

MEMORANDUM

**The Hon'ble Governor,
Jharkhand, Ranchi.**

Sub. : Regarding constitution of a representative urban body in the form of industrial township area at Jamshedpur under Article 243 of the constitution of India as well as regulation of civic amenities supply to the residents of Jamshedpur according to the provisions of the Tata Lease renewal agreement 2005.

Respected Sir,

I am constrained to draw your kind attention towards the subject mentioned above related to urgent public interest in and around Jamshedpur. The Govt. of Jharkhand has not been able to resolve this issue since long back and the matter is being dragged into unnecessary litigation. The following points need due consideration at your level for immediate necessary action.

1.0 The Constitution of India under Article 243/Q (Constitution of Municipalities) says that "Provided that a Municipality under this clause may be not constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notifications specify to be an industrial township."

In the light of this provision the erstwhile government of Bihar amended its Municipal Act and in regard to the industrial township the following definition has been added in section-2 of the Act which has been adopted as it is by the Govt. of Jharkhand in due course :-

(a) "Industrial township" means any such urban area or part thereof as the State Government may having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as the State Government may deem fit, by public notification, specify to be an industrial township."

Under Section 389 of the Act the following further provision has been made in respect of industrial township :

The State Government may, by notification :

- (a) Apply or adopt to an industrial township or part thereof an industrial township, as may be notified under sub section(4) of Section 4, any provision of this Act which may be applied to a Municipality or any rule or bye law in force or which can be made in any municipality under this or any other Act.
- (b) Impose in an industrial township or part thereof any tax which could be imposed by Commissioners, as if the industrial township were a municipality : and,
- (c) Appoint or make rules for appointment or Committee to carry out the purposes of this Act in the industrial township."

- 1.1** I feel it pertinent to inform you that the Tata Steel is providing municipal facilities in Jamshedpur since long back and its administration in this regard is widely acclaimed. It has now extended these services beyond its lease area also. Keeping this in view the then Govt. of Jharkhand submitted an affidavit in the writ petition no. 4388/2003 in Ranchi High Court in 2004 that it desires to constitute industrial township area committee in Jamshedpur. Later on in 2005 the state government issued notification to constitute a corporation in Jamshedpur which was opposed by the Tata Steel in the court of law and the matter is pending in the Supreme Court of India.
- 1.2** As the standard of the municipal facilities provided by the Tata Steel is very high the people of Jamshedpur by and large prefer it despite its high cost. Hence Jamshedpur seems to be fit for constitution of an urban body in the form of industrial township area committee with due representation of the stake holders and residents of such area in Jamshedpur.
- 1.3** The local self governance in the areas contiguous to Tata lease areas in Jamshedpur is being run by the municipal units such as Nagar Panchayats and Nagar Parisad. Some of the peripheral urban areas in Jamshedpur are under the Panchayats also. The Article-243-P (c) of the Constitution of India defines metropolitan areas as "an area having a population of ten lakhs or more, comprised in one or more districts and consisting of two or more Municipalities or Panchayats or other contiguous areas, specified by the Governor by public notification to be Metropolitan area.
- 1.4** Article-243, ZE of the Constitution of India provides that "(1) there shall be constituted in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole." The constitution has authorised the legislature of the state to make, by law,

provision with respect to composition of the metropolitan planning committee having due representation of its various constituents. Jamshedpur and contiguous areas urgently needs constitution of metropolitan planning committee with proposed Jamshedpur industrial township area and other Municipalities and Panchayat around it for integrated and comprehensive developmental planning.

In the light of the points made above I request your goodself to do the needful in this regard in the larger interest of the public.

2.0 The Tata Lease expired in 1995 was renewed on July 20, 2005 and an agreement in this regard was entered into the government of Jharkhand and the Tata Steel. I am quoting below a few excerpts from the relevant paragraphs of this indenture of lease.

2.1 Page No. 3

AND WHEREAS the lessee has continued to develop the town of Jamshedpur and render the civic service like conservancy, building and maintaing roads, sewerage etc. supply of water and maintaining water mains, etc. street lighting and supplying electrical energy and similar amenities and various other civic amenities for the inhabitants of the town of Jamshedpur.

AND WHEREAS having regard to the high standard hitherto maintained by the Lessee in regard to such development, services, and amenities, the Lessor is of the opinion that in the public interest it is necessary that the said development and services should continue to be undertaken and rendered by the Lessee as hitherto at its cost and mode of management and realisation of charges for services so rendered in the manner followed so far.

2.2 Page No. 12, Para-4

That the lease of the lands comprised in Schedule-III of the Lease Deed dated 01-08-1985, the contents of which have been modified due to various reasons. The details of which are given in Appendix-'C' forming part of this indenture is renewed in favour of the Lessee for providing civic amenities such as health, welfare, hospitals, dispensaries and clinics including veterinary hospitals, family planning and child welfare centers conservancy depots, sewage disposal system alongwith installations, open spaces, water supply system alongwith installations, roads, parks, gardens and lakes,

playgrounds and stadium, community and social welfare centers, dairy and poultry farms, picnic spots, electric substations, transmission lines for power supply, telephone lines, buildings and offices for the administration of civic amenities, Lessee's schools including technical institutes and hostels.

2.3 Page No. 26, Para-17

That it is further agreed that in lieu of the aforementioned services of municipal nature to be rendered by the Lessee, the Lessee shall be at liberty to recover the charges as may be fixed by the Lessee from time to time from the recipients, subject to the maximum ceiling fixed under the Bihar and Orissa Municipal Act. Further the, the Lessee will continue to maintain the standard of municipal services and civic amenities being rendered by them in Jamshedpur.

2.4 It is quite evident from the excerpts above that according to the lease agreement the Tata Steel is legally dutybound to provide municipal facilities to the residents of Jamshedpur and the charges levied in lieu of it will not exceed the maximum limit fixed by the state govt. according to its municipal Act and rules framed accordingly. But since last few years the resident of Jamshedpur feel that despite high standard and quality of the services rendered by the Tata Steel the over all efficiency of the municipal services are not according to the letter and spirit of the lease agreement. The cost of these services too are becoming costlier day by day and becoming beyond means of the common people especially those living in busties and slums. It seems that the attitude of Tata Steel Management is becoming more commercial towards supply of municipal services and welfare approach in this regard is diminishing gradually. It is the duty as well as right of the state govt. to ensure the implementation of the lease agreement in respect of supply of the municipal services according to provision of the lease agreement.

I request your goodself to direct the appropriate authorities to ensure municipal services to the residents of Jamshedpur as a major of social welfare with minimal charges levied against it as provied in the Tata Lease renewal agreement 2005.

Regard,

Yours


(Saryu Roy)

Ex-MLA, Jamshedpur West