

Interim Report of the
PEOPLE'S COMMISSION
OF INQUIRY

APRIL 20, 2009

To inquire into the land deals, land transfers and
displacement due to dams and lavasa project in the Sahyadri
(mountainous) region of Pune, Maharashtra

Members of the Commission

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People's Commission of Inquiry

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Introduction and Background:

Thousands of displaced and affected people of various dams and projects from across Maharashtra; adivasis, dalits, farmers, fish workers, farm labourers, unorganized workers, hawkers and basti dwellers, who have been raising their demands for justice and rehabilitation and questioning the current paradigm of destruction and displacement, in the name of development, had gathered at Azad Maidan, Mumbai under the initiative of National Alliance of People's Movements led by an activists Medha Patkar, Suniti S.R., Manav Kamble and others during 14th October 2008 to 21st October 2008. These included a large number of people affected by twelve dams and Lavasa Project in the Pune District of Maharashtra. After some dialogue with the concerned Ministers for Rehabilitation and Revenue and officials of these Departments, they felt agitated with the inadequate response and hence announced a **Peoples' Commission of Inquiry** into the land deals & transfers, water use and displacement of the people affected by twelve dams and Lavasa Project.

Various people's organizations, concerned and involved with the issues including India Centre for Human Rights and Law, Mumbai; National Alliance of People's Movements, Shoshit Jan Andolan, Maharashtra, National Centre for Advocacy Studies, Pune; Manav Hak Abhiyan, Pune decided to constitute the People's Commission of Inquiry with Shri Arvind Kejariwal, Right to Information and Anti-Corruption Activist, Magsaysay Award Recipient; Shri Y.P. Singh, Advocate, High Court of Mumbai (Former CBI Official); Shri S. M. Mushrif, Former Inspector General of Police, Mumbai; and Shri Nirmalkumar Suryavanshi, Senior Advocate, Dhule as members of the Commission. The decision was endorsed by Shri Anna Hazare, Veteran Social Activist, Justice H. Suresh, Former Judge, High Court of Mumbai and Human rights Activist; Aruna Roy, Magsaysay Award Recipient, Mazdoor Kisan Shakti Sanghatan; Sandeep Pandey, Magsaysay Award Recipient; and Parasuraman, Director, Tata Institute of Social Sciences. The Commission was announced at Bombay on 21st October 2008.

The Commission was requested to complete its work within three months i.e by the end of December 2008. However, the volume of work was too large to be finished within a short span of two months. Members of the Commission had also to visit a number of places to hold interviews with project affected persons, and record their evidence. **The time was, therefore, extended to six months on the request of the members of the Commission.**

Following issues were referred to the Commission for the investigation and inquiry.

Terms of Reference:

- 1) To investigate into the issues and complaints of land acquisition, compensation and the land lease deals related to the Tata dams (Siravta, Somwadi, Valvan, Bhushi, Thokalewadi and Mulshi) and also the Pawana, Kasarsai, Maiwani, Andhre, Jadhavwadi and other dams and Projects like the Lavasa City and Sahara City.
- 2) To review the land acquisition and the extra land acquired, but not used for the project and assess the illegalities involved in the transfer of the acquired lands from the project affected family to the State or from the State to the statutory agencies; such as the Krishna (Khore) Valley Development Corporation.
- 3) To appraise the use of water and water bodies of the above mentioned dams, their planned and attained use and the resultant violation of the rights of the dam-affected and suggest the appropriate ways to use the water in the favour of the Project affected.

4) To review the situation of the resettlement and rehabilitation of the people affected by all the above mentioned dams and Projects and recommend appropriate means to defend their constitutional and human rights.

5) To recommend legal action against all those responsible for the illegality in the land deals and land transfers related to all the above Projects.

The Inquiry: Modus Operandi and the Process:

The Commission was clear since the inception of its work, that the investigation it had to undertake was highly complex and politically very sensitive. The Commission, therefore, decided to go to the roots of the problem, go to the field and gather as much data as possible. The Commission was also committed to transparency and accountability, appropriately expected from a 'People's Commission'

The first series of 'public hearings' was held at Lavasa, Pavananagar and at Khandshi (Tata dam affected village), wherein the affected people and studious activists presented many the history of the issues, and chronology of the events, many cases of injustice, people's struggle and detailed documentary evidence before all the four members who remained present. Bags full of documents, files of individual cases, kiws and legal reports to judgements were then inspected and examined.

Advocate Nirmal Kumar Suryavanshi and Shri Arvind Kejriwal again spent a few days in the field looking into the revenue documents. The Commission sought the assistance of the activists of National Centre for Advocacy Studies (NCAS), some educated displaced persons and Shri R.V. Biskute, former Tesildar and senior expert on land issues to gather and be able to elucidate some of the documents and legal provisions.

The Commission heard Mr. Pendarkar, a senior official in Lavasa in person, but no other Government official turned up for any public hearing, nor did they respond to seeking of appointment. The Tata officials too were not available for a dialogue, when tried and contacted.

The Commission benefited from its deep and investigate interviews with the most empowered affected people and data obtained under RTI, but is still handicapped due to non-availability of information on some critical aspects which it hopes would be made accessible at the earliest. The Commission is, therefore, pleased to release this Interim Report, but would take this task ahead, towards resolution of not just the problems but the conflict between the Government and the development-induced displaced.

The Commission through its Conclusions and Recommendations has analyzed the development projects, but excluded Sahara city, which was already studied and challenged in the Court, due to lack of time. The Commission hopes, that the Report is well-received and effectively and extensively used by all those who care to assess every development project and action at the altar of equity, justice and democratic rights.

I) LAVASA HILL TOWNSHIP PROJECT- A CASE OF OBVIOUS ILLEGALITIES

THE BEGINNING: GENESIS

In the year 2000, February 11, the Lavasa Corporation was originally registered as Pearly Blue Lake Resort Private Limited Company with Aniruddha Deshpande, Vitthal Maniyar, and Aniruddha Seolekar as its first directors. The project was a hotel business with development of land in large scale on the banks of Warasgaon Lake in Mose Valley, block- Mulshi, district- Pune. The firm changed its name to The Lake City Corporation Pvt Ltd on December 12, 2000, with Aniruddh Deshpande, Aniruddh Seolekar, Vitthal Maniyar Ganpat Investment and holdings, Venketshwar Hatcheris, Sadanad Sule, Supriya Sule, and few others were the shareholders. Later company changed its name to Lavasa Corporation Limited (International Securities Identification Number- INE172G01016) in June 2004. The Hill Station project is being driven by a consortium of companies led by Hindustan Construction Corporation, which is holding 65 per cent equity in Lavasa through its real estate subsidiary — HCC Realty. The other investors include the LM Thapar group and Venkateswara Hatcheris, besides other minority shareholders who hold 35 per cent equity.

THE PROJECT

Lavasa Hill Township is one among many big projects sprawled at the fringes of Pune City. Amidst 18 hills, 975 meters above sea level it is situated at a distance of 65 k.m. from Pune. On 25th November 1997 Government of Maharashtra had sanctioned Regional Plan for the Pune district under section 15 of the Maharashtra Regional and Town Planning Act 1966 (MRTP). Lavasa hill Station is sanctioned under section 20 (3) of MRTP on 15th July 2000 by the Urban Development Department. The Urban Development Department under Notification No. TPS-1800/1004/ CR-106/2000/UD-13 dated 01/06/2001, declared 18 villages in Mulshi and Velhe Block for Hill Station Development under Lavasa. A Project on the 25000 acres of land is undertaken by the Lavasa Corporation. In two blocks, Mulshi and Velhe, altogether 20 villages are reeling under severe stress of eviction, forced land alienation, undue harassment by the project officials on account of project development, cheating by the company agents, obstruction to community access to fresh water bodies, and river water and temples, common roads as well as destruction of natural habitat and forest.

Population in these villages belongs to the marginalized communities of the nomadic tribes Dhangar, Koli, Thakar, Katkari (adivasis – STs) and Maratha. The people are poor marginal farmers depending heavily on traditional farming techniques, livestock rearing, collection of non-timber forest produce, fishing, wage labour and dependence on other natural resources. Though communities have been living in this area since generations it was in 1964 that the poor landless and socio-economically backward families were allotted excess ceiling lands under Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961. Without any support from the government the poor farmers made it cultivable and survived on it. However, in 1974 Warasgaon dam was constructed and the same displaced families in some of these villages of which few families were rehabilitated with land in Daund (125km from Pune), but a good number of families were left in the affected area without rehabilitation. Now Lavasa township project has brought back the uncertainties by forcing them to evict these people from their remaining lands and acquired lands in this area for its hill township project targeting upper middle class and upper class as its consumers and beneficiaries.

Villages Affected by Lavasa in Mulshi Block : (Total 17)

- | | | |
|----------|------------|--------------|
| 1.Dasve | 3.Lavharde | 5.Bhode |
| 2.Mugaon | 4.Vegre | 6.Patharshet |

The question is also about the price and the process by which this land was given to the Company. The prevalent market rate of such lease for 142 hectares land is estimated to be around Rs. 900 Crores which would have been enough for the Government and MKVDC to complete all their unfinished projects.

The Company has also obtained rights to build 10 captive mini-dams, 5 in Dasve Village and 5 in Dhamanowhal. A MoU has been done between the Company and Khadakvasla Irrigation Division & Chief Engineer, Konkan regarding this. The purpose of these dams is to store and use 1.0:1 TMC (Das.Laksh.Ghan.foot) water for commercial purposes. This will interfere in the natural flow and storage of water in the neighbouring villages and valley. (Annexure 4)

Notable is the fact that the Khadakvasla reservoir on Mose River was constructed to fulfill Pune city water requirement. The capacity of the reservoir is around 11.5 TMC almost equal to what Pune need in a year. With city like Pune growing at a fast pace has been experiencing water scarcity in several areas. In such situation permission of such massive utilization of water by the Lavasa Corporation, not only for drinking purposes but also for water sports, hotels etc., will result in sever water crisis in the long run for Pune city. An impact assessment in this regard would have helped in better future planning of water use and justified to the purpose this reservoir has been built for.

CASE OF CEILING LAND TRANSFER TO THE COMPANY

As per the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, Article 27, ceiling land should be acquired and distributed by the State among landless, poor and socially deprived people. However, the District Collector (letter dated 05/03/2005) Revenue Department, (Annexure 5) Pune expressed a different opinion in this regard, since it clearly states that "if these lands amounting to 373 hectares could have been distributed to the poor people the Government could have benefited by only Rs. 1, 02,736. However, if these lands would be given to the Lavasa Corporation that will fetch Rs. 1, 64, 71,178 to the Government according to the Ready-reckoner" To whom would the benefits flow, seems to be immaterial. This explains the apathy of the State Government and the Revenue Department towards the duties assigned under the Land Reform legislations.

A letter written by the District Collector, Pune to the Revenue Department, Pune dated 09/01/2005 to approve land belonging to the villages Mauje Gadale, Dhamanohol, Mugaon, Wadiwale for The Lake City Corporation shows the responses given by the Revenue Department in violation of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, Article 27.

a) "As per the letter No. ICH-2204/CR-38/L-7, dated 06/08/2004 the Point No 1 about possession of excess land total of 405.42 ha from the area.

Explanation- In 1976 in these villages (Attached Page No 273 to 277) total 372 ha.23 ^Bha was found in excess but was not taken under possession by the State under Ceiling Act Section 21 (4). Now due to lack of any documentary evidence in this relation we are unable to say as to why these lands were not acquired then, which was necessary.

b) What could be the Rate of payment (compensation) for excess land declared, if it is taken over?

Explanation- As per Section 23(A) of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, rate of Rs. 150/ha. is suggested for unirrigated wasteland, which would be Rs. 55,8535 for total of 372.23 ha. and the interest on this at the rate of 3% for 28 years would be Rs. 46,900, so total compensation would be around Rs 1,02,736/ ✓

c) Has this land been declared unsuitable for agriculture?

Explanation- No. The 7/12 extract of the land shows that the land is lying barren. These lands appear to be not very fertile and the quality of the land is low. Though this land was not declared 'uncultivable', but it seems to be unsuitable for agriculture. The Department of Agriculture could also be asked, for further assessment.

d) As per Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 why was this land was given to The Lake City Corporation and not to the landless poor

Explanation- If this land was given to the landless then only Rs 1,02,736/ would be earned but when this land is given to The Lake City Corporation the total value of land would be 75% according to the current ready reckoner, approximately Rs 1,64, 71,178/-, which would be deposited in the Government account.

e) As per Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, Section 29, Rule 12, this land could be transferred for non-agricultural purposes.

While granting unlimited favours to the company, the Maharashtra Government and its authorities functioned with a surprising high pace speed which is unknown otherwise. The above mentioned excerpt from the letter exhibits that the Revenue Department and the District Collector were inactive and apathetic for 30 years when they were supposed to have to acquired and distributed, the excess ceiling land, identified in 1976, to the landless poor, which they didn't do. However, when it had to be transferred to the Lavasa Corporation they acted within the remarkably shortest span of three months!

The compensation paid to the farmers by the Revenue Department for this excess ceiling land was fixed at the rate of Rs. 60/acre. Worth mentioning is that in the year 1955 the prevalent rate per acre land was Rs. 27. While today elsewhere land rates have sky rocketed how come the rates in this area remained static in last 60 years? As per the market estimates the current going rate for the area would be approximately Rs. 1 Crore per acre.

UNDUE STAMP DUTY EXEMPTIONS

The Maharashtra Revenue Account has forgone a huge amount around Rs. 1000 to 5000 Crores by giving stamp duty exemption to the Lavasa Corporation Ltd., by way of this Stamp Duty exemption the richest is benefitted. The same land have been transferred through several hands before ending in to the Lavasa by multiple fraudulent transactions and multiple stamp duty losses.

The company has been given full Stamp Duty exemption as per the Maharashtra Government's Notification issued on 07/04/1999 (Annexure 6). The Notification provides for Stamp Study exemption for all upcoming industrial projects. This is stated in the letter dated 25/09/2002 signed by the District Stamp Duty Collectorate.

The District Stamp Duty Collectorate which otherwise has a reputation of delaying the processes surprisingly granted the permission of Stamp Duty exemption to the application made by the Lavasa Corporation. The permission was granted within a day. The Company filed an application in this regard on September 24, 2002 and received permission on September 25, 2002.

TRANSFER OF FOREST LAND TO THE LAVASA CORPORATION

The Lavasa Corporation was allowed to cut lakhs of trees to build approach road and undertake construction activity. The 28 km approach road from to Lavasa is being developed by cutting trees and hills. The forest department is not willing to disclose the facts in this regard.

This does not come as a surprise the way Lavasa Corporation Ltd. has been given permission to destroy natural forest, also life support source of the locals. An order issued by the Forest Officer, Sinhgarh, Khanapur Office, Block Haveli, District Pune in 2002 and 2005 shows that the department did not raise any objection regarding tree felling. Rather it qualified the Company to cut trees of a variety -black berry, jackfruit, mango, trees of medicinal property- *Hirada, ayen, khair, anjan, asana, bhava, nata* (Annexure 7). The letter did not specify that after the tree felling who will be responsible for collecting the timber and what should be the

procedure of its disposal and compensatory afforestation. This letter does not explain what is the role of the Company and the forest department in this case.

Almost 2000 acres of forest land has so far come under the limit of the Lavasa project.

ENVIRONMENTAL CLEARANCE

Lavasa Corporation was granted environmental clearance by the Environment Department, Maharashtra Government in March, 2004. The environmental clearance was given for a project size involving orly 2000 hectares of land area, however, the project is developing in an area of 12,500 hectares. Lavasa corporation has been projecting that it will construct to the height above 1000 meters, but has not seek environmental clearance from the Ministry of Environment and Forest. As per 1994 EIA Notification the Hill Station Project to be constructed above 1000 meters has to take clearance from the MoEF. Surprisingly, it received clearance from the Maharashtra Environment Department and not from the Central Government which is required as per the Rules. It is also notable that the project was under construction from the year 2000 onwards and it did not take any environmental clearance till 2004. Even environmental public hearing was avoided by the company. As per the EIA Notification, 1994 and Environment Protection Act, 1986 this should have been mandatory for the project of this magnitude.

The Urban Planning Department, Pune and Maharashtra State Pollution Control Board did not reply to the RTI filed in this regard on behalf of the People's Commission. It is surprising to note that why these Government Departments are maintaining secrecy in case of Lavasa Corporation.

A Project of this magnitude, would require Environmental Clearance under the Environment Impact Assessment Notification of 1994 which is a central law and which law was prevailing when the said project came into being. The fact that the State Government has permitted the Corporation to set-up a hill station in no way can preclude the liability of taking an Environmental Clearance.

The process of according Environmental Clearance is comprehensive in scope. It involves public hearing and an assessment done by a full body of experts. An entire scheme of the rehabilitation of the displaced persons has to be satisfactorily placed on record. The legality of the scheme would also have to be duly considered. For, if there is any legal lacunae, in that case, there could be adverse environmental implications.

It is also apparent that to commence work without Environmental Clearance is an infringement of the Environment Protection Act, 1986, which involves criminal as well as civil consequences. Such action has become desirable at this stage against the perpetrators of the violations.

ILLEGAL MEANS AND COERCION USED IN PRIVATE LAND ACQUISITION

The Lavasa corporation went in for direct purchase from its owners. From the complaints made by the farmers and villagers it is transpired that the company used various tactics for grabbing the land from the illiterate and poor people. There are many instances of fraudulent deals. The process of land grab was done by the agents of the company, creating proxy farmers and relatives, presenting fraud witnesses, forging land record, changing land records and corruption in collusion with the administration.

The company had looped several real estate agents to purchase land for a sum low at Rs.500/- to Rs.5000/- from the poor Adivasi, Dhargar, Koli and Maratha's. They were made to believe that the low payment done to them was an initial token payment and they shall be given proper price at the time of final land transfer Deed writing. By making low initial payment and giving false assurances for making large payment in future the company officers or agents obtained the signatures of the farmers on the sale agreements.

In most of the cases they had purchased 2 acres of land but made registration of 10 to 17 acres of land. It was also brought to the notice of the People's Commission that the land records of a previous dates shows ownership of land in the name of local family but records of a nearby dates shows change in names.

In Mugaon village alone there are 67 tribal families who had lost 330 acres of land without receiving any amount of compensation. They were forcibly evicted from their land and now forced to live in difficult conditions without water, gaathan, permanent housing etc. When they went for enquiry to the Talathi office they found that the new land records do not reflect their names.

The farmers were also promised jobs in the company, provision of many basic amenities for inducing them to give away their land to the company. In Dasve Village where Lavasa is building its first phase is example of cheating done by the Company with the local people. One of the villagers from Dasve told that the villagers of Dasve were not willing to surrender their land to the Company however, after persistent pressure from the Company the villager decided to hold meeting with the Lavasa Corporation. The Company wanted Dasve to be vacated for the project. In a common village meeting the Company made promises of building Gaathan, housing society, school and a hospital for the villagers in return of the land transfer but later when the Company got its entry in village it simply forced villagers to evict. In 2006 some of the villagers who waited for the Company to come back to them did send letters to Mr. Anirudhha Deshpande (Lavasa Office bearer) and Pune Newspapers about their agitation and demands but they did not hear from anyone in support. Today it is difficult to locate families earlier residing in Dasve, they have been forced to vacate the area and shift.

Mr. Shedge from Mugaon complained to the People's Commission that more than 80% of the land deals are fraudulent in nature and effected by committing frauds on local people. Mr. Shedge, Mr. Bhikule, Mr. Rodage and other 4 farmers from village Mugaon had submitted a representation to the People's Commission and requested to seek justice for them.

Among other things they have made following complaints-

1. No employment has been provided by the Corporation to the member of the family of those farmers who were made to sell their land on this condition.
2. No Gaathan land was created for resettlement and rehabilitation of the displaced persons whose land have been acquired by the Corporation.
3. Acquired land was given on lease by the Corporation but it had not paid Government dues, and now lands have been taken over by the Corporation rendering those farmers landless.
4. Those land which was allotted by Government to ST (Katkari Community) persons have been illegally and without due permission were purchased by the Corporation.
5. Surplus land and land held by Government for public purpose have been unauthorizdly taken over by the Corporation from the farmers cultivating it without paying compensation.
6. Corporat on made the farmers to sell their land under duress and compulsion falsely giving assurance that they would be given alternative land. No such alternative land was given.
7. Corporat on had made unjust and discriminatory payment of price of the land which was too low. Sales were effected through the land mafia agents of the Corporation who in fact cheated the farmers.

8. Devasthan lands were also acquired by the Corporation but no provision is made for creation and maintenance of Devasthan.

The People's Commission has examined these grievances of the farmers with assistance of following documents-

1. Copy of representation by farmers
2. 7/12 extracts
3. Extracts of Mutation Entries
4. Copy of a statement made by a farmer to the Tehsildar Mulsi(Paud)
5. Sale Deeds

The farmers claim to represent all farmers from following villages

Block: Mulshi Dist: Pune
Baji Pasalkar Dam Project

- | | | |
|----------------|------------|---------------|
| • Mose Brudruk | • Padalgar | • Gadale |
| • Admal | • Wadvali | • Dasve |
| • Patharshat | • Bhoeni | • Poshi |
| • Bebatmal | • Mugaon | • Ugavali |
| • Palse | • Sakhari | • Dhamanovhal |

REPRESENTATIVE CASE STUDIES INDICATING VARIOUS METHODS OF LAND FRAUD

1) LAND SURVEY NO. 60- A CASE OF GROUP OWNERSHIP OF LAND TRANSFERRED BY FEW OWNERS WRITING POWER OF ATTORNEY

Shedge, Bhikule and Dhone families own a piece of land Survey No. 60 admeasuring H.48.88+H 12.14= H.55.2 Which is situated at and within the outskirts of village Mugaon. There are 38 shareholders of this land from the above-said families who are joint holders of the land. Some of the holders appears to have appointed power of attorney who shall deal with the transactions in respect of their shares of land in survey no.60 on behalf of them.

The persons involved in these transactions who were appointed as power of attorney--

1. Milind Anand Kale
2. Selestile Properties represented by Arvind Gauda
3. R. Vijayandra Rao
4. Rupali Sagar Potfode(Nijampurkar)
5. Suresh Pendharkar
6. Suresh Barate
7. Mangal Subhash More
8. Anita Varate
9. Aruna Raut
10. Avinash More
11. Subhash More
12. Surekha Borawake
13. Kailas Bhosale
14. Mahesh Ghume

2) SURVEY NO. 18/5 AND SURVEY NO. 26/10- INDIVIDUAL LAND TRANSFERRED UNDER POWER OF ATTORNEY WHERE THE OWNER WAS UNINFORMED

A very interesting transaction that took place between shri Tukaram Kondu Bhikule and one Sandhya Sampatrao Salunke. Tukaram Kondu Bhikule is a resident of a Mugaon and was the owner of the land Survey no. 18/5 and survey no. 26/10 at village Mugaon in Talshil Mulshi Dist.Pune. In the sale deed the land have described as undivided. The price of the land stated is Rs.32000=00. The price was not paid before the Registrar.

It is surprising; factually land was sold by one Sau.Vidhya Samptrao Salunke who is described as a power of attorney of Tukaram Kondu Bhikule in the sale deed, to Sandhya Samptrao Salunke. It is apparent that both Vidhya Samptrao Salunke and Sandhya Samptrao Salunke are from the same family and both are residing on the same address and house at Karve Nagar, Pune. It is also apparent the price paid for the land is below the prevailing market price of the land

The above mentioned transaction is highly suspicious, doubtful and fraudulent and immediate inquiry on this behalf should be initiated and said transaction should be cancelled. Later on mutation entry no.675 made in respect of above said land survey nos 18/5 and 26/10 disclose that one Anirudha Uttam Yevlekar had purchased it for his minor son Kunal on 15/01/2001. This transaction was effected by Vidhya Sampatrao Salunke as being the power of attorney of Sandhya Samptrao Salunke. Now this land was sold for the price of Rs.59000=00.

Later on the Lake City Corporation Pvt. Ltd. have purchased these land on 20/09/2003 from Yewalekar. The transaction was effected by one Umesh Shripad Kalskar who acted as power of attorney of Yewalekar. Yewalekar sold this land to the Corporation for Rs.2,61976=00. It is also surprising that all these mutation entries no 588,675 and 811 have been made by Talathi or Circle Officer with supersonic speed that no sooner information was given to Talathi that entry was made. In ordinary course it is an experience of common man that usually it should take time of two months to six months or more. So far Lavasa Corporation is concerned the officers of revenue department in Pune District, I should say shown special favour to the Corporation, for the reason's best known to them.

3) SURVEY NO. 31- A CASE OF INAAM LAND USURPED UNDER FARUD

The People's Commission examined the 7/12 extract of Survey no. 31 of village Mugaon. A complaint has been made by Dhondiba Kondiba Margale of village Mugaon in tahsil Mulshi District Pune. In this complaint the complainant Dondiba has stated that his father Kondiba alias Kondu Babu Margale had purchased a portion of land 16 acers from survey no. 36/01 in the year 1967. He also stated that another land 40 acers 38 Guntha from survey no.31/01 was also purchased by him and was in the possession of his father. His father died on 15/01/1995.

One Arvind Gauda representing himself as a secretary of Mugaon Van Vikas Sahkari Sanstha, had purchased the land of many farmers. However on enquiry he told that he did not purchased the land of Dhondiba Kondiba and had not sold to anyone. Now the employees of Lavasa Corporation approached the complainant Dhondiba and told him that, for the purpose of development of hills, a road should be made through his land that also assured that Corporation does not claim any ownership of the land, and if it had to purchase, the purchase would be effected legally after negotiations. The Corporation had then made a road through his land inspite of objections raised by Dhondiba. When complainant approached the Corporation he was informed that land already belongs to the Corporation and it had purchased it from Arvind Gauda. Complainant was also

98605066 SGO Sachin Kharade (Pta Arvind Gauda)
Arvind Gauda, Ankush¹² Sledge.

threatened by officers of the Corporations that if he continue to insist, the police action would be taken against him. They also informed that the complainant his name is also not appearing in 7/12 extracts. The officers also told the complainant that they should accept the amounts, what ever that may be paid by the Corporation.

The 7/12 extracts of survey no.31 disclosed that the transfers of land have been effected one after another the recent transfers have been made between Sujat Kammruddin Sodagar and Sakshri Mangesg Dixit then between Dixit and prakash Atamram Raisone and then between Raisone and Visdhya Sampat Salunke and between Mrs. Josaif. After that there are numbers of transfers of land. The same story can be repeated in respect of another land survey no.36.

In fact, as it appears from a sale deed of survey no.31/01 dated 22/01/1969, the land survey no.31/01 was measuring about 40 Acres 38 Guntha, was purchased by Kondu (Kondiba) Babu Mergale (The father of Complainant Dhondiba Kondiba) from one Shankarrao Bhaurao Pashalkar. Shocking enough, that in the 7/12 extract of land survey no 31, The name Kondibe alias Kondu does not appear at all and the said transfer has not been shown in it or had been registered in it. It is a registered sale deed Therefore name of the purchaser Kondiba Mergale and after his death the names of the of Kondiba Mergale should have be recorded in 7/12 extract in respect of survey no 31/01 as per the established procedure.

4) SURVEY NO. 36/1 - A CASE OF FRAUD DONE BY THE LAND AGENTS

The 7/12 extract of survey no. 36/1 is also missing the name of the complainant and his father.

It is complaint of Dondhiba K. Mergale, though they are in physical possession of both the lands, Survey nos.31/1 and 36, continuously since the life time of his father Kondiba alias Kondu, and after his death they do not know why their name is missing as holder of the land in 7/12 extracts concerning both the lands. They had made inquires regarding old record of the land with concerned government officers; however they were told that the record is not available.

It is notable that Survey No. 36/1 is Inaam Land distributed to the family in 1967-69 by the Government under Maharashtra Land Ceiling Act. In Mulshi Taluka in 70's excess Inaam land was recovered under land ceiling land and was distributed to Dhangar community families.

The Margale family belongs to Dhangar community which is traditionally nomadic tribe, and uneducated, illiterate and socially and economically backward community.

It is clear that undue advantage of their backwardness have be taken by the agents and officers of Lavasa Corporation and very serious fraud have been committed by them in respect of revenue record by forging it for taking such advantage.

The People's Commission found much substance in the complaint of Dohdiba K. Margale and therefore suggests immediate inquiry in this regard. Dohdiba should also be provided 7/12 extracts of both the lands since 1965 to 2009 and copies of all mutation entries, those have been made in respect of survey no.31/1 and survey no.36/1 immediately.

Today Ms. Leelabai Balu Margale, elder daughter- in- law, and younger son of Kondiba have been cultivating and using the area for past 40 years. Now Lavasa Corporation is harassing this family to vacate the land. Family has been facing harassment by the Company regularly. Ms. Leelabai has been trying to file a FIR against Company's harassment but the Police department is not at all paying attention to her complaints and has been favouring the Lavasa Corporation. This has strengthened Lavasa workers to encroach and forcibly construct road on her property.

It is worth mentioning that Leelabai is a widow and has three children to take care. She has been fighting against forced eviction with no help from the Police and the Government departments though she has made repeated appeals to the Divisional Commissioner and District Collector, Pune and to the Police Incharge at Paud, District Pune.

People's Commission is shocked to hear this case. This is highly undemocratic. The role of the District Administration and Police is questionable.

5) SURVEY NO. 39/4- A CASE OF ADIVASI LAND USURPED BY COMMITTING FRAUD

The applicants Mr. Bandyu Bhau Walhekar and his wife Ms. Thuma Bai Walhekar's case is a representative case indicating the way Adivasi land mutations have been done without involving land owners in any land transfer procedure. Land admeasuring area of 5.67 hectares was received by Mr. Bandyu Bhau Walhekar vide mutation entry number 213 and 214 dated 05/11/1972. The land was transferred from the earlier owner Mr. Suryakant Pasalkar, who had excess land, and under the law of land ceiling, Mr. Bandyu Bhau Walhekar received land as landless Adivasi.

The Walhekar's have 7/12 record on their name for the said land belonging to the year of 1987-88. Even the Government's list of Adivasi families who have been allotted land under Ceiling Act has name of Mr. Bandyu Bhau Walhekar. However, the recent 7/12 extracts discloses that the land is transferred to Sharda Shuresh Shetti vide entry no. 412 and after that to Mr. M. R. Divakar entry no. 609.

It is notable that this Adivasi family has been kept in dark and a nexus of Land agents, Talathi and some big support has forged 7/12 records and transferred the land. The family came to know about this fact only when everyone was extracting their land details under the necessity brought by Lavasa Corporation which was pressurizing several such Adivasi families to evict their land and vacate the area.

In Mugaon village there are 67 such Adivasi families who have been allotted land under land ceiling Act and are fully dependent upon land for their livelihood and sustainability. These families are BPL families and any attempt to displace them from their meager land resources will lead into severe food insecurity and inhuman deprivation. Land Survey No. 22, 23, 34, 50 admeasuring to area of approx. 330 acres in upper hills of Mugaon is belonging to these Adivasi families encroached by the Company. Though families have been protesting Company's takeover of their land the Company has forcibly constructed roads.

6) SURVEY NO. 71/1- A CASE OF OVERRIDING OWNERSHIP RIGHTS BY THE COMPANY BY PRESENTING FALSE SALE DEED

It has been complained by Shri Ramchandra Sakharam Shedage R/o. Admal in Tahsil Mushi Dist-Pune that he owns a land survey no. 71/1 at village Admal.

The Lavasa Corporation has illegally made the purchase of the land from the heirs of one Baburao Maruti Parit, who had sold the land to the father of Mr. Shedage in the year 1997.

As per the complaint the land though it was purchased by his father Rambhau Shedage in the year 1997, in fact his father was cultivating it since the year 1980..

It has been also stated by the complainant that since the year 1980 name of the father of the complainant Rambhau Shedage was also entered in 7/12 extract in crop-cultivation column as the cultivator. The land was

threatened by officers of the Corporations that if he continue to insist, the police action would be taken against him. They also informed that the complainant his name is also not appearing in 7/12 extracts. The officers also told the complainant that they should accept the amounts, what ever that may be paid by the Corporation.

The 7/12 extracts of survey no.31 disclosed that the transfers of land have been effected one after another the recent transfers have been made between Sujat Kammruddin Sodagar and Sakshri Mangesg Dixit then between Dixit and prakash Atamram Raisone and then between Raisone and Visdhya Sampat Salu ke and between Mrs. Josaif. After that there are numbers of transfers of land. The same story can be repeated in respect of another land survey no.36.

In fact, as it appears from a sale deed of survey no.31/01 dated 22/01/1969, the land survey no.31/01 was admeasuring about 40 Acres 38 Guntha, was purchased by Kondu (Kondiba) Babu Mergale (The father of Complainant Dhondiba Kondiba) from one Shankarrao Bhaurao Pashalkar. Shocking enough, that in the 7/12 extract of land survey no 31. The name Kondibe alias Kondu does not appear at all and the said transfer has not been shown in it or had been registered in it. It is a registered sale deed Therefore name of the purchaser Kondiba Mergale and after his death the names of the of Kondiba Mergale should have be recorded in 7/12 extract in respect of survey no 31/01 as per the established procedure.

4) SURVEY NO. 36/1 - A CASE OF FRAUD DONE BY THE LAND AGENTS

The 7/12 extract of survey no. 36/1 is also missing the name of the complainant and his father.

It is complaint of Dondhiba K. Mergale, though they are in physical possession of both the lands, Survey nos.31/1 and 36, continuously since the life time of his father Kondiba alias Kondu, and after his death they do not know why their name is missing as holder of the land in 7/12 extracts concerning both the lands. They had made inquires regarding old record of the land with concerned government officers; however they were told that the record is not available.

It is notable that Survey No. 36/1 is Inaam Land distributed to the family in 1967-69 by the Government under Maharashtra Land Ceiling Act. In Mulshi Taluka in 70's excess Inaam land was recovered under land ceiling land and was distributed to Dhangar community families.

The Margale family belongs to Dhangar community which is traditionally nomadic, tribe, and uneducated, illiterate and socially and economically backward community.

It is clear that undue advantage of their backwardness have be taken by the agents and officers of Lavasa Corporation and very serious fraud have been committed by them in respect of revenue record by forging it for taking such advantage.

The People's Commission found much substance in the complaint of Dohdiba K. Margale and therefore suggests immediate inquiry in this regard. Dohdiba should also be provided 7/12 extracts of both the lands since 1965 to 2009 and copies of all mutation entries, those have been made in respect of survey no.31/1 and survey no.36/1 immediately.

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Officers and Tahsildar are very prompt in recording the entries in the name of agents of the Lavasa Corporation and the Corporation itself.

It has also transpired that the entries in the name of agents of the Corporation have been made without serving any due notice to the holder of the land and members of joint holding and without any inquiry by Tahsildar.

The Registrar who registered the sale deed also did not examine the fact whether the person selling the land had authority or competency to effect that sale of the land.

In this case the behavior of the all responsible officers is very much questionable and constitutes a sufficient ground to suspect that they had joined hands with agents of Lavasa Corporation or Corporation and are party to this illegal, unethical and immoral transaction.

8) SURVEY NO. 38/1, 72/3/2, 73/1/2, AND 26/1/2 – A CASE OF FALSE SALE DEED LATER LAND TRANSFERRED TO THE LAVASA CORPORATION

It is the complaint of Shankar Gopala Dabade of Padegaon Tal-Daund, Dist-Pune that he owns agricultural land Survey nos. 38/1, 72/3/2, 73/1/2, and 26/1/2 at village Bhoyni in Talasil Mulshi Dist-Pune which is his ancestral property. He has made very serious complaint when the above-mentioned land was never sold out by him to anybody, a registered sale deed of the land have been done and it was transferred to the name of other person. He has become landless. He complains that a fraud has been committed in respect of his property and he has been cheated.

After knowing that a bogus sale deed have been done in connection with his land he made the inquiry and what transpired to him was this-

1. There is no signature of Sub-Registrar on the sale deed.
2. Sale deed was signed by the power of attorney of the owner. And copy of power of attorney is not attached to the sale deed.
3. The changes in the 7/12 extract have been made without any notice to him and without his consent.

The complainant assertively states that he did never execute any power of attorney in the name of any person and much less in the name of Prakash Kane who is absolutely unknown to him.

He therefore requested that the sale deed of his land being fraudulent and bogus and it should be cancelled.

The People's Commission found that one Prakash Vasant Kane had signed the sale deed on behalf the complaint Shankar G. Dabade as his power of attorney and sold the land to Nilambari S. Joshi and Sharadchandra Khire.

The People's Commission also found that there is no signature of Sub-Registrar. It also examined the 7/12 extract and came to the conclusion the land is certainly an ancestral property of the complainant and the names of the purchaser have been entered in the 7/12 extract vide M. E. no 421 and 438. The mutation entry again disclose that on 7/3/2001 the *Talathi* was informed about the transaction and he has recorded the mutation on 8/3/2001. The *Talathi* also mentioned the purchaser Nilambari Joshi and S. Khire is an agriculturist (which is very doubtful). It appears no personal notice was served upon the original holder of the land and no inquiry had been done before effecting the mutation. Therefore, the mutation entry 421 should be got cancelled.

Obviously it is a case of outright fraud on record and sale deed needs to be cancelled forthwith.

9) SURVEY NO. 25 PART, 27 PART, AND 66/1 PART, 18 - MUGAON, MULSHI, A CASE OF LAND FRAUD, FRAUD IN PAYMENT OF COMPENSATION AND FORCED CONSTRUCTION BY THE COMPANY

Mr. Dyaneshwar Vishnu Shedge and Maruti Vishnu Shedge told the People's Commission about the land owned by their father Mr. Vishnu Navji Shedge has been transferred in the name Swati Ramdas Dawre in the year 2000 without the knowledge of the family members. Mr. Vishnu Navji Shedge who died at the age of 97 years on 9/11/2000, was ill for the last 15 years and was blind. According to the family it was impossible for him to do any work without the help of anyone from the family. He was unable to walk and execute his regular daily requirements. However, as per the copy of 7/12 record the said land a transaction dated 17/11/2000 is been registered.

As per the family members and his two sons Mr. Dyaneshwar Vishnu Shedge and Maruti Vishnu Shedge it is impossible for their father to do any such transaction considering his age seniority and health complications. They shared that without their knowledge and help it is unrealistic to assume that their father has made any transaction. How could he sell the land on August 2000 just few weeks before his death without any family help when he was physically immobile?

How the mutation entry no. 577 dated 6th June 2001 of the said land survey numbers is been made without mentioning the legal heirs of late Mr. Vishnu Navji Shedge? After a complaint filed by the legal heirs, the purchaser issued 5 cheques of Janata Sahkari Bank, Karve Road, Pune, which bounced back and did not encashed and so the fraud in selling as well as in paying the compensation. Today, all these Survey Numbers are under construction work by Lavasa Corporation.

The People's Commission was told that the Helipad of Lavasa Corporation has been built on S.no. 18. S. No. 25 part, 27 part have been encroached by the Company to build roads for NASA project and S. no 66 has been gulped by the Company to build dam in Mugaon.

The case of Mr. Shedge is thus to be treated as fraud. The letter, copies of the mutation entries and Xerox copies of dishonor cheques submitted to the People's Commission.

POLITICAL HIGHHANDEDNESS ✓

As mentioned earlier The Lake City Corporation Pvt Ltd (now Lavasa Corporation Ltd.) has been receiving abundant favours because of its stakeholders profile. Sadanand Sule (son-in-law of Agriculture Minister Mr. Sharad Pawar), and Supriya Sule (daughter of Agriculture Minister Mr. Sharad Pawar), together were holding 21.97% of total number of shares of the company in the Lake City Corporation. The company is registered as an industry. Though it was not granted a status of Tourism Development Project by the State Government, all concessions and facilities have been showered on the company as if it is a tourism development.

Ms. Supriya Sule and Sadanand Sule were the prominent shareholders in the company in 2002-04. On October 3, 2002, Sule was allotted 12.48 lakh equity shares and 26.64 lakh 6% redeemable preference shares by The Lake City Corporation Pvt Ltd with a face value of Rs. 10. The other shareholders included close allies of Pawar and Sule family Aniruddha Deshpande, Vinay Vitthal Maniyar, Jyoti Bhale, Arvind Bhale, Hir dustan Finvest Ltd, Srivenk Investments Ltd, Venkateshwara Hatcheries Ltd and Janpath Investment and Holdings Ltd.

The shareholding pattern changed in 2004 and as of October 6, 2004, Sadanand and Supriya Sule jointly held 7.49 lakh equity shares and 29.97 lakh 6% redeemable preference shares of the Lavasa Corporation with a face value of Rs10. Besides well-known associates of Sharad Pawar such as Aniruddha Deshpande, Vitthal

Badrinarayan Maniyar, and members of their family, other shareholders at this point of time included Hindustan Construction Ltd (HCC), Janpath Investment & Holdings Ltd, Hindustan Finvest Ltd, and Venkateshwara Hatcheries Pvt Ltd.

This was reported by Times of India, Pune on January 14, 2006 based on the certified documents obtained from the Registrar of Companies (ROC) under provisions of the Companies Act, 1956, in possession of Times of India. Ms. Supriya Sule, withdrew from Lavasa soon after January 2006 when public attention built up to the fact that the Congress- NCP government had worked to speed up the process of clearances accorded to the Lake City Corporation.

Another interesting aspect is the 30-year lease agreement reached between the Maharashtra Krishna Valley Development Corporation (MKVDC was then headed by NCP Minister Ajit Pawar) and the Lake city corporation on September 23, 2002. It is worth noting that Mr. Ajit Pawar was the Chairperson of Maharashtra Krishna Valley Development Corporation from December 1999 to December 2004.

During the year 2002-2003, total 31 No Objection Certificates were granted to the Lake City Corporation (previous name of Lavasa Corporation) by various departments, such as the MKVDC, Konkan Irrigation Department, Maharashtra Tourism Development Corporation and the Maharashtra Pollution Control Board. These were for construction of mini dams and impounding water for commercial use, tree felling, quarrying, stone crushers and purchasing land for industrial use.

LAVASA: A FAST-TRACK PROJECT

Some of the crucial MoUs and clearances secured by the Lake City/Lavasa Corporation in 2002-03 from the Maharashtra government:

- 1) May 30, 2002: NOC (No BO/TB/RO (HQ) Pune -- 163/444) for development from the Maharashtra Pollution Control Board
- 2) June 5, 2002: MoU between Lake City Corporation and Maharashtra Tourism Development Corporation
- 3) July 4, 2002: Maharashtra Krishna Valley Development Corporation's (MKVDC) NOC (No TPD/ADM/VRBR/2543) to construct DTR
- 4) July 16, 2002: MKVDC's permission (No KID/ADM/4891/2002) to construct dams and store water.
- 5) August 9, 2002: Irrigation Department, Konkan region; NOC (No 89.01/(18/2002)/U-5/3074) to construct dams and store water
- 6) September 23, 2002: 30-year lease agreement between MKVDC and Lake City Corporation for construction of mini-dams in the submergence of Warasgaon Dam and impounding of water for commercial use. (This agreement was brought to light by a Right to Information application by Pimpri-Chinchwad activist Maruti Sahebrao Bhapkar in December 2005)
- 7) December 11, 2002: Permission (No DI/Land Permission/255/2002 C-17386) from industries department to buy land for industrial purpose
- 8) December 13, 2002: NOC from the environment department (No ENV (NOC) 2000/765/CR.105/TC.1) for development
- 9) January 2, 2003: Forest department's tree-felling permission (No B/M/907/2002-03) for DTR/RFO Khanapur
- 10) January 10, 2003: Tree-felling permission from forest department (No 576/2002-03) for DTR/RFO, Paud
- 11) March 12, 2003: Land use certificate (No DDTP Pune/Final RP Pune/Zone Cert/822) from the town-planning department
- 12) April 10, 2003: MKVDC permission (No PB-4/KID/91/203) to carry out preliminary works
- 13) July 15, 2003: Quarrying permission (No Mining/SR/391/2003) from revenue collector for Dasve
- 14) December 20, 2003: Irrigation Department (Konkan region) agreement to construct dams and store water
- 15) March 18, 2004: Environmental clearance (No ENV/cle/765/CR-105/TC.1) for project

CONCLUSIONS AND RECOMMENDATIONS

All facilities for a tourism project granted by a state or the Centre have been endowed on the Lavasa. Amongst other favours granted by the Government some prominent favours are:

1. 372 acres of government land vested in MKVDC, have been almost gifted by the Government to the company by leasing it to the company, for the period of 99 years at low premium as it could be
2. 912 acres of surplus land declared under the land ceiling law in the year 1975 but never acquired by the government for its distribution to landless, now with overwhelming zeal acquired under the ceiling law within the period of three days, just to transfer it to Lavasa committing serious breach of provisions and mandates of the Ceiling act and also depriving landless from getting benefits of it.
3. 112 acres of Inaam land which should have been re-granted after accepting statutory price from holders of the land, to them, under the provisions of the Inaam land laws has been illegally transferred to Lavasa on lease for 99 years at nominal premium.
4. The stamp fees have been exempted for transfer of lands to Lavasa putting Government at loss of Rs. 1000 to 5000 Crores.
5. Government has not yet recovered the royalty for extraction of minor minerals and utilization of them by Lavasa in the process of construction of roads and building activities
6. All facilities of tourism projected or center have been endowed on the Lavasa by the government, when the company is carrying on private industrial activities and earning profit of millions of rupees and established and registered for the industrial and commercial purpose.
7. Considering the size and category of the project the environmental clearance should have been obtained from the Central Ministry-MoEF.

While granting such favours to the company the Government of Maharashtra was never slow, as it appears to have utilized the services of its officers and staff for the benefit of the company to achieve its private purpose overlooking the injustice done to the villagers and farmers who lost their lands, the very source of livelihood, turning them almost to be beggars.

It is shocking, the collector Pune has recommended that the government to pay compensation to the holders of the land whose land was acquired by it as surplus land under ceiling law, at the rate of Rs.60 per acre, i.e. Rs.1.50 for a guntha, while Lavasa can earn Rs.2 Crores after selling plot of the land admeasuring 500 Square Meters

Why government has not taken any action against Lavasa for non payment of royalty for extraction of valuable minor minerals such as earth, Murum and sand and suffering loss of millions of rupees, while granting unlimited favours to the company the Maharashtra Government and its authorities functioned with surprising supersonic speed which is unknown otherwise.

And how government authorities were allowed to violate the provisions of ceiling law, tenancy law, easement law, Inaam land laws and environmental laws?

- ✓ Why did the Government act high handedly while granting exemption of Stamp duties on land transfers for and by Lavasa and suffered a loss again of Rs.1000 to 5000 crore?

And government had transferred public property i.e. government lands at throwaway prices or premiums to Lavasa and deprived the landless from getting those surplus lands to feed their belly? And who put it above law and for whose benefit? Our question is whether the Maharashtra Government would rise to its constitutional duties and obligations or succumb to the mandates of its political bigwigs?

2005 373 ha. Ceiling
19
Rs 60 per Acre

① Royal Stamp duty
exemption

② Royalty exemption

Maharashtra Government should answer all these questions forthwith.

We, the People's Commission of Inquiry on this case recommend that-

- 1) Immediate inquiry be held in respect of fraudulent and all suspicious land deals between Government and Lavasa by independent committee which shall include representatives of renowned social activists, and reputed judicial officers and headed by qualified non-governmental person having integrity and honesty
- 2) An inquiry should also be directed in respect of huge monetary losses suffered by the Government while granting huge concessions in respect of premium of lease, stamp revenue and royalty of minor minerals and those responsible for losses be punished. Losses should be directed to be recovered from Lavasa forthwith.
- 3) All the land declared surplus under ceiling laws be directed to be recovered from Lavasa forthwith and be distributed to landless and Backward classes, forthwith.
- 4) All the Inam land illegally transferred to Lavasa be directed to be recovered from it and regranted to original holders or their heirs.
- 5) All customary and easement rights in respect of public ways, approach roads, taking of drinking water and water for live-stock, grazing lands, cremation grounds etc etc. handed over against the law may be inquired into and restored to the inhabitants of the area, in accordance with law.
- 6) Inquiry may also be undertaken on the fraudulent and illegal endowment of tourism facilities and concession when Lavasa was a private company engaged in commercial activities to earn profits and not engaged in any public works.
- 7) Considering the size and massive construction and infrastructural changes the project is making a comprehensive environmental impact assessment should be done by the Government and fresh procedure for Environmental clearance should be laid by the Ministry of Environment and Forest for the Lavasa Corporation.
- ✓ 8) It should also be inquired and investigated as to who is the 'Godfather' and how he blessed the company and why?
- ✓ 9) Based on the facts evolved in the enquiry, action under administrative, adjudicatory and criminal laws be taken against the perpetrators of the crime. Departmental action and also action under the Prevention of Corruption Act, 1988 be taken against the Government officials without whose active help such violations on a mammoth scale would not have taken place.
- 10) An independent High level Inquiry is very much necessary in respect of fraudulent private land deals by agents of the company with poor, illiterate and rustic farmers at throwaway prices and all such transactions be reviewed and either modified directing company to pay prevailing market price of the land to the owners or be cancelled.
- ✓ 11) If necessary ordinance be issued to achieve above mentioned objective i.e to accrue justice to poor farmers.
- 12) Rehabilitation of the project affected persons should be undertaken immediately.

II) Large Dams: The human cost of accumulation of resources

Pune is a district which has the largest number of dams in India. Maharashtra is known for building 50% of India's large dams while Pune itself has half of the state's dams. Panchet and Koyna, known for the tragedies of breach and earthquake are exceptionally shocking examples of the serious examples of large dams, but the worst impact is on the people whose lands, forests and even rivers are snatched away. The principle of 'eminent domain' and the British days' Land Acquisition Act based on the same has been used with force, legal as well as brutal, to evict people and the communities are driven away or even butchered.

The Satyagraha of Senapati Bapat and Vinayakrao Bhuskute during the inspiring days of the freedom is much analyzed and written about. Was it success a failure could be a matter for socio-political analysis but how does it matter when the thousands of adivasis, dalits and backward communities are still paying the cost of submergence, the cost of progress?

The Land Acquisition Act, 1894 is applicable today and was so even then. It is indeed a sorry affair that even the British Act was not fairly used. The story of using hot water canons and brutal police force are well-known and recorded, against the green hilly Maval, where their predecessors fought for Swaraj, where they cultivated and grew food for all, preserved rivers as heritage and Sahyadri, the tall strong mountainous ranges, with its bountiful eco-systems, the flowing rivers, the growing forests and feeding harvest.

Tata, an 'economic power' today is known for its philanthropy but has also been mired in controversy for its land accumulation and mining of mineral wealth. What happened 100 years ago when the company built six dams on lands leased to it, is not just history, but a problem that remains unresolved, even after a century. So do the 10-40 years old dams on rivers in the Krishna valley, which bring out a story of all losses, little or no benefits to the rural population of the historically popular Maval region.

Unfortunately, the fighters and protectors of the country, its land and people have had to engage in a struggle for decades during Shivaji's regime for their own survival. This saga has not ended but the situation is worsened with all Projects -tourism, hill stations to SEZs following big dams into this district, displacing people and sacrificing nature.

Known for its tourist and beauty spots, the urban rich and their broker agents no doubt active, but where is the state? This question needs to be asked and the answer sought through this Report and even beyond. What follows is the result of our limited investigation, not as a classical research, but a fact finding with the people and their organizations, when we also tried to get the official view point, but failed.

A) TATA DAMS: A CASE OF CENTURY OLD BETRAYAL BY THE STATE – CORPORATE NEXUS

It was almost a century back that the Tatas, initially in the name of United Power Limited, later changed to Kundlik Power and Tata Hydro-Electric Power Supply and finally to Tata Power Company started dispossessing the poor farmers in the Maval and Mulshi tehsils of Pune district from their ancestral lands for establishing their irrigation and hydro electric project. The story began in 1915 when the then British Government entered into an agreement with Tata to acquire land for its electricity generation project.

An agreement dated 25 June 1918 was executed between Tata Power Company limited and the Secretary of the state for India in Council wherein the government was to acquire land under the provisions of Land Acquisition Act, 189 for the company and the company was to pay the compensation to the owners of the land through government.

Since then Tata Power Company (as named, at present) had acquired a total of 45680 acres of land in Maval and Mulsh tehsils for the construction of its 6 dams: Sirvata, Somvadi, Valvan, Bhushi, Thokalwadi and Mulshi Petia.

In all 18 villages and 15 hamlets (Vadis) were submerged and affected due to this project. Tleast 3251 farmers were displaced. Unfortunately barring very few, almost majority of them did not receive any amount for comperisation for their lands which was lost in the project.

Even today the members of the family i.e. descendants of the ancestors who were holding the land 100 years back when project was initiated by Tata, are living in a condition which is certainly below the line of poverty or many had to resort to migration at a great social and economic cost.

Those who stayed back and their successors the are still fighting for getting compensation and a place for dwelling which is denied to them even after the Independence. The Government of India and State Government did never care for them and did not take any steps for rehabilitation of these ill-fated families.

These projects affected families and persons belonged to Katkari (ST), Dhangan(NT), Maratha communities, most of which are economically backwards castes and / or classes.

We had visited some of the villages affected by the dams constructed by Tata Power Company. We had discussior with Niketan Dinkar Palkar, Sanjay Manu Nalve, Sanjay Bhiku Tikovane, Chimanlal Sitaram Punjabi, Shivram Bhavar and many other Tata dams affected villagers.

THE EXTENT OF ACQUISITION: MISLEADING DATA

As per the information furnished to the project affected persons under the RTI, the following is the date of the land acquisitioned.

| Name of the Teshil | Land Acquired for the company | | Govt. Land Allotted to company | | Land purchased by the company | | Land returned by the company | | Land in possession of the company | |
|--------------------|-------------------------------|-----------|--------------------------------|-----------|-------------------------------|-----------|------------------------------|-----------|-----------------------------------|-----------|
| | Ha | Are | Ha | Are | Ha | Are | Ha | Are | Ha | Are |
| Maval | 6548 | 37 | 606 | 00 | 478 | 96 | 894 | 08 | 6739 | 25 |
| Mulshi | 6187 | 96 | 356 | 61 | 1080 | 93 | 00 | 87 | 7624 | 33 |
| Total | 12726 | 33 | 962 | 61 | 1559 | 59 | 894 | 95 | 14363 | 58 |

However, the details of 5 dams; Siravta, Somvadi, Valvan, Bhushi and Thokalwadi – lands sub merged and families affected also are supplied, which are as follows.

| Sl. No. | Name of the dam | Total villages affected | Land affected (Are) | No. of Affected land holder families |
|--------------|-----------------|-----------------------------------|---------------------|--------------------------------------|
| 1. | Siravta | 7 | 11100.00 | 657 |
| 2. | Somvadi | 6 | 2120.00 | 302 |
| 3. | Valvan | 5 | 4700.00 | 320 |
| 4. | Bhushi | 5 | 3550.00 | 320 |
| 5. | Thokalwadi | 18 villages 15 vadis (hamlets) | 24200.00 | 1652 |
| Total | 5 dams | 41 villages and 15 hamlets | 45680.00 | 3251 |

It's clear from the above that the information is confusing: Tata Power Company has been allotted a total of 45,680 acres i.e 18272 ha through acquisition, affecting 3251 families of landholders. One can presume that since land division and distribution to all family members had not taken place then, the actual total number of families would be much larger and the exact numbers are not even known to us. There is a need to bring out the final and fair information and data on the impact not only of submergence, but the overall Project, through a detailed survey, immediately.

The extra land acquired is a major issue for investigation. We could find out that out of the above five only 2 dams, Sirvata and Valvan, retain waters till May and the rest three hold very little water after winter and leave much land unsubmerged. These lands, available after receding of waters or those which never get submerged were given to the affected families on lease by the company and a lease rent of Rs. 60 per year was collected for the last more than 40 years, as realized from the receipts shown to us by the land lessee. However, this is done, claimed to be an obligation on the part of the company till date, while in reality the company has avoided application of Tenancy Act to these lands which could have been granted to them as their right. These leased landholders have already applied to the government to grant them lands with permanent rights. However the company has been slowly and steadily withdrawing the lease land, as in the case of Mr. Nandavate, who was leased 4.01 ha (cultivable) + 2.03 ha (waste) = 6.04 ha land, for which rent receipts from 03-07-1921 to 13-12-1978 are available. This land was taken back and used for a Mahaser Fisheries Centre by Tatas! Mr. Nhalve, another PAF was given about 17 acres on lease from 1921 to 2004. However, the Tatas stopped giving receipts after 2004.

To conclude, it is obvious that the grand-fathers of the persons cultivating the land today were holding that land since time immemorial and might be treated as tenants of the land in those old days. We were informed

that British government had paid the compensation received from the Tata Power Company for the acquisition of land, to the absentee landlords and not to the tenants who were in fact cultivating the land since time immemorial.

It is shocking and not understandable as to why the state government did not give the benefit of the provisions of Tenancy Act and put into the action the provisions of it and made statutory purchase of land under the act in favour of the tenants of the company who are cultivating the land on rent since prior to the Independence. It certainly reflects on the conduct of the Government.

It was also noticed by us that during the year 2004-2005 the farmers realized that they can purchase the land under the provisions of Tenancy Act and went for collecting the land records for proceeding against the company. The company refused to accept the rent.

The company also started fencing of the lands or area which were under cultivation by the farmers. The company has also installed gates on public ways and took the control of the public communication. For example, public ways of Sirvata dam, affected villages like Khandshi Umbarwadi were closed. Tata is also not permitting downstream waters for meagre cultivation. Tata is also closing the road to the Bhushi dam affected.

This attempt of the company was strongly resisted by the farmers. *"Now it was conveyed to us that in view of the rising terrorism, the company is again attempting to seal the public ways and to put it under its control in the name of security"* the villagers informed us, expressing opposition to such acts of the company. The Government, however, appears to be sleeping over the valuable rights of the villagers or is more concerned of the big corporate, rather than the small and marginal farmer. A number of meetings with the Tehsildar and one with the Collector, in the presence of Tatas, have not brought in results.

We have gone through the agreements between the British government and Tata Power Company which were executed in the year 1925 and we could see that there is a condition incorporated in the agreement concerning return of extra land acquired by it to the owner on payment of price paid by the company to the government or owners.

The Mulshi dam itself has not less than 14,000 acres of land, but is not distributed / allotted back to the people. Although, much of it is in the possession of people themselves, they are deprived of the legal rights, for no reason. The Sub-divisional officer, Maval, had directed inquiry to be made into these, in February 2009 but the same is not completed. The process of inquiry, as well as follow up action being unjustifiably slow, injustice continues.

It is only after agitation that the authorities have accepted, there are certain fraudulent aspects of the deals, such as:

- non-acquired lands are submerged
- joint – holders of a land are not on the record and hence not compensated.
- Tribal lands were taken over without prior permission.

The villagers are now demanding the extra lands acquired by the company from their ancestors and are ready to pay the amount of compensation, which could be proved as paid to the affected, back to the company. They are also complaining to revenue authorities regarding the obstruction of the public ways by the company. However, the authorities are not paying any attention to their grievances and complaints making the life of these poor people more miserable.

There is another serious lapse on the part of the Government. All those villages which were displaced due to projects undertaken by Tata, during the British period have not been yet rehabilitated. No Gavthan land, grazing land, cremation ground, place for social forestry etc. have been created for these families of displaced villages. Rehabilitation is their right, no doubt, whether or not there was any Rehabilitation Act existing at the time of displacement, the affected families assert their right to life, which can be ensured by providing them with one source of livelihood per family and all basic civic amenities.

NO RESETTLEMENT

There is another condition in the agreement that right of public in respect of customary ways or easements was reserved and kept intact so far as acquired land was concerned. Therefore, the company has no right to obstruct the farmers to use those customary ways or easements passing through or against the lands held by the company.

The Tehsildar should be directed to use his powers and authority vested in him under the provisions of Mamlatdar Courts Act and protect those easementary rights in respect of public ways.

After the displacement, these villages have settled themselves any how on private lands or any place found by them. But their locality was never endowed with the status of village or no Gavthan land was allocated to any of the villages, even where they have Gram Panchayat. These localities are therefore, deprived of basic civic amenities such as provision of drinking water, public toilets, power supply, approach roads and many a development scheme such as EGS.

1. The villagers of submerged villages are living in some other villages or had been scattered to different places or either migrated for their sustenance. Out of 12 villages only 8 villages have been provided Gavthan land while villagers from 4 villages are waiting for allotment of Gavthan land.

2. The Tata power company failed to provide basic amenities such as a supply of drinking water to all these villages. Most of the villages have been provided unhygienic raw water from tube wells directly provided by village Panchayat. Only 2 villages have been supplied drinking water by municipal council.

3. As no Primary Health Center or dispensary provided in these villages the patients have to travel a distance of 15 to 17 kms. for getting a medical treatment. Out of 12 villages only 1 village "Tambdechi wadi" is having a dispensary.

4. These villages are also lacking the educational facilities. Primary schools having a provision for learning upto 4 standard are functioning only in 5 villages. Two villages are having schools where students can be educated up to 7th standard. There is only 1 school where education is provided upto 10 standard. In village Valvade there is school building but the school never functioned.

On the other hand, in those last 100 years, Tata went on to earn billions of rupees by selling electric energy to the city of Mumbai which is generated through waters filled on the lands of these poor people, who are not even compensated nor made beneficiaries in the 'development' attained.

CONTEMPT OF NOT JUST PEOPLE, BUT COURT!

The extent to which the Government is scared of acting against the Tatas is obvious from the case of Chimanlal Itaram Punjabi, of village Bhajgaon. His land Survey No. 25, admeasuring 2 ha. 50 acres was shown as purchased by Tatas, but it was only through oral transaction, as admitted by the Vadgaon-Maval

Civil Court through interim order dated 17-06-2005. Similarly, other lands in the same Bhajgaon village were also purchased orally i.e. illegally and hence should be returned back to them, on paper. Out of this, 5 acres is fenced by the Tatas which should be removed and the 4-5 bungalows built on Survey No. 22 by the Tatas should be demolished.

ACCESS TO INFORMATION

These poor people have also been denied the access to information in respect of public record concerning their land and land rights. A number of RTI Applications have been filed, but the details of compensation paid to the land holders are not yet obtained. Originals of compensation awards are said to be not available. When they go for information or document regarding 7/12 extracts, mutation registers, land accounts, maps etc. they receive only one answer that records are not with the office as whatever happened it happened during the rule of British government and they don't possess much of the record and hence people should not make any demand from this government. That the affected people were compensated under the Land Acquisition Act and the amounts did reach the heads of the families is thus not proved.

RECOMMENDATIONS

- A. All the records related to the land acquisition and compensation should be found out and made available.
- B. Compensation should be paid for the land which are submerged, but not acquired, following the legal process.
- C. The State Government should appoint a special rehabilitation officer for the R&R of the displaced persons and frame a time bound programme for it.
- D. The condition in the agreement between Tata Power Company and then British Government, concerning return of the extra land to the farmer's legal representatives be enforced against the company in its letters and spirit, immediately.
- E. Gavthan Land, Grazing Land, cremation ground etc be provided to the displaced villages and they should be rehabilitated on the Gavthan.
- F. The rehabilitated villages be provided with basic amenities at the cost Tata.
- G. The land records be corrected forthwith and the names of the farmers/villagers cultivating the extra or unutilized land acquired by the company, on rent be directed to be entered in 7/12 extracts as tenants on the land.
- H. Provisions of Bombay Tenancy Act should be enforced against Tata Company in respect of lands of it cultivated by the farmers on rent and they should be made owners of it forthwith.
- I. The Tata company should be permanently restrained from obstructing the farmers and villagers enjoying their easement and customary rights in respect of public ways, roads and grazing lands and taking of waters from rivers, nalas and dams.
The tehsildar/Mamlatdar should be directed to exercise his powers authority and jurisdiction, vested in him under the provisions of Mamlatdars Act.
- J. The Tata company be directed to provide enough land for compensatory forest or for social forestry, to compensate environmental loss or ecological loss.
- K. The provisions of the Maharashtra Project Affected Persons Rehabilitation Act, 1999 be made applicable immediately to the displaced person driven out from their villages and land due to Tata Dams during British period to fulfill the constitutional obligation of giving social economical and political justice to this unfortunate villagers as mentioned in Preamble of the Constitution.
- L. All directives of the Courts and orders must be strictly followed.

It is the duty of the present independent government to correct the injustice and wrongs done by the foreign British Government to our people under pre independence days: otherwise freedom doesn't mean anything to them!

B) Pawana Dam: Unjust and illegal expropriation of resources

The Government of Maharashtra altogether constructed 6 medium dams between 1963 and 1995 in the Maval Tehsil of Pune district. All these dams are part of the Krishna Valley Development Project of the Government of Maharashtra.

| Sl. No. | Name of the dam | Year of Commencement | Year of Completion |
|---------|--|----------------------|--------------------|
| 1. | Pavana | 1963 | 1972 |
| 2. | Andhre | 1997 | 2001 |
| 3. | Jadhawadi | 1985 | 2000 |
| 4. | Vadivale | 1978 | 1989 |
| 5. | Malvandi - Jhule | 1996 | 2000 |
| 6. | Kasarsai | 1980 | 1995 |
| 7. | Pusane Minor Irrigation Project ¹ | 1996 | 2000 |

These medium projects displaced thousands of families who lost their houses and communities as well as agricultural land with the natural environs providing livelihood. The generations-old ecosystem and human population thus got destroyed and could not be rehabilitated. The Project affected people were to be rehabilitated as per the Maharashtra Rehabilitation of Project Affected Persons Act, 1976, amended in 1986 and 1999.

Pavana is the only Project which was completed before 1976 i.e. the year the Act came into force and hence the Government of Maharashtra's Circular on 'Resettlement of Project Affected Persons in the beneficiary zone of major and medium irrigation projects' dated 07-06-1973 is the basis for the Pavana affected families. In the 1973 Circular as well as the 1976 Act, the main characteristic was the legal provision to identify and acquire lands from the command area for the resettlement of oustees with alternative agricultural land and resettlement sites (*gaothans*) within a short distance of 5-6 kms. If only adequate land was not available from the command area, then the Govt. waste, Govt. forest and ceiling land could be made available.

However, the oustees deposed before the People's Commission that the above mentioned Act / Circular were not at all followed and hence they were far from rehabilitated. The plight of the project affected, even in the state of Maharashtra, one with the first enactment on rehabilitation of Project affected persons (PAPs) and in the case of some of its oldest irrigation projects and dams is indeed very shocking and brings out the serious issue of legal violation as well as infringement upon human rights.

The cases deposed before us by the individual PAPs mostly belong to the scheduled tribes, OBC farmers including Inami lands, forest cultivations as well as non-acquired lands belonging to the category of small and marginal farmers who have become landless without their land lost being replaced as per law.

¹ Although its status as a minor irrigation project is being questioned on the basis of the affected area.

The Commission also heard the overall situation with reference to the costs and benefits of the above-mentioned project where it became clear that there is hardly any irrigation benefit obtained from these projects since the accumulated waters behind the dams is mostly used for the nearby cities and township and supplied to the industrial areas. This raises serious questions regarding the 'public purpose' and change in the same, justifying forcible land acquisition and ensuing displacement and deprivation.

The Commission heard passionate appeal by the affected women and men for urgent and fair rehabilitation in more than 35 cases wherein betrayal and illegality was put forth with many documents and previous correspondence between the affected people and the authorities. Some important case samples from amongst these are as follows.

CASE OF LAND GRAB: AGENTS AND ARTISTS LOOT THE DISPLACED

Shri Dnyaneshwar Ghule and brothers of village Pale, Shri Ashok Tonde and others, Shri Bandu Akhade and others, Shri Laxman Savale, Dagader Karke, Chhababai Damodar Ghule, Raghunath Ghule, Pandurang Ghule etc.

They complained that their lands were acquired for Pavana dam in 1964, 1965 and 1966 and cash compensation under the Land Acquisition Act was paid to them which was very meagre i.e. ranging from Rs. 200 to Rs. 500 to a maximum of Rs.1200/ per acre.

Out of these, house plots were allotted to Dnyaneshwar Ghule's brothers and father, as also to Chhabubai Ghule, Pandurang Ghule and Bababai Ghule but not others like Bandu Akhade, Ashok Tonde etc. Some of these; Dnyaneshwar Ghule's father, Bandu Akhade, Damodar Ghule, Raghunath, Chhababai Ghule were allotted 4 acres of agricultural land at Shinde Vasuli, Khed Tehsil and Indavi, Maval Tehsil which are about 40 kms and 25 kms away respectively from the affected original villages. House plots and land were close by at a distance of 2-3 kms.

However, Ashok Tonde, Dagdu Karke and Laxman Salave didn't receive any agricultural land nor any house plot. Out of those with agricultural land allotted, Bandu Akhade got bad, slopy land and hence couldn't even shift to the new site but continued to live on his unacquired, balance land which is about 3 ares with a house on the same land. Out of his total 8.20 acres acquired land, 6.20 acres, was returned to him as per the Order of the District Collector dated 1995.

Similarly the land belonging to Dnyaneshwar Ghule's family was acquired but about 4 acres of his land remained to be acquired and didn't get submerged. His family had a temple goddess Taljai in the same land and some cultivation in a part of land which is cultivable.

In around 1996-97, as per the deponents, some of the land holders were taken to Pune in a lodge and signatures / thumb impressions of Karke and Shankar Tonde were taken, saying that part of their acquired land was returned and that one/three acres of the returned land would be purchased by some purchasers like Lakshmi Narayan Singhania and Harish Waghadia who were apparently present there. The old persons are still alive and are witnesses to the deals settled. They categorically state that Bandu Akhade or his relatives and Ashok Tonde were not at all present nor were all the successors and joint land holders were present, some of who gave their consent.

However, these families came to know that when they had not accepted sale of all of their lands which were not submerged, acquired and returned (as per the list annexed: Letter by the SDM, Lift Irrigation Sub Division, Pawanagar, Pt. No. 5. 'Details of lands acquired but released back since 1972 till date'), those were grabbed by agents.

The above letter indicates that a total of 1426 acres area out of 5920 acres acquired for Pavana dam was extra (i.e. other than affected) while 4494 acres got submerged. Among this, 111.43 acres of land in Pale was returned while it was 104.95 acres in Apti, 70 acres in Gevande Apti, 19 acres in Kole-chapeshwar 5.13 acres in Khadak Gevande, 4.35 acres in Thakursai i.e. total of 315.26 acres was returned to the original land owners.

It may be noted that another official document shown to us as obtained under the right to information Act indicated that 327.26; rounded up to 328 acres (not 315.26 acres)-of land was returned to the land owners.

Taking the case of deponents from village Pale in 1995-96, Singhania sold the lands to various purchasers, including eminent artists and prepared and registered the sale deeds in Mumbai. One of the documents of sale through Singhania and others as Power of attorney (PoA) to purchasers is available and produced by Dnyaneshwar Ghule.

Some of the holders of the PoA first transferred the land to other agent builders / their own relatives etc. before it was sold out to someone from Mumbai. Out of these deponents, Dnyaneshwar Ghule's returned land; Sy No. 138 (2 acres) and Sy No. 148 (2.24 acres) is in the name of Amitabh Bachchan and returned land of Bandu Akhade; Sy No. 135 (6.20) acres is also in the name of Abhishek Bachchan.

Laxman Savale's returned land; Sy No. 137 (2.24 acres) and Sy No. 138 (1.27 acres), Govind Dhandiba Ghule's returned land; Sy. No. 148 (3.10 acres), Dagdu Barku Karke's land; Sy. No. 148 (1.32 acres) and some more land is also with the members of the Bachchan family. We are told that the Bachchans' have altogether 20-22 acres of land. The original owners i.e. the project affected, however, were ignorant about the process throughout.

Thereafter, father of Dnyaneshwar Ghule disappeared since 1997 the year when the deals were carried out, no one knowing the whereabouts till date. However, it was in 2003, a death certificate is fraudulently obtained, as we were told and shown the same by Dnyaneshwar Ghule who also claimed that his father was never seen for the last more than 10 years and hence

Similarly, Bandu Akhade narrated the story of his house being demolished around 2004. One night, a few drunk persons came with weapons and threw Rs. 5000/- on his brother's body and he was compelled to sign some papers and dismantled the house the next day or so. Akhade's family thus was compelled to shift to a wadi, a forest land near Dapturi, near Khandala above Khopoli where their relatives reside.

He again came back and built a house in village Dudhirane (Dhangar-tribals) near his balance land where he faced further shocking atrocities. Bandu Akhade's 9 years old son too is missing since 2006. Bandubhai was attacked and was thrown on the road side in a wounded condition, while his son's belongings, school bag, clothes etc. were found around the Pavana lake, near Satarkar Maharaja's Math, but not his body while he was returning from his school! He claims of a fraud played on him with him by those who have betrayed the family.

At present, when the non-submerged lands of these PAFs are in the possession of various rich and elite families while the original owners are almost destitutes and some like Dnyaneshwar Ghule are working as manual labourers while Bandu Akhade is a petty hawker in the trains.

DISPLACEMENT WITHOUT REHABILITATION

In spite of repeated demands for documents and also 'Satyagraha' on Amitabh Bachchan's land with Baba Adhav and others, no investigation has ever been carried out by any official, nor was any action taken to protect the rights of the affected. Moreover, the affected persons and their senior activist leaders informed the Commission that 1011 acres more land is released by the Krishna Valley Development Corporation (KVDC). A letter to this effect; No. 179/08 dated 08-09-2008 was produced before us. (Annexed) by the deponents as one handed over to them by an official of the Krishna Valley Development Corporation during a meeting in the chamber of Shri Patang Rao Kadam, the State Minister for Rehabilitation. The letter mentions that the KVDC decided to return this land to the District Collector, Pune for resettlement of KVDC projects (dams) affected as well as roads and infrastructure. Another letter by Chief Engineer, Water Resources, dated 04-08-2008 enquired about the progress on utilization of this land and the reply letter dated 10-10-2008 from Executive Engineer, Irrigation informs us that the land was not used but the process is on!

Another document, minutes dated 08-09-2008 of a Meeting held by Shri Ajit Pawar, with officials and a few activists including Baba Adhav on 19-06-2008 indicates that a decision was taken to distribute the land as follows:

- One acre to every affected farmer from whom less than 5 acres of land was acquired
- Two acres to every affected farmer from whom more than 5 acres of land was acquired

The Minutes accept that 863 Pavana-project affected families are yet to be allotted land for rehabilitation and presuming that adequate land will not be available from the non-submerged acquired lands to be returned back, the families can also be resettled in Sholapur with their consent. People told us that land in Sholapur was already shown to the PAFs and almost 80% of the PAFs have already rejected the land on the ground of they being cheated and not given their due amount of land.

On what basis could the Irrigation Minister offer or allot 1 acre land per family to those who lose upto 5 acres, when as per the policy (Government Resolution 25-03-1973 referred to in the Government resolution dated 07-06-1973) followed in the case of 340 Pavana dam affected, anyone losing upto 5 acres can get upto 4 acres and those losing more than 5 acres can get upto 6 acres of land. The state government and the Irrigation Minister owe a response.

Where and how much land is then available for rehabilitation of the balance eligible PAFs is a question? Another question is, as, Mr. Banda Thakar, one of the affected but senior leading activist informed us that out of 1238 affected landholders and 205 landless i.e. 1443 PAFs in all; eligible for 1-6 acres of cultivable land, only 340 acres of land had been allotted in 1968 at 13 R&R sites in Maval Tehsil and some in the original village itself.

Similarly, out of 1238 landholders, as per an old note on Pavana Irrigation Project (Annexed), 1027 house plots are allotted. According to Mr. Thakar house plots to be allotted were 1403 (1238 + 205 landless). In reality, 1027 total plots allotted include those given to some landless, which is not reflected in the official note. All this clearly brings out that hundreds of Pavana dam affected remain to be rehabilitated with land, house plots and amenities that they are eligible for.

Another issue brought before us was of lands in village Thakursai, which were never acquired for the Pavana dam as is proved from the compensation award of 1964 (received as total award for the village) as well as the Gazette of the Government of Maharashtra of August 27th, 1964 which show no mention of the Survey Nos. 7, 8, 9, 10, 17, 18, 16, 20, 26 of the same village. Mr. Mahadu Bhiva Thakar owned a part of Sy. No. 18 and 16

and his land title has a stamp of 'Government ownership'. One Mr. Baban Chavan owning Survey No. 7 has received a response in the form of the Order by Tehsildar, Maval dated 15-03-1991 on investigation which clearly shows that the Sy. No. 7 (with all the Sub Nos.) should be returned back to the owner and name of the Pavana dam authority (Sub Divisional Engineer) as well as 'Government' should be removed from the record. This was accordingly done. But in spite of repeated appeal and application in relation to lands with similar problems there has been no response. These lands are still shown as 'owned' by the Govt. although are in possession of the owners! What an injustice to the martyr for development!

This case concerns not less than 50 landholders and including joint landholders not less than 100 families who have rights and interest in these lands. They are, however, not getting the stamp of the 'Government' since there is no judgement given by the revenue officials or Minister regarding this, except for one Survey No. 27. The said Survey No. however was already taken as power of attorney by Mr. Nitin Agarwal who has thereafter sold the same to Parsi families; Jenai Birjor Banaji, Birjor Phiroz Banaji and Rustam Phiroz! Mr. Narayan Rane's orders as Revenue Minister approved the right of the original farmer, Smt. Chandrabai Baguji Chavan (and others) as encroachers - cultivators on the 'government forest land'. Smt. Rangubai, we are told, was unjustly excluded from this approved record of rights. Rangubai, about 70 years old appeared and other villagers were present at the hearing. Rangubai was only given a paltry sum of Rs. 5000/- and others like Late Abu Babu Chavan and his successors were also treated similarly. We couldn't hear them in person.

This complex case concerning a large number of families and 84 acres of land is highly politicised, since the land is eyed by giant investors including Ambanis' for a Special Economic Zone coming up nearby. The struggling person like Shri Banda Thakar has not just been threatened but also attacked, when the community protected successfully.

This case brings out the grave situation in Maval Tehsil where land is being grabbed in many ways even where the farmers are in possession over decades and are not for doing away or selling out of their lands. The state not coming forward to protect the true owners and law is losing faith of the people as also its credibility. The urgency is such that every inch of land in this region needs to be saved if people's livelihood needs to be protected.

WATER GRAB TOO.....??

One more serious case is of village Brahmoli and Kale where land was acquired for the Pavana Project, with the Executive Engineer of the Project as the Acquiring Authority. Mr. Raghunath Kale made a presentation on the same. However at least 40-45 acres land in Brahmoli and about 100-125 acres of village Kale was not used for the purpose. Many land owners in Kale have also not accepted cash compensation (3 crores 33 lakhs) from the Government since they always complained of extra land acquired suddenly. However, the submerged land started being brought under another use, placing pipeline for carrying reservoir waters to the Pimpri Chinchwad city through the Municipal Corporation and probably to the MIDC nearby.

It must be noted here that the old and original project note on the Pawana dam shows that the Project was to benefit with irrigation upto 13000 acres of land in the Maval Tehsil. Instead, by not digging any canal, the Project got turned into one supplying water to the urban elites and industries in Pimpri Chinchwad, at the cost of the rural and now no one refers to irrigation. The State falsely claims that this Project was always for the Pimpri Chinchwad township, which is a fraud and conspiracy of misappropriation of water resources by the elites.

When the people from Brahmoli and Kale opposed with Kadade, Bour, Karunj Somatane and other villages to be affected by deprivation of water and/or land, it became a serious issue related to the affected people's right not just to land but water as well. "When water is used today for not only for irrigation but also for drinking

purpose, the Government planning to provide water to Pimpri Chinchwad upto the estimated requirement in 2025 and beyond, is injustice" people assert.

The Commission views this as a classical example of how the agriculture and agriculturalists, their resources and rights are compromised in favour of the urban - industrial populace and vocations. It's also reported to us that the Pimpri Chinchwad Corporation has not made it a policy to absorb the project affected youth, by providing adequate jobs. Whatever number of kiosks and jobs the Corporation approved (not more than 10) was a result of indefinite hunger strike when Shri Dilip Band, the then Municipal Commissioner, Pimpri Chinchwad and presently Divisional Commissioner, Pune agreed to do a favour. No clear policy decision on the issue of preference of the previous Pavana affected in the reciprocal jobs in the Pimpri Chinchwad as the beneficiary, as an analogy to the land allotment in the command area is taken as yet. The Commission views this as the most rational solution to the livelihood problem for the educated youth in the affected families who have lost agriculture.

The most interesting is what happened to the extra acquisitioned land. It is now seen from documents obtained under the RTI that it was as early as in 1946 that the Executive Engineer, Khadakvasla Canal Division No.1 had to the Collector of Pune that the land acquired for murum quarry and approach roads was no more required for the same and hence is returned for relinquishment to the original landholder from whom the amount of cash compensation already paid (Rs. 11,380/-) was to be recovered (Annexed). This decision was never conveyed to the people of Brahmoli or Kale and the same was being used for water pipeline to the Pimpri Chinchwad Corporation. Such a transfer of land without any information to and consent of the land owner is both illegal and unjust. Even if one considers the pipeline project as a 'public purpose' project and hence the transfer, rehabilitation of the PAFs in these villages who have become landless and they are denied the right to life, could also be taken as public purpose. Why not?

The Rehabilitation Policy clearly provides for house plots and amenities to be granted to each family in the form of rehabilitation sites. For the Pavana affected, 26 sites were established, out of which 21 are near the reservoir and the other 5 are adjacent to the agricultural land allotted to the families. The plots were allotted in 1968-72 while marking of and issuing titles for the plots were done in 2000 where in there is a lot of bungling in the numbering and recording of plots.

In two of the sites, Gevande Apte and Kole-chapeshwar which are comparatively newly created for the Koli Vasahat, but Mr. Vinayak Jabhulkar, one of the affected complained to us that the same site is, as late as in the year 200, allocated to the Forest Dept. for compensatory afforestation as an environmental compensatory measure for the Andhra dam Project where 332 acres of forest land was lost. The Government decision and Order for the same dated 03-07-1996 as indicated by tabulated information provided to the affected people's organization under RTI is annexed (Annexed)

The Government dared record right to the land in the name of the Forest Department and not the resettled families. Similarly additional land acquired from the same village, Kole-chapeshwar also is clarified 'For Resettlement of the PAFs', while in reality, it is recorded in the name of Pimpri Chinchwad Joga dam affected. In fact no PAFs are allotted this land Mr. Rambhan Savale and Kedave expressed anguish against such deception

In Kole-chapeshwar village itself there are adivasi families but although they are affected since they had lost their houses which were not in their names, but were old enough to be recognized they were not and are not yet allotted any house plot. Although Gharkul's under the Indira Awaas Yojana are sanctioned, yet could not be constructed without the land being allotted for the same. There are around 12 adivasi families lying in a hamlet which is cut-off from the rest of the land and one has to travel in a vehicle with great difficulty since the road is not even jeepable. Almost all vasahats have problems of approach road, lack of toilet blocks of cemetery. Two vasahats have serious problems of drinking water. Even in a Vasahat with no one residing,

estimates for amenities are submitted. For ex. Vageshwar is uninhabited since its not even a developed vasahat.

Discussion with representatives of the PAFs has been on since the last 15 -20 years, yet even a ring road could not be completed in construction till now! At least 400 PAFs have not received house plots resulting in about 1000 PAFs being left deprived of a shelter of their own, if not a habitat!

On the other hand, some of the officials have occupied plots in the name of the relatives, in some cases even their sons have! The overall physical degradation in the affected region is such that people in the same villages don't even have a proper access and hence they demand upgradation of the basic services and amenities, but with virtually no progress!

The pressing issue is also of lands acquired from the farmers in the name of the Pavana dam amounting to Rs. 20-25 acres at least. The list of rented out lands to the builders and investors between 1996 and 2005 is enclosed. The information on new allotments is not fully available. This land transfer against the interest of the PAFs is thus without any legal basis and is obviously questioned by the PAFs who feel cheated and looted.

The land market by the rich and profiteering 'developers' is flourishing at the cost of the 'real investors' in development whose life and vocations are snatched away from them, the State proving to be not just incompetent, but also callous. The ensuing repercussion of all of this - no rehabilitation but only displacement and destruction is nothing less than criminal.

C) OTHER DAMS

Kasarsai Project:

Erection of this medium dam commenced in 1980 and was completed in the year 1995. It affected 2 villages and 115 land holders and even the landless, but the latter were never consulted, nor listed. Even when the Maharashtra Rehabilitation of PAPs Act, 1976 is applicable in this Project, not more than 50% of the PAPs were given land as per law. The host communities, however created problems by taking away the top soil, as is told to us by the affected people, represented by Ravindra Kedari and hence almost 30% of farmers have had to sell away the allotted lands. Ravindra also narrated his own story. His father, whose family dispute is not resolved by the State is without any compensation. Once an owner of 15 acres of land, he has become a landless labourer today.

There are 5 families who paid 65% of their compensation as per the law for alternative land, but they couldn't get land allotted on paper due to the host community obstructing. The story of Mohan Jadhav, former Superintending Engineer of KVDC is a peculiar one, exposing corruption. He purchased at least 30 acres of land out of the command area land even when the sale purchase was stayed as a legal requirement towards rehabilitation. An inquiry under RTI by Prakash Kedari has brought a reply that no permission for purchase of land in village Kusgaon was granted to Mohan Jadhav. A complaint is lodged, but with no response.

Mohan Jadhav has also encroachment on forest land and people complained of the same. He is an extractor of ground water for his bottled water factory in the name of his relative. He has used the rocks and soil of the acquired land for mud works at his factory, while even electricity was stolen by Jadhav. He cheated the farmers by promising jobs to the youth. The Commission felt aghast to know of the offences of such a high level official and more so, to know of no action by any Government authority. Not a single R&R site was established for Kasarsai affected. These PAFs who got agricultural land in Mulshi Tehsil itself also didn't

receive arrears as a rehabilitation site. The villages got disintegrated and destroyed compelling many families to send their wives and children out of the village where destitution is obvious.

Andra Medium project:

Andra is a medium irrigation project completed in 2001 and built in Andra River near Mangrul, Taluka Maval, which is a tributary of Krishna. In toto, 14 villages were affected by this dam, out of which two were fully submerged. The Project comes under the State Rehabilitation Act, 1976. However, only 3 out of the total 1300 affected families were allotted land for land. Some of them accepted resettlement with house plots, but they did not get any land nor additional compensation. No Gaothan with civic amenities, i.e. total rehabilitation is received by either fully or partially affected villages.

Thus, 129 land holders remain to be given land. The water of Andra Project is used in MIDC - Ambi and Chakram, which was supposed to be allotted to 12 villages in Maval, 14 villages in Haveli village, in Khed for irrigation. PAFs are demanding for employment in the MIDC as they are the beneficiaries of the Project and land for employment to their major sons, compensation and rehabilitation along with civic amenities. This must be immediately granted. How could the Project be completed without rehabilitation, which is illegal, needs to be investigated and the culprit officials need to be punished.

Jadhavwadi Medium Project:

The Project built on the river Sudha, which is a tributary of Indrayani started in 1985 and was completed in 2000. Jadhavwadi, Mendhewadi, Badalwadi, Jambhavadi and Shire are the five villages submerged / affected in this Project.

The Government of Maharashtra's Rehabilitation Act is applicable to this Project, but not implemented. Among 112 khatedars (land owners) in these 5 villages, only 1 has got land and 111 are yet to get any land. They are entitled to get lands in the command area, which is large enough but no land was even acquired from there. Only 15 certificates of PAPs and 97 are yet to get it. One Gaothan is planned in the Yelwadi (Khed Taluka), that too on the grazing land of 5 ha area. But no PAP has shifted there, as there is no electricity, no roads, no water or other civic amenities. PAPs are demanding house plot, and for land and alternative employment.

The violation of the right to life and livelihood of all the PAFs is obvious and is gross injustice according to us.

Vadiwale Medium Project:

This Project started in 1978 and was completed in 1989. Totally, 5 villages have been affected with a total area of 433 ha of land. There are 217 khatedars from the total 226 who are allotted land, but 9 khatedars and 20 hantles have not been allotted land till date.

The height of the dam was increased in 1986. The work on the canals was started, but again stopped as the water supposed to go for irrigation was shifted to the Tata's Shinavat dam.

A total amount of Rs. 2,000,000/- is yet to be given to 22 oustees. Nobody has got house plots till date. Also, no compensation and rehabilitation is given to the newly displaced people while increasing the dam height. PAPs who have been rehabilitated so far have been resettled in 3 villages in the command area. There is land

acquired in 11 villages in which these remaining PAPs can be resettled. So people demand alternative land, compensation, house plots and employment for the major children.

Malvandi Thule Project:

This Project was completed in 2000 and affected 4 villages including Malvandi Thule, Tikone, Waru and Kothame. Total affected land holders are 129 and the amount sanctioned as compensation was Rs. 18,58,480 but only 50% of it was actually paid to the PAPs. Rest of the amount is still pending due to the unresolved land disputes, which is the responsibility of the State.

No PAP is rehabilitated with land or additional compensation PAPs demand Rs. 15 lakh per acre as additional amount for purchasing the land. However, PAPs who have already paid 65% of their compensation for alternative land should get land in the command area.

The callousness of the Government is obvious from the fact that even the certificates for the PAPs are not yet distributed.

Pusane Project:

It is a small irrigation project, as declared, with catchment area of 73 ha and command area of 300 ha. The State Rehabilitation Act, is therefore, considered as not applicable in this case. However, as the Project went ahead, it is clear that extra land is coming under submergence, which is yet to be acquired and hence, the people demand that this should be declared as a Medium Project and the Rehabilitation Act should be applicable. Mr. Mohan Wase, Vithal Wase and others had their crop destroyed by bulldozers without getting any compensation. This is gross injustice. Even those who received compensation got it at a meager rate and hence demand additional amount and land based rehabilitation and /or employment.

CONCLUSION:

The People's Commission feels pain and anguish to report the above stated and analyzed illegalities and fraudulent acts in relation to the land acquisition, displacement and rehabilitation of the Project affected people; the transfer of land, water and forest resources from the hands of the nature supported communities including the Adivasis, Dalits and Backward classes, as also destruction of nature.

The Commission brings out this Interim Report, while it expects the Inquiry to continue, with more data and dialogue with the officials, with the sole intention of judging the illegalities, correcting those, taking legal action against the responsible officials and non-officials as also ensuring fair and just compensation and right to life and livelihood to the affected people.

It is also notable that Pune is the district where half of the large dams in Maharashtra are built, while the state in turn has built 507 large dams in India thus leading to a Pune having a much larger number of affected PAFs. While our *prima facie* assessment concluded that the benefits of irrigation, and drinking water supply to the needy have not come true as expected, the cost and benefits of the Project will also have to be reviewed.

Lavasa Hill station is a classic example of politicization of development and anything including elitist recreation being justified in the name of the same. Such gross illegalities, as in Lavasa needs to be taken *suo moto* cognizance of by all the concerned authorities, including the constitutional authorities who are mandated to protect the specially disadvantaged sections and their life supporting sources.

While the Commission would always be ready for a dialogue with whosoever desired on this Report, we also expect that the power holders at the highest level initiate an urgent inquiry and further the cause of the People's Commission.

Signed b/-

Members of the Commission

N.D. Suryavanshi

Shri Nirmalkumar Suryavanshi

Shri S. M. Mushrif

Shri Arvind Kejariwal

Shri Y.P. Singh

जिल्हाधिकारी कार्यालय पुणे
नरसुल शाखा
क्र.पमअ/सीआर/२११५/२००१
पुणे-१ दि ४/७/२००१.

प्रति,
श्री.अनिरुध्द पी.देशपांडे, संचालक,
दि लेक सिटी कापॉरेशन प्रा.लि.
चीजी १ए कोनाक इस्टेट,
९ कॅनॉट रोड, पुना क्लबच्या समोर,
पुणे ४११ ००१

विषय :- जमीन-पुणे
मौजे भांदे, पाघरशेट, बॅचटमाळ, पळसे, अडभाळ,
पाडलघर, दासवे, वडवली, साकरी, भीडनी, मुगाप, कोळगेरी,
उगवली, धामणहोळ, गदले, ता. मुळशी व मौजे भोसेचुद्रुक, साडव बुद्रुक
परसगाय ता. वेल्हे या गावातील जमीनी गिरीस्थान विकासासाठी खरेदी
करणेस परवानगी मिळणेबाबत दि लेक सिटी कापॉरेशन प्रा.लि.
यांची विनंती.

संदर्भ:- आपला दि. १६/६/०१ व दि. २९/६/२००१ चा अर्ज.

विषयांकीत गावातील जमीनी गिरीस्थान विकसित करणेसाठी खरेदी करणेस परवानगी
मिळणेकामी आपण संदर्भाकीत पत्रान्वये विनंती केली आहे.

उपरोक्त गावातील शासकीय जमीनी वगळुन उर्वरीत श्रेय शासन नगर विकास विभाग
अधिसूचना क्र. टिपीएस/१८००/१००४/प्र क्र १०६/२०००/नवी/१३ दि. ३१/५/२००१ अन्वये पुणे जिल्ह्याच्या प्रांशिक
योजनेमध्ये गिरीस्थान म्हणुन दर्शविलेले आले आहे व शासन नगर विकास विभाग अधिसूचना क्र.
टिपीएस/१८९६/१२३१/प्र क्र १२३/१६/नवी/१३ दि. २६/११/१६ अन्वये गिरीस्थान सद्दय क्षेत्रात टुरिस्ट रिहॉर्ट्स
/हॉलीडे होमस्/टाउनशिप विकसित करणेसाठी विशेष नियमावली मंजूर केली आहे. उपरोक्त नियमावली मध्ये
नियम १७ मध्ये आदिवासीच्या जमीनी खरेदी करणंपुर्वी परवानगी प्राप्त करुन घेणेची तरतुद करणेत आनंती
आहे त्याव्यतिरीक्त इतर खाजगी मालकीच्या जमीनी खरेदी करणंपुर्वी परवानगी मंजूर करणेची तरतुद केलेली नाही.
सदर आपणस कळवणेत येते की उपरोक्त नियमावलीतील तरतुदीनुसार गिरीस्थान विकसित करणेसाठी खातील
अटी शर्तीचे पालन करुन विषयांकीत गावातील वर्ग १ च्या खाजगी मालकीच्या जमीनी खरेदी करणेस हरकत नाही.

- १) वन जमीनीबाबतचे विविध कायद्यान्वये बांधित झालेल्या जमीनी सक्षम अधिका-याच्या पुर्व परवानगी शिवाय खरेदी
करता येणार नाहीत.
- २) पुर्व २ च्या जमीनी अगर शासकीय जमीनी उदा. आदीवासी, शासनने प्रदान केलेली, वान
कायद्याखालील कुळकायद्याखालील पुनर्वसन कायद्याखालील देवस्थान इ. जमीनी सक्षम अधिका-याच्या पुर्व परवानगी
शिवाय खरेदी करता येणार नाहीत अशा जमीनीत अकृषिक वापर सुरु करणेचे वळी प्रचलित बाजारनावाचे ५० टक्के
इत नजराणा शासनास नरणे बंधनकारक राहिल.

शासन नगर विकास विभाग अधिसूचना क्र. टिपीएस/१८९६/१२३१/प्र क्र १२३/१६/नवी/१३ दि. २६/११/१६ अन्वये
स्थान सद्दय क्षेत्रात टुरिस्ट रिहॉर्ट्स /हॉलीडे होमस्/टाउनशिप विकसित करणेसाठी तयार केलेल्या विशेष
नियमावलीमध्ये सर्व अटी शर्तीचे पालन केले पाहिजे.

खरेदी करावयाच्या जमीनीबाबत कोणाच्याही न्यायालयात वादगताही तामा पलवित असले किंवा न्यायालयाची मनाई
असले तर जमीन खरेदी करता येणार नाही.

१६ २०

पुणे नगर विकास विभाग TPS/१८०० १००४ / प्र क्र १०६/२००० नवी/१३ दि ३१/५/२००१
TPS/१८९६/१२३१ / प्र क्र १२३/१६/नवी/१३ दि २६/११/१६ नियमावली

१/११/०१ = १/११

५) महाराष्ट्र जर्मन महसुल अधिनियम १९६६ चे कलम ४४अ मधील अटीचे पालन झाले नाही जसेच नुसार सादर प्राप्त केली पाहिजे.

६) संपादन कायदा १९९४ किंवा महाराष्ट्र आवांगिक विकास कायदा, १९६९ मधील तरतुदीनुसार संपादनासाठी अधिसूचित झालेली, तसेच शासनाने तयार केलेल्या रोड प्लॅन १९८१-२००१ नुसार बांधित/संपादित होणारी किंवा संपादनाखाली प्रस्तावीत असलेली जमीन खरेदी करता येणार नाहीत.

७) जमीन खरेदीची अगर अफूधिक वापर सुरु करणेपूर्वी याबाबत शासनाने वेळोवेळी प्रसिध्द केलेले नियम, स्थानिक कलम अधिकारी यांनी केलेले नियम पथकिनासयती नियम, बांधकाम नियम, लाम्बेरात्रीय प्रतियम, पाटख्यारे मकाला, यातावरण, आरोग्य, सार्वजनिक शांतता व सुरक्षितता बाबतचे कायदे, महाराष्ट्र नगर, रचना कायदा, कुळकायदा, तुफडेभांड य तुफडेमदी कायदा, महाराष्ट्र जमीन महसुल अधिनियम १९६६, राज्य प. क. प्र. शासनाने केलेले प्रचलीत कायदे, जमीनी संबंधीचे इतर-सर्व कायदे व नियम यांचे पालन, करणे करणे बाबतचे सादर सादर केलेले.

८) जमीन रेल्वे लाईन पासून ३० मी. चे आत तसेच अतिउच्च दाबाचे विद्युत वाहिनीपासून १५ मिटरचे आत नसावी.

९) आवश्यक असेल तेथे पुरातत्व खात्याची मान्यता घेणे आवश्यक राहिल.

१०) खरेदी करावयाच्या क्षेत्रातील किंवा त्यालगतचे नैसर्गिक ओढे, झाले जाणा, वळे, स्तूप, व वहाणारे पाणी यावर हजेर सांगता येणार नाही व नैसर्गिक प्रवाहास अडथळा आणता येणार नाही जगातील नागरीकाने वहाणाटीचे सार्वजनिक रस्ता, मार्ग किंवा गल्ली यावरील हक्क हितसंघ यावर हक्क सांगता येणार नाही.

श. म. १२ मी
जिल्हाधिकारी यांनी
स्वाक्षरी असे.



जिल्हाधिकारी पुणे, करिना

प्रत-तहसिलदार मुळशी / वेल्हा यांजकडे आवश्यक त्या कार्यवाहीसाठी.
उपविभागीय अधिकारी माळव/मोर यांजकडे योग्य त्या कार्यवाहीसाठी.
कुळकायदा शाखेत माहतीसाठी.

जिल्हाधिकारी पुणे, करिना

नगर रचना आणि सुव्यवस्था विभाग

वा.स. प्राची/पुणे/गौडे केर त.स. मुळशी/गिरिस्थान/
टीपीसी - १/ ६०६६

मध्यमार्गी कार्यालय
पुणे - ४११००१.
दिनांक २३/११/२०१७

प्रति,

मा. प्रधान सचिव,
प्यारास्ट्र शासन,
नगर विकास विभाग,
येशानस, मुंबई - ४०००३२.

विषय:- प्रादेशिक योजना पुणे
गौडे केर, ता. मुळशी येथे गिरिस्थान
विकास करण्याबाबत
संदर्भ:- शासन पत्र क्र. टिपीसत-१०२७/५१७/२७/
नवि-१३ दिनांक १२/५/१९९७.

सहोदय,

ये. अवेथॉरिटी इंजिना रिन. यांनी गौडे -केर ता. मुळशी येथे गिरिस्थान विकास करण्याबाबतचा एक प्रस्ताव शासनात सादर झाला असून शासनाने संश्लेषित प्रस्तावचे अर्थशास्त्रानुसार या संघानाला अडथळ ठाऊकीत प्रमाणे आहे.

गौडे केर ता. मुळशी हे गाव पुणे शहराच्या पश्चिमेत गिरंगुड, मुठा, टेमनाद मागे साधारणतः ५५ कि. मी. अंतरावर असून या गावात पी.ड. मुळशी - कोताड रस्त्याने जोडले जात आहे. अर्थदारांनी दिलेल्या प्रकल्प अडथळीचे अडथळ करत तो प्राथमिक शासनातील अडथळीचे दिवून येतो. अडथळानुसार प्रस्तावाबाबतची जमिनीचे रकूण क्षेत्र सुमारे १००० हेक्टर इतके असून शासनाच्या दिनांक ३/७/९६ च्या गिरिस्थान विकाससंबंधी प्रारंभिक विकास नियंत्रण नियमावलीबाबत परराष्टीयांनी अर्जात राहून अर्थदारांनी अडथळीबाबतचे प्रस्तावित तांत्रिक तोपी व सुविधांबाबत तंत्रिका विवेचना केले आहे. हा प्रकल्प वरील प्राथमिक अडथळीतून अडथळी वरील अर्थदारांनी सुविधेने स्थान गिरिस्थान म्हणून विक्रीत करण्यात येऊन आहे अशा बरे या पुरावाच अभिप्राय देणे संपूर्ण ठरेल. त्यानुसार बागेचे शासनासंबंधी करण्यात आले आहे.

आशा आहे

नवि विभाग

स्थावरनिर्वाण तसेच लोकोशाट / कंटर नकाशे यांचे अन्वेषनांतर्गत असे निष्पत्तीस येते की सदर प्रकल्पामधील जमिनी तमुद्रसपाटीपासून जास्तीत जास्त २०५ मी. उंचीवर आहेत. पुणे जिल्ह्याच्या प्राक्स प्रादेशिक योजने नुसार प्रकल्पा मधील सर्व जमिनी " कमीकरण " विभागामध्ये समाविष्ट आहेत [सोबत प्राक्स प्रादेशिक योजनेचा भाग नकाशा जोडलेला आहे] पुणे गावठाणात पिरंगुठ टेमघार मार्गे पोहोच मार्ग असून नावठाणाजवळच्या पश्चिमेकडील परिसरातील जमिनी [उदा. सर्व्हे नं. ५२७, ५२८, ५२९ इ.] नावठाणाचे समपातळीत आहेत. मात्र उत्तरेकडील परिसरातील बहुतांशी शेता हे नावठाणापासून द-वाच उंचावर असून या शेतात पाँड, मुब्यानी - फोलाड रस्त्याने लोयी त्तर पोहोच मार्ग आहे. हा पोहोचमार्ग मोट स.नं. १२० देणे मि मिळतो स.नं. १२० च लगतच्या जमिनी तमुद्रसपाटीपासून सुमारे ८०० ते ८५० मी. उंचावर पठारसदृश्य आहे व या ठिकाणासुन जलवायू विहंगमसदृश्य दिसून येते. उत्तरेकडील मुब्यानी धारणाचे धुकवाटिर तर दक्षिणेकडील उंच गडाल टेड्ड्या व टेमघार धारणाचा परिसर पहाता सदर प्रकल्पावधील स्थानास अतिशय - रमणीय असे नैसर्गिक सौंदर्य लाभालेले असल्याचे दिसून आले. सर्व्हे हा परिसर " गिरिस्थान " म्हणून विकसित करण्यात अतिशय योग्य आहे. मुब्यानी तालुक्या तील मीचे कांदवणे व परिसर तसेच माथल तालुक्यातील मीचे पाते - गीवशाी परिसर " गिरिस्थान " म्हणून घोषित करण्याबाबत वातलन सरावर कार्यवा पातू आहे. श्यामध्ये जर्जदाराचे प्रकल्पावधी कांदेना करण्यात हरकत नसावी मात्र शातनाने जर्जदाराकडून प्रकल्पाबाबत सर्व्हेत मार्गिती घोआ अंतीम निर्ण घ्यावा. तसेच पोहोच मार्ग योग्य त-डेने विकसित करण्याची व गिप्रमानुसार ताईरनिक सुठातोची व पाण्यापुरवठा इत्यादीबाबत निस्समस्य पुर्णतः तरतुद जर्जदार यांना करावी लागेल अशी अट घातली योग्य राहिल.

आपका,

(११/१२/२२)

संचालक, नगर रचना,
महाराष्ट्र राज्य, पुणे
स्थावरनि

स्थावरनिर्वाण संचालक, नगर रचना
यांची राहो असे.

पुत मार्गितीसाठी :-

- १] उपसंचालक, नगर रचना, पुणे विभाग, पुणे.
- २] स्थावरनिर्वाण संचालक, नगर रचना, पुणे.



*Regional Plan for Pune District
Declaration of area for the purpose
of development as Hill Station.*

GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032
Date: 1st June, 2001

NOTIFICATION

No. TPS.1800/1004/CR-106/I/2000/UD-13:

Maharashtra
Regional and
Town
Planning Act,
1966

Whereas the Regional Plan for Pune District (hereinafter referred to as 'the said Regional Plan') has been sanctioned by Government under Urban Development Department's Notification No. TPS.1895/227/CR-26/95/UD-13 dated 25.11.1997 to come into force with effect from 10.2.1998;

And whereas Government has sanctioned the Special Regulations for Development of Tourist Resorts/Holiday Homes/Townships in Hill Station Type Areas under Urban Development Department's Notification No. TPS.1896/1231/CR-123/96/UD-13 dated 26th November, 1996 (hereinafter referred to as the 'said Regulations');

And whereas, Government, vide Urban Development Department's Notification No. TPS.1800/1004/CR-106/2000/UD-13 dated 31.5.2001 issued under sub-section (4) of section 20 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as the 'said Act'), has further modified the said Regional Plan, thereby designating the lands mentioned in the schedule given below as 'Hill Station' (hereinafter referred to as the 'said area');

And whereas, as per Regulation No.1 of the said Regulations, the Government in Urban Development Department is empowered to declare any area at appropriate height, having suitable topographical features, for the purpose of development of Hill Station;

And whereas, Government is of the opinion that the areas out of the said areas excluding forest lands are suitable for the purpose of development of Hill Station;

Now, therefore in exercise of the powers vested in it under Regulation No.1 of the said regulations, the Government, after consulting the Director of Town Planning, Maharashtra State, Pune declares the said area after excluding forest lands as shown on the plan bearing No. RP-Pune/Hill station/TPV-I/2001 in orange verge.

The said plan is kept open for inspection of general public during office hours at the offices of following officers

1. Director of Town Planning,
Maharashtra State,
Central Building,
Ground Floor,
Pune 441 001.
2. Deputy Director of Town Planning,
Pune Division,
S.No. 74/2, Above Bank of Maharashtra,
Pune 411 009.
3. Assistant Director of Town Planning,
283, Narayan Peeth,
Pune 411 030.
4. Collector of Pune,
Pune.
5. Tahsildar,
Taluka Malshi,
Pune.
6. Tahsildar,
Taluka Velhe,
Pune.

SCHEDULE

| Sr. No. (1) | Village (2) | Taluka (3) | District (4) | Extent of area (5) |
|----------------|----------------|---------------|-----------------|-----------------------|
| 1. | Ehode | Mulshi | Pune | Entire area |
| 2. | Fathershet | Mulshi | Pune | Entire area |
| 3. | Sambatnal | Mulshi | Pune | Entire area |
| 4. | Palse | Mulshi | Pune | Entire area |
| 5. | Admal | Mulshi | Pune | Entire area |
| 6. | Padalghar | Mulshi | Pune | Entire area |
| 7. | Dasave | Mulshi | Pune | Entire area |
| 8. | Wudawali | Mulshi | Pune | Entire area |
| 9. | Sakri | Mulshi | Pune | Entire area |
| 10. | Ehoini | Mulshi | Pune | Entire area |
| 11. | Mugaon | Mulshi | Pune | Entire area |
| 12. | Ugawali | Mulshi | Pune | Entire area |
| 13. | Koloshi | Mulshi | Pune | Entire area |
| 14. | Dhamanhol | Mulshi | Pune | Entire area |

| | | | | |
|----|-----------|--------|------|-------------|
| 15 | Gadale | Mulshi | Pune | Entire area |
| 16 | Mose (BK) | Velhe | Pune | Entire area |
| 17 | Sau (BK) | Velhe | Pune | Entire area |
| 18 | Varasgaon | Velhe | Pune | Entire area |

Notes: The areas referred to in column 5 above excludes forest lands.

By order and in the name of the Governor of Maharashtra,

A. H. Naik
A. H. Naik
 (A. H. Naik)

Under Secretary to Government



क्र. 6583 प. 101
तारीख ... 28 AUG 2002
राज. Lake. City Corporation Pvt. Ltd.
पत्ता Lonark Estate
हस्त A Supte सही :- Pune-1
गेडा वरें 1000 इन्च वरें सोडा
करवें मर मरता, पुणे-४. Ok



22 AUG 2002

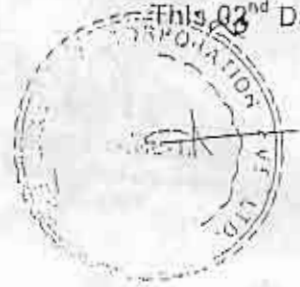
उप कोषागार अधिकारी
कोषागार पुणे कर्णिक

| |
|---------|
| म-ल स |
| ०० १ ३९ |
| २०० ३ |



LEASE AGREEMENT

This Lease Agreement Is Made And Executed At Pune On
This 03rd Day Of September In The Year Two Thousand Two



BETWEEN



Executive Engineer
Khadakwasala Irrigation Division
Pune-11

म ल स
 ००१५४६
 २००३



Executive Engineer,
 Khadakwasla Irrigation Division, Sinchan Bhawan,
 Barne Road, Mangalwar Peth,
 Pune-11
 On behalf of—Maharashtra Krishna Valley Development Corpora
 of Maharashtra,Pune-11

(here in after referred to as "The Lessor" Which expression
 unless excluded by or repugnant to the context include his suc
 in office and assigns) of the one part

AND

The lake city corporation Private limited,
 registered under the companies Act.1956
 as amended from time to time and having its registered office at—
 BG 1/A, Konark Estate, Cannot Road,
 Opp. Peona Club,
 Pune - 411001

(hereinafter referred to as "The Lessee" which expression shall
 exclude by or repugnant to the context include its successor
 assigns) of the other part

Where as Lessor being owner and having in legal possession
 possessed the land measuring 141.15 Hact. In Tal- Mulshi
 Pune, Maharashtra and more particularly as is described
 schedule of land appended to this agreement (which is a par
 parcel of this agreement)

And whereas the Lessee has requested the Lessor to demise the
 land for constructing two bandharas in the submergence of War
 Dam (across river. mose in Tal. Mulshi, Dist. Pune, Maharash
 their own cost and utilising the water impounded there
 developing the area on commercial basis at lessee's cost which
 has agreed to do so for a period of 30 (thirty) Years,

And whereas the Lessor has agreed to lease the said land
 period of thirty years commencing from the day & date
 agreement.



[Signature]
 Executive Engi
 Khadakwasala Irrigation
 Pune-11