

ANNEXURE A1

MINISTRY OF TRIBAL AFFAIRS

LOK SABHA

UNSTARRED QUESTION NO: 788

ANSWERED ON:23.07.2018

Tribals affected by Polavaram Dam

BALABHADRA MAJHI

(a)whether the National Commission for Scheduled Tribes has submitted report / recommendations to the Government on the plight of tribals affected /displaced by the Indira Sagar Polavaram Project in Andhra Pradesh and if so, the details thereof;

(b)whether the Commission has visited all affected areas / States;

(c) if so, the details thereof along with the authorities who were consulted by the commission in this regard; and

(d)the details of reference issued by the Government to the Commission along with the other steps taken by the Government to mitigate the suffering of affected tribals of the area?

Will the Minister of TRIBAL AFFAIRSbe pleased to state:-

ANSWER

(a) to (c) National Commission for Scheduled Tribes under the Chairmanship of Chairperson, NCST visited few villages and met Scheduled Tribe persons / families affected on account of Polavaram Irrigation Project in Andhra Pradesh on 26th to 28th March, 2018. Thereafter, the Commission met the Chief Minister of Andhra Pradesh and other Senior Officers dealing with the Project. Based on the interaction with the Polavaram Irrigation Project affected people, the Commission prepared a Special Report which comprises important features of Polavaram Irrigation Project, details regarding land acquisition and rehabilitation and resettlement, issue raised in the various representations received from the project affected people and the Commission's recommendations / advises for better rehabilitation and resettlement of the project affected Scheduled Tribes families. The Commission submitted the report to the Hon'ble President on 03.07.2018. Recommendation of the Commission is at Annexure.

(d) The Ministry of Water Resources, River Development and Ganga Rejuvenation vide their order dated 12.09.2017 has constituted a Committee headed by Secretary (Tribal Affairs) for exclusive monitoring mechanism for Polavaram Project at National Level. The Terms of Reference of the said Committee inter-alia includes to ensure finalization of traditional community and individual forest rights of tribals and villages in the forest area of the Polavaram project in coordination with Agencies / Authority implementing Rehabilitating and Resettlement activities of the project.

ANNEXURE

ANNEXURE REFERRED IN REPLY TO POINT (a) to (c) IN RESPECT OF LOK SABHA UNSTARRED QUESTION NO. 788 DATED 23.07.2018 ASKED BY SHRI BALABHADRA MAJHI, HON'BLE MEMBER OF PARLIAMENT REGARDING 'TRIBALS AFFECTED BY POLAVARAM DAM'

RECOMMENDATIONS / ADVICE OF THE COMMISSION

(i) The Commission, while interacting with affected Scheduled Tribe people was informed that in many cases, the alternative land given to them in lieu of the acquired land is not cultivable. Either it is rocky terrain or there is no water. The Commission, therefore, recommends that the State Government should provide only land fit for agriculture to PDFs/ PFs within the command area of Polavaram Irrigation project with proper irrigation facilities.

(ii) The Commission noted that many ST people without land holdings were also shifted. They were hitherto depending on minor forest produces for their livelihood. Now, they are shifted and deprived of their livelihood. The State Government needs to take care of them by providing alternative means of livelihood.

(iii) When the Commission visited Iddikulakotta village, complaints were received stating that in that village, many newly constructed houses were destroyed due to flash flood and so far the destroyed houses have not been re-built. The Commission recommended that the destroyed houses should be re-built immediately to mitigate the sufferings of ST people.

(iv) The compensation packages in respect of Polavaram Irrigation project need to be revised on suo-moto basis by the Government of Andhra Pradesh keeping in view the observations and modalities suggested by the Hon'ble Supreme Court of India in Special Leave Petition (SLP) NO. 6933 of 2007 in the case of Mahanadi coalfields Ltd Versus Mathias Oram and others. The Commission feels that a similar Scheme as per the above Supreme Court order will help the Scheduled Tribe people affected by Polavaram Irrigation Project as their right to fair compensation. Further, the provisions of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act be kept in mind and used to the advantage of the Tribals in the best possible manner.

(v) While awarding compensation in respect of tribal people, "land for land" policy should be followed to the maximum extent. In this regard, the ceiling of 2.5 acres of land should be waived in case of ST people, and they should be provided equal or at least 2.5 acres of land within the Command Area of the Polavaram Irrigation Project.

(vi) In the resettlement colonies, focus/emphasis needs to be given for creation of social infrastructure like setting up of Colleges, University, Stadiums, Medical College on the pattern of AIIMs, Art and Music academies/centers, etc. in addition to their entitlement. The State Government Should make adequate provision of land for creation of such infrastructure facilities through outright purchase, if necessary.

(vii) The State Government should consider the entire rehabilitation and resettlement work is undertaken through R&R Commissioner as single point responsibility as well as accountability for R&R, while the actual implementation can be undertaken by other line departments/agencies.

(viii) The State Government must ensure that R&R work is completed and compensation paid to the project affected as well as project displaced families at least four months prior to submergence or commissioning of the project or their displacement, whichever is earlier.

(ix) The State Government should consider developing an industrial estate/hub adjoining the resettlement area to provide employment and economic opportunities to the displaced families. Both the State Government as well as the Central Government should consider declaring this industrial estate as tax free with a tax holiday for 10 years. There should be a condition that only the displaced people from the Polavaram Irrigation Project will be given employment for non-managerial jobs in this industrial estate.

(x) The Commission apprehended that once the dam project is physically completed and affected people are shifted to new places, the concerned R&R officials will be transferred to new responsibilities and it is likely that the people rehabilitated will be left to their destiny and will have to fend to themselves without any supporting institutional mechanism. Commission, therefore strongly recommends that there should be a dedicated team of R&R officials to be stationed in rehabilitation area to oversee the developmental activities and other welfare measures for a period of at least 5 years from completion of the project.

I/91596/2024

ANNEXURE A2

F.No.10/1/1//2023/PPA/

भारतसरकार / Government of India

जलशक्तिमंत्रालय / Ministry of Jal Shakti

जलसंसाधन, आरडीएवंजीआरविभाग / Department of Water Resources, RD & GR

पोलावरमपरियोजनाप्राधिकरण / Polavaram Project Authority

Tele No: 040 – 29700903

Fax No : 040 – 29700906

Email:cpio.ppa.17@gmail.com



11-4-648, AC Guards,
Krishna Godavari Bhavan,
Hyderabad – 500 004.

To

V. Ramesh Chandra Varma,
Flat 104 AARIFS Vinayagar East Avenue,
Kirlampudilayput Opp. Mangalgiri One Apt,
Vishakhapatnam Andhra Pradesh, Pin-530017.
Ph:+91-9010466566.

**Sub: Online RTI Application Registration No. POLPA/R/E/23/00051 dated 21.12.2023
& POLPA/R/T/23/00050 dated 26.12.2023.**

Ref: CWCND/R/E/23/00363 dated 26.12.2023

महोदय,

With reference to RTI applications cited above, RTI applications have been examined strictly in accordance with the spirit of transparency and accountability as enshrined as per RTI Act, 2005 and full information is provided as available in this office as under:

- 1) Please provide information regarding the total number of SC/ST Project Displaced Families (PDFs) in connection with Rehabilitation and Resettlement (RR) works of the Polavaram Project at Full works of the Polavaram Project at Full Reservoir Level as on today and the number of SC/ST pdfs that were provided RR compensation as on today.
- 2) Please provide me with the information regarding the compliance of the RR compensation package with the observations and modalities suggested by the Honorable Supreme Court of India in Special Leave Petition (SLP) NO.6933 of 2007 in the case of Mahanadi coalfields Ltd Versus Mathias Oram and others.

Reply for (1):

Status of R&R upto +45.72 (FRL)

Sl. No	Description	Total	Eluru/WG District	ASR/EG District
1	Total No. of Revenue Villages	222	57	165
2	Total No. of Mandals affected	8	3	5
3	Total No. of habitations to be Rehabilitated	373	137	236
4	Total No. of PDFs (STs 56,504; SCs- 7180; OBC- 34554; & OCs-7768)	1,06,006	34,697	71,309

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5	No. of PDF shifted	12,797	7,133	5,664
6	Balance No. of PDFs to be shifted	93,209	27,564	65,645
7	Total No. of R&R Colonies Proposed	213	51	162
8	No. of R&R Colonies Completed	26	19	7

Note : * The above PDFs information is tentative, the PDFs data will be finalized after completion of SES survey in +45.72M Contour in East Godavari District

(c) Demographic Profile of PDFs

Demographic Profile of PDFs				
Sl. No	PDFs		R&R of PDFs shifted so far	Remarks
1	STs	56,504	8,589	ASR/EG District - 3910 Eluru/WG District - 4679
2	SCs	7,180	827	ASR/EG District - 264 Eluru/WG District - 563
3	Others	34,554	3381	ASR/EG District - 1490 Eluru/WG District - 1891
4		7,768		
Total		1,06,006*	12,797	

Reply for (2):

No information is available in this office.

भवदीय /Yours faithfully,

Signed by Padidala

Devender Rao

Date: 05-01-2024 12:10:23

Reason: Approved

(पी.डी.राव/ .P.D.Rao)

निदेशक (A&C) और CPIO/Director (A&C) & CPIO

पोलावरमपरियोजनाप्राधिकरण /

Polavaram Project Authority

Name and contact address of the Appellate Authority in respect of the above information provided is given below to whom you may prefer an appeal within 30 days of receipt of this letter.

Shri M.Raghuram, Member Secretary, Polavaram Project Authority, Krishna Godavari Bhavan, H.No 11-4-648 (1st Floor), A.C.Guards, Hyderabad 500004.Tel. No 040-29700904& Fax No. 040 - 29700906.

I/94655/2024

ANNEXURE A3

F.No.10/1/1/2023/PPA/

भारतसरकार / Government of India

जलशक्तिमंत्रालय / Ministry of Jal Shakti

जलसंसाधन, आरडीएवंजीआरविभाग / Department of Water Resources, RD & GR

पोलावरमपरियोजनाप्राधिकरण / Polavaram Project Authority



Tele No: 040 – 29700903

Fax No : 040 – 29700906

Email:cpio.ppa.17@gmail.com

11-4-648, AC Guards,

Krishna Godavari

Bhavan,

Hyderabad – 500 004.

25-03-2024

To

V. Ramesh Chandra Varma,

Flat 104 AARIFS Vinayagar East Avenue,

Kirlampudilayputt Opp. Mangalgiri One Apt,

Vishakhapatnam Andhra Pradesh, Pin-530017.

Ph:+91-9010466566.

Sub: Online RTI Application Registration No. POLPA/R/T/24/00010 dated 08.03.2024, POLPA/R/E/24/00011 dated 08.03.2024, POLPA/R/T/24/00011 dated 08.03.2024, POLPA/R/T/24/00013 dated 14.03.2024, POLPA/R/T/24/00012 dated 14.03.2024.

Ref:

- 1. CWCND/R/E/24/00074 dated 08.03.2024.**
- 2. CWCND/R/E/24/00075dated08.03.2024.**
- 3. CWCND/R/E24/00075dated14.03.2024 .**
- 4. CWCND/R/E/24/00074dated14.03.2024.**

महोदय,

With reference to RTI applications cited above, RTI applications has been examined strictly in accordance with the spirit of transparency and accountability as enshrined as per RTI Act, 2005 and full information is provided as available in this office as under:

1. Please provide information in how many States Rehabilitation and Resettlement works (R&R) should be carried out in connection with Polavaram Project of Andhra Pradesh.
2. Please provide information that the compensation packages for R&R in the States of Odisha and Andhra Pradesh in respect of the Polavaram Irrigation project have been revised keeping in view the observations and modalities suggested by the Honourable Supreme Court of India in Special Leave Petition (SLP) No.6933 of 2007 in the case of Mahanadi Coalfields Ltd Versus Mathias Oram and Others
3. Please provide information the percentage of completion of R&R with respect to Polavaram project as on date.

Information

1. Polavaram Project has inter-state ramification, since the submergence area

I/94655/2024

of the reservoir spreads beyond Andhra Pradesh State boundary into the states of Chhattisgarh and Odisha. These states shall be affected due to backwater effect during floods.

2. As per recommendation of NITI Aayog, Water Resources Department (WRD), Government of Andhra Pradesh (GoAP) is executing Polavaram Irrigation Project (PIP). The R&R Policy implemented for the Polavaram Irrigation Project (PIP) upto 01.01.2014 is as per GoAP G.O.Ms.No.68 dated 08.04.2005. Later, "The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (RFCTLARR) Act, 2013 is being implemented for Polavaram Irrigation Project in State of Andhra Pradesh. The Govt. of Odisha filed Original Suit before Hon'ble Supreme Court regarding R&R in Orissa. The matter is subjudice at present.
3. As per GoAP, till date 12% of R&R has been completed in respect of Polavaram Project.

भवदीय /Yours faithfully,

Signed by Modalavalasa
Ramesh Kumar
Date: 25-03-2024 12:27:30

(एम रमेश कुमार/M.Ramesh Kumar)
निदेशक (A&C) और CPIO/Director (A&C) & CPIO
पोलावरमपरियोजनाप्राधिकरण /
Polavaram Project Authority

Name and contact address of the Appellate Authority in respect of the above information provided is given below to whom you may prefer an appeal within 30 days of receipt of this letter.

Shri M.Raghuram, Member Secretary, Polavaram Project Authority, Krishna Godavari Bhavan, H.No 11-4-648 (1st Floor), A.C.Guards, Hyderabad 500004.Tel. No 040-29700904& Fax No. 040 - 29700906.



ANNEXURE A4

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. Tour Reort(Member)AP & OD/1/2021-ESDW

6th Floor, Loknayak Bhawan,
Khan Market, New Delhi-03,

Dated: 13.09.2021

To,

- | | |
|--|---|
| <p>1. The Chief Secretary,
Government of Andhra Pradesh,
Building #1, 1st Floor,
Interim Government Complex,
A.P. Secretariat,
Velagapudi, Guntur,
(Andhra Pradesh)</p> <p>3. The Secretary,
Ministry of Jal Shakti,
Department of Water Resources,
River Development and Ganga Rejuvenation,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi- 110001</p> | <p>2. The Chief Secretary,
Government of Odisha,
General Administration Department,
Odisha Secretariat,
Bhubaneswar-751001</p> <p>4. The Director,
Polavaram Project Authority,
H. No. 11-4-648, I- Floor, AC Guards
Krishna Godavari Bhawan,
Hyderabad- 500004</p> |
|--|---|

Sub: Tour report of Shri Ananta Nayak, Hon'ble Member, NCST report on field visit of affected areas of Polavaram Project of Andhra Pradesh and Odisha from 24.08.2021 to 28.08.2021.

Sir,

I am directed to enclose a copy of Tour report of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes to the affected areas of Polavaram Project of Andhra Pradesh and Odisha from 24.08.2021 to 28.08.2021 for ready reference.

It is requested that necessary action may be taken on the points raised in the Tour report and furnished 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

Observations:

The Commission after going through the records, holding public meetings, visiting the tribal habitations, the colonies meant for the displaced families, witnessing the plight of the tribal people on the spot express serious concern over the inaction and negligence attitude of the State Authorities. The major observations are as follows.

1. During the visit, the Commission has observed that the new habitations lack basic amenities like drainage system, roads, drinking water, sanitation and electricity. The villages such as Yerravaram village is found without potable drinking water facilities and drainage system. The villages such as Yerravaram, Pedabhimunipalli-2 &3, P.Narayanpuram found without proper roads and electricity.
2. The Commission has received number of complaints from the tribal habitants that the houses constructed are being leaked at ceiling and walls of the constructed houses are with cracks. In this regard the Commission has physically verified the veracity of the allegations of the complainants and it is found to be true. It is also found that the Kitchen rooms lack proper window for ventilation and the some of the houses are found without doors in Moolpeta Village. Further the allottees have requested to construct the boundary wall around their houses and to raise the pit wall with stairs. The Commission has come to know that all the PDFs have got 379.25 square feet of land for housing.
3. 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. On the other hand, those who have received the land have complained to the commission that the land provided to them is a far away from their habitations, and some others have pointed out that the land provided them is a revenue land which is not fit for cultivation and requested for the same to be converted into agriculture land.
4. At present the Compensation amount is being paid to each PDFs is Rs. 6,86,000 and Rs.7,50,000 respectively as per the eligibility. When the Commission interacted with the public at various places, the Commission has received large scale demand that in addition to the Compensation under the applicable Act additional amount of Rs.10, 00,000 (Rs.Ten Lakh Only) as promised by Govt. of Andhra Pradesh has not yet been disbursed.

RECOMMENDATIONS:

After making painstaking exercise, the Commission observed serious violation of tribal rights and express anguish over the delaying attitude of the Government Authorities. 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 for timely action.

For the Government of Andhra Pradesh– The compliance report to be sent to the Commission by the Chief Secretary of Andhra Pradesh within four weeks.

1. 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.
2. . The Commission is constrained to recommend the quality of Construction of dwelling houses meant for the PDFs must be ensured with ventilation, doors and windows. The cracks on the walls and leakage of water from the roof ceiling must be immediately repaired with yearly maintenance. This must be supervised and monitored by the Rehabilitation commissioner of the project. His office shall receive complaints and take steps to see that the issues are addressed within ten days.
3. Since the basic amenities are absent in the new habitations it is recommended that the electricity, supply of potable drinking water, drainage system , road and communication must be ensured to the residents of the colonies/habitations with Immediate effect in compliance of the schedules to Act 30 of 2013,.
- 4 So far as the habitations lack system/space/facilities/ambience to facilitate the tribal culture and tradition, the Commission recommends the State must ensure by all possible means to preserve and promote the tribal life style with sanctity of their culture and tradition. The State must encourage the Traditional Knowledge System of the tribal people and make sure the same remains intact since the R & R


 अनंत नायक/ANANTA NAYAK
 सदस्य/Member
 राष्ट्रीय अनुसूचित जातों आयोग
 NATIONAL COMMISSION FOR SCHEDULED CASTES
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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Colonies are not in consonance with the Policy, i.e. exactly in the same shape of the original tribal habitations.

- 5 It is also important to take note of the fact that the habitations lack Anganwadi centers and Schools. Therefore the Commission recommends that the same must be functional in compliance with the COVID-19 guidelines before the communities are moved out.
- 6 The Land to Land dispute is a persistent problem among the PDFs. The Commission takes serious note of the same and recommends that the Land must be ensured to the Tribal PDFs which must be cultivable and near to their habitations before the communities are moved out.
- 7 The Commission recommends health care, maternity care and child care centers in each and every habitation.
- 8 The Commission recommends the State must ensure to set up skill development programmers for the youth and to generate more employment opportunities for the educated mass.
- 9 Since there are cases where the eligible PDFs have been deprived of justice the Commission recommends for re-survey of the PDFs as claims of many eligible families have been rejected without due verification by the Authorities.
- 10 Since the Tribal communities have complained of non-settlement of individual and community rights under ROFR Act. Under FRA, the Commission recommends that their claims must be settled first. Appropriate inquiry, meetings of Gram Sabha, Survey etc must be taken up forthwith. If this is done the claims can be settled in course of time even if the tribal's move out to new colonies. If this is not done, after one year there will be no tribal available on ground in the original habitation and the forest will be submerged. Before this submergence the survey meetings, inspection of community resources documentation shall be completed.
- 11 The Commission recommends that the Authorities to conduct CENSUS and SURVEY as in each village forthwith to finalise the list in Gram Sabhas. This will be the basis for distribution of left out benefits even if the villages are submerged and tribal's move to new settlements. The same should be used for villages which may get benefit under old Land Acquisition Act, 1894 and GO 68 which deals with rehabilitation. If this survey under section 16-19 is not done now, the tribals will lose


 अनंत नायक ANANTA NAYAK
 सदस्य/MEMBER
 राष्ट्रीय अनुसूचित जनजाति आयोग
 NATIONAL COMMISSION FOR SCHEDULED TRIBES
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

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the benefits forever as they will be scattered, resulting the beneficiaries will lose their identity forever.

- 12 The Commission recommends the State to implement in letter and spirit the relevant Legislation i.e. Act 30 of 2013 gives detailed procedure to be followed for R&R. Section 16, of the Act says that there shall be SURVEY and CENSUS of the affected families. Publication of Scheme. Review is to be done under Section 17. Section 18 and 19 speak about the Gram Sabha being consulted etc. Since these aspects are not taken care by the State Authorities, the Commission recommends completing the formalities on top priority.
- 13 The Commission hereby recommends that the Government must ensure Community Forest Rights in Project Affected Areas before finalization of compensation to the tribals as per the FRA and MOTA guidelines. It must also ensure, no eviction should take place till the process of recognition and vesting of Forest rights under the Forest Rights Act and in consonance with the MOTA Guidelines.
- 14 The ST PDFs have not been properly represented at SDLC and DLC therefore the Commission recommends for the inclusion of ST PDFs in the District Level Committees.
- 15 There is an urgent need to trace and compensate and properly rehabilitate the landless PDFs and their list must be separately maintained for ensuring them complete justice to them.
- 16 It is hereby recommended that the State of Andhra Pradesh to ensure additional Compensation amount of Rs.10, 00,000 (Rs. Ten Lakh Only) as promised by Govt. of Andhra Pradesh over and above the amount paid to them under the applicable Acts. Since the R & R process is moving at a snail's pace the same needs to be taken up on top priority. The PDFs from ST Community should be ensured with timely rehabilitation before their original villages are submerged.
- 17 Since the Commission feels that grievance management system of the State is poor, it is recommended that the Officials must visit the areas to address the grievances on a regular basis, in a timely manner(preferably on Wednesday or Thursday every week) with prior notice to the villages.).
- 18 The Commission recommends the State to ensure holistic and sustainable development of the tribal people affected by the Polavaram Project.


 अनंत नायक ANANTA NAYAK
 सदस्य/Member
 राष्ट्रीय अनुसूचित जातों के आयोग
 NATIONAL COMMISSION FOR SCHEDULED TRIBES
 भारत सरकार Govt. of India
 नई दिल्ली New Delhi

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ANNEXURE A5



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
 (A Constitutional body under Article 338A of the Constitution of India)

E. No. NCST/DEV-407/AP/19/2022-ESDW

Dated: 26.05.2023

To,

Dr. Sreedhar Cherukuri,
 Commissioner of Rehabilitation And Resettlement (R&R),
 Water Resources Department,
 Government Of Andhra Pradesh,
 Venkata Novus Elite, 1st Floor, Opp To Andhra Hospital,
 Gollapudi, Vijayawada-521225, Andhra Pradesh,
 Vijayawada, Andhra Pradesh 521225
 E-Mail: commrr16@gmail.com

Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 11.05.2023 at 11:00 AM on the representation received from Smt. Kavuluri Seethamma and others, At Thrupumetta Village, Nelavaram Gram Panchayat, West Godavari-534444, Andhra Pradesh regarding surveying of submerging of agricultural lands.

Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 11.05.2023 at 11:00 AM on the above mentioned subject for information and necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission **within 90 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,

(H.R. Meena)
 Research Officer

Copy for information to: -

1. Smt. Kavuluri Seethamma,
 At Thrupumetta Village,
 Nelavaram Gram Panchayat,
 West Godavari-534444,
 Andhra Pradesh

- ✓ 2. NIC Cell for upload in NCST Website.

National Commission for Scheduled Tribes

No. NCST/DEV-407/AP/19/2022-RO-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation from Smt. Kavuluri Seethamma has alleged that the Koya community is being affected by the Polavaram Project, but the government has not conducted a survey to determine the extent of the damage and compensation needed for those affected.

Date of the Sitting: 11.05.2023

List of Participants: As per Annexure

The Commission received a representation on 28.04.2022, from Smt. Kavuluri Seethamma alleging that the Koya Community is being affected by the Polavaram Project, with their land being submerged. She expressed concern that the government has not conducted a survey of the affected areas to assess the extent of the damage and the compensation that should be provided to those affected. She further requested that the government take into account the concerns of the affected communities and ensure that their rights are protected.

The NCST vide notice dated 24.05.2022 has referred the matter to the Commissioner, Water resources department, Andhra Pradesh and the District Collector, West Godavari to furnish the facts and comments within 30 days from the receipt of the notice. No reply was received from the authority.

Subsequently Summon was issued to Dr. Sreedhar Cherukuri, Commissioner of rehabilitation and resettlement (R&R) Water resources department, Govt of Andhra Pradesh, Shri V. Prasanna Venkatesh, Collector & District Magistrate, Elluru District and Smt. P. Prashanthi, Collector & District Magistrate, West Godavari District on 02.05.2023.

In the hearing held on 11.05.2023 Dr. Sreedhar Cherukuri, Commissioner of rehabilitation and resettlement (R&R) Water resources department, Govt of Andhra Pradesh was present. Shri V. Prasanna Venkatesh, Collector & District Magistrate, Elluru District and Smt. P. Prashanthi, Collector & District Magistrate, West Godavari District did not appear.

Dr. Sreedhar Cherukuri, Commissioner of rehabilitation and resettlement (R&R) Water resources department, Govt of Andhra Pradesh informed the Commission that due to heavy rains and floods in the monsoon season of 2022, the proposed survey could not be conducted as most of the villages (650 villages in 44 Mandals) mentioned in the petition became inaccessible. Consequently, the final report could not be submitted to the Commission. In reference to this, the Special Collector (LA) of the Polavaram Irrigation Project in Rajamahendravaram has submitted a detailed report



based on the findings of the Special Deputy Collector (LA), Polavaram Irrigation Project, RMC Unit-II, Eluru. The report includes observations made during inspections of lands in various villages, particularly those located above the Full Reservoir Level (FRL) as determined by the Irrigation Department.

In case any inaccessible lands are found, a Revised LP Schedule will be obtained from the Irrigation Authorities, and necessary action will be taken by the Land Acquisition Officer. The report also addresses specific pleas made by individuals regarding land possession and title claims. However, it is revealed that some of the lands are classified as Forest lands and the individuals have not produced the required documentation claiming ownership. Additionally, certain individuals recorded as pattadars (landholders) have not been issued or assigned any D-Form Patta. Further authority requested that the Commission to provide a three-month extension to confirm eligibility, undertake further necessary actions, pass awards, pay compensation if deemed eligible, and submit a report to the Commission.

The Commission has expressed serious displeasure regarding the delay in conducting the survey and further observed that proper verification has not been conducted by the administration and that they have also not followed the due procedure as mentioned under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rules, 2012 in ensuring the Individual Forest rights to the Scheduled Tribes.

After the hearing, the Commission recommends the followings: -

1. The Commissioner of Rehabilitation and Resettlement (R&R) of the Water Resources Department, Government of Andhra Pradesh, will ensure that the survey is completed within three months. They will also ensure that the land rights of all affected families are settled, along with the compensation, after verification. In addition, he will also furnish the copy of R&R policy to the commission

The Commissioner of Rehabilitation and Resettlement (R&R) of the Water Resources Department, Government of Andhra Pradesh, will submit the Action Taken Report with compliance of the recommendations to the commission within 3 months to the commission.

(ANNEXURE)



E. No. NCST/DEV-407/AP/19/2022-RO-BHUV

LIST OF PARTICIPANTS: -

National Commission for Scheduled Tribes		
S. No.	Name	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Smt. Miranda Ingridam	Director
3.	Sh. Avinash Mattur	Legal Consultant
Commissioner of Rehabilitation and Resettlement (R&R), Water Resource Department, Govt. of Andhra Pradesh		
S. No.	Name	Designation
1.	Dr. Sreedhar Cherukuri	Commissioner, (R&R),
Petitioner		
1.	Absent	Petitioner

Name Of Complainant	V RAMESH CHANDRA VARMA
Date of Receipt	04/10/2023
Received By Ministry/Department	Tribal Affairs
Grievance Description	
<p>Tribal Affairs >> Rights and Safeguards for STs >> Safeguard Rights for STs / Atrocities Against STs / Affirmative Action >> Relief and rehabilitation measures for tribal groups displaced by development projects</p> <p>Whether the grievance being registered is ST related or not? (Yes/No) : YES -----</p> <p>I respectfully submit that the National Commission for Scheduled Tribes under the Chairmanship of the Chairperson (NCST) visited a few villages and met Scheduled Tribe persons/families affected on account of the Polavaram Irrigation Project in Andhra Pradesh from 26-03-2018 to 28-03-2018. The NCST has made recommendations for better rehabilitation and resettlement of the project-affected Scheduled Tribes families. however, no steps in this regard have been taken by the Union Government. I respectfully submit that NCST has issued a Report and Recommendations on 13-09-2021 under Article 338A (5) of the Constitution of India with respect to the Schedule Tribes affected on account of the Polavaram Project. The Commission observed serious violations of tribal rights and also expressed anguish over the delaying attitude of the Government Authorities. The Commission has recommended speeding up the Rehabilitation process to ensure that all the PDFs shall get their Legitimate dues among the other recommendations made in this regard. I respectfully submit that I have applied RTI vide CWCND/R/E/23/00150 dated 16/05/2023 seeking information regarding the number of SC and ST Project Displaced Families (PDFs) yet to receive the R&R Package as of today in connection with Polavaram Project at 45.72 m (Full Reservoir Level). The CWC replied on 16-06-2023 that only 8,050 of 56,504 ST PDFs and only 763 of 7180 SC PDFs have been shifted to date. That is, 14.24% of ST PDFs and 10.62% of SC PDFs of the total have shifted so far. Therefore, there is still a substantial number of PDFs in SCs and STs that are to be rehabilitated in the future for which only a meager amount of Rs 698.54 Crores is available as the final amount for reimbursement regarding the Polavaram Project. Please implement the recommendations of the NCST regarding Rehabilitation and resettlement compensation packages in connection with Polavaram Project of Andhra Pradesh.</p>	
Current Status	Case closed
Date of Action	13/10/2023
Remarks	
<p>The matter has been sent to Concern State and NCST vide the Ministry letter no. 20025/46/2022-NCST (Pt.) dated 13-10-2023 for appropriate action.</p>	
Rating	<div>1</div>
Rating Remarks	Not Satisfied
Appeal Details	
Appeal Number	MTRBL/C/A/23/0000060
Date of Receipt	08/11/2023
Appeal Text	Not Satisfied
Current Status	Appeal Closed
Date of Action	28/11/2023
Remarks	<p>Shri V Ramesh Chandra Varma Flat 104 Aarifs Vinayagar east avenue, Kirlampudi Layout near YMCA Visakhapatnam, Andhra Pradesh Email: vrcvarma@gmail.com Subject: Appeal reg. No. MTRBL/C/A/23/0000060 dated 08.11.2023 – reg. Please refer to your public grievance Appeal No. MTRBL/C/A/23/0000060 dated 08.11.2023 regarding implementing the recommendations of the National Commission for Scheduled Tribes (NCST) regarding rehabilitation and resettlement compensation packages in connection with the Polavaram Project of Andhra Pradesh. In this regard it is informed that your petition No. MTRBL/E/2023/0000496 dated 04.10.2023 has been sent to the concerned state as well as National Commission for Scheduled Tribes (NCST), vide this Ministry’s letter dated 13.10.2023 for further necessary action. 2. The Appeal No. MTRBL/C/A/23/0000060 dated 08.11.2023 hereby stands disposed off.</p>

ANNEXURE A6

Officer Concerns To		Page 18 of 20
Officer Name	Sh. Bachagundi Shivanand F. (Joint Director)	
Organisation name	NCST Division	
Contact Address	Jeevan Tara BuildingNew Delhi	
Email Address	shivanand.b@gov.in	
Contact Number	01123343303	
<div><div> Print</div><div> Close</div></div>		

F. No. 20025/46/2022-NCST (pt.)
Government of India
Ministry of Tribal Affairs
(NCST Section)

Gate No. 2, Ground Floor,
Jeevan Tara Building, Ashoka Road,
Patel Chowk, New Delhi-110001
Dated: 13.10.2023

To,

Secretary,
National Commission for Scheduled Tribes
Lok Nayak Bhawan, Khan Market
New Delhi

Subject: Representation/Grievance of Shri V Ramesh Chandra Varma
(Registration No. MTRBL/E/2023/0000496)

Sir/Madam

The undersigned is directed to forward herewith a representation dated 04.10.2023 (which is a self-explanatory) received from Shri V Ramesh Chandra Varma for further appropriate action. The action taken may be intimated directly to applicant under intimation to this Ministry.

Encl: As above.

Yours faithfully



(Arvind Mudgal)

Under Secretary to the Govt of India

Copy to:

Shri V Ramesh Chandra Varma, Flat-104, Aarifs Vinayagar East Avenue Kirlampudi Layout
near YMCA, Visakhapatnam, Andhra Pradesh. Email-vrevarma@gmail.com

F. No. 20025/46/2022-NCST (pt.)
Government of India
Ministry of Tribal Affairs
(NCST Section)

Gate No. 2, Ground Floor,
Jeevan Tara Building, Ashoka Road,
Patel Chowk, New Delhi-110001
Dated: 13.10.2023

To,

The Chief Secretary,
Government of Andhra Pradesh,
1st Block, 1st Floor,
Interim Government Complex, A.P Secretariat Office,
Velagapudi – 522503
Email: cs@ap.gov.in

Subject: Representation/Grievance of Shri V Ramesh Chandra Varma
(Registration No. MTRBL/E/2023/0000496)

Sir/Madam

The undersigned is directed to forward herewith a representation dated 04.10.2023 (which is a self-explanatory) received from Shri V Ramesh Chandra Varma for further appropriate action. The action taken may be intimated directly to applicant under intimation to this Ministry.

Encl: As above.

Yours faithfully


(Arvind Mudgal)

Under Secretary to the Govt of India

Copy to:

1. Principal Secretary Tribal Welfare Department Govt of Andhra Pradesh.
2. Shri V Ramesh Chandra Varma, Flat-104, Aarifs Vinayagar East Avenue Kirlampudi Layout near YMCA, Visakhapatnam, Andhra Pradesh. Email-vrcvarma@gmail.com