

M-75075/296/2020-ESTT-IV
Government of India
Ministry of Jal Shakti
Department of Water Resources, River Development & Ganga Rejuvenation
Central Water Commission

03rd Floor(S), Sewa Bhawan,
R. K. Puram, New Delhi-110066
Dated, the 7th October, 2020

Subject: **Information regarding action taken or proposed to be taken in compliance of recommendations of NCSTs 12th Report year 2016-17.**

The undersigned is directed to forward herewith a copy of D.O letter No. 18012/01/2019-NCST received from Sh. A.K. Singh, Joint Secretary, Ministry of Tribal Affairs on the subjected cited above and to request that the information/inputs may be sent in **prescribed proforma(enclosed)** via email **estt4@nic.in by 12.10.2020 (AN) positively** for further necessary action.

Enclosures: **As above**

Signature Not Verified

Digitally signed by
R.K.BALAMURUGAN
Date: 2020.10.08 11:09:47 IST

(R. K. Balamurugan)
Under Secretary (E-IV)
Tel: 011 29583302
Email: estt4@nic.in

To

1. US/SO Estt.-I,II,III,V,VI,VII,VIII,IX,X,XI,XII,XIII,XIV,O&M,APAR and CM&V Section, CWC
2. All the Chief Engineers of field offices of CWC(through Web Portal circular of CWC)
3. Director, RMCD, CWC
4. Director, RD Directorate, CWC
5. Director, WP & P/D&R(C), CWC
6. Director, PCP Directorate,CWC
7. S.E. Planning Circle, Faridabad, CWC

Copy for information to:

1. P.S. to CE (HRM), CWC
2. P.S. to Secretary, CWC

----- Forwarded Message ----- From: "SO Coord MoWR" To: "Anup Kr." , sjcspr-mowr@nic.in, "Chairman cwc" , "SECRETARY CWC" , "polavaram authority" , "D. Ranga Reddy Member Secretary" Sent: Tuesday, October 6, 2020 4:22:59 PM Subject: Fwd: !! Important !! Information regarding action taken or proposed to be taken in compliance of recommendations of NCST's 12th Report year 2016-17. Sir/Madam, Please refer to trailing mail on the subject cited above. And furnish your comments in this regard latest by tomorrow (07.10.2020). This may be treated on PRIORITY basis. Best Regards ----- Forwarded Message ----- From: "SO Coord MoWR" To: "Chairman cwc" , "SECRETARY CWC" , "S K Rajan" , "E-IV Section, MoWR,RD&GR" , "Polavaram Project Authority (PPA)" , "D. Ranga Reddy Member Secretary" Sent: Friday, October 2, 2020 10:10:34 AM Subject: Fwd: !! Important Reminder !! Information regarding action taken or proposed to be taken in compliance of recommendations of NCST's 12th Report year 2016-17. Sir/Madam, Please refer to trailing mail. And provide requisite information latest to this section earliest. Best regards समन्वय अनुभाग दूरभाष:011-23381895 ----- Forwarded Message ----- From: SO Coord MoWR To: Ashok Kumar Kaushik , E-IV Section, MoWR,RD&GR , D. Ranga Reddy Member Secretary , polavaram authority , Polavaram Project Authority (PPA) , Chairman cwc , SECRETARY CWC , S K Rajan , Abhiram Kumar , ALL wings , Division Heads , Mithlesh Garg Cc: Mr Sanjay Awasthi , N. P. Joshi Sent: Fri, 25 Sep 2020 12:31:32 +0530 (IST) Subject: !! Important !! Information regarding action taken or proposed to be taken in compliance of recommendations of NCST's 12th Report year 2016-17. Sir/Madam, Please refer to OM and DO Letter attached to this mail. And provide requisite information in attached proforma. If 'NIL' information in this regard, the same may be sent to this section at earliest by 30.09.2020. Best Regards समन्वय अनुभाग दूरभाष:011-23381895

ए. के. सिंह

A. K. SINGH

संयुक्त सचिव

Joint Secretary

Tel. : 91-11-23340468



१९/५

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

D.O. No. 18012/01/2019-NCST

31.07.2020.

Dear

Sir,

AS
JSCA?
The National Commission for Scheduled Tribes (NCST) in pursuance of Clause 5(d) of Article 338A of the Constitution has submitted its Twelfth Report for the year 2016-17. As per the provisions of Clause (6) of Article 338A, the President shall cause all such reports to be laid before each House of the Parliament, along with a Memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any such recommendations.

2. I shall be grateful if you could kindly get the recommendation(s) pertaining to your Ministry/Department/Organization (copy enclosed) examined on priority basis and furnish the action taken or proposed to be taken on the same or reasons for non-acceptance of recommendation(s), as the case may be, at the earliest, so as to enable this Ministry to lay the Report before the Parliament.

With Regards!

Yours Sincerely,

(A.K. Singh)

31.7.20

Shri Upendra Prasad Singh,
Secretary,
Ministry of Jal Shakti,
Shram Shakti Bhawan,
Rafi Marg, New Delhi-110 001

CHAPTER-3

SITTINGS TAKEN BY HON'BLE CHAIRPERSON/ VICE-CHAIRPERSON/ MEMBERS ON THE IMPORTANT CASES WITH FOCUS OF RESOLVED CASES.

1. Under Article 338A (5) (b) of the Constitution, Commission has been assigned duty "to inquire into specific complaint with respect to the deprivation of rights and safeguards of the Scheduled Tribes".
2. The Commission receives representations from individual members of Scheduled Tribes, or their associations, etc. These representations/ petitions pertain to:
 - (i) The violation of the instructions for reservation in services/ posts,
 - (ii) Problems relating to the socio-economic development of Scheduled Tribes such as admission in educational institutions, land alienation, rehabilitation and displacement as a result of setting up of projects etc., and
 - (iii) Atrocities on members of Scheduled Tribes by non-Scheduled Tribe persons.
3. These representations are referred to the concerned organizations of the Central Govt. or the State Govts. by the Commission, requesting them to furnish full facts within a given timeframe. The facts furnished by the concerned organization are examined by the Commission; and in case, on examination, the Commission finds that there has been violation of the safeguards of the members of Scheduled Tribes, provided under the Constitution or under any other law or order of the Government, it advises the concerned organization to take corrective measures within a given timeframe and apprise the Commission of the action taken.
4. A copy of the reply sent by the concerned organization is forwarded to the petitioner for his/her information and in case the petitioner submits a rejoinder containing additional material, the same is further examined in consultation with the concerned organization. If the Commission does not get a reply from the concerned organization on the points raised in the petition/ rejoinder despite repeated reminders, the Commission holds a sitting in the case and invites the Head of the organization and/ or any other senior officer of that organization to appear before the Commission for discussion. The petitioner is also permitted to be present during the hearing. The recommendation made after the discussions are recorded and sent to the respective organization for taking necessary action on the Commission's advice/recommendation within a specified period of time. The Commission held 66 sittings during the year 2016-17.
5. While dealing in the specific complaints, Commission noted the matter or a complaint which could have been resolved within by the Departments authorities and thereby Scheduled Tribes persons would not have been victimised/ harassed for their legitimate rights/ safeguards. Commission has further noted that specific complaints take from several months to year because

concerned officials try to ignore such complaints and also the communication from the National Commission for Scheduled Tribes, possibly due to lack of knowledge and lack of humanitarian attitude towards the needs and problems of poor and shying Scheduled Tribes persons for their legitimate rights and enshrined by the Constitution.

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.

All
Ministries
& States
UTs

3.1 PROCEEDINGS OF THE SITTING TAKEN BY SHRI RAVI THAKUR, HON'BLE VICE CHAIRPERSON, IN THE APPLICATION FILED BY SHRI HARI SHANKAR MEENA, KARALI, RAJASTHAN FOR EXTENSION OF JOINING TIME TO ASSUME THE POST OF INSPECTOR IN CENTRAL EXCISE, COIMBATORE.

(F. No. HSM/25/2014/MFIN9/SEHRMT/RU-IV) (1)

Date of Sitting – 12.04.2016

3.1.1 The case in brief in respect of the application filed by Shri Hari Shankar Meena, resident of Karali, Rajasthan was briefly explained to the Hon'ble Vice-Chairperson. The case in brief was that Shri Hari Shankar Meena – Roll No. 240503546 and Rank No. SLD/3957 was nominated for appointment to the post of inspect in the Central Excise in Central Excise Zone, Chennai in the PB-2 scale of Rs. 9300-34800 plus Grade Pay of Rs. 4600/- through the Combined Graduate Level Examination for 2012 conducted by Staff Selection Commission vide Board's letter dated 16.09.2013. He was issued offer of appointment vide letter dated 4.12.2013 of Chief Commissioner of Central Excise, Chennai. He was supposed to join by 31.12.2013 in the normal joining time.

3.1.2 Shri Hari Shankar Meena requested for extension of joining time on the grounds of family exigencies in two separate spells of 3 months each. He was given an extension to join duty till 03.06.2014 from the date of issue of offer of appointment and not from the date of initial expiry of joining time which was 31.12.2013, citing his mother's illness vide letter dated 21.03.2014, in accordance with O.M. dated 06.06.78 and 09.08.95 of Department of Personnel & Training. He has made all out efforts to join within this time and has booked air tickets twice. But he could not proceed to Coimbatore as his mother fell seriously ill and he had to cancel the tickets. Hence, he has again requested for extension of another 12 days time till 15.06.2014 to join the post by a fax sent on 01.06.2014 citing his mother's illness. This date is before expiry of the extended date of joining which was 03.06.2014.

3.1.3 Since the period of extension requested by Shri Hari Shankar Meena was beyond six months of extended period (which includes the normal one month joining time), the office of Chief Commissioner of Central Excise, Chennai Zone, Chennai forwarded the request to Staff Selection Commission, Chennai Regional Office,

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 of 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 level 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 सचिव ने अवगत कराया कि इंदिरा सागर (पोलावरम) अंतर्राज्यीय परियोजना आन्ध्रप्रदेश राज्य के पश्चिम गोदावरी जिले में गोदावरी नदी पर निर्माणधीन है। जिससे छत्तीसगढ़ राज्य के तहसील – कोण्टा, जिला – सुकमा के डूबान प्रभावित क्षेत्र का आकलन, आंध्रप्रदेश शासन 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 हैं -

- 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 (विशाखापट्टनम शहर 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 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 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 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 सशर्त स्वीकृति प्रदान की गई, जिसमें शबरी नदी के दोनों तट पर मिट्टी के सुरक्षात्मक तटबंध बनाकर छत्तीसगढ़ एवं ओडिसा राज्य में शून्य डूबान सुनिश्चित करने बाबत निर्देशित है। उक्त शर्त के परिपालन में आंध्रप्रदेश शासन द्वारा छत्तीसगढ़ राज्य की तहसील – कोण्टा में शून्य डूबान सुनिश्चित करने हेतु शबरी 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 शबरी 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 शबरी नदी में डालने का प्रावधान किया गया है।

3.9.27 आंध्रप्रदेश शासन द्वारा प्रस्तावित सुरक्षात्मक तटबंधों के निर्माण से केन्द्रीय जल आयोग द्वारा दर्शित छत्तीसगढ़ में शून्य डूबान की शर्त पूरी नहीं होगी क्योंकि तटबंध निर्माण के फलस्वरूप छत्तीसगढ़ राज्य की लगभग 1300 एकड़ भूमि सहित शबरी नदी के तट पर स्थित आबादी के प्रभावित होने की संभावना है। अतः पोलावरम परियोजना के निर्माण का विरोध करने हेतु छत्तीसगढ़ शासन की ओर से आंध्रप्रदेश शासन 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 आन्ध्रप्रदेश सरकार के बाबत निम्न प्रमुख आपत्तियां बताईं—

- (1) पोलावरम परियोजना की स्वीकृति में गादावरी जल विवाद अभिकरण द्वारा पारित अवार्ड की शर्तों 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 शबरी 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 शर्त भी पूरी नहीं होती क्योंकि तटबंध निर्माण हेतु छत्तीसगढ़ राज्य की लगभग 1300 एकड़ भूमि की आवश्यकता होगी तथा शबरी नदी के किनारे पर स्थित आबादी भी प्रभावित होगी।
- (3) शबरी नदी तट पर सुरक्षात्मक तटबंधों के निर्माण हेतु गोदावरी जल विवाद अभिकरण के अवार्ड में उल्लेखित शर्तों के अनुसार छत्तीसगढ़ राज्य से सहमति नहीं ली गई है। अतः इन सुरक्षात्मक तटबंधों का प्रस्ताव व्यावहारिक 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 नोटिफिकेशन 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 आंध्रप्रदेश शासन, 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.

3.10 PROCEEDINGS OF THE SITTING TAKEN BY DR. RAMESHWAR ORAON, HON'BLE CHAIRPERSON, NCST REGARDING REVIEW OF CONDITION SITUATION OF TRIBAL MIGRANT WORKERS ENGAGED IN CONSTRUCTION WORKS BY BORDER ROAD ORGANIZATION (BRO).

(F. No.22/3/2016-Coord) (10)

Date of Sitting – 31.05.2016

3.10.1 Meeting to review condition of Tribal Migrant workers engaged in construction works by Border Road Organization (BRO) was held with representatives of Border Road Organization.

3.10.2 At the outset Chairperson, NCST mentioned that Commission has been mandated under the Constitution to protect and safeguard the interest of STs enshrined under the Constitution of India.

3.10.3 Large number of migrants STs from States like, Chhattisgarh, Jharkhand, Bihar, Madhya Pradesh etc. are employed by BRO in their various projects, thus Commission was concerned to know the living conditions of migrants and welfare measures provided by BRO to such migrants.

3.10.4 DDG BRO, explained that they endeavor to maintain the well- being of these workers. BRO keep migrated laborers generally on site for period of about 1-2 months and they provide the following facilities;

I/39350/2020

IMMEDIATE

F.No F-12011/53/2020-Coord.
Government of India
Ministry of Jal Shakti
Department of Water Resources, RD & GR
(Coordination Section)

Room No. 5, B-Wing, Ground Floor
Shastri Bhawan, Dr. Rajendra Prasad Road
New Delhi, dated .09.2020

OFFICE MEMORANDUM

Subject: - Action taken or proposed to be taken in the compliance of the recommendation(s) of National Commission for Scheduled Tribes (NCST)'s twelfth Report for the year 2016-17.

The undersigned is directed to forward herewith a copy of DO letter No. 18012/01/2019-NCST dated 31.07.2020 received from Sh. A.K. Singh, Joint Secretary, Ministry of Tribal Affairs on the subject mentioned above and to request that the information/inputs may be sent in prescribed proforma (enclosed) via email coord-mowr@nic.in at the earliest for further necessary action in the matter. In case there is 'NIL' information, the same may also be sent on 'PRIORITY' basis.

(Rajan Bhasin)
Under Secretary to the Government of India
Tel: 011-2374033(O)

Enclosure: as above

To

All Organisations/Wings/Division Heads under this Department.

Copy to: DS(Admn)

I/39350/2020

PROFORMA-1

Report in compliance of recommendation(s) of National Commission for Scheduled Tribes's 12th Report, 2016-17.

Organisation/Wing/Division Name:

Sr.No.	Recommendations pertains to Organisatin/Wing/Division	Action taken or proposed to be taken	Reasons for not acceptance of recommendations (if any)
1			