

I/80494/2021(4)

Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Water Commission

3rd Floor (S), Sewa Bhawan,
R.K. Puram, New Delhi-110066
Dated the, 27th December, 2021

OFFICE MEMORANDUM

Subject: Action taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively - reg.

The undersigned is directed to refer to the D.O. letter No. 18012/01/2019-NCST dated 21st December, 2021 and a copy of the extracts of Chapter 3 of the 12th Annual Report of NCST(copy enclosed) on the above mentioned subject. A meeting through Video Conference is being organised under the Chairmanship of Secretary, M/o Tribal Affairs **at 03:00PM on 30.12.2021.**

2. Therefore, all the concerned Establishment Sections/Field Offices/Directorates of CWC are requested to furnish their comments on point no. 3.9.1 to 3.9.35 and point no. 6 of Chapter 3 of the 12th Annual Report to E-IV Section's email Id i.e. **estt4@nic.in latest by 28.12.2021 without any delay.**

Encl.: **As above**

Signed by Adhir Kumar
Mallik

Date: 28-12-2021 11:47:55

Reason: Approved

(Adhir Kumar Mallik)

Under Secretary

Tel. No. 011-29583344

To,

1. PPS to the Chairman, CWC
2. PSO/Sr. PPS/PPS to all the Members of CWC
3. PPS/PS to all the Chief Engineers in Head Quarter and Field Offices of CWC through Web Portal of CWC (Circular)
4. PS to all the Superintending Engineers in Field Offices of CWC through Web Portal of CWC (Circular)
5. PPS to the Joint Secretary, CWC
6. PPS to the Secretary, CWC
7. PS to all the Directors, CWC through Web Portal (Circular)
8. PS to the Director (Estt. I)/Director (E-II), CWC/Director(Admn),CWC
9. PS to the Accounts Officer, CWC
10. All the Under Secretaries/Establishment Sections/Directorates of CWC.

I/80494/2021(4)

Fwd: URGENT: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

From : RK Sinha <chairman-cwc@nic.in> Fri, Dec 24, 2021 05:43 PM
Subject : Fwd: URGENT: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg. 📎 2 attachments
To : cehrmngmt <cehrmngmt@nic.in>, Sh. SK Rajan <tcodte@nic.in>

From: "SO Coord. DoWR" <coord-mowr@nic.in>
To: "RK Sinha" <chairman-cwc@nic.in>, "Sh. SK Rajan" <tcodte@nic.in>, "Sh. SK Rajan" <tcodte@cwc.delhi.nic.in>, "A S Goel" <commpr-mowr@nic.in>, "Anup Kr." <sjcspr1-mowr@mowr.nic.in>, polavaramauth@gov.in, "M.K Srinivas" <polavaram-auth@gov.in>, "N. P. Joshi" <dsadmn-mowr@nic.in>, "CHANDAN MUKHERJEE" <chandan@nic.in>, "Vijay Kumar Srivastava" <dse2-mowr@gov.in>, "Subrata k Basu" <basu-sk@nic.in>, "Rakesh Kumar" <sjcbm-mowr@nic.in>, "Ashok.kumar" <ashok.kumar@nic.in>, "S B Pandey" <usadmn-mowr@nic.in>, "Amiya Kumar Das" <use1-mowr@nic.in>, "Prashant Malik" <use2-mowr@nic.in>, "A K Kaushik" <use3-mowr@nic.in>, "Shalini Juneja" <usbm-mowr@nic.in>, "Ajay Kumar" <use4-mowr@gov.in>, usgw2-mowr@nic.in, "Shalini Juneja" <uspsu-mowr@nic.in>, "admn-mowr" <admn-mowr@nic.in>, "Anil Kumar Sharma" <eone-mowr@nic.in>, "etwo-mowr" <etwo-mowr@nic.in>, "Anupa Venugopal" <soe3-mowr@nic.in>, "SO PSU" <project2-mowr@nic.in>, "Section Officer basin Management mowr" <basin-mowr@nic.in>, "GWE Section" <sogwe-mowr@gov.in>, "Ashok Kumar" <dirgwe-mowr@nic.in>, "Sanjeev Tiwari" <soe4-mowr@nic.in>, mowr-orgnheads@lsmgr.nic.in

Cc: "US(Coord.)" <uscoord-mowr@nic.in>, "ANANDA CHANDRA" <dscoord-dowr@gov.in>

Sent: Friday, December 24, 2021 5:40:11 PM

Subject: URGENT: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

Sir / Madam,

URGENT MATTER

Reference : Trailing Emails

Point No. 6 of Chapter 3 of 12th Annual Report of NCST (Copy attached), pertains to all Establishment Sections/Organizations;

Point No. 3.9.1 to 3.9.35 of Chapter 3 of 12th Annual Report of NCST (Copy attached) pertains to CWC, SPR and PPA.

A meeting through VC is being organized under the Chairmanship of Secretary, M/o Tribal Affairs at 03.00PM on 30.12.2021. All concerned are therefore requested to furnish their comments to Coordination Section through e-Mail latest by 27.12.2021 positively

Regards,

Coord Section

From: "ANANDA CHANDRA" <dscoord-dowr@gov.in>

To: "US(Coord.)" <uscoord-mowr@nic.in>, "SO Coord. DoWR" <coord-mowr@nic.in>

Sent: Friday, December 24, 2021 10:41:42 AM

Subject: Fwd: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

Please take the extracts of chapter 3 of the 12th report and circulate it to the DSs of SMDs dealing with establishment matters in the Secretariat with copies to offices under the Department and put up for nomination of JS(Admn.) as nodal officer.

Regards,

A.C. Mallick,
Deputy Secretary (Coordination)
Department of Water Resources, RD & GR
Ministry of Jal Shakti
Government of India
Tel: +91-11-23074005

From: "Mr Sanjay Awasthi" <jsrd-dowr@gov.in>

To: "SO Coord. DoWR" <coord-mowr@nic.in>, "ANANDA CHANDRA" <dscoord-dowr@gov.in>, "US(Coord.)" <uscoord-mowr@nic.in>

Sent: Friday, December 24, 2021 10:05:32 AM

Subject: Fwd: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

From: "Shri Pankaj Kumar" <secy-mowr@nic.in>

To: "Mr Sanjay Awasthi" <jsrd-dowr@gov.in>

Sent: Thursday, December 23, 2021 6:26:27 PM

Subject: Fwd: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

Sir,

May kindly see. The meeting is scheduled on 30.12.2021 at 3.00 p.m.

regards,

Ajith

From: "Mahipal Singh" <ms.khokhar@gov.in>
To: "Shri Pankaj Kumar" <secy-mowr@nic.in>
Cc: "Vijay Gopal Mangal" <vijay.mangal@nic.in>, "Mr.AK Singh" <singh.ak2862@nic.in>, "Arvind Mudgal" <arvind.mudgal70@nic.in>
Sent: Thursday, December 23, 2021 6:13:07 PM
Subject: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

Respected Madam/Sir,

Please find the attachment enclosed herewith

With Regards

Mahipal Singh Khokhar
Assistant SO (NCST)





 **NCST Pts.docx**
31 KB

 **MO jail Shakti .pdf**
1 MB

ए. के. सिंह
A. K. SINGH
संयुक्त सचिव
Joint Secretary
Tel. : 91-11-23340468



भारत सरकार
जनजातीय कार्य मंत्रालय
जीवन तारा बिल्डिंग, संसद मार्ग,
नई दिल्ली - 110001
Government of India,
Ministry of Tribal Affairs,
Jeewan Tara Building, Parliament Street,
New Delhi-110 001

DO No. 18012/01/2019-NCST

21.12.2021

Sub: Action Taken Report on the recommendations/observations contained in the 12th, 13th, 14th Annual Reports of the National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 respectively-reg.

Dear Sir,

Kindly refer to above cited subject and DO letters dated 28.07.2020, 03.07.2021 and 30.07.2021 and Reminders dated 08.01.2021, 03.07.2021, 05.07.2021, 27.09.2021, and 30.11.2021 and to say that the inputs/information in respect of the recommendations contained in the 12th, 13th and 14th Annual Reports of National Commission for Scheduled Tribes for the year 2016-17, 2017-18 & 2018-19 are still awaited from your Ministry/Departments (as per enclosed list at Annexure-I). These Annual Reports alongwith Action Taken Memorandum could not be laid within the time limit in the Parliament due to non-receipt of the inputs/information from the concerned Ministry/Department..

2. I would like to invite your kind attention that this matter has been discussed in the meetings of Parliamentary Committee on the Welfare of SCs & STs and has also been raised in the Parliament Questions of Lok Sabha and Rajya Sabha.


3. In view of the above, a Video Conference is being organised under the Chairmanship of Secretary, MoTA on 30th December, 2021 at 3:00 PM with all concerned Central Ministries/Departments of Government of India.

4. You are, therefore, requested to kindly nominate the concerned Joint Secretary to attend the above scheduled Video Conference Session. The necessary link for joining the Video Conference will be provided subsequently.

With regards!

Encl: As above

Your sincerely,


(A.K. Singh) 21/12/2021

To

The Secretary
Ministry of Jal Shakti
Department of Water Resources
New Delhi
Email- secy-mowr@nic.in

Annexure- I

Status of the input / comments awaited from the Ministries / Departments in respect of 12th, 13th and 14th Annual Reports of NCST

S. No.	Ministry / Department	12 th Report	13 th Report	14 th Report
1	MHA	Chapter -I (Point No. 3.15 & 3.16) Chapter-4 (Point No. 4.15.5 D12 , 4.15.5 E 1-10 & 4.15.12(ii))	Chapter 2- Para No. 2.3.1-2.3.3 Chapter -4 (Para 4.10.1 – 4.10.2, Para 4.15.1 – 4.15.2, Para 4.18.1 – 4.18.3, , Para 4.34.1 – 4.34.2, <u>Para 4.39.1 – 4.39.2)</u>	Chapter -2 (Para No.2.8.1-2.8.6, 2.9.1 to 2.9.6, 2.31.3, 2.33.3 (1,2,3,4 5,6,7) , 2.55.1-2.55.4 , 2.57.1-2.57.3 , 2.68.1-2.68.8) Chapter -3 (Para 3.22.1-3.22.26)
2	DoPT	Chapter -1 (point no. 4.1-4.3, 5.2, 5.5, 7.3) Chapter -3 (Point 6, Point No. 3.2.1 - 3.2.4) (Point No. 3.5.1 -3.5.4) Chapter-4 (point No. 4.15.5 C (7))	Chapter -4 (Para 4.40.1 – 4.40.2) Chapter -2 (2.24.1 - 2.24.1)	Chapter -2 (Para No 2.16.1-2.16.5, .2.41.1-2.41.12)
3	M/o Civil Aviation	Chapter -3 (Point No. 6)	Chapter -5 (Para 5.17.1 to 5.17.8)	N.A.
4	UPSC	N.A.	N.A.	Chapter -2 (Para No.2.10.6)
5	Ministry of Urban Affairs and Housing	N.A.	Chapter -4 (Para 4.13.1-4.13.2)	N.A.
6	M/o Power	Chapter 3 (Point 3.41.1 to 3.41.5)	Para 5.12-5-12.8	N.A.

Annexure- I

Status of the input / comments awaited from the Ministries / Departments in respect of 12th ,13th and 14th Annual Reports of NCST

(As on 21.12.2021)

7	M/o Statistics & Programme Implementation	N.A.	Chapter -4 (Para 4.22.1 to 4.22.2)	N.A.
8	M/o Environment, Forest & Climate Change	N.A.	Chapter -4 Para 4.27.1 to 4.27.3)	Chapter -2 (Para No. 2.3.1 to 2.3.7 , 2.40.1 -2.40.4 , 2.45.1-2.45.16, 2.45.17, 2.45.18)
9	M/o Education	Chapter -1 (Point No. 1.27, 4.4, 4.5, 4.6,4.7,4.8,4.9,4.10,4.11,4.12) Chapter -3 (Point No. 3.60.1 -3.60.5) Chapter -4 (Point No. 4.15.5 C 8)	Chapter -4 (Para 4.12.1 to 4.12.3) (Deptt. Of Higher Education)	Chapter -2 (Para No.2.16.1-2.16.5,2.58.1-2.58.5,2.66.1-2.66.6)
10	M/o W &CD	Chapter -1 (Point No. 1.9) Chapter -2 (Point No. 2.3.6- 2.3.8, 2.3.11, 2.3.12, 2.3.73-2.3.75)	N.A.	N.A.
11	M/o Finance	N.A.	N.A.	Chapter -2 (Para No.2.34.1-2.34.4, 2.48.1-2.48.3)
12	M/o Coal	N.A.	N.A.	Chapter -3 (Para No.3.6.1 -3.6.7, 3.16.1-3.16.7)
13	M/o Railway	Chapter -1 (Point No. 5.3) Chapter -3 (Point No. 6, Point No. 3.13.1 -3.13.3, 3.46.1-3.46.8)	N.A.	Chapter -3(Para No.3.5.1 -3.5.3)
14	M/o Culture	Chapter -1 (Point No. 2.0,2.6) Chapter -3 (Point No.6, 3.24.1 -3.24.8, 3.28.1 -3.28.6 , 3.62.1-3.62.2, 3.67.1 -3.67.3)	N.A.	- N.A.

Annexure- I

Status of the input / comments awaited from the Ministries / Departments in respect of 12th, 13th and 14th Annual Reports of NCST

(As on 21.12.2021)

15	Ministry of Ports, Shipping and Waterways,	Chapter-3 (Point No.6) & (point No. 3.34.1-3.34.17)	N.A.	Chapter -3 (Para No.3.10.1-3.10.8, 3.21.1-3.21.5)
16	M/o Health & Family welfare	Chapter -1 (Point No. 1.9) Chapter -2 (Point No. 2.3.11- 2.3.12) Chapter -3(Point No. 3.6.1-3.6.6)	N.A.	N.A.
17	M/o SJ&E	Chapter -1 (Para No. 1.9) Chapter -2 (Para No. 2.3.64 to 2.3.65, Para No. 2.3.81 to 2.3.85) Chapter-3 (Point No.6)	N.A.	Chapter -2 (Para No. 2.8.1-2.8.6 ,2.12.1-2.12.6, 2.9.1 to 2.9.6, 2.29.1 -2.29.3 , 2.67.3-2.67.3)
18	Department of Financial Services	Chapter -1 (Point No. 4.13-4.16) Chapter-3 (point No. 6, point No. 3.14.1-3.14.8) (point No. 3.30.1-3.30.2) (point No. 3.35.1-3.35.11)	N.A.	Chapter -3 (Para No.3.23.1-3.23.5, 3.24.1 -3.24.5)
19	M/o Defence	Chapter -3 (Point No. 3.10.1 -3.10.11, 3.29.1 -3.29.5, 3.65.1 -3.65.7)	Chapter -5 (Para 5.15.1 to 5.15.7)	Chapter -3 (Para No.3.21.1-3.21.5)
20	M/o Jal Shakti	Chapter -3 (Point No. 6, Point No. 3.9.1 - 3.9.35)	N.A.	N.A.
21	M/o Consumer Affairs	Chapter -3 (Point No.6, Point No. 3.51.1 - 3.51.11)	N.A.	Chapter -2 (Para No.2.43.1-2.43.3)
22	NITI Aayog	Chapter -4 (Point No. 4.15.5 C2)	N.A.	Chapter -2 (Para No.2.34.1-2.34.4)
23	D/o Revenue , M/o Finance	Chapter -3 (Point No. 3.1.1-3.1.13)	N.A.	N.A.

Annexure- I

Status of the input / comments awaited from the Ministries / Departments in respect of 12th, 13th and 14th Annual Reports of NCST

(As on 21.12.2021)				
24	Ministry of Rural Development, Deptt. Of Land Resources	N.A.	N.A.	Chapter -2 (Para No.2.37.1-2.37.5, 2.45.1-2.45.i6)
25	M/o I&B	Chapter -4 (Point No.4.15.5 C (iv)	N.A.	N.A.
26	Election Commission of India	N.A.	N.A.	Chapter -2 (Para No.2.50.1 -2.50.4)
27	M/o Agriculture & Farmer Welfare Deptt. Of Animal Husbandry	N.A.	N.A.	Chapter -2 (Para No.2.53.1 -2.53.4)
28	M/o Mines	N.A.	N.A.	Chapter -3 (Para No.3.7.1 -3.7.6)
29	M/o Steel	N.A.	N.A.	Chapter -3 (Para No.3.8.1-3.8.6)
30	M/o Commerce & Industries	N.A.	N.A.	Chapter -3 (Para No.3.8.1-3.8.7)
31	M/o Heavy Industry and Public Enterprises	N.A.	N.A.	Chapter -3 (Para No.3.11.1-3.11.6)
32	M/o Panchayati Raj	N.A.	N.A.	Chapter -2 (Para No.2.36.1-2.36.3)
33	M/o Labour	Chapter -1 (Point No. 3.0 (3.19) Chapter-3 (point No. 6, point No. 3.11.1-3.11.9)	N.A.	N.A.
34	M/o Tourism	Chapter -1 (Point No. 2.6 Chapter-3 (point No. 6)	N.A.	N.A.
35	Ministry of Petroleum & natural Gas	N.A	Chapter 4 Para 4.38.1 & 4.38.2	N.A.
36	Cabinet Secretariat	N.A	N.A	Chapter -2 (Para 2.19.1 – 2.19.3)

Chapter 3 of NCST's 12th Annual Report

3.9 MINUTES OF THE MEETING TAKEN BY DR. RAMESHWAR ORAON, HON'BLE CHAIRPERSON OF NCST REGARDING DISPLACEMENT OF TRIBALS AND OTHER LOCAL PEOPLE IN DEVARAGODHI, POLAVARAM MANDALAM, WEST GODAVARI DISTRICT AND PUDIPALL PANCHAYAT IN EAST GODAVARI DISTRICT, ANDHRA PRADESH DUE TO CONSTRUCTION OF INDIRA SAGAR, POLAVARAM PROJECT.

(F. No. 13/1/AP/DEVT/2013/RU-IV) (9)

Date of Sitting: 24.05.2016

3.9.1 A representation of one Dr. Pulla Rao was forwarded by the then Minister of Tribal Affairs vide his D.O. letter No. MTA&PRMY 30/36/2013 dated 03.12.2013 regarding oppression and brutality against tribals in Devaragodhi, Polavaram Mandalam, West Godavari District and Pudipall Panchayat in East Godavari District. The Minister desired that a team of National Commission for Scheduled Tribes (NCST) should be deputed to go to the place for an onsite assessment and submit a report expeditiously with requisite remedial and corrective measures. Accordingly, vide internal note dated 05.12.2013, the Chairperson, NCST deputed Vice Chairperson Shri Ravi Thakur to visit the place and submit a report at the earliest. The Vice Chairperson, NCST made a schedule to visit the project sites on 03.01.2014 and Chief Secretary, Govt. of Andhra Pradesh was requested to make necessary arrangement for the same, vide letter No. 13/1/AP/Devt./RU-IV dated 31.12.2013. However, later on, Vice Chairperson informed the Chairperson that he will not be in a position to visit the place on 15.01.2014 under a tour organized by H.P. Assembly from 14.01.2014 to 24.01.2014. Considering the urgency, the Chairperson deputed Member, NCST Mrs. K. Kamla Kumari on 01.01.2014 to visit the site. Smt. K. Kamla Kumari visited the project site and submitted her report to the Commission which has been perused and approved by the Commission and forwarded to Ministry of Tribal Affairs vide letter No. 13/1/AP/Devt./2013/RU-IV dated 02.01.2015 and State Govt. of Andhra Pradesh.

3.9.2 As a follow up, Commission directed Secretary, NCST for discussion on R&R activities for tribal displaced families in Polavaram Project with State Govt. officials at Hyderabad. Secretary, NCST visited the Andhra Pradesh from 25.01.2016 to 31.01.2016. The visit Report of the Secretary, NCST was considered by the Commission and the Commission decided to seek Action Taken Report on the same from the State Government.

3.9.3 Govt. of Andhra Pradesh Tribal Welfare Department vide letter No. 260/TRI/LTR/R&R/2016 dated 03.03.2016 apprised the present status of the project.

3.9.4 Chairperson of NCST invited attention of the Chief Secretary of Andhra Pradesh, Telangana, Odisha, Chhattisgarh to the article published in the India Today and called a meeting on 24.05.2016 for discussion with the Chief Secretaries of above States. In

addition, Secretaries of Ministry of Rural Development, Water Resources were also invited in the meeting.

3.9.5 The Chief Secretary of Odisha, Additional Chief Secretary, State Govt. of Chhattisgarh and Secretary, Water Resources, Govt. of Andhra Pradesh along with officers appeared before the Commission on 24.05.2016. The Member Secretary, **Polavaram Project Authorities, Ministry of Water Resources** and Secretary (LR) from Ministry of Rural Department were also present in the meeting.

3.9.6 The Member Secretary, MoWR apprised the Commission that the Indira Sagar (Polavaram) Multi Purpose Project is being constructed by Government of Andhra Pradesh on river Godavari 42 Km. upstream of Godavari Barrage. It is located at a distance of 102 Km from d/s of the confluence point of river Sabari. Indira Sagar Polavaram Project is situated on the river Godavari near Ramaiahpet village of Polavaram Mandal, West Godavari District, Andhra Pradesh.

3.9.7 The population affected due the project has 1,88,012 persons (covering 55,799 households in 221 Villages) both East and West Godavari Districts, out which 89,827 are Scheduled Tribes persons.

Mandal/Village/Category wise project affected population detail is as under:

Name of District	Name of Mandal	No. of Villages	No. of Habitations	No. of Households	Total Population	ST population
East Godavari	Devipatnam	15	44	4191	12693	6762
	Kunavaram	49	61	7307	24468	14129
	Chintoor	26	32	5592	19651	15363
	V.R. Puram	42	54	6588	22732	13291
	Nellipaka (from Burgampedu)	33	43	5625	19919	9280
	District Total	165	234	29303	99463	58825
West Godavari	Polavaram	11	30	6924	21742	6515
	Velairpadu	17	48	6216	20678	12470
	Kukunoor	20	47	8359	28392	9171
	Kukunoor (village from Burgampadu)	8	12	4997	17737	2846
	District Total	56	137	26496	88549	31002
Grand Total		221	371	55799	188012	89827

3.9.8 As per inter-State meeting held on 07.08.1978 Maharashtra, M.P & A.P agreed to construct Inchampalli Project as joint project in u/s of Polavaram Project.

3.9.9 The Govt. of India recognizing the importance of the project declared this as a National Project (Section -90 of A.P. Reorganization Act), 2014. **The main issue related to tribal here is submergence area and it is because of the construction of the Dam.** Major work is on hold only 9-10% work is done. **Matter is subjudice in the Supreme Court and 11.7.2016 is the next hearing date in the matter.**

3.9.10 Chief Secretary, Odisha stated that Polavaram Project is being constructed by Govt. of Andhra Pradesh and Government of India (Ministry of Water Resources) in contravention of the agreements between the State of Odisha & Andhra Pradesh in violation of the awards of Godavari Water Disputes Tribunal (GWDT) dated 02.04.1980. The project is going to submerge vast tracts of land including forest land and displace more than 6800 people including 5916 number of tribal people in Malkanagiri District.

3.9.11 The Indira Sagar multipurpose project is being constructed on river Godavari about 42 KM upstream of Godavari Barrage. Located at distance 102 KM from d/s of the confluence point of river Sabari. As per inter-state meeting held on 07.08.1978 Maharashtra, Madhya Pradesh & Andhra Pradesh agreed to construct Inchampalli Project as joint project in under supervision of Polavaram Project.

3.9.12 Chief Secretary, Govt. of Odisha, further mentioned that GWDT Award & Agreements was made on 10th April, 1969, Govt. of India constituted GWDT and its award on 02.04.1980 which has upheld with following agreements.

1. As per agreement between the Chief Minister of Odisha and Andhra Pradesh on 15th December, 1978 the maximum submergence in Odisha territory at Motu/Konta should not exceed 150 fts.
2. As per GWDT award in order to protect the lands & properties above RL + 150 Fts in Odisha embankments shall be constructed. However, Odisha should exercise an option for compensation to affected land & properties in Odisha.
3. In the inter-state meeting between the States of Andhra Pradesh, Odisha and Madhya Pradesh held on 2.4.1980, a Reservoir Operation Schedule was agreed upon.
4. GWDT award also stipulated in their order dated 03.04.1980, "if there is to be any change in the operation schedule it shall be made only after consultation with State of Andhra Pradesh, Madhya Pradesh and Odisha".

3.9.13 About Project Clearances Chief Secretary said that Ministry of Environment and Forest granted Environmental Clearance without conducting public hearing in Odisha

territory on dated 25.10.2005 and without making suitable provision of embankments. In case of change in any scope of the project, it would require a fresh appraisal.

3.9.14 The revised design flood of 50 lakh cusecs was approved by Central Water Commission on 13.02.2008 and TAC on 23.01.2009. This has changed the scope of the project but no revised Environmental Clearance has been applied for.

3.9.15 Ministry of Tribal Affairs granted R & R clearance on 17.04.2007 with provision of embankments along river Sabari and Sileru. However, Government of Andhra Pradesh and Central Water Commission shall ensure no submergence and displacement of people including Scheduled Tribal in Odisha & Chhattisgarh. Due to change in design flood to 50 lakh cusecs, the back water effect in Odisha is estimated to be +220 ft which will submerge vast area of 7656 Ha. affecting 5916 tribal populations (2001 Census).

3.9.16 Central Water Commission granted T.A.C clearance on 23.01.2009 without consulting Odisha. TAC clearance was given subject to

- Project authority to give Ministry of Environment and Forest the details of protection bund along Sabari and Sileru to prevent submergence in Odisha & Chhattisgarh as per orders of Hon'ble High Court of Odisha.
- The project authority to furnish confirmation report to Ministry of Tribal Affairs to the effect that there is no change in project affected Scheduled Tribes families from what was reported during clearance.

3.9.17 Government of Odisha informed the following: -

- i. Due to further change in design of dam (Width & height) by raising the capacity to 50 lakh cusecs back water and height to the level of 220 ft, which will affect 5916 additional tribal populations. But Government of Andhra Pradesh has not obtained clearance from the concerned authorities.
- ii. 50 lakh cusecs of probable Maximum flood back water lever will be RL + 220 ft. It would require-
 - a) Very high protective embankments which are not feasible. Embankments are to be spaced as per Codal procedures.
 - b) Require diversion of forest land.
 - c) Creates flooding in Odisha territory.
 - d) Forest Clearance & Environmental Clearance not considered while issued.

3.9.18 Chief Secretary, Govt. of Odisha further said that various litigations have been filed including filed by one Shri Laxman Munda in Hon'ble Odisha High Court on 23.2.2206. Hon'ble Odisha High Court allowed construction of Polavaram Project after Government of Andhra Pradesh complies with all laws in such a manner that no land in Odisha is submerged. Government of Odisha filed Writ Petition before Hon'ble Supreme Court to transfer writ petition pending at Andhra Pradesh High Court. This case is already transferred to Hon'ble Supreme Court.

3.9.19 Chief Secretary Govt. of Odisha pointed out the following.

1. Agreements between Chief Minister's of Odisha and Andhra Pradesh on 15.12.1978 has been violated.
2. GWDT award dated 2.4.1980 has been violated.
3. Agreement dated 2.4.1980 between three co-basin States of Andhra Pradesh, Madhya Pradesh & Odisha has been violated.
4. All clearances have been obtained without considering the following issues raised by Odisha.
 - (i) Extent of forest clearance have not been worked out.
 - (ii) Impact on tribal population.
 - (iii) Any change in reservoir Operation Schedule should be made in consultation with co-basin States (GWDT AWARD) but reservoir operation schedule not yet given to Odisha to be examined.
 - (iv) Impact of protective embankment not considered while according EC and FC.
 - (v) Adverse impact of Protective Embankment such as flooding in Odisha territory and impact on tribal population not studied.

3.9.20 Chief Secretary, Govt. of Odisha appealed to NCST that the Andhra Pradesh Government should take into consideration of followings.

- a) To limit back water effect maximum up to + 150 ft as per agreement of Chief Minister's dated 15.12.1978, agreement dated 02.04.1980 of co-basin States & award dated 02.04.1980 of GWDT.
- b) To direct Government of Andhra Pradesh and concerned Agencies, Ministry of Water Resources, Ministry of Environment and Forest and

Ministry of Tribal Affairs to follow due processes and procedures laid down law and then decide.

- c) To consider Alternatives proposed by Ex. EIC of Govt. of Andhra Pradesh in place of Polavaram Dam project by Govt. of Andhra Pradesh.
- d) Pass any other order deemed fit & proper in the interest of the affected tribal population in Odisha.

3.9.21 बैठक में छत्तीसगढ़ राज्य सरकार के अतिरिक्त मुख्य सचिवने अवगत कराया कि इंदिरा सागर (पोलावरम) अंतर्राज्यीय परियोजना आन्ध्रप्रदे 1 राज्य के पचिम गोदावरी जिले में गोदावरी नदी पर निर्माणधीन है। जिससे छत्तीसगढ़ राज्य के तहसील – कोण्टा, जिला – सुकमा के डूबान प्रभावित क्षेत्र का आकलन, आंध्रप्रदे 1 भासन द्वारा वर्ष 2001 में उपलब्ध कराये गये रिपोर्ट सेन्सिंग सर्वेक्षण मानचित्रों के आधार पर किया गया है। जिसका विवरण निम्नानुसार है : –

क्र. स.	डूबान क्षेत्र का विवरण	वन भूमि (हे.)	राजस्व भूमि (हे.)	योग (हे.)
1	150 फीट के स्तर पर	थनरंक	683.01	683.01
2	177 फीट के स्तर पर	201.296	2272.464	2473.76

3.9.22 पोलावरम बांध स्थल कोण्टा से लगभग 130 कि. मी नीचे की ओर स्थित है। परियोजना की प्रमुख विशेषताएं निम्नानुसार है –

- अधिकतम जल स्तर/पूर्ण जलाशय स्तर – आर.एल. 150 फीट
- कुल जल भराव क्षमता – 194.6 टी.एम.सी
- उपयोगी जल भराव क्षमता – 75.2 टी.एम.सी
- सिंचाई सुविधा – 2.91 लाख हेक्टेयर
- वर्तमान सिंचित क्षेत्र में सिंचाई संवर्धन
- (अ) गोदावरी डेल्टा – 4.10 लाख हे.
- (ब) कृष्णा डेल्टा – 5.26 लाख हे.
- पेयजल आपूर्ति (विाखापट्टनम भाहर हेतु) – 23.44 टी.एम.सी
- जल विद्युत उत्पादन क्षमता – 960 मेगावाट
- कृष्णा नदी में जल व्यापवर्तन – 80 टी.एम.सी
- छत्तीसगढ़ राज्य को जल प्रदाय – 1.50 टी.एम.सी

3.9.23 कार्यालय कलेक्टर, जिला सुकमा के पत्र दिनांक – 11.03.2015 द्वारा अवगत कराया गया है कि परियोजना में सुकमा जिले का निम्नानुसार डूबान सम्भावित है:–

- (1) वन क्षेत्र का डूबान - 1330 हे.
- (2) राजस्व भूमि का डूबान - 11189 हे.
- (3) डूबान में आने वाले ग्रामों की संख्या - 18
- (4) डूबान के कारण प्रभावित जनसंख्या की संख्या - 17,500
- (अ) अनुसूचित जनजाति - 12978
- (ब) अनुसूचित जाति - 507
- (स) अन्य पिछड़ा वर्ग - 4015

3.9.24 कोण्टा तहसील में जल संसाधन विभाग की तीन सिंचाई योजनाएं। ढोढरा उद्वहन 2. फंदीगुड़ा उद्वहन सिंचाई योजना 3. असिरगुड़ा उद्वहन सिंचाई योजना पोलावरम के डूबान क्षेत्र में है। पोलावरम परियोजना का वृहद सर्वेक्षण नहीं हुआ है, अतः बताना सम्भव नहीं कि बस्तर सीग के सुकमा जिले की कितनी राजस्व एवं वन भूमि बांध के बैक वाटर से डूब जायेगी।

3.9.25 पोलावरम योजना के निर्माण हेतु ओडिसा, छत्तीसगढ़ एवं आंध्रप्रदेश 1 राज्य के मध्य गोदावरी जल विवाद अभिकरण द्वारा पारित अवार्ड (जुलाई - 1980) के अंतर्गत दिनांक- 7.8.1978 एवं 2.4.1980 को अनुबंध हुआ था। दिनांक - 7.8.1978 के अनुबंध अनुसार पोलावरम बांध के निर्माण से छत्तीसगढ़ की तहसील- कोण्टा जिला- सुकमा में बैक वाटर प्रभाव सहित डूबान का अधिकतम जल स्तर आर. एल 150 फीट रखने पर सहमती हुई थी। उक्त अनुबंध में आर. एल 150 फीट के ऊपर संभावित छत्तीसगढ़ राज्य की डूबान प्रभावित संपत्तियों के संबंध में उल्लेख है कि आंध्रप्रदेश 1 राज्य सुनिश्चित करेगा कि-

- (अ) आर. एल.150 फीट के ऊपर स्थित समस्त भवनों एवं भूमि का मुआवजा भुगतान तथा विस्थापितों का पुर्नवास उसी प्रकार करेगा जैसा कि आर. एल .150 फीट के नीचे आने वाले डूबान क्षेत्र के लिए किया जावेगा।
- (ब) आंध्रप्रदेश 1 राज्य स्वयं के व्यय पर आवश्यक सुरक्षात्मक तटबंधों का निर्माण एवं रखरखाव पर्याप्त पंप व्यवस्था सहित करेगा। उपरोक्त में से किसी एक विकल्प का चयन छत्तीसगढ़ राज्य द्वारा परियोजना के निर्माण के समय कर सकेगा।

3.9.26 केन्द्रीय जल आयोग, जल संसाधन मंत्रालय, भारत सरकार द्वारा आयोजित तकनीकी सलाहकार समिति की बैठक दिनांक - 20.1.2009 में पोलावरम परियोजना के निर्माण हेतु भारत की स्वीकृति प्रदान की गई, जिसमें भाबरी नदी के दोनों तट पर मिट्टी के सुरक्षात्मक तटबंध बनाकर छत्तीसगढ़ एवं ओडिसा राज्य में भूजल डूबान सुनिश्चित करने बाबत निर्देशित है। उक्त भारत के परिपालन में आंध्र प्रदेश सरकार द्वारा छत्तीसगढ़ राज्य की तहसील - कोण्टा में भूजल डूबान सुनिश्चित करने हेतु भाबरी नदी के दोनों तट पर सुरक्षात्मक तटबंधों का निर्माण प्रस्तावित किया गया, जिसकी छत्तीसगढ़ राज्य में कुल लम्बाई लगभग 30 किमी तथा ऊँचाई औसतन 30 से 50 फीट प्रस्तावित की गई है। उक्त सुरक्षात्मक तटबंधों के निर्माण पश्चात् भाबरी नदी में बाढ़ के समय तटबंधों के बाहर संग्रहित वर्षा जल को 16 स्थानों पर पम्पिंग स्टेशन बनाकर कुल 24630 एच. पी विद्युत पम्पों के माध्यम से भाबरी नदी में डालने का प्रावधान किया गया है।

3.9.27 आंध्र प्रदेश सरकार द्वारा प्रस्तावित सुरक्षात्मक तटबंधों के निर्माण से केन्द्रीय जल आयोग द्वारा दत्तित छत्तीसगढ़ में भूजल डूबान की भारत पूरी नहीं होगी क्योंकि तटबंध निर्माण के फलस्वरूप छत्तीसगढ़ राज्य की लगभग 1300 एकड़ भूमि सहित भाबरी नदी के तट पर स्थित आबादी के प्रभावित होने की संभावना है। अतः पोलावरम परियोजना के निर्माण का विरोध करने हेतु छत्तीसगढ़ सरकार की ओर से आंध्र प्रदेश सरकार एवं भारत सरकार को समय-समय पर अनुरोध पत्र प्रेषित किये गये हैं।

3.9.28 अतिरिक्त मुख्य सचिव, छत्तीसगढ़ सरकार ने पोलावरम परियोजना के निर्माण के सम्बन्ध में आयोग के समक्ष आन्ध्र प्रदेश सरकार के बाबत निम्न प्रमुख आपत्तियाँ बताईं—

- (1) पोलावरम परियोजना की स्वीकृति में गादावरी जल विवाद अभिकरण द्वारा पारित अवार्ड की भातों का उल्लंघन हुआ है क्योंकि छत्तीसगढ़ राज्य के कोण्टा में अधिकतम डूबान स्तर (बैक वाटर प्रभाव सहित) आर. एल. 117.44 फीट प्रस्तावित किया गया है जो 07.08.1978 के अनुबंध में उल्लेखित आर. एल. 150 फीट के स्तर से लगभग 28 फीट अधिक है। इसके अतिरिक्त आर. एल. 150 फीट से ऊपर स्थित छत्तीसगढ़ के डूब प्रभावित क्षेत्र को बचाने के लिए सुरक्षात्मक तटबंध का निर्माण पूर्व जलाशय स्तर की सीमा से हटाकर भाबरी नदी के दोनों किनारों पर प्रस्तावित किया गया है।
- (2) सुरक्षात्मक तटबंधों के निर्माण से केन्द्रीय जल आयोग द्वारा उल्लेखित छत्तीसगढ़ राज्य में डूबान सुनिश्चित करने की भारत भी पूरी नहीं होती क्योंकि तटबंध निर्माण हेतु छत्तीसगढ़ राज्य की लगभग 1300 एकड़ भूमि

की आव यकता होगी तथा भाबरी नदी के किनारे पर स्थित आबादी भी प्रभावित होगी।

- (3) भाबरी नदी तट पर सुरक्षात्मक तटबंधों के निर्माण हेतु गोदावरी जल विवाद अभिकरण के अवार्ड में उल्लेखित भातों के अनुसार छत्तीसगढ़ राज्य से सहमति नहीं ली गई है। अतः इन सुरक्षात्मक तटबंधों का प्रस्ताव व्यवहारिक नहीं होने के कारण छत्तीसगढ़ राज्य सहमत नहीं है।
- (4) भारत सरकार द्वारा प्रदत्त पर्यावरण स्वीकृति दिनांक – 20.10.2005 के पूर्व ई.आई.ए नोटिफिके 1994 के अनुसार छत्तीसगढ़ राज्य में लोक सुनवाई नहीं की गई है।
- (5) भारत सरकार जनजातीय मंत्रालय द्वारा दिनांक – 17.04.2007 को प्रदत्त स्वीकृति के पूर्व अनुसूचित क्षेत्र में पेसा एक्ट – 1996 के अनुसार छत्तीसगढ़ राज्य के डूबान प्रभावित ग्रामों में ग्राम सभा की सहमति प्राप्त नहीं की गई है।

3.9.29 छत्तीसगढ़ राज्य के बहुमूल्य खनिज एवं वनोपज से परिपूर्ण डूबान प्रभावित क्षेत्र को बचाने तथा बस्तर क्षेत्र के निर्धन आदिवासियों के हित को ध्यान में रखते हुए पोलावरम परियोजना के निर्माण पर रोक लगाने हेतु दिनांक – 20.8.2011 को माननीय सर्वोच्च न्यायालय के समक्ष सिविल सूट क्रमांक-3/2011 दायर किया गया है। उक्त सिविल सूट में आंध्रप्रदे 1 भासन, भारत सरकार, जल संसाधन मंत्रालय, केन्द्रीय जल आयोग, भारत सरकार, पर्यावरण एवं वन मंत्रालय तथा भारत सरकार, जनजातीय मंत्रालय का प्रतिवादी बनाया गया है। इसके साथ-साथ छत्तीसगढ़ पर्यावरण संरक्षण मंडल द्वारा भी पोलावरम परियोजना के निर्माण पर रोक लगाने तथा भारत सरकार द्वारा प्रदत्त विभिन्न स्वीकृतियों को निरस्त करने हेतु रिट याचिका (सिविल) क्रमांक-224/2012 माननीय सर्वोच्च न्यायालय में दायर की गई है। जिनकी तत्संबंध में सुनवाई अपेक्षित है।

3.9.30 Shri A.N. Das, Secretary, Water Resources, Govt. of Andhra Pradesh appraised that Polavaram irrigation project is being executed in river Godavari near Rashouldyapeta (V) of Polavaram (M), West Godavari District, Andhra Pradesh, Multipurpose Terminal Project, about 34% of the total work completed. Project benefits mentioned are as under:

- Provide irrigation to 2.91 lakh ha. (7.2 lakh acres)
- Produce Hydro Power with installed capacity of 960 MW (12X80 MW)

- Diversion of 80 TMC of Godavari water into Krishna River above Prakasam Barrage. The water thus saved in Krishna basin will be shared in the proportion of 45 TMC for Andhra Pradesh and 35 TMC (21+14) for Karnataka and Maharashtra.
- Supply 23.44 TMC of water for Visakhapatnam City
- Provide drinking water facility to 540 villages (28.5 lakh population) en-route the canals.

3.9.31 Project benefits to other States.

3.9.32 Odisha and Chhattisgarh can use in their territories 5 TMC ft 1.5 TMC ft respectively by lifting from pondage of Polavaram Irrigation Project without bearing any cost of storage.

- The Odisha and Chhattisgarh can develop and export, pisciculture and boating facilities in their own territories.
- On account of diversion of 80 TMC of Godavari water into Krishna River above Prakasam Barrage, equal extent of water in Krishna river will be saved.
- 80 TMC of water thus saved in river Krishna will be shared the proportion of 45 TMC for Andhra Pradesh, 35 TMC (21 TMC + 14 TMC) for Karnataka & Maharashtra.

3.9.33 The MoWR, GOI has issued a notification vide F. No. 15/4/2014 dated 28.05.2014, constituting the Governing Body to Polavaram Project Authority and the Polavaram Project Authority and the same were published in the Gazette of India dated 28.05.2014.

3.9.34 R & R status of Polavaram Irrigation Project

- The Govt. have accorded administrative sanction in G.O.Ms. No. 93, Irrigation & CAD (Maj. Irrigation) Dept. dated 24.05.2004 towards R & R package as per the National Policy for Rs. 2051.02 Crores.
- Rs. 382.15 Crores paid towards compensation for acquisition of land & structures.
- Rs. 1668.87 Crores paid towards rehabilitation assistance for P.D. F's in the submerged villages in 9 Mandals.

3.9.35 Secretary, Water Resources, Govt. of Andhra Pradesh informed of following position in the East Godavari District.

- Total No. of Habitations is 44 Nos. (Village 15 Nos)
- Total No. of PAFs is 7881 Nos.
- Total No. of PAPs is 13707 Nos.
- Total land to land required is 4760.46 Acres
- Total land to land acquired is 273.27 Acres
- Total land for House sites required is 462.70 Acres.
- Total land for House sites acquired is 129.89 Acres.

6. The Commission therefore, recommends that the concerned Departments/ Ministries/ Organizations in Centre and State should take effective steps to ensure that each Government official is made aware of the safeguards provided for Scheduled Tribes for which training should be imparted to the dealing officers/ officials in the beginning of service about their duties and responsibilities prescribed in the rules relating to the subject matter to be assigned to him/her to ensure availability of safeguards to the Scheduled Tribes employees/ beneficiaries under various development schemes and particularly to the victims of atrocity under the Scheduled Castes and Scheduled Tribes POA Act, 1989.