwan	71	107.00.00
		246	561.14.12

1.17 Thereafter in IIInd stage the lands measuring 142.90.0 hectares was acquired for the project in the year 1982-83 for 391 khatedars. In the second stage no alternate land was given to them but the comepensation was granted to them at the enhanced rate of Rs. 15000/-per acre for kharif and at Rs. 12000/- per acre for warkas land.

1.18 In the third and fourth stage also the Government is considering to sanction enhanced rate of land for payment of compensation as no alternate land is being given.

III. Housing Accommodation

1.19 In the petition, the petitioners have pointed out that rehabilitation of housing should be provided as was done for the project affected persons in the other projects of the Nuclear Power Corporation, such as Kakrapara, Kaiga, Narora. etc.

1.20 In the written note furnished to the Committee by the Additional Collector, Thane, on 13.10.1993, it has been stated that as per present Government orders the house building loan at Rs. 8000/- for khatedars and Rs. 4000/- for non khatedar is admissible. In the meeting held on 2.7.92 it was decided on Project Affected Persons demand to grant loan to P.A.Ps. of this project at 25% increased rate. It will be admissible to them as Rs. 10000/- for khatedars and Rs. 5000/- to non khatedars. Besides, of this, they will be getting compensation of their houses as per valuation made by the P.W.D.

IV. Employment to Project Affected Persons

1.21 The petitioners have demanded that suitable employment be provided to each Project Affected Person in the Project itself, as they would be losing their means of livelihood.

1.22 The Additional Collector, Thane, in his note dated 13.10.1993 has stated *inter alia* that the project authorities have stated that about 300 employments in the various technical/non-technical categories will be made available in the project. The priority will be given P.A.Ps. in recruitment. The remaining P.A.Ps will be engaged/employed in other contract and labour works etc.

1.23 The survey of 956 families was made to find out the educational and other technical qualifications of the employable candidates in each family. The results of this survey were as under:

(1) Total families	956
(2) No. of families from which one person is already employed in project	184
(3) No. of families settled	291
(with members working outside)	475
(4) No. of families in the village of which one member per family eligible to be employed.	481
(5) Out of 481 families, No. of families in which candidates having educational qualification are available.	311
(6) Out of 481 families, No. of families in which candidates qualified for employment not available.	170

1.24 The employment is to be provided to 481 candidates. Out of them 311 are qualified to get employment and 170 having no sufficient qualification eligible to get contract or other work in the project.

1.25 During the discussion with the Hon'ble Minister for Rehabilitation of the State of Maharashtra on 14 October, 1993, the Committee were informed that a meeting was fixed for 20 October, 1993 by the Hon'ble Minister with the concerned interests for which two Members of Parliament, Shri Ram Naik and Shri Prataprao B. Bhosale were also being requested to attend. The aforementioned meeting as scheduled was held

on 20 October, 1993 which was attended to by the two Member of Parliament.

1.26 A copy of the Minutes of the meeting held under the Chairmanship of the Minister for Rehabilitation of the State of Maharashtra has been furnished to the Committee by the Department of Atomic Energy *vide* their communication dated 22 November, 1993. The Minutes contained a resolution adopted at the aforesaid meeting seeking out guidelines for rehabilitation of Project Affected Persons. (See Appendix-II)

1.27 After the discussion the Hon. Minister also gave instructions for issue of formal orders after obtaining acceptance of the Project Affected Persons and the Project Authorities in regard to terms and conditions of the resolution.

1.28 The Committee at their sitting held on 21 December, 1993 deliberated over the matter and felt that it was desirable to wait for some more time before making report to the House, as the final action taken by Government on the proposed package of rehabilitation being offered to the Project Affected Persons was still not available; and some major developments towards early rehabilitation of the Project Affected Persons were likely to take place shortly.

1.29 Accordingly, the Department of Atomic Energy were requested on three occasions to furnish the latest development/information on the matter.

1.30 The Department of Atomic Energy have sent a communication dated 18 April, 1994 stating as under:

"As mentioned in this department's O.M. dated November 2, 1993 forwarding therewith a copy of the minutes of the meeting held on October 20, 1993 by the Minister for Rehabilitation, Government of Maharashtra with the Project Affected Persons (PAPs), led by Shri Ram Naik, M.P., the Government of Maharashtra had finalised the rehabilitation package. However, according to recent indications from the Government of Maharashtra, the Project Affected Persons have some reservations to shift to the alternate locations earlier agreed to by them and have gone back on the commitment they had made. It is also understood that fishermen from Popharan, affected by the project living outside the 1.6 km. exclusion zone do not want their houses, etc. included in the acquisition of the village. Their stay in the area is considered undesirable by the project authority from the security angle. It would, therefore, appear that no final agreement has been possible between the Project Affected Persons and the Government of Maharashtra in the matter. However, this Department is in constant contact with the State Government to expedite the matter"

OBSERVATIONS AND RECOMMENDATIONS

1.31 The Committee note the demands of the petitioners regarding rehabilitation of persons affected by the construction of Tarapur Atomic Power Project (No. 3 & 4) including payment of proper compensation of the acquired land and alternative land for agriculture, housing accommodation and employment to the affected persons.

The Committee note that the rehabilitation being a State Subject, the Government of Maharashtra has taken up the rehabilitation of project affected persons as per the norms laid down in Maharashtra Rehabilitation of Project Affected Persons Act, 1986. The project authorities i.e. the Nuclear Power Corporation of India Ltd. have agreed to finance the rehabilitation package as per the recommendations of the Government of Maharashtra. Land acquisition proceedings have been taken up by Maharashtra Government. The acquiring of land for the proposed project could not be effected as the land acquisition was stayed by the Government of Maharashtra. Since then rehabilitation package acceptable to the project authorities, Government of Maharashtra and the project affected persons is under discussion and no agreed package plan acceptable to all the concerned parties could be worked out till date.

1.32 The Committee further note that the Government of Maharashtra have decided a package of rehabilitation for project affected persons in consultation with the project authorities. The Ministry of Environment and Forests, however, have not agreed to this package which according to them was not satisfactory and the State Government of Maharashtra is reluctant to enlarge the package of rehabilitation as per the suggestions of the Ministry of Environment and Forests. According to the State Government if the suggestions of the Ministry of Environment and Forests are accepted, then it would give rise to a number of difficulties to the State Government.

1.33 The Committee note that at the meeting held on 20 October, 1993 under the Chairmanship of Minister for Rehabilitation, Government of Maharashtra with the Project Affected Persons and attended to by Shri Ram Naik, M.P. and Shri Pratap Rao Bhosale, M.P. a rehabilitation package was worked out and Resolution passed in the meeting. Instructions were also issued by the Minister of Rehabilitation, Government of Maharashtra for issue of formal orders after obtaining the acceptance of the Project Affected Persons and the Project authorities for implementation of rehabilitation package for which the Resolution was adopted.

1.34 However, in their latest communication dated 18 April, 1994, the Department of Atomic Energy have informed the Committee that the Project Affected Persons have some reservations to shift to the alternate locations earlier agreed to by them and have gone back on the commitment they have made. The fishermen from Popharan living outside the 1.6 km. exclusion zone do not want their houses etc. to be included in the acquisition of the village. However, their stay in the area is considered

undesirable by the project authorities from the security angle. Therefore, no final agreement has been possible between the Project Affected Persons and the Government of Maharashtra in the matter.

1.35. The Committee feel that unnecessary and avoidable delay will cause further delay in implementation of the project and will add to the misery of the people who are being evicted from their land without providing them with alternate land and employment etc. They would urge upon the Government to take up the matter with the State Government on top priority basis and arrive at an agreeable package of rehabilitation which will satisfy the affected persons and at the same time will not cause any administrative inconvenience to the State Government of Maharashtra.

1.36 The Committee hope that a workable satisfactory rehabilitation package acceptable to all the parties would be arrived at soon and implemented as early as possible so that the main project of the expansion of the Tarapur Atomic Power Project is not delayed which would otherwise entail time-over run and cost over run of the Project which the nation as a whole can ill-afford in the present developmental stage.

II

OTHER REPRESENTATIONS

2.1 The Committee have considered two other representations by different individuals which were inadmissible as petitions.

- (i) *Representation from Smt. Krishna Devi, W/o late Shri Krishan Mohan Mishra, Village Satghara, District Raj Nagar, Madhubani (Bihar).*

2.2. Smt. Krishna Devi sent a representation to the Committee for denial of freedom fighters' pension which is legitimately due to her. When the matter was taken up with the Ministry of Home Affairs, the Ministry in their reply dated 23.9.1993 informed the Committee that the pension to the petitioner has already been sanctioned w.e.f. 6.7.1990.

- (ii) *Representation from Shri Ravindra Nath Dhingra, 13 Pusa Road, New Delhi.*

2.3 In his representation regarding restoration of cancelled residential leases and refund of alleged misuse charges by D.D.A., Shri Ravindra Nath Dhingra contended that the Delhi Development Authority unlawfully cancelled numerous residential leases for commercial use occurring prior to the enforcement of First Master Plan of Delhi i.e. 1st September, 1962 and also realised considerable money/misuse charges from the lessees.

The Ministry of Urban Development to whom he matter was referred to informed the Committee *vide* their communication dated 13 September, 1993, as follows:—

“The provisions of Section 14 of D.D. Act do not in any manner take away the right of the lesser to determine the lease in case of breach of the terms and conditions of the lease. If the land use prescribed in the master plan/zonal development plan for the land/building in question is contrary to the uses permitted under the lease deed, the lessee can apply to the lesser for permission to use the land/building for the purpose as specified in the master plan/zonal development plan. But without the permission of the lesser, the lessee is not entitled, in violation of the terms and conditions of the lease, use the land/building for the purpose specified in the master plan/zonal development plan.”

2.4. The Committee note with satisfaction that through their intervention, first petitioner has been provided with desired relief and in

case of second one, Ministries/Departments concerned have adequately explained the position factual, legal or otherwise.

NEW DELHI;
28, April, 1994

8 Vaisakha, 1916 (Saka)

P.G. NARAYANAN,
Chairman,
Committee on Petitions.

APPENDIX-I
(See Para 1.1 of the Report)
LOK SABHA
PETITION NO. 25
(Presented to Lok Sabha on 18.12.92)

To

LOK SABHA

NEW DELHI

The humble petition of villagers of Akkarpatti and Popharan Villages in Distt. Thane, Maharashtra.

SHEWETH

We the undersigned on behalf of villagers of two above mentioned villages, forward herewith a Petition for Justice regarding rehabilitation of the persons affected due to construction of Tarapur Atomic Power Project No. 3 & 4. The points in brief in this matter are as follows:—

Department of Atomic Energy (Nuclear Power Corporation) has undertaken construction of "TARAPUR ATOMIC POWER PROJECT" 3 & 4, a Central Government Project in district Thane in Maharashtra State. This is a power project and will generate electricity to be distributed for Industrial developments in the States of Maharashtra & Gujarat. The two villages namely "AKKARPATTI" & "POPHARAN" are affected due to this project, effecting about two thousand families, comprising 5 to 6 thousand persons, including acquisition of about 150 hectares of private owned agriculture land. Affected persons have no objection for this project. In fact affected persons are extending full co-operation for acquisition process. The acquisition authorities i.e. Government of Maharashtra enforcing to acquisition without finalising the Rehabilitation of project affected persons and our genuine demands.

This being a Central Government Project the Central Government's rules should be made applicable to the affected persons. In this connection, M.P. of our local constituency Shri Ram Naik has written letter to Hon'ble Prime Minister and also question in this matter was put in Lok Sabha question No. 3205 to answer on 11th December, 1991. In spite of this no concrete progress has taken place so far. The demands of the project affected persons are as under:

- (1) **Compensation of the acquired land**—The present market value of the agriculture land should be paid as per the rehabilitations rules framed by the Central Government. However, the State

Government not considering this point on the ground that the other future projects in Maharashtra will claim such compensation.

- (2) **Alternative land for agriculture**—(Land to Land) the affected persons are more than 95% farmers. Their means of livelihood depends on farming. Therefore, the agriculture land is required for their future rehabilitation and livelihood. The Maharashtra Govt. is reluctant to provide land to land for rehabilitation stating that this project is not irrigation project.
- (3) **Housing Accommodation**—The Rehabilitation of housing should be provided as other Nuclear Power Corporation Projects, such as KAKRAPARA, KAIGA, NARORA etc. have provided to affected persons of the concerned projects.
- (4) **Other Amenities**—The required amenities for New Village (Gaothan) for Rehabilitation should be made available as per Central Government Projects provided to other such projects.
- (5) **Employment**—Suitable employment be provided to each project affected persons in the project itself, as we are losing means of livelihood.
- (6) Out of project affected persons some are Fishermen to whom the place of their resettlement be given near the sea shore at suitable place.

The Government of Maharashtra, acquisition authority has started proceedings to take possession of our land on 15th November, 1991 to which we obtained stay from Revenue Minister of State. Neglecting this Stay Order the incidence of taking possession of land repeated on 15th September, 1992 though the paddy crop was standing in the field which was again stayed by concerned Minister. It is likely that the acquisition authority may again proceed for taking possession of the land. We, therefore, request your honour to stop this procedure till our full rehabilitation is completed.

We request this Supreme House of the nation to give due consideration to our above mentioned demands.

We appeal this Supreme House, with folded hands that, we are sacrificing, giving all our ancestral private properties for the cause of nation's development and for the progress in general.

We expect that, we need not be thrown out on the road without giving shelter, without giving means of livelihood. We demand our genuine rightful claims as citizens of India, within the provisions of fundamental rights as provided in the Constitution of India.

And your petitioners as in duty bound shall ever pray.

	Name of the Petitioner	Address	Signature or Thumb impression
1.	Shri D.R. Raut Chairman, Tarapur Anushakti Prakalp Pidit Janata Samiti	Tarapur Anushakti Prakalp Pidit Janata Samiti Akkarpatti C/o Shri Dattatray R. Rout, D-1, Madhav Nagar Society, 115, Bhawani Shankar Road, Dadar, Mumbai	sd/-
2.	Shri Gangadhar J. Patil and others	-do-	sd/-

Countersigned by Shri Ram Naik, MP Division No. 446

APPENDIX II

(See para 1.26 of the Report)

GOVERNMENT OF INDIA
DEPARTMENT OF ATOMIC ENERGY

CSM MARG,
Bombay-39.

No:11/1(13)/89 Vol.III-PSU- 1/1311

Nov. 22, 1993.

OFFICE MEMORANDUM

SUBJECT: *Petition regarding rehabilitation of Persons affected due to construction of Tarapur Atomic Power Project 3&4.*

The undersigned is directed to refer to the Lok Sabha Secretariat O.M. No. 51/CI/25/92 dated November 11, 1993 on the subject mentioned above.

In furtherance of the discussions the Lok Sabha Committee on Petitions had with the Minister for Rehabilitation, Government of Maharashtra on 14.10.1993, a meeting was convened on October 20, 1993 by Shri Shivaji Rao Deshmukh, Minister for Rehabilitation, Government of Maharashtra with the Project Affected Persons (PAPs) led by Shri Ram Naik, M.P. (Shri Pratap Rao Bhosale, M.P., a member of the Lok Sabha Committee on Petitions also remained present in this meeting on behalf of the Lok Sabha Committee. A copy of the minutes of the meeting in Marathi accompanied by its English translation, is enclosed. The points mentioned in the letter of the MP, Shri Ram Naik are covered in the minutes. However, details of action taken on the items discussed are awaited from the Government of Maharashtra.

As already indicated in the Department's OM of even number dated September 17, 1993, the package prepared and forwarded by the Government of Maharashtra is not acceptable to the Ministry of Environment & Forests. A statement comparing the guidelines of MOEF with the package prepared by Government of Maharashtra was already furnished as Annexure B to the OM referred to above.

In the above circumstances, the Nuclear Power Corporation of India Limited, (NPCIL), the agency executing the project and this Department are generally agreeable to the package finalised by the Government of

Maharashtra who are the authorities for implementing the Rehabilitation Scheme which is a State subject.

Sd/-

(P.B. NAIR)

Under Secretary to the Govt. of India.

Encl: As above.

Lok Sabha Secretariat,
(Shri T.D. Dhingra, Under Secretary)
Parliament House Annexe,
New Delhi-1.

Copy to

1. Shri Jonny Joseph,
Secretary,
Relief & Rehabilitation,
Government of Maharashtra,
Mantralaya, Bombay.
2. Shri V.R. Srinivasan,
Director,
Cabinet Secretariat,
New Delhi.
3. Shri B.S. Sethi,
Director (JSP),
TAPP 3&4, NPC.

Sd/-

(P.B. NAIR)

Under Secretary to the Govt. of India.

MINUTES OF MEETING HELD ON WEDNESDAY DATED OCTOBER 20, 1993 AT 4.30 P.M. UNDER THE CHAIRMANSHIP OF HON'BLE MINISTER (REHABILITATION) IN CONNECTION WITH REHABILITATION OF PEOPLE FROM AKKARPATI AND POPHARAN VILLAGES DISPLACED BY TAPS.

The list of persons who attended the said meeting is given in the Annexure enclosed.

Introduction

2. Government have received references in connection with various demands of the people from Akkarpati and Popharan Villages who have been displaced by Stage 3 & 4 of TAPS and meetings have been held at various levels with Government for formulating proposals with agreement of all in this connection. Similarly, Shri Ram Naik submitted a petition on behalf of the Project Affected Persons (PAPs) before the Parliament and in that context Parliamentary Petition Committee visited Tarapur on October 13, 1993 and discussed the demands of the PAPs with them. The said Committee also met Hon'ble Minister (Rehabilitation) on 14.10.1993 and had normal discussion with him. The Hon'ble Minister decided to hold a meeting alongwith Shri Pratap Rao Bhosle a member of the said Committee and an M.P. from Maharashtra on October 20, 1993 and proposed a Government meeting on the issue. This meeting is held accordingly.

3. Before the commencement of the meeting the representatives of the PAPs and some PAPs made oral submissions in respect of their demands. In the Statement they reiterated their previous demands only.

The gist of their main demands is as under:—

Demands of PAPs

- (a) Since farmers are being deprived of farms due to acquisition of farm land they should be given alternative farm land.
- (b) Taking into account the location of the land and existing market rate the compensation for acquired land should be given at the rate of Rs. 7.50 lakhs per hectare.
- (c) The Compensation should be given after getting the valuation of the houses made as per the existing rate of the Public Works Department.
- (d) The place of rehabilitating village should be decided in consultation

with PAPs and houses should be built there at Government expenditure.

- (c) Fisherman families should be rehabilitated adjacent to sea so that their profession is not affected.
- (f) PAP individuals may be provided with regular income by giving them jobs in the Project.

Gist of the discussion

4. The Hon'ble Minister (Rehabilitation) while considering the demands of the PAPs stated that implementation will be as per the parameters of the Rehabilitation Act and that the provisions of the said Act are for the benefit of the PAPs and Government will ensure that the Project Authorities will take firm action to provide facilities according to these provisions. He clarified that since the project has no beneficial zone, no alternative land can be provided for the acquired land. He also said that necessary proposals will be made taking into account reasonable demands of the PAPs. After that the formal meeting commenced. At the outset, Shri Pratap Rao Bhosle, M.P. told that PAPs have placed before the Petition Committee their demands and efforts should be made to take proper action in respect of the demands of the PAPs. Similarly he said that taking into account the progressive attitude of Government of Maharashtra in respect of rehabilitation in this meeting all should take action to satisfy PAPs to the maximum possible extent. Hon'ble Minister (Rehabilitation) and Shri Ram Naik, M.P. supported this.

5. Shri Ram Naik, M.P. while reiterating the demands of PAPs as a representative of the PAPs said that though Government was telling that there is no benefitted area for the project the Government have their own land or land transferred to other Departments especially to Dairy Development Department at village Kolga. He raised the issue of giving that land to PAPs. He pointed out that the said land is not being utilised by those Departments in this connection Shri Pratap Rao Bhosle, M.P., also stated that it was necessary to give such alternative farm land at that Rehabilitation Department should try to raise the question at the level of C.M. also. It was decided at the meeting that possibilities of this will be explored and accordingly rehabilitation Department was directed that they should inquire with the Dairy Development Department in this connection. Shri Ram Naik, M.P. stated that the village site arranged by Government was not convenient from fishermen's point of view. On this Commissioner, Konkan Divn. indicated that the land at village Chikhale acceptable to the fisherman has been transferred to Tourism Development Board. He also indicated that taking into account the restrictions of Central Government in respect of construction the village site can not be decided and from that point of view, the land earmarked at village Chikhale—Ambewad is convenient and action will be taken to provide route for traffic on the Sea side. When it was pointed out that the village site

proposed at village Morekuran is having encroachment, Commissioner, Konkan Div. said that so called encroachment was minor and it can be removed. He also said that sketchmap of the said sites has been made and PAPs had given approval to this earlier. In this connection, Additional District Collector pointed out that necessary confirmation has been obtained as per the instructions of Hon'ble Minister (Rehabilitation) given on 14.10.1993. After detailed discussions, villages Morekuran and Chikhale—Ambegoan were decided as village sites for rehabilitation of non-fisherman and fishermen respectively. Hon'ble Minister (Rehabilitation) suggested in this connection that the representatives of the PAPs may be invited by the Additional District Collector individually and their doubts may be removed. As per Rehabilitation Rules 1986 and Standing Orders of the Government, an owner will be given loan of Rs. 8,000 and other than the owner is given loan of Rs. 4,000 for house construction. In this connection it was clarified that though the demand of PAPs was loan of Rs. 25,000 without interest the Government's existing policy can not be deviated.

It was clarified at the meeting that a proposal raising the limit upto Rs. 15,000 was under consideration by Government and in this context the demand of PAPs to give loan of Rs. 15,000 to farmers and Rs. 10,000 to non-farmers can be considered. The plots are given in village site taking into account whether the affected persons are farmers or non-farmers. Shri Ram Naik, M.P. stated that even though in the present project land of some of the backward adivasis is not being acquired, they are losing their houses and taking into account the distance between alternative village site and existing farm land it has become difficult for them to utilise the farm land, such non-farm owners should be given plots of permissible area treating them as farmers. After taking into account the factual position in the matter it transpired that the demand is justifiable. In connection with housing loan it was clarified that loan cannot be given interest free.

At the meeting mainly the question of payment of compensation for the land of PAPs was raised. It is known to all that the PAPs have indicated their inability to accept the compensation payable according to Land Acquisition Rules, taking into account present market rates. Shri Ram Naik and Shri Pratap Rao Bhosle also stated that this issue should be considered on humanitarian grounds. It was decided at the meeting that since Government have, in principle, agreed to fix a consolidated rate, as Government is unable to give alternative land to the farmers, taking an overall view of the discussion the Hon'ble Minister may give suitable guidance in the matter.

The Commissioner, Konkan Divn. mentioned at the meeting that the proposal for acquiring the area was under consideration and stated that in case of two, Acquisition Resolution awards have been given. It was observed in this connection that according to the declared X award the rate for acquired area was payable within the limit of Rs. 26,000

to 48,000 per hectare and taking into account the solatium at 30% of compensation and compensation on other factors at 12% of compensation the farmers can get compensation at the minimum rate of Rs. 42,000 and maximum Rs. 78,000. However, if it was finally decided that alternative land for farm lands cannot be given and Government gives all-consolidated rate, leaving aside land acquisition, compensation which becomes admissible as per the law, the amount given over and above the amount payable as per the Land Acquisition Rules will have to be treated as ex-gratia payment. Hon'ble M.P. Shri Ram Naik stated that under special circumstances payment of ex-gratia payment to the persons affected by Central Govt. project may be considered. After considering the pros and cons of the issue, it was decided that Hon'ble Minister (Rehabilitation) should give guidance over consolidated rate. It was also decided while offering all consolidated rate, classification of the land into three classes viz. the quality of the land, its geographical location and its fertility should be made. In the detailed discussion Officers of the Project and Government Officers provided necessary information and Shri Ram Naik and Shri Pratap Rao Bhosle gave valuable guidance. In the context of the discussion the Hon'ble Minister (Rehabilitation) suggested that following Resolutions may be sent for the approval of the Government. He also gave instructions for issue of formal orders after obtaining acceptance of PAPs and Project Authorities. The resolution put up by the Hon'ble Minister (Rehabilitation) during the meeting are as under:—

- (a) Due compensation for the houses being acquired at village Akkarpati and Popharan may be given as per the existing system and rehabilitation should be done in the rehabilitated villages site as envisaged in provisions of Rehabilitation of Project Affected Persons Rules, 1986. Project affected persons who are fishermen may be rehabilitated at village Chichkale - Ambewadi and Project affected persons who are not fishermen may be rehabilitated at village Morekuran by providing necessary plots.
- (b) While distributing the plots, the same may be given to those backward and adivasi owners whose houses have been acquired but not the land, treating that their farm land has been acquired. Such plot will be limited only to the owners whose name has been recorded as farm land holder.
- (c) Farmers should be given housing loan of Rs. 15,000 and non farmers should be given loan of Rs. 10,000 and the interest may be charged at the rate of 6.25% per annum.
- (d) PAPs may be given certificates for employment under the Government. Similarly, those PAPs who take admission in the polytechnique in Thane District who are needy and qualified may be given training in order to acquire technical qualification and

expenditure on such training may be borne by the Project Administration.

- (e) If no alternative land can be given for the land being acquired for the project, compensation may be given at consolidated minimum rate of Rs. 1 lakh per hectare and maximum rate of Rs. 1.65 lakhs per hectare after classifying the land in 3 classes viz. its quality, fertility and geographical location. While making such payment any amount over and above the amount admissible under acquisition of land rules may be treated as ex-gratia payment while giving such ex-gratia payment it will include all other amounts (price of other factors).

It was decided that the resolution as above may be issued after obtaining necessary approvals. Hon'ble Minister (Rehabilitation) thanked the MPs. Shri Pratap Rao Bhosle and Shri Ram Naik, Government Officers and Project Authorities who attended the meeting. Shri Ram Naik assured that the PAPs will be induced to give necessary cooperation in setting up of the Project.

The following persons attended the meeting held at Mantralaya under the Chairmanship of the Hon'ble Minister (Rehabilitation) on Wednesday dated October 20, 1993 at 4.30 P.M. for rehabilitation of persons of village Akkarpati and Popharan displaced by TAPS.

- (1) Honourable Minister (Rehabilitation) Shri Shivaji Rao Deshmukh
- (2) Honourable M.P. Shri Pratap Rao Bhosle
- (3) Hon'ble M.P. Shri Ram Naik

Government Officers

- (1) Hon'ble Secretary (Rehabilitation) Shri Johnny Joseph
- (2) Hon'ble Commissioner, Konkan Divn. Shri Arun Bongriwal
- (3) Deputy Commissioner (Rehabilitation) Konkan Division Shri Kasabekar
- (4) Additional District Collector, Thane (Head Quarters Jawhar) Shri R.S. Sawant
- (5) Deputy Secretary (Rehabilitation), Shri H.B. Arekar
- (6) Under Secretary Revenue and Forest Department Shri Askok Karkhanis
- (7) Assistant Secretary Revenue and Forest Department Shri D.T. Padawe
- (8) District Rehabilitation Officer Thane (Head Quarter Jawhar) Shri Jadhav

Officers of DAE

- (1) Shri B.R. Prabhakara, Additional Secretary
- (2) Shri R.S. Saxena, Director
- (3) Shri G.S. Sethi, Director (JSP) Project Director.