

By Speed Post



**Government of India
National Commission for Scheduled Tribes**

**6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.**

File No. KDB/1/2019/STGAR/DELAAL/RU-II

Date: 14/06/2019

To

The Deputy Commissioner,
West Siang District, Aalo,
Arunachal Pradesh.

The Chairman & Managing Director,
N.H.P.C Office Complex,
Sector-33, Faridabad-121003
(Haryana)

Sub: Representation dated 06.02.2019 received in the Commission from Shri Kiri Dini Bogum, General Secretary, 1225 Hectare's Compensation Demand Action Committee, Lower Siang District, Arunachal Pradesh regarding prayer to direct the Deputy Commissioner, Lower Siang District, Likabali, Arunachal Pradesh to take proper actions in the matter of compensation against submergence of 1225 hectares due to construction of Lower Subansiri HE Project at Gerukamukh along compensation after re-assessment of loss-to NHPC Ltd. in accordance to R&R Policy 2008.

Sir,

I am directed to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 09/05/2019 on the above mentioned subject for necessary action. Action Taken Report in this regard may be furnished to the Commission at the earliest.

Encl: As above.

Yours faithfully,

(S.P. Meena)

Assistant Director

Tel: 24657271

Copy to:

Shri Kiri Dini Bogum, General Secretary, 1225 Hectare's Compensation Demand Action Committee, Lower Siang District, Arunachal Pradesh..

Copy for information to:

1. PA to Hon'ble Chairperson, NCST.
2. PA to Hon'ble Member(HKD)
3. SSA NIC (for hosting on Commission's website)

Government of India
National Commission for Scheduled Tribes

Sub:-Minutes of the Sitting held on **09.05.2019** at **4.00 P.M.** under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, NCST regarding to take proper action for payment of compensation against submergence of 1225 hectares due to construction of Lower Subansire HE Project at Gerukamukh along Assam – Arunachal Pradesh Boarder and to re-submit the report of compensation after re-assessment of loss to NHPC Ltd. in accordance to R&R Policy 2008.

KDB/1/2019/STGAR/DELAAL/RU-II

List of participants placed at Annexure A'

Representation dated 06.02.2019 received from Shri Kiri Dini Bogum, General Secretary, 1225 Hectare's Compensation Demand Action Committee, Lower Siang District, Arunachal Pradesh on the above mentioned subject.

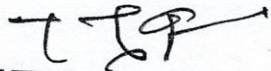
2. The matter was referred to the Deputy Commissioner, West Siang District, Aalo, Government of Arunachal Pradesh vide this Commission's letter of even no. dated 08.02.2019 to furnish the comments along with action taken report. Information was not received in the Commission from the State Government of Arunachal Pradesh.

3. Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes has fixed a Sitting in the Commission on **09.05.2019 at 04:00 P.M.** in the Commission's Conference Room, 6th Floor, 'B' Wing, Lok Nayak Bhawan, Khan Market, New Delhi to discuss the matter with the Deputy Commissioner, Government of Arunachal Pradesh and Chairman & Managing Director, N.H.P.C. Faridabad, Harayana.

4. During the Sitting the petitioner informed the following points to the Commission as under:-

- i. Total 1225 hectares of land in the upper stream of Subansiri river, West Siang District, Arunachal Pradesh is on verge of submergence due to construction of 2000 MW Lower Subansiri Hydro Electrical Power Project by NHPC on the Subansiri River. The land and people effect by construction (a) 77 families or Gengi and Siberite village (b) 29 persons/families whose only land and other properties other than homesteads are being affected (c) 10 community lands

- namely; Gengi, Siberite, Ditten, Tango, Sibe, Ossumpuri, Lutak, dibe, Durpai and Teyidu.
- ii. The NHPC Ltd executed an agreement on 05.09.2001(Rehabilitation and Resettlement Agreement) with the land owners including two villages in the presence of Deputy Commissioner, West Siang District, State Government of Arunachal Pradesh.
 - iii. In clause-8 of the R&R Agreement dated 25.09.2001, it was agreed the compensation of land, trees and other immovable properties shall be paid by NHPC to the landlords after due assessment verification and approval by the District Authority, State government of Arunachal Pradesh. The board constituted by two department (Deptt. of Forest and Land Revenue) and submitted its loss assessment report dated 01.02.2008 for payment of **Rs.84,11,97,75/-** for immovable properties namely land, trees, took patta and bamboo only but the economically important immovable properties (Agricultural, Horticultural, Herbal, Spice tree, Orchids and Medicinal trees) were not included in the loss assessment report dated 01.02.2008.
 - iv. The recommendation of Loss Assessment report dated 01.02.2008 was for Rs. **84.12** crores but Mr. Amjad Tak, then the Deputy Commissioner of West Siang District paid only **Rs. 68** crores to the land owners and told that it has been done in accordance with Arunachal Pradesh R&R Policy, 2008. No further compensation would be recommended from his side. Mr. Amjad Tak then the Deputy Commissioner was adopted illegal and irregular procedure for compensation against the land owners.
 - v. The Board was constituted vide letter dated 30.08.2011 conducted re-survey and re-assessment of the immovable properties and submitted its Loss Assessment Report to the Deputy Commissioner, West Siang District, Arunachal Pradesh as Loss Assessment Report dated 24.12.2012 amounting to Rs. 503,40,08,141/- and additional Loss Assessment Report dated 14.06.2013 amounting to Rs. 20.42.19,370/-
 - vi. The land owners categorically stated that the aforesaid amount of compensation is liable to be re-determined on the basis R&R Policy 2008 based on the right to fair compensation and transparency in land acquisition, Rehabilitation and Resettlement act 2013. However, they will be satisfied for the interest of nation if the concerned amount of **Rs. 523 crores plus Rs.16 crores (i.e. 84 crores-68 crores) plus any other after re-determination report for loss assessment is paid to the project effected people.**


डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


5. The Deputy Commissioner, West Siang District, Aalo, State of Arunachal Pradesh and Chairman cum-Managing Director of NHPC given the following reply on the issues raised in the representation which as under:-

- i. Memorandum of Agreement dated 27.10.2010 was signed between the Government of Arunachal Pradesh and National Hydro Power Corporation (NHPC Ltd.) for establishment of 2000MW Lower Subansari HE Project, Gerakamukh under the land acquisition Act, 1894 & Bengal Eastern frontier Regulation, 1873. No land Acquisition Act or any other law were followed in Arunachal Pradesh for establishment of 2000MW Lower Subansari HE Project.
- ii. The seriousness of the case Mr. Amjad Tak, Deputy Commissioner, West Siang District to conduct re-survey and re-assessment of all the lapsed immovable assets such as Agricultural, Horticultural, Herbal, Spice tree, Orchids and Medicinal trees/plants which was wrongly left out in the Loss Assessment Report.
- iii. Mr. Amjad Tak then the Deputy Commissioner, West Siang District, there was no hearing on the part of the affected families and the land of the affected families are adjoining to each other wherein the 77 PAFs were paid compensation under the R&R Agreement, 2001 and others including 29 individuals and 10 community lands and clan lands were paid compensation under the UN-classed State Forest Areas(USF) wherein the USF has not been notified yet and therefore the compensation to the other individuals should have been paid under the R&R Agreement,2001.
- iv. The land owners were paid only **68 crores** out of the figure of loss assessment report dated 01.02.2018 to the tune of **Rs. 84.12 Crores**. The remaining compensation of Rs.16 Crore which was due out of the total loss of Rs.84.12 crores according to the loss assessment report dated 01.02.2008. The said Rs. 68 Crores were assessed because of the R&R Policy, 2008 which policy was taken into consideration the factor of USF.
- v. The amount of 68 crores have been paid out of which Rs.51 crores were paid to 77 Project Affected Families(PAFs) and the balance of Rs.17 crores were paid to the 29 Individuals, 10 committee lands and 3 clan lands which was distributed under USF, Assam Forest Regulation,1891.
- vi. The Board was constituted vide letter dated 30.08.2011 conducted re-survey and re-assessment of the immovable properties (Agricultural, Horticultural, Herbal, Spice tree, Orchids and Medicinal trees/plants) and submitted its Loss Assessment Report to the Deputy Commissioner, West Siang District, Arunachal Pradesh as Loss Assessment Report dated 24.12.2012 and 15.02.2013 amounting to **Rs. 503,40,08,141/-** and additional Loss Assessment Report dated 14.06.2013 amounting to **Rs. 503,40,08,141/-**

amounting to Rs. 20.42.19,370/- only. The total compensation is Rs.523,82,27511/-

- vii. Swetika Sachan, Deputy Commissioner, West Siang District, Aalo has also requested to the Commission to resolve this compensation issue at the earliest as per the provisions of the agreement dated 05.01.2001 between the NHPC and the PAF.

6. After detailed discussion with the Deputy Commissioner and Chairman cum-Managing Director of NHPC and the petitioner, the Hon'ble Chairperson, NCST advised that the remaining balance of compensation payment may be made to the petitioners according to R&R Policy 2008 by the NHPC and District Administration. Action Taken Report on the recommendation may be sent to the Commission within one month from the receipt of the proceedings of sitting.


11-06-09

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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