



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

6<sup>th</sup> Floor, Loknayak Bhawan,  
Khan Market, New Delhi-03,

Dated: 25.11.2021

Speed Post

File No. TourReport/(Member)/Odisha/2/2021-ESDW

To,

**The Chief Secretary,**  
Government of Odisha,  
General Administration  
Department,  
Odisha Secretariat,  
Bhubaneswar-7510001

**The Secretary,**  
Department of Water Resources,  
Government of Odisha,  
Keshari Nagar,  
Bhubaneswar- 7510001

**The District Collector,**  
District Keonjhar,  
Keonjhar-758001  
Odisha

**The District Collector,**  
Office of the District Magistrate and  
Collector,  
Jharsuguda-PIN-768204  
Odisha

Sub: Tour Report of Shri Ananta Nayak, Hon'ble Member, NCST of visit to the State of Odisha from 01.11.2021 to 07.11.2021.

Sir,

I am directed to enclose a copy of Tour report of Shri Ananta Nayak, Hon'ble Member, NCST of visit to the State of Odisha from 01.11.2021 to 07.11.2021 for ready reference.

2. It is requested that necessary action may be taken on the points raised/recommendations in the Tour report and furnish the report to the Commission at the earliest.

Yours faithfully,

(R.K. DUBEY)

Deputy Director

PH. No. 011-24601346

Email. Id – assttdir@ncst.nic.in

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ISSUE

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

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### **BRIEF TOUR NOTE OF VISIT OF SHRI ANANTA NAYAK, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES, NEW DELHI TO ODISHA FROM 01<sup>ST</sup> TO 07<sup>TH</sup> NOVEMBER, 2021**

Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes reached at Bhubaneswar in the evening of 01<sup>st</sup> November, 2021 on a 7(Seven) day tour to Odisha.

#### **02<sup>nd</sup> November, 2021**

On the 02<sup>nd</sup> November, 2021 hearings of a number of cases were held at the Conference Hall of the State Guest House, Bhubaneswar. At 10.00 Hours hearing held with Shri Nikhil Pavan Kalyan, Collector & District Magistrate, Sundargarh in the case of Shri Jitbhan Kandeji Buru, At/Post- Bandhabhuin, PS-Tikayatpali, District- Sundargarh, Odisha regarding the issues of tribal people affected by the Rukuda dam. The second hearing was held at 11.30 Hours with Mrs. Aboki Sunil Naravane, IAS, Collector & District Magistrate, Subarnapur, Odisha on the complaint petition of Shri Samir Mohanty, State President, Bhartiya Janata Party, Odisha on the issue of issuance of fake caste certificate to a Nepali person by Mr Niranjana Pujari, currently holding a constitutional post. The third hearing held at 14.30 Hours, in which number of cases were heard, which included cases of Smt. Sukeshi Oram, Ex-Member, National Commission for Women; Shri Gurucharan Munda, S/o Shri P. Bijay Munda, Lahanda, Birikala, Joda, Keonjhar, Odisha; Shri Mangal Munda, Shri Shatrughan Munda & others, etc.

On the 02<sup>nd</sup> November, 2021, in the evening Shri Ananta Nayak, Hon'ble Member of the NCST accompanied by Shri V. Ashok Vardhan, Assistant Director, Regional Office, NCST, Bhubaneswar, Shri R.K. Tripathy, Legal Advisor, NCST, Shri P.K. Parida, PS to the Hon'ble Member and Shri D.K. Palai, UDC, Regional Office, NCST, Bhubaneswar left for Jharsuguda by train.

#### **03<sup>rd</sup> November, 2021**

The Hon'ble Member, NCST along with the team of NCST visited the village of Katikela, Kalibahal, etc., to access the ground situation, as petition has been received from the "SAMMILITA ADIVASI SAMAJ" on the issues relating to rehabilitation,



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employment, displacement, etc., in connection with VEDANTA ALLUMINA. Also, there was complaint regarding flowing of Ash into the cultivated land from the Ash Pond of the VEDANTA ALLUMINA, as well as dumping of Ash in the nearby forest. Hon'ble Member, NCST assessed the ground reality, after visiting to the spots and shared his pathetic experience, as well as his concern for the STs of the locality, before the Media, during interview.

On way back to district headquarters inspected and reviewed the Kolabira CHC and found that due to vacancies in the posts of doctors & pharmacists, hospital has been facing difficulties in giving treatment to the patients. It was also found that the number of Kidney patients has been rising, so the Hon'ble Member advised the CMO to find out the reasons behind it and to work on the remedial measures.

A district level meeting was conducted at the Circuit House Jharsuguda, wherein, hearing was conducted with the Collector & DM and the Superintendent of Police, Jharsuguda and Divisional Labour Commissioner, Sambalpur in the case of Shri Basudeba Dharua on the issue of Pragatiseela Sramik Mancha. Thereafter, discussion held with the district administration, Jharsuguda on the issues relating to the VEDANTA ALUMINA.

After completing one day visit to the district of Jharsuguda, Shri Ananta Nayak, Hon'ble Member, NCST, along with his team left for Keonjhar by road.

#### **04<sup>th</sup> November, 2021**

On the 04<sup>th</sup> November, 2021, Hon'ble Member, NCST held meeting with tribal leaders on various issues.

#### **05<sup>th</sup> November, 2021**

On the 05<sup>th</sup> November, 2021, acting on the petition filed by Saheb Naik and Upendra Munda, Shri Ananta Nayak, Hon'ble Member, NCST, along with his team visited their habitation at Murusuan and Chamakpur, the displaced colonies of the Kanpur Irrigation Project, The NCST team met the family of Shri Saheb Nayak and saw on the spot one infant was sleeping inside the broken house, a temporary shelter in a pitiable condition. Commission heard from Shri Saheb Nayak and his family about their plight and asked the authorities of the Kanpur Irrigation Project to look into the concerns of the victim's family immediately.

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At Chamakpur, it was observed that the condition of the health care centre is very pathetic; nobody was present at the time of the visit, in that Ayurvedic Health Centre. Moreover, there is a ANM centre nearby it, which was also found closed. Displaced families complaint that, they are not getting proper health care, because of defunct Ayurvedic Health Centre. The issues of bathing pond and drinking water also brought to the notice of the Hon'ble Member, NCST, it was informed that, the drinking water available in the area is not at suitable. Whereas, the pond which has been used for bathing has already got contaminated and there is no changing room for women, nearby the pond.

Although, it was promised in the Grama Sabha that, all the aspects shall be taken care up, but no provisions, so far have been made on the aspects of education, electricity, health, road & communication, construction of rehabilitation colonies, etc., although most of them have already been displaced on record.

After completing the spot visits, a meeting with the Project Director, Kanpur Irrigation Project was held, wherein, an extensive discussion was held,. Although the officers of the project tried to defend their actions so far, but finally accepted their faults before the NCST and promised to take all possible steps, prior to the displacement of the affected people. Moreover, concerned authorities were asked to resolve the plights of the affected people, who had already been displaced. In addition to that, Shri Ananta Nayak, Hon'ble Member emphasized that, the Project Authorities must not displace any one prior to resolving the issues relating to compensation & rehabilitation. Moreover, it was also emphasized that, tribal culture must be sustained during building the displacement colonies, without making any drastic changes to the life style of the tribals. Further, it was suggested by the Hon'ble Member that, focus may be given on Skill Development with an objective to create employment for the displaced.

### **06<sup>th</sup> November, 2021**

On the 06<sup>th</sup> November, 2021, Shri Ananta Nayak, Hon'ble Member, NCST visited to the Anandpur Subdivision of the Keonjhar District, as part of its programme, "Justice At Door Step" and met the petitioners in the Baunshgarh GP, as well as in the Tukuna GP. Thereafter, NCST held two meetings one at the Baushgarh GP and the other at Tukuna GP, under Anandpur Tahashil Area. Shri Ananta Nayak, Hon'ble Member, NCST made people aware about the role & functions of the NCST, as well as about the powers of the NCST. During the meeting local tribes brought some complaints before the Hon'ble



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Member which were handed over to the concerned officers with instruction to resolve the issues within a month under intimation to the Regional Office of the NCST, Bhubaneswar.

**07<sup>th</sup> November, 2021**

Hon'ble Member met the tribal leaders of the Keonjhar district on the 07<sup>th</sup> November, 2021 to discuss various issues and difficulties.

After completing visit to the Keonjhar district returned to Bhubaneswar. At Bhubaneswar State Guest house, the grievance of one petitioner was heard. Then Union officials from Odisha Gramya Bank met the Hon'ble member with their grievances. After the meetings Hon'ble member left for New Delhi.

End

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National Commission for  
Scheduled Tribes

Government of India

**REPORT  
ON**

**FIELD VISIT OF KANUPUR PROJECT**

**BY**

**Shri Ananta Nayak  
Hon'ble Member, NCST**

## NATIONAL COMMISSION FOR SCHEDULED TRIBES

**Report and recommendation under Article 338A(5) of the constitution on the action to be taken by the Government of Odisha for the constitutional safeguards, implementation of applicable laws, policies and other measures for the safeguard, protection, welfare and socio-economic development of the scheduled tribes who are affected on account of Kanupur Project.**

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the Country.

### **Introduction:**

The team from National Commission for Scheduled Tribes (NCST), under the guidance of Sh. Ananta Nayak, Hon'ble Member, along with the other team members Sh. Radhakanta Tripathy, Legal Advisor of NCST, New Delhi, Sh. V. Ashok Vardhan, Asst. Director, Regional Office, Bhubaneswar, Shri Prasanna Kumar Parida, P.S. to Hon'ble member and Shri D.K. Palai, UDC, NCST, Bhubaneswar had proceeded to the affected tribal areas to ascertain the ground realities and interact with the tribal people especially the Project Displaced Families under Kanupur Project in the Keonjhar district of Odisha. The field visits were made from 04/11/2021 to 05/11/2021 to various villages in co-ordination with the respective departments of the State. The Kanupur Project is an under construction multi-purpose irrigation project on the Baitarani river affecting the Keonjhar, Jajpur and Bhadrak districts of Odisha.

Though the project works started during 2006 but the total work is yet to be completed even after fifteen years.

### **Brief of the Project: -**

- This is a major Irrigation Project contemplated to provide irrigation to 29578 Ha of Agriculture land in Keonjhar district and to generate 4.2 MW hydro-electric power.
- Dam located over river Baitarani near village Basudevpur, in Joda Block of Keonjhar district



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## Irrigation Benefits

 Major Components of the Project

- Earth Fam – 3460 m
- Spillway – 218.5 m (12 Bays)
- Distribution System:  
Main Canal – 78.21 km  
Distributary – 73.73 Km  
Minor & Sub Minor – 291.55 Km

Name of the block	Area in Ha	No. of villages
Champua	17000	142
Jhumpura	9870	78
Patna	1020	11
Keonjhar sadar	1670	12
Joda	18	1
<b>Total</b>	<b>29578</b>	<b>244</b>

 Land Acquisition – 7600.60 Ac.

(Headworks = 4969.33 Ac, Canal = 2631.27 Ac.)

 Forest Land – 545.374 Ha

(Headworks = 171.404 Ha, Canal = 373.97 Ha)

 Rehabilitation & Resettlement:

4289 nos of DPs in 13 villages for reservoir (10 nos fully & 03 nos Partly)

733 nos of Aps in 06 villages for reservoir (03 nos Partly & 03 nos agricultural land)

113 nos of DPs in 15 villages for Canal

**Kanupur Irrigation Project: Progress (Financial & Physical)**
**PMKSY:**

\* Cost of Project = 2438.29 Cr.

\* Expenditure of Project till October, 2021 = 1937.95 Cr., (79.48%)



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**Budget for 2021-22:**

\* Revised budget = 329.00 Cr.,

\* Expenditure in this FY till October, 2021 = 63.33 Cr. (19.25%)

**Overall Scope and Physical Progress**

Completed	Dam	1	85%	15%
	Spillway	1	83%	17%
Ongoing	Main Canal System	78.21 Km	54%	46%
	Distribution System	365.28 Km	11%	89%
Not Started	UGPL System	42.43 Km	0%	



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**BACKGROUND OF KANUPUR IRRIGATION PROJECT LAND ACQUISITION, COMPENSATION, REHABILITATION AND RESETTLEMENT**

As per Odisha Gazette Notification No.806 dtd. 09.06.2006 and the Govt. in W.R. Deptt., Odisha, Bhubaneswar vide their Notification No.17485 Dt. 30.06.06 all together 16 Nos. Of villages coming under 02 Blocks & 04 Grama Panchayat are affected by the Knaupur Irrigation Project. Out of which 10 villages are fully submerged & remaining 06 villages are partially submerged.

The details are as follow:

Block	G.P	Villages (16 nos.)		
		Fully submerged	Partially submerged	
Joda	Kandara		Kandara	
			Basudevpur	
	Chamakpur	Remenshapur (Ka)		
		Remenshapur (Kha)		
		Murusuan		
		Chamakpur		
		Dhobakuchuda		
		Hariharpur		
		Rugudi		
			Shankarpur	
	Birikala	Birikala		
		Govindapur		
		Doduan		
				Bileipada
			Lahanda	
Jhumpura	Naradapur		Balabhadrapur	
<b>2 Blocks</b>	<b>4 G.Ps</b>	<b>10 villages</b>	<b>6 villages</b>	

According to the State officials and Executing Agencies the details of the Affected Persons and Displaced persons are enumerated below.

**Displaced Persons:**

Details enumeration of displaced person was enumerated as per R & R policy 2006 was 3930 in all the 16 affected villages. Subsequently the figure was revised and approved by DOWR to 3869 basing on the provision laid down in R & R policy 2006.



Detailed village wise statement showing the D.P identified by RPDAC and finally sanctioned by DOWR. And 13 nos. Of Left-Out D/Fs of 02 villages vide sanctioned order No.6366 dtd. 01.03.2021 and 407 nos. Of New Extended D.Ps villages are approved and sanctioned by DOWR vide order No.9087/MWR dtd. 23.03.2021.

**Details of option of displaced persons:**

Out of 4404 displaced persons 677 nos. Of D.Ps have opted for homestead land and 3192 nos. Opted for cash grant in lieu of homestead land for their self-rehabilitation 677 nos. of D/F have chose for Homestead Land. In the meantime 22 nos. of D.Ps have change their HSL to Cash grant & 03 nos. of D.P have already dead since last 3-4 years. Now the balance 652 nos. of D/Ps have Opted for Homestead Land. There are 598nos. of D.Ps have allotted for homestead land in different R&R Colonies and 478 nos. of Plot have already issued Record of Rights (RoR) and 92 nos. of lease application form & Trace Map have been submit the Concerned Tahasildar in month DECEMBER-2021. Out of 4404 displaced persons 119 nos. of D.Ps have opted for agriculture land during Socio-Economic Survey conducted by the Ideal Development Agency, Keonjhar. In the meantime, 42 nos. of D.Ps have changed their option from Agricultural land to Cash grant and 77 nos. of D.Ps are yet to agricultural land. **At present the requirement of agricultural land is 330 acres of Leasable government land for the 77 D.Ps under Kanpur Irrigation Project, Basudevpur.** Rigorous exercised have been exercised by the District Administration to find out the Leasable agricultural land but the land but the land available is Sabik Jungle Kissam before the commencement of the Forest Conservation Act. 1980 which is not leasable. There is provision in Odisha Rehabilitation and Resettlement Policy, 2006 that in case of non-availability of agricultural land, there is provision to give equivalent cash grant in lieu of agricultural land. There are also 3782 nos. opted for cash grant in lieu of agricultural land. The Project Authorities have furnished Village wise break-up of the above.

**Affected Persons:**

Socio economic survey for identification of affected persons who are losing more/less than 75% of their agricultural land of village Basudevpur & Kandara have



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already been completed earlier along with their payment. Socio economic survey for identification of affected persons who are losing more than 75% of their agricultural and of village Sankarpur & Bileipada and affected person who are losing less than 75% of their agricultural land of village Sankarpur, Bileipada, Lahanda & Balabhadrapur have already been completed and approved in the 3<sup>rd</sup> RPDAC and payment have been made after sanction of Govt. in DOWR.

**The Petition: -**

The Commission received a petition from Saheba Naik and Upendra Munda from Murusuan village under Chamakpur Panchayat of Keonjhar district regarding forceful demolition of houses and displacement of tribal people in Kanupur project. Denial and deprivation of bare necessities of life to thousands of Tribal villagers due to failure of the State Government of Odisha in ensuring justice. The houses have been demolished illegally and forcefully by the Project Authority in support of the district administration of Keonjhar. The poor tribals have been living under open sky with children, pregnant ladies and senior citizens of our families.

The petitioners further stated that it also affects hundreds of ST families who are suffering due to this adamant, arbitrary and inhuman act of the State administration. The entire exercises have been carried on with the utter violation of Land Acquisition Act and R & R Policy.

The petitioners requested the Commission to expose the Truth by visiting the project affected area and our place, assess the ground realities. The petition also pointed out the RPDAC meeting interval, the number of people yet to be settled, Lack of basic infrastructure and deprivation of bare necessities of life are the reality in the area wherein the Poverty stricken Tribal and Dalit villagers will be homeless and forced to die without food, shelter livelihood etc. The question of Land against Land or adequate compensation and rehabilitation under the Orissa r & R Policy not feasible states the officials leaving the displaced in constant fear of life and liberty.



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The government officials deceive people with false promises for years. Not holding RPDAC meetings of SLCRR relating to the large scale displacement further worsens the situation.

The bare necessities of life and the benefits of social welfare schemes are also denied to poor ST villagers. AADHAR Carda, Rashtriya Swasthy Bima Cards BPL Cards, Job Cards under MGNREGS for Livelihood and other benefits like IAY, Food, Ration under the Social Welfare Schemes are denied to the victims of displacement due to the execution of the project.

Even if the villagers have approached the State officials nobody listens to them. There is none to ensure justice to the villagers of Kandara, Bileipada, Ravenshawpur(A) and (B), Murusuan,Chamakpur, Rugudi,Dhobakuchuda, Daduan, Hariharpur, Shankarpur, Bileipada,Birikala, Lohanda, Basudevpur and other villages . Poverty stricken Tribal and Dalit villagers are homeless and forced to die without food, shelter, malnutrition, livelihood etc.

The petitioners requested the Commission to consider all the aspects and take sincere steps by visiting our area and to assess the situation and recommend measures to be taken for protection of human rights of large scale remediless people living in the area.

### **The Action of the NCST**

Upon receiving the petition the NCST issued notice to the Chief Secretary of Odisha and the District Magistrate and Collector of Keonjhar seeking their response within 15 days.

However, the State Authorities failed to submit any response before the Commission. Taking serious view of the non-responsive attitude on the part of the Government Authorities, Govt. of Odisha the Commission decided to visit the area to take stock of the ground realities.

**Field Visits** – The Commission decided to visit the affected people and assess the situation. Accordingly, a team headed by the Hon'ble member Sh. Ananta Nayak visited

Angulia (A Rehabilitation colony), Murusuan, Chamakpur, Ravenshawpur (A), Ravenshawpur (B), Birikala villages.

During the field visits it has been observed that many houses belonging to the tribal families in the villages have been demolished. The villagers were deprived of their lands and homes even without due compensation and rehabilitation. They also alleged that large numbers of people have been rendered homeless/displaced due to implementation of Kanpur Project.



The most heart wrenching incident was found in the family of Saheb Naik, the petitioner of the case. The Project Authorities have demolished his house in such a cruel manner. The family showed one High Court order. They have been issued a DP certificate but in reality the family has been staying in the same place of residence in Murusuan village. The pregnant lady of the house was not cared for during the demolition drive. The baby was born. The family along with the new born baby have been staying in the broken hut covered under a polythene. The Commission is pained to take note of this inhuman act of the Authorities. The Authorities must have taken care of the pregnant ladies about to give birth a baby. The health officials also fail to take care of the Lady and new born baby. Even after the baby was born the family has not been given appropriate shelter and bare necessities of life. This is not only illegal but also highly inhuman.

*Ananta Nayak*

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While discussing the issues at Murusuan village the affected people came forward some of them spoke in tribal language also which was translated to Odia by other villagers. Their main grievances are

- a) Their voices have not been heard before the demolition drive. The administration tactfully and forcefully evacuated the villages and made most of them homeless.
- b) They have been issued Displaced Person Certificate much earlier even if they are staying in the same village.
- c) There is no arrangement for shelter of the displaced families but their houses have been demolished.
- d) There is no scope for their livelihood as Land against land has not been ensured to them.
- e) In certain cases, even if there is Hon'ble High Court cases for consideration by the Authorities they have not been appropriately taken care of.
- f) The Cut off dates have been fixed without due care and caution.

Then after while visiting Chamakpur village the villagers complain about similar attitude, inaction and negligence of the Project Authorities. Their main concern about shifting of their Temple, main place of worship has been noted for further action.

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Meeting with the Ravenshawpur both the (A and B) villagers, the Commission observed that the grievances of the PAP (Project affected People) are similar to the other villagers.



Then after the team moved to Birkala village. More than one hundred villagers from Birkala, Duduan and other Govindpur villages assembled to meet the Hon'ble member. They expressed their grievances related to the pre and post displacement. The affected villagers showed the pieces of land distributed to the displaced families. The lands as on date are not at all fit for construction of dwelling houses.

### Meeting with Project Authorities

After on the spot assessment the NCST team discussed the issues with the project Authorities. The Project Authorities submitted that the rehabilitation package under Odisha Relief & Rehabilitation Policy, 2006 had been paid to the displaced persons of the submerged villages as per the decision taken in RPDAC meetings.

The Project Director and the Special Land Acquisition Officer, who tried to answer certain queries raised before them, admitted the fact that the unreasonable delay in execution of the project and rehabilitation process moves on at a snail's race. Land against land is a major hurdle in the process. The

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Rehabilitation colonies are yet to come up for the entire displaced people. In certain cases, there is lack of basic amenities. However, the PD stated the Project Authorities in co-operation of the State Administration have been trying to sort out the pending issues and ensure the basic amenities as soon as possible.

It is found that the project is adversely affecting flora and fauna of the region creating ecological imbalance and the District Administration has not taken steps to ensure proper resettlement and rehabilitation of the displaced/affected people under the law of the land either before or during implementation of the project.

The NCST team visited the affected areas to assess the situation by associating the villagers and officials of the Government of Odisha including those responsible for implementation of the project work. During the visit and discussion with the Government officials the Commission observed the followings.

**Observations:** - The Commission after going through the records, holding public meetings, visiting the tribal habitations where houses have already been demolished and/or are going to be displaced, the colonies meant for the displaced families, witnessing the plight of the tribal people on the spot express serious concern over the inaction and negligent attitude of the State Authorities. The problems faced by the tribal villagers and other habitants vis-à-vis the rights of displaced tribal mass have been observed minutely.

The major observations are as follows: -



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सदस्य/Member  
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- A) During the visit, the Commission has observed that the old and new habitations lack basic amenities like drainage system, roads, drinking water, sanitation and electricity, primary education and health care centers etc.
- B) The Commission interacted with the tribal habitants in rehabilitation colonies that the houses constructed for rehabilitation is not up to the mark. In this regard the Commission has physically verified the veracity of the allegations of the complainants and it is found to be true.
- C) The Commission has received number of complaints from the tribal habitants with regard to life and livelihood The land to land issue remains a major cause of concern raised by the PDFs, they have alleged that most of them are deprived of their right.
- D) During the visit the Commission has observed that no village is conceptualized with tribal tradition and cultures. The PDFs from various habitations have requested commission to create the ambiance of tribal culture such as village deities and cordial atmosphere.
- E) Recognition of Forest Rights found to be inexistence in respective visited habitations. The habitants have been demanding for Forest Rights and Community rights for a long time, but the voices are not heard by the concerned authorities.
- F) Most of the PDFs have claimed to change the cut-off date of attaining the 18 years of age to claim the benefits under the R&R policy. They have requested the Commission to re-conduct the survey as the displacements have not taken at one time. They have demanded for treating those who have attained the age of 18 years by the time of actual displacement, as one unit and to be treated as PDF and the entitlement of R & R must be ensured to them accordingly.
- G) Though the Government officials claim that it is enthusiastically executing the construction of dam project still there is unreasonable delay in execution of the project. It is lacking the spirit of proper rehabilitation of the displaced families. The basic amenities (for individuals and the new settlements where the displaced



tribal's are asked to move) mentioned in the Act 30 of 2013 and its schedules are lacking as on the date of visit.

- H) No care and caution for pregnant ladies, senior citizens, families with new born babies and infants has been taken by the Officials while demolishing the dwelling houses. Even after demolition arrangement for shelters has not been made.
- I) Extention of social security/welfare schemes to the displaced families have been noticed in few cases. Issuance of DP certificate with a new address to many villagers raise question as to legalities with respect to the real existence of the villagers as they have not left their original place of habitation as on date.

**Recommendations : -**

After meeting with the victims the displaced families and making painstaking exercise, the Commission observed serious violation of tribal rights and express anguish over the delaying attitude of the Government Authorities. The delay in execution of work puts heavy burden on public exchequer and apprehension and fear among the people residing in the nearby locality, especially those in displaced category. The Commission also takes note of the failure on the part of State Authorities in rehabilitation and resettlement of the displaced tribal families. The inaction and negligence of the State Authorities is not only painful but also violates the constitutional provisions meant for the safeguard and welfare measures for the tribal people. The Commission hereby recommends the followings to be complied in a time bound manner.

1. The State Administration and Project Authorities must ensure the followings to all the people affected by the Kanupur Project.

i) Proper Rehabilitation of all Project affected Displaced Families (PDFs). Land for Land must be ensured by Allotment of Govt. Land de-serving the reserved land for other purpose like Land for Jawan,

ii) Alternative source of livelihood and Self-employment,

iii) Resettlement of the affected families with education and Health Care,



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- iv) Issue of BPL Cards, Antordyoya Cards to the eligible families,
- v) Damage to houses and crops by wild elephants must be compensated to the affected families on a war footing,
- vi) Action on public petitions received from displaced persons must be addressed in a timely manner,
- vii) Refund of TDS deductions from compensation amount to the affected/displaced families.

2. Some of the PAPs have not received compensation for the loss of their land to the project. The Special LAO claims that they were not present at the time of disbursement and consequently the compensation, due to them, has been deposited in the treasury under the Head "Civil Deposits". More than 10 years have passed since the time the amounts were deposited in the treasury. The state government may facilitate the refund of the deposits to the concerned land losers.

3. The state government must start LA proceedings to confirm to the provision of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as the real displacement is not yet complete.

4. The Commission recommends to speed up the rehabilitation process to ensure that the all the PDFs shall get their legitimate dues The State must ensure the compensation and R&R Packages under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and its Schedules to each and every PDFs and also in each of the new R&R settlement colonies.

5. The decision to reduce the quantum of agricultural land of what the DPs were entitled to get was arbitrary and unjust. Most importantly most of the PDFs have not yet received any land for their lost-land. The state government may consider their entitlements.

6. Construction and maintenance of roads and other basic amenities to connect project affected villages and rehabilitation clusters may also be taken up by the state

*A. Ananta*

government. In the RPDAC meetings it was decided to resolve the issues of rehabilitation and resettlement. More than four years have gone by since last RPDAC meeting, but the issue is yet to be resolved.

7. One Health centre each may be established in the Rehabilitation colonies. An ITI/Skill Development Centre may be opened in the project area for the training of local youths from DP families.

8. Construction of internal roads may be taken up under the MGNREGS. The Health & Family Welfare Department of the state government may take over the management of project hospitals and ensure the posting of doctors and paramedical staff to the hospitals.

9. The state government must ensure that all teachers are posted to each of the primary schools in the area. Preference for admission may be given to children of displaced families in the project schools.

10. The Reservoir and its surroundings have great potential for tourism development. OTDC may be encouraged to develop required infrastructure including facilities for cruise in the reservoir in future. This will provide employment opportunities to the unemployed youth.

11. A number of male/female members of displaced families claimed that they were more than 18 years of age at the time of displacement of their parental families but were not treated as separate DP units for the purpose of payment of Rehabilitation Assistance. The state government may conduct a survey to identify them and extend them the benefits of rehabilitation to them.

12. As has been discussed in course of this report, the state government had allocated homestead land at certain locations where the DPs did not like to shift. The land is yet to be indentified, measured and handed over to the DPs. Meanwhile the DPs

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have constructed houses in encroached government land close to their old habitat. The state government may consider issuing ROR on these lands in favour of the DPs.

13. Preference may be given to the PAPs in the allocation of housing units under PMAY/BKY. Ensure bare necessities of life in the project affected areas especially for facilitating direct transfer of pension, wages of Anganwadi and MDM workers and other benefits.

14. Expeditious issue of FRA patta to eligible Project Affected Persons.

15. The state government should provide LI support to the residents in the uplands areas, in the form of bore wells and trapping of water from natural springs.

16. The state government may be directed to fill up 50% of unskilled and clerical jobs in the district/project/companies/mining activities by candidates from displaced families, as provided for in the RR Policy 2006, with intimation to the Commission.

17. The state government may be directed to submit a comprehensive statement giving the quantum of funds released for periphery development form year to year and its utilization.

18. The Commission recommends that the State Government to ensure holistic and sustainable development of the tribal people affected by the Kanupur Project.

19. The State must ensure quality of life, standard of living, tribal culture and life style to all the tribals displaced.

20 The demolition drive must be stopped before rehabilitation of the poor tribals and ensuring shelter to the displaced families. The landless tribals and the ones who are deprived of bare necessities of life must be cared for with utmost care and caution.

The Chief Secretary, Govt. of Odisha, Secretary, Ministry of Jal Shakti, Govt. of India and the District Magistrate and Collector, Keonjhar have to act on the following recommendations and submit an Action Taken Report (ATR) within 30 days.



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