

MP gets tribal land from State

SC order ignored to favour Desam man

FROM SANTOSH PATNAIK

Hyderabad, May 16: In yet another bid to circumvent Supreme Court's judgement in the Samata vs State of AP case, the State government has accorded clearance to a private company floated by Telugu Desam MP from Visakhapatnam M V V S Murthi to set up a 3x6 MW power plant in a scheduled area on the Andhra Pradesh-Orissa border.

The AP Pollution Control Board which held a public hearing at Munchingput in Visakhapatnam district on May 8 is likely to give a 'No Objection Certificate' to the Jalaput dam toe hydro electric power station being set up by Orissa Power Consortium Ltd belonging to Murthi-owned VBC Group of Industries.

Inquiries by *Deccan Chronicle* revealed that the government has ignored the Samata judgement in which the SC said no land could be transferred from a non-tribal person to another non-tribal under the alibi that the power plant was originally cleared for setting up under the inter-State

irrigation and power project in 1955.

While the Tribal Land Transfer (Prevention) Act, 1959 prohibits transfer of land ownership from tribal to non-tribal, the amendment enacted in 1970 known as Regulation 1 of 70 bans transfer of land from non-tribal to non-tribal. In the landmark judgement in the Samata vs State of AP delivered on July 11, 1997, the apex court said land in scheduled areas shall be owned exclusively by the State or its instrumentalities or tribal cooperative societies for mining or any other activity.

In this particular case, APGenco owns the land and is now in the process of transferring it to Murthi, who is not a tribal.

When contacted, Murthi's son Rama Rao, who is one of the directors in OPCL said, "Section 1 of 70 rule does not come in the way as Genco owns the land and they have given it on lease to us. We also need a small stretch of land for constructing the dam."

During the public hearing, Adivasi Mitra, a local NGO, argued that the transfer of the power plant originally proposed

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by erstwhile APSEB (now known as AP Genco) to OPCL was a blatant violation of Section 1 of 70.

Adivasi Mitra president and Munchingput MPTC member Manmdadha Rao said they also petitioned ITDA PO Vikas Raj and other officials against according clearance to the project.

APPCB's regional officer at Visakhapatnam Anjaneya Prasad said that they had not received any complaint with regard to pollution threat by the power plant. "It does not attract Section 1 of 70 as it was part of the main project envisaged in 1955 for which clearances were obtained by APSEB in 1985,"

he said. "How can they consider the clearances granted to APSEB in 1985. We don't know how Orissa Government accepted OPCL's proposal to construct Jalaput dam toe power house which was accorded concurrence by AP Government on March 29, 1997," asked Samata executive director Pragada Ravi.

According to the executive summary of the EIA prepared for the power house; a total of 12.8 acres is required — 2.56 for power house, switchyard, housing colony and guest house and 10.24 acre for green belt. The EIA states "the built-up area for construction of power plant is only 2.56 acres whereas OPCL will take on lease a land of 13.8 acre." Ravi said the government had also violated the GO Ms No

65 by bypassing the Tribal Welfare Department as the GO made it mandatory for securing clearance from the department for any project — coming up in scheduled areas whether in the government or non-government sector. After Chief Minister N Chandrababu Naidu's move to allow a mega aluminium plant at a cost of Rs 5,000 crore by a Dubai-based company in Chintapalle area backfired due to public outcry on violation of 1 of 70, he did a volte-face by declaring in early 2000 that LTR Act would not be amended. Later the Centre issued a "secret" circular seeking opinion of Attorney General in May, 2001 which was subsequently withdrawn due to stiff opposition.