



**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/DEV-439/DL/10/2022-ESDW

Dated: 06.07.2023

To,

**The Additional Chief Secretary,**  
Department of Revenue & Disaster Management,  
Government of Odisha,  
Odisha Secretariat, Bhubaneswar,  
Odisha-751001  
E-Mail: revsec.od@nic.in

**The Additional Chief Secretary,**  
Department of Forest, Environment and  
Climate Change,  
Government of Odisha,  
Kharavel Bhavan, Bhubaneswar,  
Odisha  
E-Mail: fsec.or@nic.in

**The Member Secretary,**  
State Pollution Control Board Odisha,  
Paribesh Bhawan, A/118,  
Nilakantha Nagar, Unit – VIII,  
Bhubaneswar, Odisha - 751012,  
Email: membersecretary@ospcboard.org

**The Collector & District Magistrate,**  
District Koraput,  
Collectorate Koraput-764020  
Odisha  
E-Mail: dm-koraput@nic.in

**Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 30.05.2023 at 04:30 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated 03.06.2022 of Shri Radhakanta Tripathy, Advocate, 27, Old Lawyers Chambers, Supreme Court of India, New Delhi-110001 regarding redress the issues/grievances of the affected tribal people in the HINDALCO Project, Odisha.**

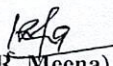
Sir/Madam,

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 30.05.2023 at 04:30 PM in the State Guest House, Bhubaneswar, Odisha 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 15 days from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,

  
(H.R. Meena)  
Research Officer

Copy for information to: -

**Shri Radhakanta Tripathy,**  
Advocate,  
27, Old Lawyers Chambers,  
Supreme Court of India,  
New Delhi-110001

✓ 1. NIC Cell for upload in NCST Website.

## National Commission for Scheduled Tribes

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No. NCST/DEV-439/DL/10/2022-ESDW

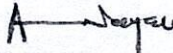
Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Radhakanta Tripathy regarding the environmental clearance, coupled with issues related to the rehabilitation and resettlement and adequate compensation for the displaced Scheduled Tribes of Koraput District of Odisha affected by the HINDALCO Project.

Date of the Sitting: 30.05.2023

Participants in the Sitting: As per Annexure

Shri Radhakanta Tripathy, in his representation dated 03.06.2022, submits the grievances of tribal people affected by the HINDALCO Project in Odisha's Koraput district. The public hearing for environmental clearance caused discontent among the displaced individuals, who felt their grievances were ignored. Tribal communities resisted mining activities in the bauxite-rich Maliparbat hill, leading to the expiration of the lease. Despite public opposition, a controversial public hearing was held by the district administration. Concerns were raised by tribal communities and environmentalists regarding the impact on livelihoods, water sources, and violations of fundamental rights. The issues related to the adequate compensation for land acquisition, rehabilitation and resettlement of the affected tribals are pointed out by the petitioner. He seeks an independent and impartial investigation, a comprehensive report, action on complaints/grievances of the general public and the proper implementation of social welfare schemes.

Considering the gravity of the issue, the Commission issued notice dated 18.01.2023 to the Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha, Additional Chief Secretary, Forest, Environment and Climate Change, Government of Odisha, Member Secretary, State Pollution Control Board, Government of Odisha, Collector & District Magistrate, Koraput district, Odisha to submit the Action Taken Report ("ATR") within 15 days.

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत, Government of India  
23, Old Secretariat Building  
New Delhi

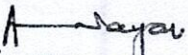
Pursuant thereto, the Collector and District Magistrate, Koraput, Odisha submitted that the public hearing for the Maliparbat Bauxite Mine, conducted by Hindalco Industries Limited in Odisha, was disrupted due to law and order situation. A group forcefully entered the venue, causing chaos and injuring personnel. A case was registered against 28 individuals, and 25 of them have been released. The hearing has been rescheduled, and details of the disrupted hearing have been concluded. The mining lease covers an area of 268.11 hectares with estimated reserves of 15.05 million tons. The project has no impact on forest land or indigenous populations and has minimal effects on nearby communities and land use. The Irrigation Department has granted permission for water usage, and efforts will be made to minimize reliance on natural water sources by implementing rainwater harvesting ponds within the mining lease area.

The State pollution control, Odisha board submitted reply stating that the State Pollution Control Board's role in the environmental clearance process is limited to conducting the public hearing and forwarding the proceedings to the relevant regulatory authorities. The legality of the public hearing for Mali Parvat Bauxite Mines is under consideration by the Orissa High Court. The Ministry of Tribal Affairs has issued rules for investigation and inquiry, stating that sub-judice matters need not be referred to the Commission.

Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha and Additional Chief Secretary, Forest, Environment and Climate Change, Government of Odisha did not submit report.

The Commission issued Summons dated 19.05.2023 to Shri Satyabrata Sahu, Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha, Dr. Mona Sharma, Additional Chief Secretary, Forest, Environment and Climate Change, Government of Odisha, Dr. K. Murugesan, Member Secretary, State Pollution Control Board, Government of Odisha, Shri Abdaal M. Akhtar, Collector & District Magistrate, Koraput Odisha to appear before the Commission at the State GuestHouse, Bhubaneshwar on 30.05.2023 at 04:30 PM for Sitting.

During the hearing on 30.05.2023, the petitioner submitted that despite public opposition, a controversial public hearing was held by the district administration. Concerns raised on the life and livelihoods, water sources, and violations of

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
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NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India  
नई दिल्ली/Delhi


fundamental rights were reportedly ignored. Displaced Scheduled Tribe communities have not been rehabilitated or compensated. Their livelihoods have been significantly impacted, leading to migration for daily work, and promises remained unfulfilled. In Odisha the wounds of displacement continue among large number of people affected by various projects.

The Petitioner stated that the inaction of the Authorities not only violates Constitutional and Statutory Provisions but also the Judgement of Hon'ble Supreme Court in Olga Tellis vs Bombay Municipal Corporation judgment in 1985. It is a violation of their right to livelihood. The petitioner emphasized on holistic permanent solution of the issue.

Dr. K. Murugesan, Member Secretary of the State Pollution Control Board, Government of Odisha, submitted that the Hon'ble High Court of Orissa has already addressed the matter. The court disposed of the writ petition per their order dated 30.01.2023. It observed that since the primary concern of the writ petition— the fairness of the public hearing— has been newly conducted, the issue no longer exists. The court deemed it unnecessary to keep the current petition pending, and any future events can be addressed by parties seeking lawful remedies.

The Additional Chief Secretary, Forest, Environment and Climate Change, Government of Odisha submitted that Hon'ble High Court, Orissa had taken up the said matter and conducted a public hearing in presence of the District Judge, Koraput and District Magistrate, Koraput on 7.1.2023. The Hon'ble High Court upheld the validity of hearing vide Order No.9 dated 30.1.2023 in WP(C) No.473/2022. In this context, it is submitted that the Hon'ble Commission may be moved for dismissal of the representation basing on the decision of Hon'ble High Court, Orissa.

The Commission carefully considered the contents of the representation and subsequent submissions of the petitioner. The issue raised by the petitioner does not merely confined to the validity of the public hearing. It encompasses larger issues of Land Acquisition, Rehabilitation and Resettlement, Right to Life and Livelihood of the locals.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

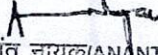
Ministry of Tribal Affairs, Government of India

New Delhi

Considering all the aspects, the Commission recommends: –

1. The Additional Chief Secretary, Forest, Environment and Climate Change, Government of Odisha has to submit all the documents and court cases filed along with the orders in this issue.
2. A Field Visit by a team constituted by the Commission to conduct to ascertain the ground realities, facts and circumstances in the interest of justice.

Action Taken Report to be submitted within 15 days.

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

(ANNEXURE)

F. No. NCST/DEV-439/DL/10/2022-ESDW

**LIST OF PARTICIPANTS:-**

| <b>National Commission for Scheduled Tribes</b>  |                          |                             |
|--|--------------------------|-----------------------------|
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | <b>Shri Ananta Nayak</b> | <b>Hon'ble Member</b>       |
| 2.   | Dr. Jayant Sarode        | Director                    |
| 3.   | Shri Avinash Mattur      | Legal Consultant            |
| <b>The Additional Chief Secretary,<br/>Department of Revenue &amp; Disaster Management,<br/>Government of Odisha,</b>      |                          |                             |
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | Shri Sashadhara Nayak    | Additional Secretary (R&DM) |
| <b>The Additional Chief Secretary,<br/>Department of Forest, Environment and Climate Change,<br/>Government of Odisha,</b> |                          |                             |
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | Shri Ananta Vijaya Nayak | Additional Secretary        |
| <b>The Member Secretary,<br/>State Pollution Control Board Odisha,<br/>Bhubaneswar, Odisha,</b>                            |                          |                             |
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | Dr. K. Murugesan         | Member Secretary, SPCB      |
| <b>The Collector &amp; District Magistrate,<br/>District Koraput,<br/>Odisha</b>   |                          |                             |
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | -                        | -                           |
| <b>Petitioner</b>  |                          |                             |
| <b>S. No.</b>  | <b>Name</b>              | <b>Designation</b>          |
| 1.   | Shri Radhakanta Tripathy | Petitioner                  |