

**MOST IMMEDIATE**  
**BY HAND**



**No.1/6/2011-Coord.**  
**Government of India**  
**National Commission for Scheduled Tribes**

**6<sup>th</sup> Floor, 'B' Wing,**  
**Loknayak Bhawan,**  
**Khan Market,**  
**New Delhi-110003**

**Dated: 25-05-2011**

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

**Subject: 26<sup>th</sup> Meeting of the Commission to be held at 11 AM on 27-05-2011  
– Notice for the Meeting.**

Sir/Madam,

In continuation of this Commission's letter of even number dated 20-05-2011 regarding meeting of the Commission to be held on 27-05-2011 at 11AM in the Conference Room of the Commission. I am directed to say that the following additional matters, with the directions of Hon'ble Chairperson will also be discussed in the meeting.

<b>S. No.</b>	<b>Subject</b>
Item No.4	(i) National Human Rights Commission – Letter No.20/1/2004-PRP&P dated 4th May 2011.
	(ii) National Commission for Backward Classes – Letter by Chairperson, dated 22nd May, 2011.
	(iii) Letter from Chief Minister of Arunachal Pradesh dated 23rd May, 2011
	(iv) News items of दलित आदिवासी दुनिया (विकास की आँधी में जशपुर के आदिवासी) – 15-21 मई 2011.

2. Copies of Notes on the above mentioned additional agenda items are enclosed for information and necessary action.

Yours faithfully,

**(K.D. Bhansor)**  
**Dy. Director**

Copy for information and necessary action to:

- (1) Secretary
- (2) Joint Secretary
- (3) Director (RU-I & II)
- (4) Dy. Director (RU-III & IV)
- (5) Copy for information and record in F.No.1/3/10-Coord.

Copy to SSA (NIC) for uploading on the website of NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES  
LOK NAYAK BHAWAN, NEW DELHI

CP/NCST/MEETINGS

Date-24.5.2011

Subject: 26th Meeting of the Commission to be held at 11 AM on 27-05-2011 -  
Notice for the Meeting.

In the addition to the Agenda Items circulated vide letter dated 20-05-2011 following,, communications, received, attached herewith, shall also be discussed during the meeting. Accordingly, copies of these may be circulated to the all concerned.

1. National Human Rights Commission - Letter No.20/1/2004-PRP&P dated 4<sup>th</sup> May, 2011
2. National Commission for Backward Classes - Letter by Chairperson, dated 22<sup>nd</sup> May, 2011.
3. Letter from Chief Minister of Arunachal Pradesh dated 23<sup>rd</sup> May, 2011
4. News item of दलित आदिवासी दुनिया (विकास की आँधी में जशपुर के आदिवासी - 15-21 मई 2011)

  
(Dr. Rameshwar Oraon)

Chairperson

SECRETARY  
NCST

342/CP/2011  
24/05/2011.  
2. Pl circulate  
to Members.  
2. Agenda not  
only be submitted  
Handwritten without  
sufficient  
copy best to be given  
by the members  
24/5/11  
AD/CP/2011  
24/05

  
24.5.2011 at 5.20 A.M

*Justice K. G. Balakrishnan*  
Chairperson  
(Former Chief Justice of India)



**National Human Rights Commission**

Faridkot House, Copernicus Marg,  
New Delhi-110 001 India  
Phone : 91-011-23382514  
Fax : 91-11-23384863, 23386521  
E-mail : chairnhrc@nic.in

D.O. No. 20/1/2004-PRP&P

4<sup>th</sup> May, 2011

Dear Dr. Rameshwar Oraon,

The Commission is deeply concerned about the Protection and Promotion of the Human Rights of Scheduled Castes and Scheduled Tribes. It is a matter of serious concern that the instances of the atrocities and human rights violations of the Scheduled Castes and Scheduled Tribes persons are occurring in media almost on daily basis, even after 63 years of independence and in spite of elaborate provisions in the Constitution and other Laws promulgated for this purpose.

2. National Human Rights Commission commissioned a study by Shri K.B. Saxena, IAS (Retd.), on issues pertaining to atrocities against Scheduled Castes. Shri K.B. Saxena has submitted a comprehensive report titled "Prevention of Atrocities against Scheduled Castes" making several recommendations for protection and development of these weaker sections of the Society. A copy of the report was sent to the concerned Union Ministers and Chief Ministers of States and UTs by the then Chairperson of the NHRC Justice Shri A.S. Anand in the month of August, 2004, with a request to initiate action on these recommendations to prevent atrocities and human rights violations of the persons belonging to Scheduled Castes. Some of the recommendations also relate to National Commissions. A list of recommendations relating to your Commission is enclosed herewith for your ready reference.

3. May I request you to initiate action on the recommendations relating to your Commission.

Yours sincerely

(K.G. Balakrishnan)

**Dr. Rameshwar Oraon,**  
Chairperson,  
National Commission For Scheduled Tribes,  
(6th Floor, 'B' Wing, Loknayak Bhawan,  
Khan Market,  
New Delhi-110003.

**RECOMMENDATIONS OF THE REPORT ON 'PREVENTION OF ATROCITIES AGAINST SCs' BY SHRI KB SAXENA**

**Jurisdiction of Action** : National Commission for Scheduled Castes (SCs) & Scheduled Tribes (STs)

S.No.	R.No.	Recommendations
1.	7.1	Meanwhile, on the basis of information available with the National Commission for SCs and STs, some atrocities prone areas and untouchability prone areas have already been identified. Until such time as fresh surveys are made on the basis of norms laid down by National Human Rights Commission, the presently identified areas may be taken up for preparing Plan of Action and seeking its approval from National Human Rights Commission.
2.	10.6	Chairperson of National Commission for SCs and STs is an ex-officio member of the National Human Rights Commission. In view of the deliberate policy of some State Governments and the pronounced bias of some enforcement agencies not to apply provisions of SCs/STs (Prevention of Atrocities) Act, 1989 to atrocities cases, with a view to dilute the offence of the accused persons and deprive the victims of compensation, National Human Rights Commission and NCSS may decide how the victims of atrocities can be provided compensation in such circumstances.
3.	11	The amendment of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with a view to undoing the effect of the judgement of the Supreme Court in <i>Ganguli Ashok and others V/s State of Andhra Pradesh</i> may be taken up immediately for empowering special courts to take cognizance of offences under the Act as a court of original jurisdiction. National Human Rights Commission may direct Ministry of Social Justice and Empowerment to initiate action in this regard without further delay.
4.	18.1	National Commission for SCs and STs have access to material which has mapped districts/regions which are prone to crime against women. The Commission may relate it to this data it has about crime against SC women and map districts and regions which are prone to crimes against SC women. This material may be provided to NCW and National Human Rights Commission. Since Chairmen of NCSS and NCW are also ex-officio members, the strategy to control atrocities on SC women may be evolved and National Human Rights Commission may issue comprehensive directions to State Governments in this regard.
5.	32	A large number of reports and documents prepared by human rights organisations, Dalit NGOs, Inquiry Commissions, research bodies and

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		<p>open hearings have collected evidence to show that SC victims of serious atrocities have failed to get any justice. There is no known mechanism to ensure that these reports/documents are followed up, guilty officials identified and proceeded against and prosecution of offenders tightened by removing the lacunae pointed out in these documents. Apparently, no institution takes notice of them as a matter of mandated responsibility. This demoralizes the victims and generates loss of faith in the system to deliver justice. The organisations and individuals who have accomplished investigation also feel frustrated that their efforts are wasted. The concerned Governments hardly show any response unless pressured by a competent organization. As many of these cases are old by the time these documents appear, National Human Rights Commission is tied down by limitation imposed by Clause 36(2) and regulations framed by it. National Commission for SCs and STs not constrained by such limitation, may take note of all such cases which no other Commission is looking into and process them for further action with a view to fixing responsibility of officials found guilty and proceeding against them and lightening the prosecution of offenders by removing lacunae observed therein. It may also ask its field units to prepare a status report on the current condition of the victims of these atrocities. Non-cooperation from the concerned State Governments may also be highlighted. These cases should form part of special report. These cases may be raised in the meeting with SC/ ST MPs which the Commission has been advised to organize as well as in the interface with SC/ST MLAs of the concerned States which the Commission has been advised to undertake. National Human Rights Commission may network with Human Rights/Dalit organizations in order that such serious cases are taken cognizance of by it within the period of limitation.</p>
6.	34.1	<p>There is urgent need for a Memorandum of Understanding between the National Human Rights Commission and the National Commission for SCs/STs and National Commission for Women for dealing with cases received by them, need for sharing available facilities and expertise for mutual benefit. While National Commission for SCs/STs would immensely benefit from the expertise of the Legal Wing and guidance of senior level police officials available with National Human Rights Commission in respect of atrocities on SCs/STs, National Human Rights Commission could avail of the Research Wing available with the National Commission for SCs/STs for analysis of some data or carrying out some investigations. A similar MOU could also be developed with National Commission for Women in respect of cases of atrocities on Scheduled Caste Women.</p>
7.	39	<p>Initiative taken by the National Commission for Scheduled Castes and Scheduled Tribes of organizing a meeting with SC and ST Members of Parliament is welcome. This process of interaction with MPs should continue and such meetings may be organized at least once in two</p>



Chief SC victims  
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		years to apprise them of critical issues affecting the communities which they could raise in appropriate fora. It is also suggested that the National Commission for SCs and STs should likewise take initiative of meeting MLAs from SC and ST communities in various States both for the purpose of advocating specific measures for SC welfare as well as to gather feedback from them on their experience of raising issues among SCs. This would benefit the legislators as well as the Commission.
8.	40	National Commission for SCs and STs should visit at least one State every year for a comprehensive review of all programmes concerning Scheduled Castes during which they should have a separate session with NGOs, social activists and other non-officials who have interest in or been working for the Scheduled Castes. In this review, the session with State Government officials may be preceded by a thorough scrutiny of various regulatory and development programmes implemented by the State in respect of SCs. This scrutiny may be undertaken by a team of experts from the Commission and, where necessary, inputs from a local research institution be taken. The observations emerging from this review may be communicated to the Chief Minister and follow-up action on it may be monitored.
9.	41	National Commission for Scheduled Castes and Scheduled Tribes should organize annual meeting with non-governmental organizations working for the Scheduled Castes so that NGOs working for the SCs may be able to apprise the Commission of their experience and problems.
10.	42	National Commission for SCs and STs may consider bringing out special reports on selected problem areas concerning SCs which would throw light on them comprehensively including State-wise picture on the subject. Some of the suggested themes for such special reports may include Dalit women - sexual violence; Elected SC panchayat members; residential/ashram schools for SC children; SC migrant labour; SC Girl Child Labour; SCs engaged in specific traditional occupations; self financed employment ventures taken up by SCs, patterns of upward mobility among SCs.
11.	43	All reports of the Commission should be priced and made easily accessible to the general public. The Commission may also consider getting its earlier reports printed so that they are available in public domain. A separate book may be prepared containing major recommendations of the Commission contained in its various reports, with annotated information on which of them have been acted upon and which are unimplemented but still relevant.
12.	45	The Commission for Safai Karamcharis should also organize open hearing in at least two major towns every year where scavengers, NGOs working for them, Development administrators implementing programmes for them and researchers, social activists fully conversant with their conditions can present issues and problems. A local

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		research organisation/NGOs could be mobilised to prepare a profile of manual scavenging and its facets for this hearing and provide it with necessary secretarial support. The information gathered through these hearings would be valuable as inputs in making recommendations and suggesting policy interventions.
13.	95	<p>State Level Vigilance and Monitoring Committees constituted under the SCs and STs (Prevention of Atrocities) Act, 1989 and Rules (1995) may get information collected on:</p> <ul style="list-style-type: none"><li>a) SCs who have been issued pattas but possession has not been delivered to them or SCs who have been dispossessed after delivery of possession,</li><li>b) SCs who have been cultivating lands in respect of which no pattas have been issued to them,</li><li>c) Ceiling, Bhoodan, Government land which are undistributed and/or encroached by non-eligible persons,</li><li>d) SCs who have no homestead of their own and those who have their homestead on the lands of landowners or Government,</li><li>e) SC landowners who have been dispossessed from their owned land illegally,</li><li>f) SCs who are being discriminated against in respect of use of common land or water sources,</li><li>g) SCs who are cultivating lands of others as insecure tenants,</li><li>h) SCs who have land but have not been assisted under any Government programmes,</li><li>i) SCs who have been defrauded in the payment of bank loans,</li><li>j) Any other cases of SC pertaining to their rights and interests in land.</li></ul> <p>This work may be carried out by a team constituted by the Committee in which representatives of SCs may be associated. National Commission for SCs and STs may monitor this work at the Central level and prepare State-wise profile of such case. National Human Rights Commission may also write to the CMs for this purpose.</p>
14.	108	Action on recommendations 104-120 has to be taken by concerned State Governments. National Commission on SCs and STs may monitor the progress rigorously. Ministry of Social Justice and Empowerment should participate in this monitoring exercise and provide whatever assistance necessary for this purpose.
15.	109	National Human Rights Commission has already made a number of recommendations to concerned State Governments for dealing with the denotified tribes in pursuance of the representation made by Smt. Mahashweila Devi. But States have not reported any positive action so far. While the Commission is pursuing the matter, Ministry of Social Justice and Empowerment may hold an All India Conference of States on the DNTs so that a comprehensive Plan of Development can be proposed and included in the Tenth Plan. NGOs working with DNTs may also be invited to this conference.

prepare a profile and provide it through the recommendations and under Rules

	120	Ministry of Social Justice and Empowerment, Department of Personnel & Training and representative of National Commission for SCs and STs should sit together and determine the extent of backlog of reserved vacancies in various categories and its spread in various Ministries and organizations. Since an NGO representing Dalit interests has estimated backlog of such vacancies at 10,00,000, it may be consulted while undertaking this exercise so that there is no controversy on facts in the matter. The details of vacancies in different Government/ Semi-Government agencies along with the category of posts may be put on the website of concerned Ministries and also of the Department of Personnel & Training.
17.	130	Under-utilization, diversion and misutilization of funds allocated for SC development under SCP and Sectoral Schemes in various States is emerging as a matter of serious concern. Planning Commission should collect details of these features state-wise and arrange discussion with defaulting States and work out strong measures to stop diversion and misutilization of funds and promote their full and proper utilization. It should devise effective mechanisms such as punitive financial consequences which create adequate pressure on State Governments against repetition of these practices. National Commission for SCs and STs may visit defaulting States for discussion to accelerate the pressure. Ministry of Social Justice and Empowerment may monitor the impact of these measures with the help of competent research organisations.



न्यायमूर्ति एम. एन. राव

अध्यक्ष

(पूर्व प्रधान न्यायाधीश उच्च न्यायालय हिमाचल प्रदेश)

**Justice M. N. Rao**

Chairperson

(Former Chief Justice High Court of Himachal Pradesh)



राष्ट्रीय पिछड़ा वर्ग आयोग  
सामाजिक न्याय एवं अधिकारिता मंत्रालय  
भारत सरकार

त्रिकूट-1, भीकाजी कामा प्लेस, नई दिल्ली-110 066

NATIONAL COMMISSION FOR BACKWARD CLASSES  
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT  
GOVERNMENT OF INDIA

TRIKOOT-1, BHIKAJI KAMA PLACE, NEW DELHI - 110 066  
TEL. : 26183152 FAX : 011-26182388, 26183227

Res: Bungalow No.102, New Moti Bagh, New Delhi – 110 023 (Tel: 24109608)

22<sup>nd</sup> May, 2011

Dear *Shri Rameshwar Oaron,*

Subject: SC/ ST Judges in the State of Chattisgarh – compulsory retirement -  
regarding.

Larger sociological perspectives impel me to write to you about the subject cited, although stricto sensu the same is outside the purview of the powers and functions of the NCBC of which I am the Chairperson.

The write up in Tehelka Magazine Volume 8, Item 21 dated 28-5-2011 titled "17 Judges (District Judges) sacked. Was it because of their Caste" is quite a shocker. Out of the seventeen District Judges retired compulsorily in "public interest" under Rule 13(2) of the State Higher Judicial Service Rules 2006, three belong to Scheduled Castes and the rest Scheduled Tribes. Most of them have about five to ten years of service to reach the age of superannuation. Starting their careers as Judicial Magistrates/Assistant Civil Judges they earned promotions at two stages and became District Judges. According to them many in the general category who have been rated as 'worst performing officers' have been retained. It is their perception that "they were victims of personal or Casteist vendetta".

Whether prejudice is a factor cannot be objectively proved; it is often inferred from the end result. As the National Commission for Scheduled Castes and National Commission for Scheduled Tribes are constitutional authorities charged with the duty, inter alia, to investigate matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes and investigate specific complaints with respect to the deprivation of their rights (Article 338(5) and 338A(5) ), I would request you to obtain information if necessary through Right To Information Act concerning all the district judges, both retained and compulsorily retired, considered by the High Court resulting in the passing of the order No.2309/756/XXI-B/C.G. by which seventeen SC/ST Judges have been sacked. After collecting the necessary information and based upon the enquiries made by the two Commissions (NCSC and NCST) action may be initiated by moving the Hon'ble Supreme Court on the judicial side.

*With personal regards,*  
*M.N. Rao*  
(JUSTICE M.N.RAO)

Encl: Photocopy of the write up in Tehelka

Shri Rameshwar Oaron, Chairperson, NCST, New Delhi

CHHATTISGARH

# 17 JUDGES SACKED. WAS IT BECAUSE OF THEIR CASTE?

BY BABA UMAR

CURRENT AFFAIRS



Ravi Shankar Sai, 53



PS Paikra, 51



Lakhan Singh, 59

**F**IGHTING DISCRIMINATION, can be a lifelong struggle for those born on the 'wrong' side of the caste divide — even if they have served as judges for 20 years. When 17 Scheduled Caste and Scheduled Tribe judges were ordered to take compulsory retirement by the Chhattisgarh government on 26 March, they naturally wondered if they were victims of personal or casteist vendetta. Having served and been promoted over the years in the natural course, why were they suddenly fired? What makes their predicament all the more galling is that the Chhattisgarh government has not pro-

vided any reasons for this forcible retirement, except for a vague, sweeping statement that their performance was not up to the mark.

Apparently, the state law department took the decision on the basis of the Chhattisgarh High Court's recommendation and was reportedly equivalent to the punishment for serious 'misconduct' and alleged involvement in 'nepotism'. However, all the sc/st judges, most of whom have 5-10 years of service still remaining, smell a "grand conspiracy" in the decision. For them, as for the litigant public, justice will be a long time coming. They have already

appealed against their summary dismissal in the Consumer Forum and the special court that hears cases under the Scheduled Caste/Tribe Prevention of Atrocities Act. Then, if this does not serve the purpose, the aggrieved judges also plan to appeal in the Supreme Court.

Meanwhile, the early retirement forced on the judges is no time to relax. "My past records and performance speak for me. I want to know the yardsticks they chose to fire me. If it is my caste, they should spell it out clearly," says PS Paikra, 51, of Korba district.

Paikra, who was serving as additional

district judge in Durg, has nine more years of service remaining. Until last October, he worked as additional district judge (ad hoc) at a fast-track court and was soon regularised as additional district judge in Durg district court.

"They regularised me for my performance, usefulness and integrity. I don't understand what happened in a few months that I was considered unfit for the task," he says.

In the unprecedented decision, these judges, who had either completed 20 years in service or were more than 50 years old, were ordered to retire compulsorily under sub-rule 2 of Rule 13 of the state's Higher Judicial Service (Recruitment and Condition of Service) Rules, 2006. The recommendation was made to the state



Mansukh Karketta, 54

order 2309/756/XXI-B/C.G./2011 sent by the government's law and legislative affairs department.

He says had he performed badly during his decades-long career, there would have been complaints and departmental investigations against him "which actually never happened". So, if there is no body of evidence against him, why the sudden dismissal which amounts to a stigma?

"I won't challenge the rule but its implementation. It has been used to target officials belonging to the tribal community," alleges Usendi. Adding, "Without any notification, preliminary investigation or departmental inquiry, the government rule to compulsorily retire officials has been bent."

Usendi and his colleagues also point

out that this is against the principles of natural justice.

Usendi says the Annual Confidential Report (ACR) — that takes note of judicial officers' work every year — is prepared by district judges and other higher judicial service officers "who have maltreated us by giving us lower grades".

Outlining his case, he alleges, "Had it been judges of sc/st category preparing this report, we wouldn't be targeted. There is no district judge of sc/st category which is why our ACR has been wrongly prepared. All this, to trigger our expulsion."

Most of the 'compulsorily retired' judges are from 1976-87 batches and it is feared the government decision has an underlying agenda — to benefit 20 judicial officers of the 1990 batch who will get promoted to the positions they vacate.

Mansukh Karketta, 54, who was among 12 st judges slated to get selection grade, can't believe his fate. He says the 2006 law has triggered fear among many other sc/st judicial officers who are on the verge of notching up 20 years of judicial service or crossing 50 years of age.

"Adding to the insult is the method in which ACR was prepared. There are many in general category who have been rated as 'worst-performing officers' every year according to their ACRs, yet they have been retained," says Karketta of 1987 batch.

Citing examples of several other judges from the general category, he said they have been granted extensions despite "poor grading". "I still had six years of service remaining but my caste proved unfavourable for me as well as others," he says.

As usual, officials chose to remain tightlipped about the issue.

Law Secretary AK Samantary told TEHELKA that the order had come from the high court and the government had little role to play in the matter. "Besides, the decision was taken during the previous Principal Secretary's term. I have recently joined. I can't say much about it. It would be better if you ask someone in the high court," he said.

When contacted, Chhattisgarh High Court Registrar General Arvind Srivastava refused to speak on the issue. "We don't discuss official matters with the press," he said, before ending the telephonic conversation.

babaumar@tehelka.com



Narsingh Usendi, 55

## While the 17 were sacked, the general category judges got extensions despite poor grading

government by the legal department, saying that this decision was based on their performance. The recommendation was accepted by the state government and orders on their retirement issued.

OF THE total 17 judges, three are sc and rest are st. They were serving as district and sessions judges or additional district and sessions judge at Surguja, Dantewada, Bilaspur and Raigarh districts.

Narsingh Usendi, 55, another st judge was posted as additional district and sessions judge in Bastar district's Kanker area and had retired in 'public interest' through an

JARBOM GAMLIN



CHIEF MINISTER  
ARUNACHAL PRADESH

Dear Oraonji,

DO No. CM(AP)/07/2011  
23 May 2011

I am writing to you to draw your kind attention to a matter of utmost sensitivity and priority concerning Arunachal Pradesh. As you perhaps might be aware, in the wake of the tragedy of the loss of late Dorjee Khandu, there was a news item in the web edition of the Times of India about the possible successors to late Khanduji. In the write-up, a line was mentioned which said that the Nyishis, who are the largest tribe in Arunachal Pradesh, "do not enjoy a good rapport with other tribes." This has caused widespread resentment across the state and people have been very hurt about this reflection of the tribe in bad light.

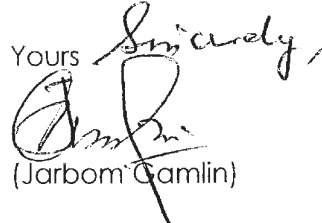
As a fallout of this, there have been a series of protests by the All Nyshi Students Union (ANSU), the Nyishi Elite Society (NES) and from a wide spectrum of community-based organisations. There was even an impasse with the local media resulting in media houses going on a pen down strike in protest of attacks on their establishment by unknown miscreants.

Consequent to these developments, I met with the editorial representative of the Times of India at New Delhi and expressed the government's grave concern and objection over the news item and called upon the media house to take immediate measures to assuage the pain that was caused. In response, the Times of India expressed their regret over the publication of the news with the offending line and in turn tendered an apology in the national and regional editions of the daily.

However, considering the severity of the hurt and the defamation of the image of the tribe, the community have expressed their deepest resentment and desires that stringent action be taken against the reporters and the newspapers for the offending story. I understand they have also written to you on the matter.

I would like to request to kindly do whatever is possible from your end to take concrete steps to reassure the community and repair the hurt that has been caused. Unless urgent measures are taken, the feeling of alienation that exists in our part of the country will only deepen.

With regards,

Yours sincerely,  
  
(Jarbom Gamlin)

Dr. Rameshwar Oraon  
Chairperson, ST & SC Commission  
Government of India  
6<sup>th</sup> Floor, 'B' Wing, Loknayak Bhawan  
Khan Market, New Delhi



# विकास की आंधी में जशपुर के आदिवासी 11

सुनील शर्मा/ जशपुर

अंक 28 का शेष भाग.

भाग-3

ममता बताती हैं "गांववालों को तो कुछ भी मालूम नहीं था, उन्हें तो यह भी नहीं पता था कि पावर प्लांट बनने के बाद उनकी जमीन नहीं बचेगी। लेकिन जब वे अपने अधिकार के लिये जागे तो कंपनी का विरोध भी आदिवासियों के दमन का कारण बन रहा है। पिछले कुछ सालों में आदिवासियों को जागरूक करने वाले 88 सामाजिक कार्यकर्ताओं के खिलाफ आपराधिक प्रकरण दर्ज कर दिये गये हैं। उन सब पर आरोप है कि वे आदिवासियों को कंपनी के खिलाफ भड़का रहे हैं और शासकीय कार्य में रुकावट डाल रहे हैं।"

जब कंपनी के साथ सरकारी नुमाइंदा उनके एजेंट की भूमिका में हों तो लड़ाई कमजोर पड़ती ही है। एक तरफ तो आदिवासियों पर मुकदमे किये गये, उन्हें धमकी दी गई वहीं दूसरे ओर लोगों को यह कहा गया कि अगर वे मुआवजा नहीं लेंगे तो सरकार जबरजस्ती जमीन पर कब्जा कर लेगी और फिर मुआवजा भी नहीं मिलेगा। इन गांवों के आदिवासी प्रभावित जिले रायगढ़ में सरकार की योजनाओं जैसी भूमिका से अनजान नहीं थे। ऐसे में प्रभावित गांवों के कई परिवारों ने कंपनी का मुआवजा स्वीकार कर लिया। कंपनी द्वारा घोषित 38 प्रभावित परिवारों में से 20 परिवारों ने मुआवजा ले लिया।

11 अगस्त 2008 को मुआवजे की शर्तों को ध्यान में रखी गई जिसके मुताबिक 38 परिवारों को 43 लाख 43 हजार 208 रुपए का अनाई हुआ। इसमें 20 लोगों को 2.1 लाख, 7 हजार 695 रुपए का अनाई दे दिया गया जबकि 18 प्रभावितों को 19 लाख 34 हजार 513 रुपए मुआवजे की शर्तों को देना तो चाहती हैं लेकिन वे तैयार नहीं हैं।

जशपुर के मुजर्गा बताते हैं कि प्रभावितों की जमीन अभी भी संयुक्त रूप से है। कोई एक स्वतंत्र नहीं है, यही कारण है कि गांव लड़ाई लड़ रहे हैं



और उनके बेटे जो जवान हैं, उन्हें लालच देकर पर मुआवजे का चेक थमा दिया गया है। हालांकि 18 परिवारों ने मुआवजा लेने से साफ तौर पर इनकार कर दिया। अब स्थिति यह है कि जिन्होंने मुआवजा लिया है वे भी अपनी जमीन नहीं देना चाहते। वैसे असली आंकड़ों को देखें तो 22 गांवों में से कुल 20 लोगों को ही आज की तारीख तक मुआवजा मिला है। यानी प्रत्येक गांव से औसतन एक आदमी है, जिसे कंपनी ने प्रभावित मान कर मुआवजे की रकम थमायी है।

ऐसा नहीं है कि आदिवासियों ने अपनी जमीन बचाने के लिये कुछ नहीं किया, वे निरंतर संघर्ष करते रहे हैं। जशपुरनगर आने से डरने वाले आदिवासियों ने राजधानी रायपुर जाकर भी अपना विरोध जताया। सामाजिक कार्यकर्ता और ममता की सहयोगी मालती तिकी बताती हैं कि बीते तीन-चार सालों में आदिवासियों ने अपनी जमीन बचाने के लिये कड़ा संघर्ष किया है। ज्ञापन, शिकायत, धरना-प्रदर्शन, रैली इतने हुये कि इन्हें गिनना मुश्किल है।

आदिवासी महिला महासंघ की मालती तिकी आंकड़े और लड़ाई की कहानी मुंहजबानी बताना शुरू करती हैं, चार मई 2007 को ग्रामीणों ने अतिरिक्त तहसीलदार मनोरं को पत्र लिखा जिसमें छत्तीसगढ़ हाइड्रो इलेक्ट्रिक पावर प्राइवेट लिमिटेड द्वारा अखबारों में प्रकाशित इशतहार पर आपत्ति जताई। पत्र में पावर प्लांट बनने से होने वाली प्राकृतिक क्षति,

की आशंका जताई गई और कंपनी पर शासकीय बल का दुरुपयोग करते हुये ग्रामीणों को भ्रमित करने का आरोप लगाया।

इसके चार दिन बाद 8 मई को आदिवासियों ने जशपुरनगर में विशाल रैली निकाली और कलेक्टर को ज्ञापन सौंपा, जिसमें ग्राम सभा की दोबारा बैठक बुलाने, पावर प्लांट की डिजाइन से उन्हें अवगत कराने, विश्वस्त विशेषज्ञों से निर्माण संबंधी चर्चा कर ग्रामीणों के लिये किये जाने वाले विकास कार्य की स्पष्ट जानकारी, विस्थापितों की पुनर्स्थापना की



कार्ययोजना बनाने जैसी मांग रखी। पावर प्लांट के मद्देनजर ही रही जंगल की कटाई को विरोध करते हुये ग्रामीणों ने कलेक्टर को पत्र लिखा। जिसमें उन्होंने स्पष्ट किया

कि ग्राम सभा में उन्होंने पावर प्लांट के लिये सहमति नहीं दी है, इसलिए ब्रत्काल कूप कटाई पर रोक लगाई जाये। 31 जुलाई को एक बार फिर कलेक्टर को पत्र लिखकर ग्राम पंचायत अलतारी में हुई ग्रामसभा को अवैध बताया और दोबारा ग्राम सभा कराने की मांग की। ग्रामीणों ने रजिस्टर में फर्जी हस्ताक्षर करने की शिकायत भी की।

मालती के अनुसार अधिकारियों से मायूसी हाथ लगने पर ग्रामीणों ने जनप्रतिनिधियों का दरवाजा खटखटाया, चार जून 2008 को महिला एवं बाल विकास मंत्री लता उसेड़ी को ज्ञापन सौंपकर बिजली उत्पादन के लिये जमीन देने से इनकार कर दिया। उन्होंने आदिवासियों को अमन-चैन का जीवन जीने देने की गुंजाइश भी की। वर्ष 2009 में गुल्लू के ग्रामीणों ने राज्यसभा सांसद दिलीप सिंह जुदेव से मिलकर उन्हें अपनी समस्या बताई, उन्होंने प्रधानमंत्री को पत्र लिखने का वायदा किया, पत्र लिखा भी पर प्रधानमंत्री कार्यालय से कभी जवाब नहीं आया।

5 नवंबर 2009 में ग्राम सुराज अभियान का शिविर लगा तो ग्रामीणों ने एक बार फिर ग्राम सभा को लेकर शिकायत की लेकिन अपने आला अधिकारियों द्वारा पारित प्रस्ताव वाले ग्राम

