

**IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)**

**WRIT PETITION (CIVIL) No. OF 2018
PUBLIC INTEREST LITIGATION**

IN THE MATTER OF

JAWAHARLAL SHARMA

.....PETITIONER

VERSUS

STATE OF JHARKHAND AND ANOTHER

.....RESPONDENTS

PAPER- BOOK

(FOR INDEX KINDLY SEE INSIDE)

COUNSEL FOR THE PETITIONER: PRASHANT BHUSHAN

INDEX

S.No.	Particulars	Court Fee	Pages	
			From	To
1.	Listing proforma			
2.	Synopsis and list of dates			
3.	Writ Petition with Affidavit			
4.	Annexure P1: A copy of order dated 21.08.1989 passed in writ petition (Civil) No.154 of 1988 by the Hon'ble Supreme Court			
5.	Annexure P2: A copy of Notification No.4806 dated 23.11.1990			
6.	Annexure P3: A copy of order passed in CWJC No. 156 of 1991 by the Hon'ble High Court of Judicature at Patna dated 08.01.1991			
7.	Annexure P4: A copy of letter written by the petitioner to the Chief Justice of Patna High Court dated 14.10.1992			
8.	Annexure P5: A copy of order passed in CWJC No. 156 of 1991 by the Hon'ble High Court of Judicature at Patna dated 25.11.1992			
9.	Annexure P6: A copy of Statement of Objects and Reasons of the Constitution (74 th Amendment) Act, 1992			
10.	Annexure P7: A copy of writ petition filed by the petitioner in Writ Petition (PIL) 4388 of 2003 before the Hon'ble High Court of Judicature at Jharkhand			
11.	Annexure P8: A copy of lease agreement between respondent company and Respondent State dated 20.08.2005			
12.	Annexure P9: A copy of order passed in Writ Petition (PIL) 4388 of 2003 in the Hon'ble High Court of Judicature at Jharkhand dated 23.06.2006			
13.	Annexure P10: A copy of intervention application filed by the petitioner in Civil Appeal No. 467 of 2008 before the Hon'ble Supreme Court of India			
14.	Annexure P11: A copy of Minutes of			

	meeting held amongst parties on 22.09.2014			
15.	Annexure P12: A copy of order passed in Civil Appeal No. 467 of 2008 by the Hon'ble Supreme Court of India dated 15.12.2016			
16.	Annexure P13: A copy of letter written by Petitioner to the State Government dated 17.11.2017			
17.	Annexure P14: A copy of RTI by Petitioner to the State Government dated 20.03.2018			
18.	Annexure P15: A copy of reply to the RTI filed by petitioner dated 11.04.2018			
	<u>VAKALATNAMA</u>			

SYNOPSIS

That the petitioner is filing the instant writ petition in public interest seeking an appropriate writ for establishing a duly elected Municipal body for Jamshedpur in accordance with the provisions contained in Part IX-A of the Constitution and for enforcement of the rights of the citizens under Articles 14 and 21 of the Constitution of India.

The mandate of the Constitution as per Article 243 Q under Part IX-A is that the Municipality has to be constituted within a year of 74th amendment of the Constitution coming into force, until and unless the State Government decides to declare it as an Industrial Township. Till date there is neither Municipality in Jamshedpur nor has it been declared as an Industrial Township. It is pertinent to mention here that an industrial township is always made for a small place and Jamshedpur is the largest and most populated city in the state of Jharkhand.

The establishment of a municipality ensures that the basic decisions affecting the lives of the people at local level are taken by an elected council which is directly accountable to the people. Because of the non establishment of municipality in Jamshedpur basic services like primary education, health, sanitation, water supply, solid waste management, and other public necessities like road, parks etc. are the responsibility of an unelected, unaccountable bureaucratic industrial establishment which is affecting the rights of the people.

The basic purpose of the 73rd and 74th amendment of the Constitution was to ensure devolution of powers to the local elected body accountable directly to the people. Decentralization is one of the most important pillar of democracy which can be further achieved by giving its citizens third voting right in the name of Municipal elections. However, the said objective is defeated if the State Government in collusion with an industrial house refuses to establish a municipality by delaying the decision for several decades.

There has been a series of litigations dealing with this issue before the Hon'ble High Court as well as this Hon'ble Court, wherein State Government on numerous occasions expressed its intention to declare Jamshedpur as a Municipality. The First case on this issue was a Writ Petition No. 154 of 1988 which was filed by the present petitioner only. The said writ petition was disposed off with a direction to the State government to issue notification under section 390A of Bihar and Orissa Municipality Act, 1922 to declare its intention to convert Jamshedpur into a Municipality, within a period of eight weeks from date of order and also to invite representations and objections and after considering the same to give its final decision.

However, despite there being categorical direction by this Hon'ble Court, no notification inviting objections on the proposal to convert Jamshedpur into a Municipality was issued by the State Government which forced the petitioner herein to file a contempt before this Hon'ble Court. Pursuant to the order passed in the contempt petition, the State government came up with a notification as directed by this Hon'ble Court to declare its intention to convert Jamshedpur into a municipality. The said notification became subject matter of further notification initiated by Tata Steel before the Hon'ble High Court as well as this Hon'ble Court. However, during the pendency of the said litigation, 74th amendment came into force as a result of which Article 243Q was introduced and that litigation became infructuous.

The last litigation in this regard was when Tata Steel challenged one order passed by the Hon'ble High Court, where although the notification issued for declaring Jamshedpur Municipality as mandated under article 243 Q was declared to be invalid on the ground of some irregularities, the High Court gave liberty to the state to come up with fresh notification under article 243Q for declaring Jamshedpur as Municipality. Tata Steel being aggrieved by the second part of order, where state government was given liberty to issue fresh notification for constitution of Municipality, preferred a Special Leave Petition before this Hon'ble Court.

However, the said SLP was disposed off by order dated 12.15.2016 since the state government had apparently settled the matter with the Tata Steel. The order did not record as to what was the nature of the settlement between the parties nor there was any categorical direction by this Hon'ble Court to implement the so called private settlement. It appears that despite there being consistent stand of the State Government to declare Jamshedpur as Municipality, the State Government took a complete U-turn and agreed in the settlement with the Tata Steel to declare Jamshedpur as Industrial Township without there being any change in the scenario or circumstances of the City of Jamshedpur. However, till date no such notification has been issued by the State Government to declare Jamshedpur as an Industrial Township. In such scenario the State Government is bound to declare Jamshedpur as a Municipality as per the mandate of Article 243Q of the Constitution but the same has not been done till date.

As a result of the confusion created by the State Government, Jamshedpur is still being administered by the Jamshedpur Notified Area Committee which was constituted under the Bihar and Orissa Municipal Act, 1922, much prior to the amendment was brought into the Constitution. Thus, at present, there is no elected municipal body in Jamshedpur, even though no notification creating industrial township under the proviso has been declared.

Since the issue raised in the present petition has been subject matter of litigation before this Hon'ble Court as mentioned above, wherein the certain orders were also passed. Hence, the petitioner is approaching this Hon'ble Court directly under Article 32 and not going to the Hon'ble High Court under Article 226.

Reasons for declaring Jamshedpur as a Municipality

- If the state government on numerous occasions has expressed its intention to constitute a municipality and by necessary implication, has chosen not to exercise its discretion under 243Q (1) proviso to

create an Industrial Township for Jamshedpur, then there arises no reason, without the change in the circumstances to settle the matter in the Civil Appeal No. 467 of 2008 to declare Jamshedpur as an Industrial Township. **The matter can't be settled in such a manner between the parties without giving consideration to the population of the area, the density of the population, revenue generated for the local administration, the percentage of employment in non agricultural activities, economic issues etc.** and specially in the background of following earlier stands:

- a) 1967- Proposal in 1967 by Government to Constitute a Municipality for Jamshedpur, subsequently dropped in 1973;
 - b) 1990- Intention to convert JNAC into a municipality vide Notification dated 23.11.1990. Stalled by virtue of proceedings initiated by Tata Steel Ltd;
 - c) 2005- Government issued Notification dated 06.12.2005 expressing its intention to convert Jamshedpur into a Municipality. This has also been successfully frustrated by Tata Steel;
- Creation of Municipality is a constitutional mandate and industrial township is an exception as per Article 243Q of the Constitution. If Jamshedpur has not yet been notified as an Industrial Town, then it must be declared as a Municipality as per 243Q of the Constitution. Article 243- ZF envisages that the Constitutional directive of Part IXA should be enforced within a year of the amendment.

“243-ZF Continuance of existing laws and Municipalities- Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy Fourth Amendment) Act, 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier.”

Despite the lapse of almost two decades thereafter, and inspite of the Constitutional re-emphasis on self governance and constitution of Municipalities by the subsequent Constitution (74th Amendment) Act, 1992 introducing part-IX-A of the Constitution, till date Jamshedpur has not been converted into a Municipality.

- The need for an elected body has assumed far greater importance on account of continuous growth in the population of Jamshedpur which as per Government's census of 2001 has assumed the proportion of eleven and half lakhs. Industrial township is always made for a small area and it is pertinent to mention here that the Jamshedpur is the largest city in Jharkhand. With the expansion of Jamshedpur after formation of Jharkhand and construction of multistoried and high rise buildings, the demand for civic amenities have increased manifold justifying greater need for a regulatory authority such as elected civic body. This is beyond the capacity of Respondent Company to take upon themselves the responsibility of catering to the day to day basic needs of the townships.

History in detail:

1. The land admeasuring 15,725 acres in Jamshedpur was acquired by the Respondent Company for setting up a steel plant, which was allowed by the erstwhile Bihar Government as a Notified Area under Section 388 of Bihar and Orissa Municipal Act, 1922. The State government in 1967 initiated its first proposal to convert Jamshedpur Notified Area Committee into a Municipality. Which was subsequently dropped in 1973 by the State government as the Respondent Company created a havoc by placing their employees on road to protest against the same.
2. Petitioner as long back as in 1988 filed the Writ Petition (Civil) No.154 of 1988 in the Hon'ble Supreme Court of India seeking appropriate writ and direction for formation of an elected Municipal Body in Jamshedpur as envisaged in Section 390A of the Bihar & Orissa Municipal Act, 1922. Therefore, the Hon'ble Court directed the Government of Bihar to issue notification under Section 390A of

the said Act and to declare its intention to convert Jamshedpur Notified Area Committee into a Municipality within a period of eight weeks and invite representations and objections therein.

3. Subsequently, State Government issued Notification No.4806 dated 23.11.1990 declaring their intention to convert the said Jamshedpur Notified Area Committee into a Municipality in accordance with the provision of Section 390A of The Bihar and Orissa Municipal Act, 1922 declaring its intention to convert Jamshedpur Notified Area into a Municipality. That the abovementioned Notification was challenged by the Tata Steel Ltd. in CWJC No. 156 of 1991 before the Hon'ble High Court of Judicature at Patna. The Hon'ble Court allowed for the objections filed in pursuance of the abovementioned notification to be entertained and stayed further notification to be passed in terms of Section 390A of the Bihar & Orissa Municipal Act.
4. Pertinent thereto, petitioner wrote a letter dated 14.10.1992 to the Chief Justice of Patna High Court requesting that the Jamshedpur should be declared as a municipality and that the Respondent Company in collusion with the State of Bihar got stay on the said notification. That the Court took cognizance of the letter written by the petitioner and vacated the stay. That the State government filed SLP No. 14677 of 1993 challenging the order dated 25.11.1992 passed by the Hon'ble High Court of Judicature at Patna. However, it was dismissed as it became infructuous after 74th Amendment to the Constitution coming into force.
5. After the southern part of state of Bihar was ceded to form the new state of Jharkhand. Jamshedpur became a part of state of Jharkhand. Petitioner filed the WP(Civil) 4388 of 2003 before the Hon'ble High Court of Judicature at Jharkhand for a direction to the state government to replace Jamshedpur Notified Area Committee by duly elected Municipal Body (Corporation) in accordance with the provisions, contained in Part- IX A of the Constitution of India.
6. That in the meantime the Lease of Jamshedpur land was renewed retrospectively by the State Government in favour of the Tata Steel upto 31.12.2025.

7. By way of Notification No. 2922 dated 06.12.2005 issued in exercise of powers conferred to state government under Section 2(1) & 2(2) of Bihar Municipal Corporation Act, 1978, the State Government expressed its intention to declare Jamshedpur and other nearby areas given in the schedule to the Notification, as Municipal Corporation.
8. A Writ Petition No. 517 of 2006 was filed by Respondent Company, challenging the Notification dated 06.12.2005. That the writ petition was disposed of by the division Bench of Jharkhand High Court wherein the impugned notification was set aside and the state Government was directed to take a final decision in matter within three months after following steps laid down in para 3(xxvii) of the judgment.
9. That the order of the Hon'ble High Court of Jharkhand was challenged by the Tata Steel. The Civil Appeal No. 467 of 2008 was disposed off by the Hon'ble Court on the basis that the parties have already settled the matter. However, some minor problems still need to be resolved, if any issues do survive the parties are at liberty to take remedy in accordance with the law.

Since the State government has failed to bring out any notification or order in regard to constitution of either Municipality or Industrial Township. Hence, the present writ petition.

LIST OF DATES

DATE	PARTICULARS
1924	The land admeasuring 15,725 acres in Jamshedpur was acquired by the Respondent Company for setting up a steel plant, which was declared as a Notified Area under Section 388 of Bihar and Orissa Municipal Act, 1922. Jamshedpur Notified Area Committee was constituted, whose chairman was the head of Town Division of

	Respondent Company and majority of members of the committee were also the officers of the Respondent Company.
1967	State government initiated its first proposal to convert Jamshedpur Notified Area Committee into a Municipality.
1973	State government had to drop the proposal to constitute a municipality as the Respondent Company put all its employees on road to protest against the same.
04.08.1984	The land acquired by the Respondent Company came to be vested in the State Government by virtue of the Bihar Land Reforms Act, 1950. On enforcement of Amendment Act 17 of 193 to Bihar Land Reforms Act, an agreement was entered into between State Government and Respondent Company, whereby the land of entire township (excluding some pockets of agricultural lands) was leased out to the Respondent Company. The agreement also put a bounded duty on the Respondent Company to provide civic services to the residents of Jamshedpur.
1988	A Writ Petition (Civil) No.154 of 1988 was filed by the petitioner before the Hon'ble Supreme Court for constituting a Municipality for Jamshedpur and setting aside Notified area Committee.
21.08.1989	Hon'ble Supreme Court passed an order, giving direction to the State Government to issue a Notification under section 390A of the Bihar Municipal Act declaring its intention to convert Jamshedpur into a Municipality within a period of eight weeks and to invite representations and objections therein and to consider the matter within a period of eight weeks and give its final decision therein. The State Government failed to comply with the order of the Hon'ble Court and bring out any notification in

	this regard. Hence, the petitioner moved a contempt petition.
23.11.1990	Subsequently, the state Government brought out Notification No.4806 under section 390A of Bihar & Orissa Municipal Act,1922 declaring its intention to convert Jamshedpur Notified Area into a Municipality.
08.01.1991	The said Notification was challenged by the Respondent Company in CWJC No. 156 of 1991 before the Hon'ble High Court of Judicature at Patna. The Hon'ble Court allowed for the objections filed in pursuance of the abovementioned notification to be entertained and stayed further notification to be passed in terms of Section 390A of the Bihar & Orissa Municipal Act.
14.10.1992	Petitioner made a representation to the Chief Justice of High Court of Judicature at Patna requesting that the Jamshedpur should be declared as a municipality and that the Respondent Company in collusion with the State of Bihar has got stay on the said notification.
25.11.1992	Hon'ble High Court <i>suo motto</i> took cognizance of the representation made by the petitioner and vacated the stay.
1993	The State government filed SLP No. 14677 of 1993 challenging the order dated 25.11.1992 passed by the High Court of Judicature at Patna.
01.06.1993	The 74 th Amendment to the Constitution was made effective by way of which Part IX A came to be inserted in the Constitution. By way of which Creation of municipality became a rule and Industrial Township an exception.
15.11.1993	The SLP No. 14677 of 1993 was dismissed as it became infructuous after 74 th Amendment to the Constitution coming into force.
30.05.1994	Government of Bihar passed an Ordinance No. 13 of 1994 in order to comply with the 74 th Amendment of

	<p>the Constitution, which was subsequently confirmed by the Act 2 of 1995, thereby amending the Bihar Municipal Act, 1922.</p> <p>By this amendment following changes were made:</p> <ul style="list-style-type: none"> • Section 388 providing for notified area was deleted from the Act. • Section 3(IIA) has been inserted, which defines Industrial Township as such urban area or part thereof as the State Government may having regard to the size of the area and 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.
08.09.1998	<p>Notification No. 110/1989-311 was issued by the Urban Development Department of State of Bihar under Section 29 of Bihar Municipal (Amendment) Act, 1994, by virtue of which the Jamshedpur Notified Area Committee was dissolved.</p> <p>The District officer, JNAC was directed to appoint a Special Officer for executing the day to day functions of Jamshedpur.</p>
15.11.2000	<p>Southern part of state of Bihar was ceded to form the new state of Jharkhand. Jamshedpur became part of State of Jharkhand.</p>
2003	<p>Petitioner filed a Writ Petition (PIL) 4388 of 2003 in the Hon'ble High Court of Judicature at Jharkhand for a direction to the State Government to replace the Notified Area by a duly elected Municipal Body (Corporation) in accordance with the provisions, contained in Part- IX A of the Constitution of India.</p>
20.08.2005	<p>The lease for Jamshedpur land was renewed retrospectively by the State Government in favour of the Respondent Company upto 31.12.2025.</p>

06.12.2005	<p>State of Jharkhand by way Notification No.2922 issued in exercise of powers under Section 2(1) & (2) of Bihar Municipal Corporation Act, 1978, expressed its intention to declare Jamshedpur and other nearby areas given in the schedule of the Notification, as Municipal Corporation.</p> <p>Public Objections and suggestions were invited within six weeks of publication of the Notification in the Official gazette.</p>
23.06.2006	The writ petition was disposed of by way of direction to the state Government to take final decision in the matter within three months after following the steps laid down in para 3(XXVII) of the judgment.
2006	Respondent Company moved the Hon'ble Supreme Court challenging the order of the Hon'ble High Court in SLP No.14926 of 2006.
Feb, 2008	Petitioner moved an intervention application as he was not made party in the case, which was subsequently allowed.
22.09.2014	An one sided meeting was held wherein the constitution of either industrial township or Municipality was discussed wherein everyone present unanimously voted for creation of Industrial Township except the petitioner.
15.12.2016	The Civil Appeal No.467 of 2008 was disposed of as the parties had settled the matter. However, the Court was pleased to give liberty to the parties to take remedies in accordance with law if any difficulty aroused in resolving any outstanding issues.
17.11.2017	Petitioner wrote a letter to the Chief Minister of Jharkhand, requesting that Municipality should be constituted for the whole of Jamshedpur.
20.03.2018	Petitioner filed a RTI with the State Government, seeking information in regard to any order or Notification being brought out in accordance with the

	Civil Appeal No.467 of 2008.
11.04.2018	Petitioner by way of reply to his RTI was informed that no notification in regard to declaring Jamshedpur as a Municipality or Industrial Township has been bought out.
	Hence, the present writ petition.

IN THE SUPREME COURT OF INDIA
(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) No. OF 2018
PUBLIC INTEREST LITIGATION

IN THE MATTER OF:

JAWAHARLAL SHARMA
S/O LATE S.R. SHARMA,
R/O 402, ROAD No.8, SONARI,
WEST LAYOUT, JAMSHEDPUR-831011
EMAIL: JLSHARMA45@GMAIL.COM
PHONE: 9430438540

...THE PETITIONER

VERSUS

1. STATE OF JHARKHAND
THROUGH ITS SECRETARY
URBAN DEVELOPMENT DEPARTMENT
RANCHI - 834001

... RESPONDENT No. 1

2. TATA STEEL LTD.
THROUGH ITS CHAIRMAN
TISCO GENERAL OFFICE, BISTUPUR,
JAMSHEDPUR-831001

... RESPONDENT No. 2

3. JAMSHEDPUR UTILITIES SERVICES LTD.(JUSCO)
THROUGH ITS CHAIRMAN
SAKCHI BOULEVARD ROAD,
JAMSHEDPUR, DIST- SINGHBHUM
JHARKHAND -831001

... RESPONDENT No. 3

A WRIT PETITION IN PUBLIC INTEREST UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA FOR ESTABLISHING A DULY ELECTED MUNICIPAL BODY
IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN PART IX-A OF THE
CONSTITUTION AND FOR THE ENFORCEMENT OF THE RIGHTS OF THE CITIZENS
UNDER ARTICLES 14 AND 21 OF THE CONSTITUTION OF INDIA

To,

**THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION
JUDGES OF THE HON'BLE SUPREME COURT OF INDIA**

The Humble Petition of the
Petitioners above-named

MOST RESPECTFULLY SHOWETH: -

1. That the petitioner Jawaharlal Sharma S/o Late S.R. Sharma, R/o 402, Road No.8, Sonari, West Layout, Jamshedpur-831011 having Email address as JLSHARMA45@GMAIL.COM and Phone No. 9430438540 is filing the instant writ petition in public interest seeking an appropriate writ establishing a duly elected Municipal body in accordance with the provisions contained in Part IX-A of the Constitution and for enforcement of the rights of the citizens under Articles 14 and 21 of the Constitution of India. The mandate of the Constitution as per Article 243 Q under Part IX-A is that the Municipality has to be constituted within a year of 74th amendment of the Constitution coming into force, until and unless the State Government decides to declare it as an Industrial Township. Till date there is neither Municipality in Jamshedpur nor has it been declared as an Industrial Township. Non formation of municipality has caused serious hardship to the people at large. It is pertinent to mention here that an industrial township is always made for a small place and Jamshedpur is the largest and most populated city in the state of Jharkhand. Non formation of municipality has caused serious hardship to the people at large.
- 1A.** The Petitioner, is a human rights activist and has for the last three decades been involved in pursuing issues and matters concerning

human rights, up-liftment of the poor and oppressed classes of the society as well as working on Jail reforms etc.

The petitioner has made various representations to the respondents since 1989. However, till date no action whatsoever has been taken in regard to formation of Municipality for Jamshedpur. In this regard Annexure P1, Annexure P7, Annexure P10 and Annexure P-13 has been attached as annexures with the petition.

The petitioner has no personal interest, or any private or oblique motive, in filing the instant petition. There is no civil, criminal, revenue or any other litigation involving the petitioner, which has or could have a legal nexus with the issues involved in this PIL.

2. That the Respondent No.1 is State of Jharkhand through its Secretary who is responsible to bring out notification under Article 243Q of the Constitution. Respondent No.2 is Tata Steel Ltd through its Chairman whose registered office is at TISCO General office, Bistupur, Jamshedpur- 831001. Respondent No.3 is Jamshedpur Utilities Services Ltd. through its Chairman, whose registered office is at Sakchi Boulevard Road, Jamshedpur, Dist- Singhbhum Jharkhand -831001.

THE CASE IN BRIEF

3. That the land admeasuring 15,725 acres in Jamshedpur was acquired by the Respondent Company for setting up a steel plant, which was declared as a Notified Area vide Bihar Government's Notification No. 6068, dated 25.06.1924 under Section 388 of Bihar and Orissa Municipal Act, 1922. The relevant paragraph is reproduced herein below:

"388. Constitution of notified area-

- (1) The State Government may by notification declare that it is necessary to make administrative provision for all or any of the purposes of this Act in any area specified in the notification, other than a municipality or a cantonment.
 - (2) An area in respect of which such a notification has issued is hereinafter called a notified area."
4. The establishment of a municipality ensures that the basic decisions affecting the lives of the people at local level are taken by an elected council which is directly accountable to the people. Because of the non establishment of municipality in Jamshedpur basic services like primary education, health, sanitation, water supply, solid waste management, and other public necessities like road, parks etc. are the responsibility of an unelected, unaccountable bureaucratic industrial establishment which is affecting the rights of the people.
5. Jamshedpur Notified Area Committee was constituted therein. A Notified Area Committee is established to take care of administration of an area which is either a fast developing town from industrialisation or a town not yet developed to fulfil all the conditions to create a municipality but is considered as important by the state government. A notified area committee is created by a notification in the government gazette. Unlike the municipality, a notified area committee is an entirely nominated body. State government nominates all its members including the chairman to a notified area committee. Thus, a notified area committee is neither an elected body nor a statutory body. Notified Area Committee is not constituted by an act of legislatures. The chairman and all the other members of the committee are appointed by the state government.
6. That the Industrial Township has been defined under section 481 of the Jharkhand Municipality Act, 2011. The relevant paragraph is reproduced herein below: *"Exclusion of industrial townships from municipal areas. –*
 - (1) *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 it may deem fit, by notification, specify to be an industrial township.

(2) The provisions of this Act, to the extent prescribed by State Government, shall apply to the industrial township

(3) The State Government may appoint a committee under the chairpersonship of the Deputy Commissioner of the district in which the industrial township is situated to oversee the working of the industrial township as prescribed.”

7. That the State government in 1967 initiated its first proposal to convert Jamshedpur Notified Area Committee into a Municipality. Which was subsequently dropped in 1973 by the State government as the Respondent Company created a havoc by placing its employees on road to protest against the same.
8. That the land acquired by the Respondent Company on 04.08.1984 came to be vested in the State Government by virtue of the Bihar Land Reforms Act, 1950. On enforcement of Amendment Act 17 of 193 to Bihar Land Reforms Act, an agreement was entered into between State Government and Respondent Company, whereby the land of entire township (excluding some pockets of agricultural lands) was leased out to the Respondent Company.
9. That the Petitioner as long back as in 1988 filed the Writ Petition (Civil) No.154 of 1988 in the Hon'ble Supreme Court of India on behalf of the citizens of Jamshedpur seeking appropriate writ and direction upon the erstwhile State of Bihar for formation of an elected Municipal Body in Jamshedpur as envisaged in Section 390A of the Bihar & Orissa Municipal Act, 1922. The grievances raised in the Writ Petition *inter alia* included that in the matter of providing civic amenities the management of TISCO has been openly discriminating between the non-employee habitants of JSR and its own employees as a result of which majority of the citizens were deprived of basic civic facilities such as safe drinking water, electricity, road, sewage etc.

10. Therein the Hon'ble Court observed that the Government of Bihar under section 390A of the Bihar & Orissa Municipal Act,1922 in the year 1967 had declared its intention to convert the Notified area of Jamshedpur into a Municipality. However, the idea of converting Jamshedpur into a municipality was dropped in the year 1973. Therefore, the Hon'ble Court directed the Government of Bihar to issue notification under Section 390A of the said Act and to declare its intention to convert Jamshedpur Notified Area Committee into a Municipality within a period of eight weeks and to invite representations and objections therein. A copy of order dated 21.08.1989 passed in writ petition (Civil) No.154 of 1988 by the Hon'ble Supreme Court is annexed herewith and marked as **Annexure P-1 (Pages _____)**.
11. That as per the order of the Supreme Court, no action whatsoever was initiated by the State of Bihar and hence the petitioner was forced to file a contempt petition of that order. Subsequently, State Government was pleased to issue Notification No.4806 dated 23.11.1990 declaring their intention to convert the said Jamshedpur Notified Area Committee into a Municipality in accordance with the provision of Section 390A of The Bihar and Orissa Municipal Act, 1922 declaring its intention to convert Jamshedpur Notified Area into a Municipality. A copy of Notification No.4806 dated 23.11.1990 is annexed herewith and marked as **Annexure P-2 (Pages _____)**.
12. That the abovementioned Notification was challenged by the Tata Steel Ltd. in CWJC No. 156 of 1991 before the Hon'ble High Court of Judicature at Patna. The Hon'ble Court allowed for the objections filed in pursuance of the abovementioned notification to be entertained and stayed further notification to be passed in terms of Section 390A of the Bihar & Orissa Municipal Act. A copy of order passed in CWJC No. 156 of 1991 by the Hon'ble High Court of Judicature at Patna dated 08.01.1991 is annexed herewith and marked as **Annexure P-3 (Pages _____)**.

13. That the petitioner wrote a letter dated 14.10.1992 to the Chief Justice of Patna High Court requesting that Jamshedpur should be declared as a municipality and that the Respondent Company in collusion with the State of Bihar has got stay on the said notification. A copy of letter written by the petitioner to the Chief Justice of Patna High Court dated 14.10.1992 is annexed herewith and marked as **Annexure P-4 (Pages _____)**.

14. That the Court takes cognizance of the letter written by the petitioner and vacated the stay. The relevant paragraph is reproduced herein below:

(1) *“it is peculiar that the Government has suffered the stay order for near about two years as it has not bothered to file any counter affidavit up till now and no step has been taken by them to vacate or modify the earlier order. This matter has been taken pursuant to a complaint received from a citizen alleging collusion.*

(2) ..

(3) *We dispose of this application by passing the following order; All objections filed or to be filed within a period of 31st December, 1992, shall be considered and heard by the appropriate authority and a final decision shall be taken in accordance with Section 390A of the said Act”*

A copy of order passed in CWJC No. 156 of 1991 by the Hon'ble High Court of Judicature at Patna dated 25.11.1992 is annexed herewith and marked as **Annexure P-5 (Pages _____)**.

15. That the State government filed SLP No. 14677 of 1993 challenging the order dated 25.11.1992 passed by the Hon'ble High Court of Judicature at Patna. However, it was dismissed as it became infructuous after 74th Amendment to the Constitution coming into force.

The 74th Amendment to the Constitution was made effective by way of which Part IX A came to be inserted in the Constitution. By way of which creation of municipality became a rule and Industrial Township

an exception. The Statement of Objects and Reasons of Amendment Act provides *inter alia*, that:

“In many States local bodies have become weak and ineffective on account of a variety of reasons, including the failure to hold regular elections, prolonged supersessions and inadequate devolution of powers and functions. As a result, Urban Local Bodies are not able to perform effectively as vibrant democratic units of self government.

...

Accordingly, it is proposed to add a new part relating to the Urban Local Bodies in the Constitution to provide for-

Constitution of three types of Municipalities:

...

(iii) Municipal Corporations for Larger urban areas.

(g) devolution by the State Legislature of Powers and responsibilities upon the Municipalities with respect to preparation of plans for economic development and social justice, and for the implementation of development schemes as may be required to enable them to function as institutions of self government;

(h) levy of taxes and duties by Municipalities, assigning of such taxes and duties to Municipalities by State Government and for making grants in aid by the State to the Municipalities as may be provided in the State Law...”

A copy of Statement of Objects and Reasons of the Constitution (74th Amendment) Act, 1992 is annexed herewith and marked as **Annexure P-6 (Pages _____)**.

16. That the Government of Bihar passed an Ordinance No. 13/94 dated 30.05.1994 in accordance with 74th amendment of the Constitution, which was subsequently confirmed by Act 2 of 1995, thereby amending the Bihar Municipal Act, 1922. By way of this amendment, following changes were made:

- Section 388 providing for notified area was deleted from the Act.
- Section 3(IIA) was inserted, which defines Industrial Township as such urban area or part thereof as the State Government may having regard to the size of the area and 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.

17. That the Tata Steel by way of Letter No. AO/17673/94 sent a representation to the Secretary, Urban Development Department, Government of Bihar requesting the Government to issue the notification contemplated in the ordinance 13/1994 declaring Jamshedpur as an Industrial Township and apply the necessary provisions of 1922.

18. That the state of Bihar issued Notification No. 110/89-3111 dated 08.09.1998 under Section 29 of Bihar Municipal (Amendment) Act, 1994 by virtue of which the Jamshedpur Notified Area Committee last constituted in 1922 was dissolved. And the District officer, JNAC was directed to appoint a Special Officer for executing the day to day functions of Jamshedpur.

19. That in the year 2000, Southern part of state of Bihar was ceded to form the new state of Jharkhand. Jamshedpur became part of state of Jharkhand.

That the petitioner therein filed the W.P(Civil) 4388 of 2003 before the Hon'ble High Court of Judicature at Jharkhand for a direction to the state government to replace Jamshedpur Notified Area Committee by duly elected Municipal Body (Corporation) in accordance with the provisions, contained in Part- IX A of the Constitution of India. A copy of writ petition filed by the petitioner in Writ Petition (PIL) 4388 of 2003 before the Hon'ble High Court of Judicature at Jharkhand is annexed herewith and marked as **Annexure P-7 (Pages _____)**.

20. That in the meantime the Lease of Jamshedpur land was renewed retrospectively by the State Government in favour of the Tata Steel till 31.12.2025. Which also created obligation on the company to provide Municipal services to the citizens of the town at its own cost and mode of management was reiterated. A copy of lease agreement between respondent company and Respondent State dated 20.08.2005 is annexed herewith and marked as **Annexure P-8 (Pages _____)**.

21. That by way of Notification No. 2922 dated 06.12.2005 issued in exercise of powers conferred to state government under Section 2(1) & 2(2) of Bihar Municipal Corporation Act, 1978, the state government expressed its intention to declare Jamshedpur and other nearby areas given in the schedule to the Notification, as Municipal Corporation. Public objections and suggestions were invited within six weeks of publication of the notification in the official gazette. That a Writ Petition No. 517 of 2006 was filed by Respondent Company, challenging the Notification dated 06.12.2005.

That the respondent Company by way of W.P(Civil) No. 517 of 2006, challenged Section 2(1) of the Bihar Municipal Corporation Act and above mentioned Notification dated 06.12.2005. Further two other writ petitions were filed before the hon'ble court namely W.P(PIL) No. 364 of 2006, *Jamshedpur Citizens Forum v. State of Jharkhand and others*; and W.P(Civil) No. 872 of 2006, *Shalkhan Murmoo v. State of Jharkhand and others* seeking a declaration that Notification dated 06.12.2005 be declared as null and void and that Jamshedpur be declared an Industrial Township under 243Q of the Constitution.

22. That all the four writ petition were disposed of by the Division Bench of Jharkhand High Court *inter alia* holding that:

- Section 2(1) of the Bihar Municipal Corporation Act, 1978 is not ultra vires of the Constitution;
- Procedure was laid down for constitution of a Municipality under Part IX-A of the Constitution was laid down;
- Notification dated 06.12.2005 was struck down since it did not conform to the procedure laid down by the High Curt and there was no decision taken by the Governor of the State whether the area was to be declared a transitional area or a smaller urban area or larger urban area as required under Article 243Q.

23. That the impugned notification was set aside and the state Government was directed to take a final decision in matter within three months after

following steps laid down in para 3(xxvii) of the judgment. The relevant paragraph is reproduced herein below:

“ ...

(XXVII) if both the aforesaid provisions i.e article 243Q of the Constitution of India and Section 2 of the Bihar Municipal Corporation Act, 197 are read together then it will be evident that the State Government/Competent authority for constitution of Municipality is required to take the following steps, one after another:

The Governor having regard to the population of the area, density of the population therein, revenue generated for local administration, percentage of employment in non agricultural activities, the economic importance or such other factors, as he may deem fit, will first determine and specify whether the area will be treated to be a transitional area or smaller urban area or a larger urban area, in terms of Clause (2) of Article 243Q;

After such decision, taken by the Governor under clause (2) of Article 243Q but before publication of final notification under Article 243Q (2), the state government will publish a draft of the proposed notification under Article 243(Q)2 of the Constitution in the official gazette for the information of all persons, likely to be affected therefrom, inviting objections and suggestions in terms of Section 2(3)(a) of the Bihar Municipal Corporation Act, 1978;

On expiry of a period of six weeks and after considering objections or suggestions, if any, as may be received by the State Government within the said period, if so necessary, the Governor may issue public Notification, specifying that area to be an Industrial Township, terms of proviso to Clause 1(c) of Article 243 Q of the Constitution of India;

If the Governor having regard to the size of the area and taking into consideration the municipal services as being provided or proposed to be provided by an industrial establishment in that area and such other factors, as he may deem fit, is of the opinion that no notification under Industrial Township is required to be issued, in such case after taking into consideration the objections, as may be received, and, if so required, after making such amendment in the draft, final notification under sub-section (2) to Article 243Q read with Section 2(3)(b) of the Bihar Municipal Corporation Act, 1978 is to be issued;

Once it is decided and public notification is issued, specifying the area to be an 'Industrial Township', in such case there shall be no Municipality in the said area. The concerned industrial establishment of that area will provide the municipal services to all persons, living in that area;

If no public notification declaring such area as 'Industrial Township' is issued, the state government will take steps for constitution of Municipalities in terms of Clause (1) of

Article 243Q of the Constitution read with Section 2(1) of the Bihar Municipal Corporation Act, 1978.”

A copy of order passed in Writ Petition (PIL) 4388 of 2003 in the Hon'ble High Court of Judicature at Jharkhand dated 23.06.2006 is annexed herewith and marked as **Annexure P-9 (Pages _____)**.

24. That the order of the Hon'ble High Court of Jharkhand was challenged by the Respondent Company. As the petitioner was not made party to the petition, an intervention application was filed by the petitioner which was allowed. A copy of intervention application filed by the petitioner in Civil Appeal No. 467 of 2008 before the Hon'ble Supreme Court of India is annexed herewith and marked as **Annexure P-10 (Pages _____)**.

25. A one sided meeting was held wherein the constitution of either industrial township or Municipality was discussed wherein every one present unanimously voted for creation of an Industrial Township except the petitioner. A copy of Minutes of meeting held amongst parties on 22.09.2014 is annexed herewith and marked as **Annexure P-11 (Pages _____)**.

26. That the Civil Appeal No. 467 of 2008 was disposed off by the Hon'ble court on the basis that the parties have already settled the matter. However, some minor problems still need to be resolved, if any issues do survive the parties are at liberty to take remedy in accordance with the law. A copy of order passed in Civil Appeal No. 467 of 2008 by the Hon'ble Supreme Court of India dated 15.12.2016 is annexed herewith and marked as **Annexure P-12 (Pages _____)**.

27. That after the dismissal of the case, respondent state did not take steps to bring out any notification with an intention to declare Jamshedpur as Municipality and hence petitioner wrote a letter to the Chief Minister of Jharkhand, stating that Municipality should be constituted for whole of Jamshedpur. A copy of letter written by Petitioner to the State Government dated 17.11.2017 is annexed herewith and marked as **Annexure P-13 (Pages _____)**.

28. That the Petitioner filed RTI with the State Government, seeking information in regard to any order or Notification being brought out in regard to the Civil Appeal No.467 of 2008. A copy of RTI filed by the petitioner dated 20.03.2018 is annexed herewith and marked as **Annexure P-14 (Pages _____)**.

In its reply to the RTI, authorities informed the petitioner that no notification whatsoever has been brought out to declare Jamshedpur as a municipality. A copy of reply to the RTI filed by petitioner dated 11.04.2018 is annexed herewith and marked as **Annexure P-15 (Pages _____)**.

29. That it is relevant to mention here that self governance is a fundamental political right and constitution of local bodies, including municipalities is a vital component of a democracy and democratic right. By way of 74th Amendment Act, 1992, whereby Part IX-A was introduced into the Constitution, the right to self government was specifically voiced as a crucial constitutional principle.

30. That this Hon'ble Court in ***Maharashtra v. Jalgaon Municipal Council, (2003)9 SCC 731*** noted that as per Part-IXA of the Constitution of India, an urban area having a population of not less than three Lakhs is a larger urban area to be administered by a Municipal Corporation, the relevant paragraph is reproduced herein below:

“Part IXA came to be inserted into the Constitution of India by Seventy Fourth Amendment with effect from 01.06.1993. This part contemplates constitution of Nagar Panchayats, Municipals and Municipal Corporations in every state. The three tool of local self government are contemplated by the constitution to administer a transitional area, a smaller urban area and a larger urban area respectively. Article 243-Q(2) defines these three areas to mean such areas as the Governor may have regard to the population of the area, the density of population therein, the revenue generated for local administration, the percentage of employment in non agricultural activities, the economic importance or such other factors as the governor may deem fit specify by public notification for the purpose of Part IXA. We are concerned with smaller or larger urban areas based whereon a Municipal Council or a

Municipal Corporation, respectively shall be constituted. It is not disputed that so far as the factor of population is concerned, the bench mark dividing the areas to be administered by Municipal Council or by Municipal Corporation, as the case may be, is the population of three lakhs. The Urban area having population less than three lakhs is a smaller urban area to be administered by Municipal Council and an urban area to be administered by Municipal Council and an urban area having a population of not less than three Lakhs is a larger urban area to be administered by a Municipal Corporation.”

31. This Hon'ble Court has held in the case of **Kishansing Tomar v. Municipal Corporation, Ahmedabad** (2006) 8 SCC 352 that,

“12. it may be noted that part IX-A was inserted in the Constitution by virtue of the Constitution (Seventy Fourth) Amendment Act, 1992. The object of introducing these provision was that in many states the local bodies were not working properly and the timely elections were not being held and the nominated bodies were continuing for long periods. Elections had been irregular and many times unnecessarily delayed or postponed and th elected bodies had been superseded or suspended without adequate justifications at the whims and fancies of the State authorities. These views were expressed by the Minister of State for Urban Development while introducing the Constitution Amendment Bill before Parliament and thus the new provisions were added I the Constitution with a view to restore the rightful place in political governance for local bodies. It was considered necessary to provide a consituional status to such bodies and to esure regular and fair conduct of elcetions...”

32. This Hon'ble Court has also noted the lethargy of the State Government to constitute local bodies and hold elections for the posts therein. In **Shanti G. Patel v. State of Maharashtra**, (2006) 2 SCC 505, this Hon'ble Court observed:

“7. In terms of Article 243 Q of the Constitution, municipalities are to be constituted. A municipal Corporation may be constituted for a larger urban area, in terms of the provisions of Article 243 P of the Constitution

...

13. We may notice that despite the time schedule provided for in the Constitution (Seventy Third) Amendment act, in several States, elections in the panchayat Raj as also municipalites have been held only pursuant to writ of mandamus having been issued and/or yet to be held despite such writs having been issued by the several High Courts in this behalf.

14. As for example, we may notice that in the State of Jharkhand Panchayat elections are yet to be held despite a writ having been issued by the Jharkhand High Court and elections in the Hyderabad Municipal Corporations have only been held only after a time schedule therefor was fixed by the High Court of Andhra Pradesh...”

33. This Hon'ble Court has also emphasized the importance of holding elections to local bodies, repeatedly holding that complaints of a few individual ought not to upset the democratic process. In **Anugrah narain Singh v. State of U.P.**, (1996) 6 SCC 303 this Court stated.

“14.... No municipal election had been held in the State for nearly ten years and the dates of the elcetions were fixed under the direction given by the High Court in another case. Improtance of holding elections at regular intervals for Panchayats, municipal Bodies or legislatures can not be over emphasized. If holding of elections is allowed to be stalled on the complaint of a few individuals, then grave injustice will be done to crores of other voters who have a right to elect their representatives to the local bodies. As a result of the order of the High Court, elcetions that were going to be held to the local bodies after a long lapse of nearly ten years were postponed indefinitely

...

17. ... in fact, highest importance has been attached to holding of Panchayat as well as municipal elections by the Constitution. Part IX and IX-A of the Constitution were introduced by the Constitution (73rd Amendment) Act, 1992 and (74th Amendment) Act, 1992. By these two parts, it was intended to take democracy to the grass root level. Part IX deals with constitution of Panchayats, composition of panchayats and holding of regular elections to the Panchayats...”

Grounds:

- A. Because the state of Jharkhand has failed to declare Jamshedpur as a Municipality or an Industrial Township even after more than two decades of 73rd & 74th Amendment of the Constitution coming into force, which *inter alia* makes it mandatory for the State Government to create a Municipality within a year of the amendment coming into force. Creation of Municipality is a constitutional mandate and industrial township is an exception as per Article 243Q of the

Constitution. It is pertinent to mention here that if Jamshedpur has not yet been notified as an Industrial Town then it must be declared as a Municipality as per 243Q of the Constitution. Article 243- ZF envisages that the Constitutional directive of Part IXA should be enforced within a year of the amendment.

“243-ZF Continuance of existing laws and Municipalities- Notwithstanding anything in this Part, any provision of any law relating to Municipalities in force in a State immediately before the commencement of the Constitution (Seventy Fourth Amendment) Act, 1992, which is inconsistent with the provisions of this part, shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one year from such commencement, whichever is earlier.”

Despite a lapse of almost two decades thereafter, and inspite of the constitutional re-emphasis on decentralization and self governance by insertion of part-IX-A in the Constitution, till date Jamshedpur has not been declared as a Municipality.

B. Because the state government on numerous occasion has expressed its intention to constitute municipality for Jamshedpur under Article 243Q. That is to say, by necessary implication, state government has chosen not to exercise its discretion under 243Q (1) proviso to create an Industrial Township. Following times, the State Government bought notification declaring its intention to convert Jamshedpur into Municipality:

- 1967- Proposal in 1967 by Government to Constitute a Municipality for Jamshedpur, subsequently dropped in 1973;
- 1990- Intention to convert JNAC to a municipality vide Notification dated 23.11.1990. Stalled by virtue of proceedings initiated by Tata Steel Ltd;
- 2005- Government issued Notification dated 06.12.2005 expressing its intention to convert Jamshedpur into a Municipality. This has also been successfully frustrated by Tata Steel;

C. Because industrial township is always made for a small area and it is pertinent to mention here that the Jamshedpur is the largest city in Jharkhand. With the expansion of Jamshedpur after formation of Jharkhand in 2000 and construction of multistoried and high rise buildings, the demand for civic amenities have increased manifold justifying greater need for a regulatory authority such as elected civic body which is going to be accountable to its people. This is beyond the capacity of Respondent Company to take upon themselves the responsibility of catering to the day to day basic needs of the townships, which happened to be the second highest populated city according to 1981 census and now the highest after the creation of Jharkhand. The need for an elected body has assumed far greater importance on account of continuous growth in the population of Jamshedpur which as per Government's own census of 2001 has assumed the proportion of eleven and half lakhs.

Further Jharkhand Municipal Act, 2011 specifies that an industrial township should be declared based on the size of the area. The relevant paragraph is reproduced herein below:

“481 Exclusion of industrial townships from municipal areas

1) 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 it may deem fit, by notification, specify to be an industrial township.

...”

The issue is a constitutional matter and can't be settled between the parties by way of private settlement without giving consideration to the population of the area, the density of the population, revenue generated for the local administration, the percentage of employment in non agricultural activities, economic issues etc.

D. Because apart from the aforesaid, the statement of objects and reasons also shows that various mechanisms were contemplated under the Amendment, to act as checks and balances on the

Municipalities and other local Government. The object and reasons envisage:

“A finance commission to review the finances of the Municipalities and to recommend principles for Determining the taxes which may be assigned to the municipalities; Sharing taxes between the state and municipalities; Grant in aid to the Municipalities from the consolidated Fund of the State; Audit of accounts of the Municipal Corporations by the Comptroller and Auditor General of India and laying of reports before the Legislature of the State and the Municipal Corporation concerned.”

- E. Because in the case of ***Maharashtra v. Jalgaon Municipal Council, (2003)9 SCC 731*** the Supreme Court having noticed Part-IXA of the Constitution of India, held as following:

“Part IXA came to be inserted into the Constitution of India by Seventy Fourth Amendment with effect from 01.06.1993. This part contemplates constitution of Nagar Panchayats, Municipals and Municipal Corporations in every state. The three tool of local self government are contemplated by the constitution to administer a transitional area, a smaller urban area and a larger urban area respectively. Article 243-Q(2) defines these three areas to mean such areas as the Governor may have regard to the population of the area, the density of population therein, the revenue generated for local administration, the percentage of employment in non agricultural activities, the economic importance or such other factors as the governor may deem fit specify by public notification for the purpose of Part IXA. We are concerned with smaller or larger urban areas based whereon a Municipal Council or a Municipal Corporation, respectively shall be constituted. It is not disputed that so far as the factor of population is concerned, the bench mark dividing the areas to be administered by Municipal Council or by Municipal Corporation, as the case may be, is the population of three lakhs. The Urban area having population less than three lakhs is a smaller urban area to

be administered by Municipal Council and an urban area to be administered by Municipal Council and an urban area having a population of not less than three Lakhs is a larger urban area to be administered by a Municipal Corporation.”

- F. Because as early as 1988, the petitioner herein filed a Writ Petition (Civil) No. 154 of 1988 before this Hon'ble Court and sought conversion of Jamshedpur Notified Area Committee, JNAC, into a Municipality, which was allowed by this Hon'ble Court vide order dated 21.08.1989, wherein this Hon'ble Court directed, inter alia, directed the Government to issue notification declaring its intention to convert Jamshedpur into a Municipality, within a period of eight weeks from that date.
- G. That Respondent Company has been thwarting every attempt to initiate self governance in Jamshedpur and has been seeking to retain control over its private fiefdom by seeking conversion of the township to an industrial township under private control and governance of Respondent Company. By its action, Tata Steel, which holds a lease from the State Government of approximately only 10 sq km of the land in Jamshedpur, has held to ransom the democratic process throughout the entirety of the area under the Jamshedpur Notified Area Committee.
- H. Because the situation in the township has worsened to such an extent that the mafias and unscrupulous elements have become active in the city and its neighborhood by engaging themselves in land grabbing, unrestricted borings for underground and illegal and unauthorized encroachments resulting in rise of crime, road accidents and last, but not the least the problems of environmental pollution and safe traffic movements, road blockades and such other day to day inconveniences being faced by the people.

- I. Because the mandatory effect of Part IXA of the Constitution cannot be permitted to be entrenched upon by a private industrial house. Besides, it is also learnt that Jamshedpur has not yet been notified as an Industrial Township. Hence under Clause 2 of Article 243G of the Constitution it is imperative for the government of Jharkhand to issue a Public Notification for creation of a Municipal Body/ Corporation having regard to the population, the revenue loss which government has been sustaining and such other factors, for the integrated development of infrastructure and environmental conservation so as to improve the quality of life of citizens of Jamshedpur.

- J. Because the State is constitutionally bound to direct its policy to ensure that the ownership and control of the material resources of the community are so distributed as to sub serve the common good and not to the common detriment. Besides, if there was a duly elected municipal body, the state would have been richer by few hundred crores every year in the form of property and such other taxes and fees which has somehow not materialized so far due to strong opposition by the management of respondent company, obviously for fear of loosing hold over the township. It is the mandatory obligation of the state to promote the welfare of its people by securing and protecting as it may a social order in which justice, social, economic and political have to be ensured and this can be achieved only through a democratically elected Municipal Body.

PRAYERS

In view of the facts & circumstances stated above, it is most respectfully prayed that this Hon'ble Court may in public interest be pleased to: -

- a. Issue an appropriate writ or order replacing the Jamshedpur Notified Area Committee by establishing a duly elected Municipal body in accordance with the provisions contained in Part IX-A of the Constitution.

b. Issue or pass any writ, direction or order, which this Hon'ble court may deem fit and proper under the facts and circumstances of the case.

PETITIONER THROUGH:

PRASHANT BHUSHAN
COUNSEL FOR THE PETITIONER

DRAWN BY: ROHIT SINGH / SURABHI KUMARI

DRAWN ON: 29.04.2018

FILED ON: 02.05.2018

NEW DELHI