



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-449/DL/11/2022-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 Chairman and Managing Director,
Hindustan Aeronautics Limited,
15/1, Cubbon Road
Post Box No. 5150,
Bangalore-560 001, Karnataka,
E-Mail: chairman@hal-india.co.in

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

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 05:00 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated 28.04.2022 of Shri Radhakanta Tripathy, Advocate & Rights Activist, 27, Old Lawyer Chambers, Supreme Court of India, New Delhi - 110001 regarding prolong injustice caused to the victims of displaced persons due to allotment of land of Hindustan Aeronautic Limited (HAL), a PSU of Government of India, I hear by draw your attention to redress the grievances of the affected people.


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 05:00 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

✓ 2. NIC Cell for upload in NCST Website.

National Commission for Scheduled Tribes

No. NCST/DEV-449/DL/11/2022-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 Displaced Scheduled tribes, their Rehabilitation and Resettlement due to land allotment to Hindustan Aeronautics Limited (HAL) in Koraput District of Odisha.

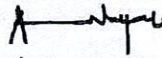
Date of the Sitting: 30.05.2023

Participants in the Sitting: As per Annexure

The petitioner submits that the Scheduled tribes, who have been displaced due to land allotment to Hindustan Aeronautics Limited (HAL), are deprived of rehabilitation resettlement and right to life and livelihood. The Authorities of the State and HAL fail to address the grievances of the affected people. The non-compliance of the terms and conditions of the Memorandum of Understanding (MOU) between HAL and the Odisha government further exacerbates the situation. The petitioner urges the Commission to conduct an independent and impartial investigation, assess the situation by visiting the affected area and interaction with the victims thereby ensure the basic human rights of the victims, including proper rehabilitation, livelihood, and access to essential services and basic amenities.

Considering the gravity of the issue, the Commission issued notice dated 13.06.2022 to Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha, Chairman and Managing Director, Hindustan Aeronautics Limited and Collector & District Magistrate, District –Koraput, Odisha State to submit the Action Taken Report ("ATR") within 15 days.

Pursuant to the Notice of the Commission, the Hindustan Aeronautics Limited (HAL) has submitted a reply stating that the representations and averments made in the petition are inaccurate. The Government of Odisha acquired the land and provided it to HAL for the Aero-Engine Factory, after considering all aspects of land acquisition, compensation, and rehabilitation. The HAL asserts that it had no involvement in these activities. The Hon'ble High Court of Orissa has disposed of the issue.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

The HAL Authorities further clarified that they do not possess any documents related to the matter, as the land acquisition and compensation processes were carried out by the Odisha government.

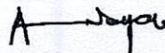
The Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha could not submit report till the date of hearing by the Commission.

The Commission carefully examined the petition as well as the replies submitted by the Authorities. Considering the seriousness of the issue, the Commission issued Summons dated 19.05.2023 to Shri Satyabrata Sahu, Additional Chief Secretary, Revenue & Disaster Management Department, Government of Odisha, Shri C.B. Ananthkrishnan, Chairman & Managing Director, Hindustan Aeronautics Limited and Shri Abdaal M. Akhtar Collector & District Magistrate, District – Koraput, Odisha to appear before the Commission at the State Guest House, Bhubaneswar on 30.05.2023 at 05:00 PM. Shri Abdaal M. Akhtar Collector & District Magistrate, District – Koraput sought exemption.

During the hearing on 30.05.2023, the petitioner submitted that he is concerned with the displaced Scheduled Tribe people and their rehabilitation and right to life. Their livelihoods have been significantly impacted, leading to distress migration, and unfulfilled promises.

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. In this case the court had emphatically objected to authorities treating pavement dwellers as mere trespassers. The petitioner emphasized on holistic permanent solution of the issue.

The Hindustan Aeronautics Limited (HAL) submitted that the Odisha Government handed over 3121.15 acres of land to HAL for the establishment of Aero-Engine Factory. The acquisition process, compensation, and rehabilitation of displaced persons were managed by the Government, then after the HAL started construction in 1964. The land was unencumbered and fully possessed by HAL.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

Subsequently some complaints were received. The complainants are not victims but encroachers, illegally occupying HAL land despite numerous requests to vacate. In 2008, the government intervened to settle the issue, agreeing to provide land for relocation of the encroachers, with HAL funding construction of houses with basic amenities. However, the encroachers, despite initially agreeing to the arrangement, are refusing to move, demanding permanent jobs at HAL. They filed two unsuccessful writ petitions in the Orissa High Court to continue occupying the encroached land. After the court's rulings, the encroachers remain unwilling to shift, despite HAL's steps for their relocation.

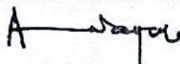
The High Court highlighted that it's unfeasible to provide jobs to descendants of those whose land was acquired in the 1960s. The decision to employ the encroachers at HAL lies with the Ministry of Defence, not the local administration. The ongoing issue is obstructing vital Defence projects, potentially compromising national security. Encroachers frequently trespass on HAL premises, creating a nuisance. In light of these concerns, the HAL Authority urged the Commission to expedite the disposal of the complaint, given the ongoing legal proceedings and the matter's relevance to national security and policy under the Ministry of Defence.

The Commission recognizes that many displaced tribal communities remain un-rehabilitated and lack resettlement and bare necessities of life, with their livelihoods disrupted, leading to migration and many unfulfilled promises. The Commission also is serious on the security issues raised by the HAL Authorities as it relates to the Defence of the Nation as a whole. Humanitarian approach in the present case is required.

Considering all the aspects, the Commission recommends: –

1. The HAL Authority 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

LIST OF PARTICIPANTS:-

National Commission for Scheduled Tribes		
S. No.	Name	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Dr. Jayant Sarode	Director
3.	Shri Avinash Mattur	Legal Consultant
The Additional Chief Secretary, Department of Revenue & Disaster Management, Government of Odisha,		
S. No.	Name	Designation
1.	Shri Sashadhara Nayak	Additional Secretary (R&DM)
The Chairman and Managing Director, Hindustan Aeronautics Limited, Bangalore,Karnataka,		
S. No.	Name	Designation
1.	Shri Saket Chaturvedi	CEO (MC)
2.	Shri Sudhanshu Mohan Jena	GM (Koraput)
3.	Shri Pradeep Kumar	GM (HR)
4.	Shri A.K. Patro	Manager (HR)
The Collector & District Magistrate, District Koraput, Odisha		
S. No.	Name	Designation
1.	-	-
Petitioner		
S. No.	Name	Designation
1.	Shri Radhakanta Tripathy	Petitioner