



सत्यमेव जयते

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)

F. No. NCST-251/21/DEV-45/300/2021-ESDW

Dated 01.02.2022

To,

Smt. Anu Garg,
Additional Chief Secretary,
Department of Water Resources,
Government of Odisha,
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Bhubaneswar-751001, Odisha
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Sub: Report of the Fact-Finding Committee on Kanupur Irrigation Project, Keonjhar, Odisha in the matter of Shri Saheba Naik, Murusuan, Chamakpur, District Keonjhar, Odisha.

Sir/Madam,

I am directed to enclose herewith a copy of the report of the **Fact-Finding Committee (FFC)** visited on 27.06.2022 on Kanupur Irrigation Project, Keonjhar, Odisha in the relevant matter.

2. In this regard, Action Taken Report (ATR) on the recommendation of the FFC may be submitted to the Commission within 30 days from the date of receipt of this letter.

Yours faithfully,


(H.R. Meena)

Research Officer

Copy for information to: -

Shri Saheba Naik,
Murusuan, Chamakpur,
District Keonjhar,
Odisha

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जाही किया
ISSUED

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case no NCST-251/21/DEV-45/300/2021

FACT-FINDING COMMITTEE REPORT

ON

KANUPUR IRRIGATION PROJECT, KEONJHAR, ODISHA

Date – 27th June, 2022

The National Commission for Scheduled Tribes (NCST), a Constitutional Body, constituted a three-member committee to probe into the facts relating to displacement, rehabilitation and resettlement and the issues related directly, indirectly with the Tribals affected by the execution of a Dam Project on Baitarani river, namely Kanupur Project in Keonjhar district of Odisha.

A three-member Fact Finding Committee (FFC) was constituted vide NCST order in Case no NCST-251/21/DEV-45/300/2021. The Committee consisting of Dr. P. Sivaramakrishna, Director, Sakti, NGO, Telangana & Andhra Pradesh, Sri. V. Ashok Vardhan, Assistant Director, NCST, Bhubaneswar, Sri. Radhakanta Tripathy, Senior Legal Advisor, NCST visited the affected area, interacted with the displaced tribals and discussed the issues with the Project Authorities.

The FFC was accompanied by Mr Prasanna Kumar Pani, Chief Construction Engineer, Mr Udaynath Sahu, Superintendent Engineer, Mr Charan Naik, ORS, Zone Officer, all from the Kanupur Irrigation Project, Basudevpur, Keonjhar, Odisha.

The Fact-Finding Committee attempted with all seriousness to visit the area, assess the situation, and investigate matters connected with the laws, processes, policies, and procedures currently in place and how they were violated/avoided or were simply inadequate to prevent occurrences and

deviations in the implementation of Laws, Rules and Regulations, policies etc related to the Kanupur project.

Even if the District administration was informed and well aware of the visit of the Fact Finding Committee no police arrangement or precautionary measures were taken by the administration. During the performance of duties, the Committee faced heckling and harassment by some miscreants. Several persons were deliberately teasing and recording the events in their mobile phones. Upon enquiry it has been found that most of the people are outsiders who are not the victims of displacement.

With much difficulty, the Fact-Finding Committee was able to conduct hearings, listen to testimony, and review documents in an effort to analyze what went wrong, what is currently wrong, and how it can be solved. The Fact-Finding Committee also took up those issues remained unresolved with the Project Authorities to have additional information to be shared with the Commission.

SUMMARIZATION OF TESTIMONY AND FINDINGS

The Kanupur Project is an under construction multi-purpose irrigation project on the Baitarani river affecting Joda Block, Champua Block, Jhumpura Block and Sadar Block of Keonjhar district.

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

The Fact-Finding Committee asked several questions to the affected villagers and the victims of displacement to ensure some level of consistency in the questioning whether or not each witness was expected to answer any of these questions in the affirmative or have any direct knowledge of occurrences.

The Fact-Finding Committee hearings and the testimony proffered during the hearings generated hundred pages of testimony submitted by the villagers and the displaced people for review.

1. First of all, meeting with the villagers, displaced people, listening to the grievances and views of the affected local people regarding the entire issues and discussions held regarding their grievances, facts & evidences. Opinion and allegations of the affected mass and the responsible officials were taken up by the FFC.
2. How seriously State Administration and Project Authorities took this incident and actions were taken?
3. Was there any obstacle or hindrance faced by the displaced tribals or created by the Project Authorities and State Administration while going through the veracity of the facts and circumstances?

All the questions were directly or indirectly asked, enquired with humanitarian approach having legal backdrop. Thereafter, meeting was scheduled with the Project Authorities. The officers were quite nervous and stated the project lacks adequate staffs and infrastructure to address the issues/grievances put before them.

The matter has already been taken up by the Commission, notice has been issued and the tour report of Sri. Ananta Nayak, Hon'ble Member NCST, New Delhi during 04/11/2021 to 05/11/2021 of Kanupur Irrigation Project, has been sent to the State Authorities for follow-up action.

A hearing has already been conducted with the District Collector at the NCST Head quarters, New Delhi and after hearing the Commission has made several recommendations as well for follow-up action. Neither the district administration nor the Project Authorities took appropriate action over the recommendations made in the Minutes of hearing or the Tour Report.

However, upon enquiry from the Project Authorities it has been learnt that this report did not reach to the concerned authorities as a result the accompanying officers informed that they are unable to prepare any compliance of the recommendations of the NCST. The officers provided, Information Sheet

on R & R works, Original D.P List of village, Daduan, and R&R colonies for the displaced families of the villages.

On 30/05/2022, the Fact Finding Committee (FCC) visited villages namely 1. Chamakpur, 2. Murusuan, 3. Ravanshawpur(A), 4. Dhobakuchida, 5. Shankarpur 6. Angulia 7. Dhobakuchda rehabilitation colony, 8. Birikala, 9. Govindpur and 10. Daduan.

At the outset, the FCC enquired whether these villagers listed under 5th Schedule of the Constitution as scheduled villages and also the entitlements due to the displaced families under the recognition of Forest Right Acts. The officers have informed that they have no knowledge of this information. The information sheet on R&R works such as Identification of Displaced and affected families of Kanupur Irrigation Project (KIP) informs that the construction of the R&R colonies has been going on 01/03/2021, vide letter no.6366/WR and also 03/03/2021, vide letter no.9087/WR. And further on 16/09/2021, vide letter no.23664/WR issued. Following the Writ petitions filed in the High Court 08 number of families and also 31 numbers of families were also included according to the directions of National Human Rights Commission (NHRC).

Thus, while the rehabilitation is at different stages, the irrigation authorities started demolition in almost all the villages. In the information sheet of R & R works, it is found that the compensation was calculated for homestead lands, house building allowance, temporary shed, agricultural land, maintenance allowance and transportation.

The FCC found that the compensation for the trees in the home stead and agricultural lands was not taken into the account. Moreover, wage compensation for the land-less poor and artisans was not provided complying with the provisions of National policy for Rehabilitation and Resettlement (NPPR) 2006.

The FCC also noted that no ex-gratia was extended to the families under displacement in many cases. At places it has been noticed that villagers have

been issued Displaced Persons (DP) certificate but they have been staying in their native village.

In the original DP list of Daduan village, out of 101 families, 10 families have yet to receive the compensation amount. Rest of the families were paid fully compensation amount as they opted for cash compensation. It is very disappointing that 101 tribal families became landless and homeless. Those families have informed to the FCC that they were misled that the lands will be given far of places that too unfit for cultivation and house construction. So, the R&R authorities of ST/SC department must have arranged counseling services to properly guide the innocent tribals.

The abstract sheet of R&R works shows that out of the 4353 families, St displaced families are 2787 and number of ST affected families are 512, number of ST families opted for home state land are 396, number of ST displaced families allotted home state land are 366, the balance number of ST displaced families for home state land are 30. Number of ST displaced families opted for agricultural land are 45, number of ST displaced families have changed their option to cash grant in lieu of agricultural land 24. Balance number of ST displaced families (directly government in DOWR changed their option to cash grant) is 21. The statement shows out of 2785 ST families only 366 families got home state land so far. Number of St displaced families opted for agricultural land is 45. Approximately 80% of the displaced families have been misguided to accept the cash compensation and thereby became homeless and their livelihood also.

During the field visit the FCC has seen the demolished villages and the trauma and hardships due to inhuman onslaught by the project Authorities.

The situation is so horrible that in Murusuan village, the demolition took place while daughter in law of Sri. Saheb Naik is delivering a baby. Till the day of visit the family has been residing over there without care by the Administration. Saheb Naik, on whose petition the Commission has taken cognizance showed

certain documents to prove how the DP Identity cards are being issued, but the fact remains they have been deprived of proper rehabilitation and resettlement.

It is tough to witness the inaction and apathy of the district administration to perform their duties in these areas who are shelter-less and not yet rehabilitated.

In the village Ravanshawpur (A), a baby aged about one year are made to sleep under temporarily erected bamboo shed under the cover of plastic sheet. (Photo).



People are left with no time to pick up the salvage material to reuse in rehabilitation colonies.

The photos of demolished houses are attached (Photos).



In many villages, the Displaced Families complained that their children have become adults, they were not identified for home stead land.

In the village Dhobakuchida village, Smt. Kumudini Naik, D/o. Janmani Naik is not identified as displaced person.

In Shankarpur R & R Colony, it has been found that while irrigation department paid for house construction, the money for the construction of the toilets should be provided by sanitation department. In most of the houses, as the money is not paid the toilet constructions are incomplete. People have applied for electric construction since a long time, and it is also found that there are no street lights. Water tanks constructed for drinking water purposes, but people are complaining that the water over flows and scarcity of potable drinking water. In Birkala, Govindpur displacement colonies the houses of the colonies are inundated due to low lying area not appropriate/fit for construction.

In Birikala R & R colony, families have shifted from Govindpur. Smt. Debaki Naik, one of the victims has complained that the clay is not available to raise the platform for house construction. In the same village, Sri. Sudarshan Naik has shown the documents of rehabilitation policy of the Odisha Govt and complained that none of the provisions for rehabilitation are complied.

He also expressed his anguish for not ensuring their community rights to collect the Kendu leaves and Mahua etc in the forest. Another person Sri. Nandia Munda (Adhar card 339540539670) submitted the death certificate of his father and applied to recognize the sons as displaced person and accordingly issued DP certificate. But so far he did not get any reply. Sri. Tukuna Munda from Duduan village (Adhar No.622113342956) complains that their five joint families were recorded as one family; hence he requested to recognize them as individual families to avail the displacement benefits. Sri. Lakshmi Munda (Adhar no.900629206825) and Sri. Raybari Munda, Sri. Modi Munda and Sri. Dasa Munda have lamented that they were misled to accept to the compensation.

The livelihood aspect of the displaced tribals have never been considered. People get income by collecting the Kendu leaves and eat the delicious fruits. All the villages facing displacement are surrounded by forest. But unfortunately the displacement can never compensate such environment and livelihood.

We saw the bank pass books to found the transfer of amounts. But as the authorities did not open separate accounts, we cannot make out the time of transfers'. The land acquisition authorities did not update the land records i. e. Recording the possession of lands without title deeds, splitting the joint pattas in the name of legal heirs etc and place the same info before Grama-Sabha.

The people in the Rehabilitation Colony asked for drinking water supply under Vasudha scheme of state government.

The inputs in the socio economic survey ought to be compared with DP list. The survey report was not available with the accompanying officers. Various media reports were presented by the locals reflecting therein the plight of the displaced mass. It has been continuing for years. This fact cannot be over-looked or taken lightly. The Project Authorities, District Administration and State Officials must take corrective measures till the last victim gets justice.

Recommendations of the Fact Finding Committee:

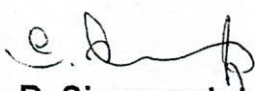
1. The ground level situation is pathetic without basic amenities and other necessities of life. Baring some of the villagers, most of the displaced families are yet to construct houses and shift there. For all practical purposes most of them are struggling for bare necessities of life including shelter. The Project Authorities and District Administration must ensure co-ordination among themselves and the affected Tribals with proper shelter for each and every one.
2. The Cut-off date must be fixed somewhere in the year 2021 not in 2018 as most of the villagers were practically staying in their own villages. It is only after the lifting Covid Protocol the Authorities have started demolition and rehabilitation. Fresh RPDAC meeting may be convened and cut-off date must be fixed with unanimity.
3. It has been noticed that the incidents of violation of human rights is rampant as people are living miserably in the demolished colonies under polythene or shifting to the plots allotted to them for construction of houses without proper accommodation. The Rehabilitation colonies are not yet completed even at fifty percent level. The Project Authorities and District Administration must co-ordinate among themselves and ensure proper rehabilitation and resettlement.
4. The District administration cannot wash its hands stating the rehabilitation is the sole responsibility of the water resource department and the Project Authorities.
5. The Authorities submitted that as per R & R Policy ,2006 of the State each displaced tribal family is entitled to get five acres of non-irrigated land or two and half acre irrigated land. There is also cash component (for unavailability of land) of One Lakh rupees for irrigated land and Fifty thousand rupees for non-irrigated land. The FFC express serious concern over the issue as It is impossible for the displaced people to buy land at

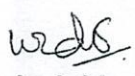
the amount offered by the administration. There shall be no livelihood support. The petitioner shall lead miserable life as he will be landless and with no livelihood support. The livelihood support to each and every one must be ensured. Wherever the petitioners opted for alternate land the Authorities must ensure that.

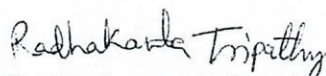
6. The Fact Finding Committee (FFC) is constrained to recommend that since the Project Authorities and the District Administration fail even after one and half decade to implement the Laws, Policies and fails to ensure basic amenities in the rehabilitation colonies and the Lands offered for construction of houses are also low lying and not fit for construction. The Land allotted to the displaced must be properly filled up and made fit for construction by the Project Authorities.

The State Officials and District Administration cannot escape from the responsibilities fixed on them on the welfare issues and other related matters like Bare necessities of life and Basic Amenities. The lapse of the Authorities in ensuring the basic human rights of the Tribals have been noticed throughout the visit of the Committee. It has been strongly felt that if the recommendations as mentioned in the Tour Report and in the Minutes of the meeting of the Commission are complied with most of the problems of the tribal's affected by the project shall be resolved. It is tough to witness the plight of the displaced mass despite the knowledge of the Officials about the legality and Constitutional implication. Even then the Project Officials and the district Administration has not extended help or assistance to address the issue.

Media Reports Annexed with the report.


(Dr. P. Sivaramakrishna)
Director, SHAKTI


(V. Ashok Vardhan)
Asst. Director,


(Radhakanta Tripathy)
Senior Legal Advisor

