



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग
GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. Tour Reort(Member)AP & OD/1/2021-ESDW

6th Floor, Loknayak Bhawan,
Khan Market, New Delhi-03,

Dated: 13.09.2021

To,

- | | |
|---|--|
| <p>1. The Chief Secretary,
Government of Andhra Pradesh,
Building #1, 1st Floor,
Interim Government Complex,
A.P. Secretariat,
Velagapudi, Guntur,
(Andhra Pradesh)</p> | <p>2. The Chief Secretary,
Government of Odisha,
General Administration Department,
Odisha Secretariat,
Bhubaneswar-751001</p> |
| <p>3. The Secretary,
Ministry of Jal Shakti,
Department of Water Resources,
River Development and Ganga Rejuvenation,
Sharam Shakti Bhawan,
Rafi Marg, New Delhi- 110001</p> | <p>4. The Director,
Polavaram Project Authority,
H. No. 11-4-648, I- Floor, AC Guards
Krishna Godavari Bhawan,
Hyderabad- 500004</p> |

Sub: Tour report of Shri Ananta Nayak, Hon'ble Member, NCST report on field visit of affected areas of Polavaram Project of Andhra Pradesh and Odisha from 24.08.2021 to 28.08.2021.

Sir,

I am directed to enclose a copy of Tour report of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes to the affected areas of Polavaram Project of Andhra Pradesh and Odisha from 24.08.2021 to 28.08.2021 for ready reference.

It is requested that necessary action may be taken on the points raised in the Tour report and furnished the report to the Commission at the earliest.

Yours faithfully,

(R.K. DUBEY)
Deputy Director
PH. No. 011-24601346
Email. Id – assttdir@ncst.nic.in

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**REPORT
ON FIELD VISIT OF POLAVARAM
PROJECT
BY**

**Shri Ananta Nayak
Hon'ble Member
NATIONAL COMMISSION FOR SCHEDULED TRIBES**

NATIONAL COMMISSION FOR SCHEDULED TRIBES

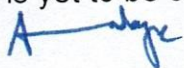
Report and recommendation under Article 338A(5) of the constitution on the action to be taken by the Government of Andhra Pradesh, Government of Odisha and Ministry of Jal Shakti, Govt. of India for the constitutional safeguards, implementation of applicable laws, policies and other measures for the safeguard, protection, welfare and socio-economic development of the scheduled tribes who are affected on account of Polavaram Project.

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the Country.

Introduction:

The team from National Commission for Scheduled Tribes (NCST), under the leadership of Shri Ananta Nayak, Hon'ble Member, along with the other team members Shri V. Ashok Vardhan, Assistant Director, Regional Office, Bhubaneswar and Shri Radhakanta Tripathy, Senior Legal Consultant of NCST, New Delhi had proceeded to the affected tribal areas to ascertain the ground realities and interact with the tribal people especially the PDFs under Polavaram Project in the West Godavari and East Godavari districts of Andhra Pradesh and Malkangiri district of Odisha. The field visits were made from 24/08/2021 to 28/08/2021 to various villages in co-ordination with the respective state government departments. The Polavaram Project is an under construction multi-purpose irrigation project on the Godavari river affecting the West and East Godavari districts of Andhra Pradesh and Malkangiri district of Odisha and places from the Chhatishgarh. It has been accorded National project status by the Union of India.

Polavaram Irrigation project is being executed on River Godavari near Ramayyapeta of Polavaram, West Godavari District, Andhra Pradesh. It is a Multipurpose Terminal Reservoir Project and also the life line of Andhra Pradesh. The project works gained pace during 2015 but the total work is yet to be completed.


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Ministry of Tribal Affairs, Government of India
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Benefits of the Project:

The Project will provide irrigation to 2.91 lakh ha. (7.2 lakh acres). And produce hydro power with installed capacity of 960 MW. The project will also divert 80 TMC of Godavari water to Krishna River above Prakasam Barrage. In addition, it will supply 23.44 TMC of water for Vishakapatnam city and at the same time provide drinking water facility to 540 villages (28.5 lakh population) en-route the canals.

Benefits to other Basin states:

Odisha and Chattisgarh can use in their territories 5 TMC ft and 1.5TMCft respectively by lifting from pondage of Polavaram Irrigation Project without bearing any cost of storage. The Odisha and Chattishgarh 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 Krishan River will be saved. 80 TMC of water thus saved in river Krishna will be shared in proportion of 45 TMC for Andhra Pradesh, 35 TMC (21 TMC+14 TMC) for Karnataka and Maharashtra).

Hydro-Electric Power House:

The Hydro-electric Power House with installed capacity of 960 MW is proposed on the left flank. After production of power the water will be let out into the river on the downstream side of the dam through a tail race channel.

Declaration as National Project:

The Government of India, recognizing the importance of the project, declared this project to be a National Project (Section-90 of A.P. Reorganization Act, 2014) and also declared that it is expedient in the public interest that the Union Government should take under its control the regulation and development of the Polavaram Irrigation Project for the purpose of irrigation. It also specified that the Central Government shall execute the project and obtain all requisite clearances including environmental, forest, and rehabilitation and resettlement issues duly addressed.


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The Ministry of Water Resources Government of India 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.


Brief Note on the status of Polavaram Project in West Godavari and East Godavari Districts of Andhra Pradesh:

The district administration has submitted in its report that the total Project Displacement Families(PDFs) are about 1,06,006 in West Godavari are 34,697 and 71309 in East Godavari . The affected Schedule Tribe families from both the districts are 56,504 (53%).

In West Godavari 03 Mandals and in East Godavari and 05 Mandals are affected by the Polavaram Project. The total displaced population affected from the above PDFs are 2,77, 632 in which tribal families consist of 59 % and non-tribal families consist of 41%. The distance between each settlement is minimum 10 km and the maximum is about 60km.

The location of PDF R&R colonies meant for the Scheduled Tribe people were decided based on availability of land to land and on their consent. The colonies are planned with temples, churches, Schools with Play Ground, Libraries, Anganwadi Centers, Community Halls, Gram Panchayat Buildings, Primary Health Centers, Veterinary Hospitals, Burial Ground, CC Roads, Drainage System, and Drinking Water Facilities etc. The R&R package is sanctioned for the amount of Rs.6, 86,000/- and Rs.7, 50,000/- respectively as per the eligibility. It is also submitted by the authorities that out of 213 R&R colonies only 26 are completed, and the remaining 187 are under construction.

On the other hand as per the records handed over by the authorities a total of 373 habitations are affected, but so far 25 of habitations are completely shifted. In terms of acquisition of land, the total required land is about 167339.13 (Ac), but so far land acquired is about 112555.99 (Ac) and the balance land to be acquired is 54226.51 (Ac).


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FIELD VISIT


Places visited in West Godavari District:

In West Godavari district 03 Mandals (Tahsils) are affected due to Polavaram Project. i.e., Thutugunta, Kondrukota and Koruturu. The NCST team has visited to the following places such as Yerravaram of Jeelugumilli Mandal and P.Narayanpuram of Polavaram Mandal. In both the villages the total PDFs are about 120 and 140 respectively.

The first visited village is Yerravaram, which was shifted from the submerging area of Polavaram project where the village was also called with the same name. The distance between the old and new habitation is about 60km. The habitation is of both *Koya* and *Konda Reddy* tribal communities. The tribal people have interacted with the commission and they have expressed that they are having number of unresolved issues like drinking water problem, roads, hospitals, no school building for children, no widow and old age pension, non-issuance of Patta Pass books for the land provided to the PDFs. The community land is provided for agriculture, however, the villagers want individual land sizes with patta pass books.

The NCST team has inspected a few of constructed houses where it is found that the rooms are not provided with proper ventilation and the construction of sanitary rooms also not completed. The Hon'ble Member had interacted with the displaced tribal people to ascertain their problems.




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Public Meeting at P. Naryanapuram, West Godavari District, Andhra Pradesh

The second village visited by the NCST team in West Godavari District is **P. Narayanapuram**, which was known earlier as Chinduri village before the displacement. The distance between the two habitations is around 60kms. The tribal people residing in this village belong to *Koya Community*. In this village a public hearing was conducted along with the Panchayat Sarpanch and local government officials.



**Status of R&R Colony at Yerravaram, West Godavari District
Andhra Pradesh on the day of visit.**

The Commission attended the public meeting and minutely interacted with the affected tribal people were encouraged to communicate their pain and sufferings and the issues prevailing in the visited village and it was communicated that the P.Narayanapuram village has some disputed land issues. The cultivatable land issued to the displaced families is already on some other's name earlier. In this regard, the displaced families have been taking their grievances to the higher authorities which are yet to be settled. Later the NCST team has inspected the constructed houses and interacted with the displaced families.

Places visited in East Godavari District:

In East Godavari district 05 Mandals (Tashils) are affected due to Polavaram Project i.e., VR Puram, Kunavaram, Chintoor, Yetapaka and Devipatnam. During the visit the Commission has visited to Pedabheempalli -2, Pedabheempalli-3, Moolametta of


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Devipatnam Mandal, Mulakapalli of V.R Puram Mandal, and Peddarkur of Kumuvaram Mandal.

The Mulkapalli Village has 225 PDF families out of which 142 belong to Scheduled Tribe community of Koya and Konda Reddy Communities. From this village, the eligible PDFs will be shifted to Kannayigudem and Thaduvai villages which are approximately 50-60 kms away from the original habitation. The Commission has interacted with the affected families who addressed their grievances to the commission on the issues like fixing of cut off dates for eligibility for R&R package, pending of RoR patta, implementation of Forest Rights Act, the compensation for the trees lost during the process of displacement,

Assessment of submergence etc is discussed with the public. The local tribals further have submitted that the Mulkapalli village is situated on the way to Papikondalu which is a prominent tourist spot and a good source for fishing in Godavari district, have requested for fishing rights in the Polavaram project Area. During the meeting, the PDFs from nearby villages i.e, Seetaram. P.Gonduru, Ganugulagondi and Agraharam have requested the Commission to act on their petitions.

Pedddarkur village of Kunavaram Mandal originally belongs to Telangana State before Andhra Pradesh State bifurcation. As this Mandal comes under submerged area under Polavaram project, the same has been merged into newly formed Andhra Pradesh. The village comes under +45.75 contour area. There are 332 eligible PDFs are identified in which STs are 259 in number.

A public meeting was arranged by the local administration with all the affected families. It has come to the notice of the Commission that Socio-Economic survey is not fully completed. The villagers have informed to the commission that the district administration is planning to shift their villages to West Godavari District, but they have expressed that they want to be in East Godavari District and requested to shift them to the nearby agency area i.e Rampachodavaram which is the head quarter for ITDA.

The villages namely Pedabhumunipalli-2 and 2A are R & R Colonies having origin from Penikelapadu and Madipalli villages. The Pedabhimunipalli-3 settlement has been constructed to rehabilitate the villagers from Kondamodal, Mettagudem, Thatiwada, Talluru, and Taliperu villages.


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These three (Pedabhimunipalli-2, 2A,3) settlements have a distance of 40-50 km from the old settlement areas. During the visit to Pedabhimunipalli-2 village which has 170 Scheduled Tribe PDFs of Koya and Konda Reddy communities.

The NCST team has inspected the newly R&R colonies physically and interacted with the tribal people. It is observed during the inspection that only a few of the houses have got fully constructed and the remaining are under construction. In this colony, the tribal women have demanded for the pit wall on top of the stairs and compound wall around their sanctioned land for domestic usage and protection.


The tribal people also requested the NCST team to get permission for taking the clay soil pieces from the nearby forest land to prevent flood impact during rainy season.

After visiting the Pedabhimunipalli-2 R&R colony, the Commission directed the local district administration to respond the grievances addressed to him. The other issue found here is lack of basic amenities.



Visit to R&R Colony at Pedabhimunipalli-2, East Godavari District, Andhra Pradesh.

At Pedabhimunipalli-3, a public meeting was held with the local PDFs from tribal communities. There are about 275 Scheduled Tribe PDFs belong to Koya and Konda Reddy community are shifted in different phases. The Commission has received number


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of petitions and heard the grievances on employment, skill development opportunities, incomplete socio-economic survey and complaints against the local government officials for not including the eligible families in the list of PDFs. The Commission assured the affected tribal families that their grievances shall be taken up with the higher authorities to bring them justice.

Moolametta village of Devipatnam Mandal is the other R&R village with 67 PDFs in which 01 is Non-ST category. During the visit it was found that all the constructed houses are without basic facilities. While visiting a few number of constructed houses the Commission witnessed the doors are not fixed in few houses, no proper plastering on walls and in some cases walls are seen with cracks. While interacting with the PDFs, it was told that the Andhra Pradesh Govt. has sanctioned an amount of Rs.2, 20,000 (Rupees Two Lakh Twenty Thousand Only) which was insufficient and they have requested to the higher authorities to release money. But the same goes in vein. In this regard, the Commission enquired the ground realities from the PO, ITDA, Rampachodavaram and instructed him to take immediate relief measures. The Commission has interacted with the members of PDFs and assured for their welfare.



Meeting with PDFs at Mulakana Palli village under VR Puram Mandal, Chintoor


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Villages Visited in Malkangiri District of Odisha:

The Commission also visited Motu Tehsil area of Malkangiri district of Odisha and interacted with the villagers from Pusuguda, Malkapalli, Lachipeta and Malavaram villages those are likely to be affected by the Polavaram Project. A meeting with the villagers was conducted at Motu.


The meeting was attended by the District Collector, District Welfare Officer of the district, local MLA, Block Chairman of Kalimela, Zilla Parishad Member and other elected representatives,

Leader of "People Against Polavam Project Movement". The major points of discussion, grievances and complaints submitted by the villagers were that the socio-economic survey is not conducted so far in the affected areas.

The Gram Sabha and Palli Sabha are not being held as per due prescription of Law. Most of the villagers apprehend disastrous life once the displacement process begins. They demand for ITDA office at Block level, proper compensation, complete rehabilitation and resettlement with Recognition of Forest Rights. The villagers also pointed out that the Government of Andhra Pradesh has started payment of compensation and Rehabilitation and Resettlement Process whereas the Government of Odisha is yet to conduct survey of the affected area.

While visiting the Nilakota village where most of the people explained their grievances in 'Koya' language subsequently translated into Odia by local volunteers. The Commission found that this village consisting of one hundred families with population of four hundred nine persons is under consistent apprehension of plight of displacement. Their main contention is that they have been residing in the village for generations but once they get displaced their flora and fauna, cultural and traditional bonding shall be get affected.

Here the most important aspect of the project so far as displacement is concerned was discussed stating the other side of nearby river (About Three hundred meters away from the village) which falls under the jurisdiction of Andhra Pradesh is not included in the submergence category therefore need not be displaced, whereas this village is included in the submergence category and hence require displacement. At this juncture the officials


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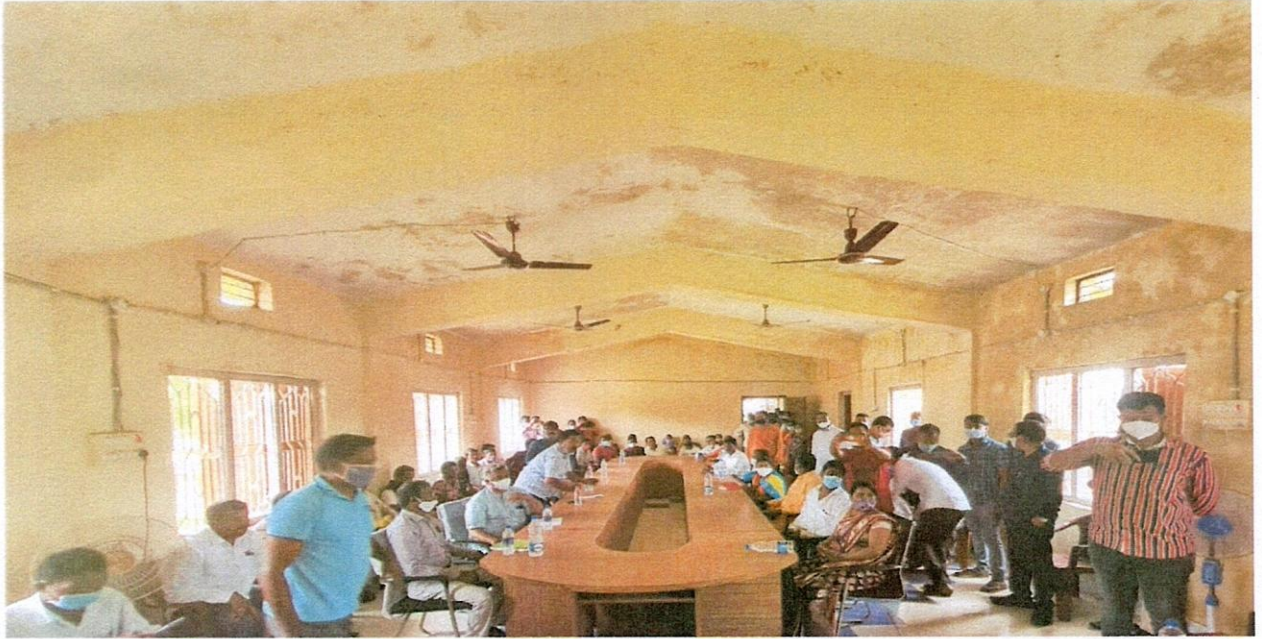
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present in the meeting also affirmed the contention of the villagers. The Commission expressed its apprehension with regard to the technical aspects and detailed project report in this regard, which the Authorities could not supply.



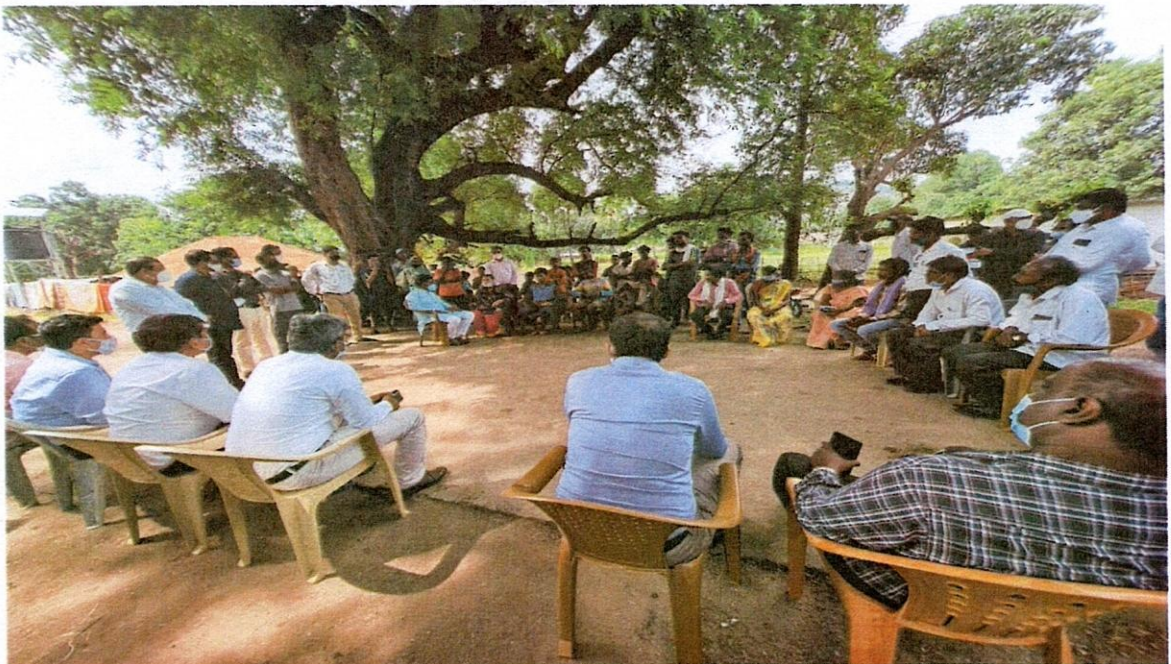
Field visit to Motu Area, Malkangiri district, Odisha to assess the impact





Meeting with District Administration, Elected Representative and Villagers at Motu

The villagers and the elected representatives raised their cause of concern and apprehension over the Polavaram project and its consequences.



Interaction with the Nilakota villagers, Malkangiri

The villagers stated vehemently not to be displaced since the other side of the river which falls under the jurisdiction of Andhra Pradesh is not going to be merged and the people are not going to be displaced. The villagers have been residing in the village for generations and speak koya language. Most of them are very poor. All of them are reluctant to be displaced. They requested to consider their submission and grievances.

Observations:

The Commission after going through the records, holding public meetings, visiting the tribal habitations, the colonies meant for the displaced families, witnessing the plight of the tribal people on the spot express serious concern over the inaction and negligence attitude of the State Authorities. The major observations are as follows.

1. During the visit, the Commission has observed that the new habitations lack basic amenities like drainage system, roads, drinking water, sanitation and electricity. The villages such as Yerravaram village is found without potable drinking water facilities and drainage system. The villages such as Yerravaram, Pedabhimunipalli-2 &3, P.Narayanpuram found without proper roads and electricity.
2. The Commission has received number of complaints from the tribal habitants that the houses constructed are being leaked at ceiling and walls of the constructed houses are with cracks. In this regard the Commission has physically verified the veracity of the allegations of the complainants and it is found to be true. It is also found that the Kitchen rooms lack proper window for ventilation and the some of the houses are found without doors in Moolpeta Village. Further the allottees have requested to construct the boundary wall around their houses and to raise the pit wall with stairs. The Commission has come to know that all the PDFs have got 379.25 square feet of land for housing.
3. The land to land issue remains a major cause of concern raised by the PDFs, they have alleged that most of them are deprived of their right. On the other hand, those who have received the land have complained to the commission that the land provided to them is a far away from their habitations, and some others have pointed out that the land provided them is a revenue land which is not fit for cultivation and requested for the same to be converted into agriculture land.
4. At present the Compensation amount is being paid to each PDFs is Rs. 6,86,000 and Rs.7,50,000 respectively as per the eligibility. When the Commission interacted with the public at various places, the Commission has received large scale demand that in addition to the Compensation under the applicable Act additional amount of Rs.10, 00,000 (Rs.Ten Lakh Only) as promised by Govt. of Andhra Pradesh has not yet been disbursed.

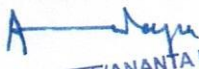
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5. During the visit the Commission has observed that no village is conceptualized with tribal tradition and cultures. The PDFs from various habitations have requested commission to create the ambiance of tribal culture such as village deities and cordial atmosphere.
6. The Commission also received complaints from Yerravaram village for creation of burial ground and other basic amenities.
7. Recognition of Forest Rights found to be inexistence in respective visited habitations. The habitants have been demanding for Forest Rights and Community rights for a long time, but the voices are not heard by the concerned authorities.
8. The Andhra Pradesh Government has provided Community land for agriculture purposes at new habitations, but the habitants want the individual land rights for them with issuing Patta Pass books. In Yerravaram and P. Narayanapuram villages the above said issue is brought to the notice of the Commission.
9. Most of the petitioners have claimed to change the cut-off date of attaining the 18 years of age to claim the benefits under the R&R policy. They have requested the Commission to re-conduct the survey as the displacements have not taken at one time. They have demanded for those who have attained the age of 18 years by the time of actual displacement.
10. In all the visited villages the elder communities have demanded for immediate establishment of Anganwadis and schools for the welfare and education to the children.
11. Further it is observed by the commission that the facilities such as Community health centers and Veterinary hospitals found inexistence in the visited village.
12. During the visit the Commission is also observed that in some of the villages like Pedabhimumpalli-2 the eligible PDFs have opted for self-construction.
13. The Commission has also found while interacting with the public that there is more demand for skill development and creation of employment opportunities. A number of educated youth who are Diploma holders, Nursing students, Graduates and Post-graduates approached the commission during the visit and requested for creating employment sources with local preference.
14. The Project affected families have informed to the commission that no officer is visiting to address their grievances before or after shifting which resulted in hassling

situation. In this regard they have demanded for a timely grievance cell for addressing their issues.

15. In the visited Nilakota village, Malavaram Gram Panchayat under Motu Thashil, the Commission also understood that, Survey is not conducted so far regarding the displacement and their demanding for immediate measures to be taken by the local administration.
16. The most important aspect discussed by the villagers and admitted by the Government officials here is that the other side of the river which falls under the administration of the state of Andhra Pradesh is not going to be submerged in the project, but Nilakota village is under submergence category. It is also observed by the Commission that no rehabilitation process such as survey and other ancillary incidental works related thereto not yet initiated by the Govt. of Odisha.
17. The R & R Colonies are not in consonance with the R & R Policy and Tribal welfare measures, i.e. exactly in the same shape of the original tribal habitations. The Government has not ensured Community Forest Rights in Project Affected Areas before finalization of compensation to the tribals. The same has been mentioned in MOTA guidelines, no eviction should take place till the process of recognition and vesting of Forest rights under the Forest Rights Act.
18. Pertinent to mention here that besides other provisions, Section 4(5) of the Forest Rights Act is very specific and provides that no member of a forest dwelling Scheduled Tribe or other traditional forest dwellers shall be evicted or removed from the forest land under his occupation till the recognition and verification procedure is complete. This clause is of an absolute nature and excludes all possibilities of eviction of forest dwelling Scheduled Tribes or other traditional forest dwellers without settlement of their forest rights.
19. The Government is enthusiastically executing the construction of dam project lacking the spirit of proper rehabilitation of the displaced families. All the amenities (for individuals and the new settlements where the displaced tribals are asked to move) mentioned in the Act 30 of 2013 and its schedules are lacking as on the date of visit.


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Meeting with the Andhra Pradesh State Government Officials:

After visiting the habitations of the PDFs and interaction with the displaced villagers, the Commission held a meeting with the R&R Commissioner, ITDA, Project officers, Tribal Department officials and other revenue officials to discuss the problems faced by the villagers and other habitants vis-à-vis the rights of displaced tribal mass.



Meeting with AP State Government Officials

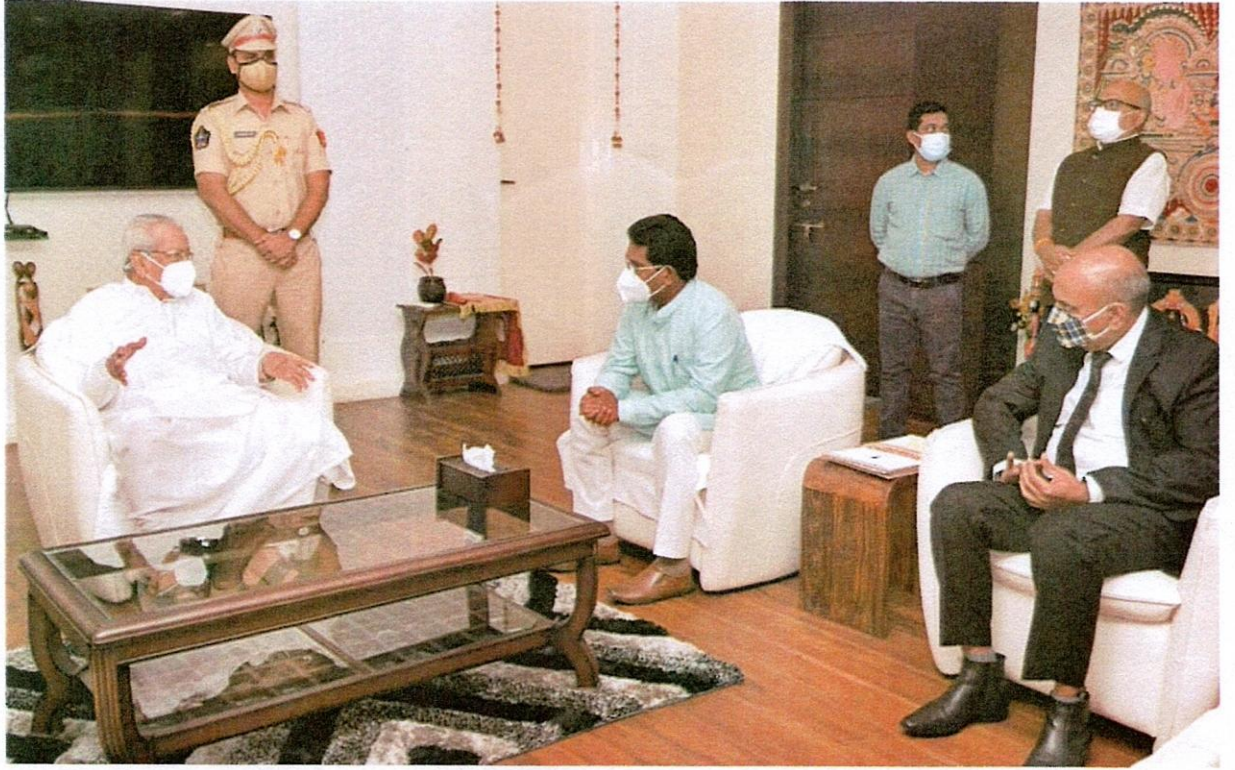
During the meeting with the R&R Commissioner and other concerned officials, a sitting was held regarding two petitions received by the Regional Office Bhubaneswar i.e, AP/03/03/2021-Gen and AP/02/05/2021-Gen received from west Godavari and East Godavari Districts related to R&R package & compensation. The R&R Commissioner has found them genuine and agreed to compensate as per the Polavaram Project Act-2013.


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Meeting with the Hon'ble Governor:

Shri Ananta Nayak , the Hon'ble Member , NCST had met His Excellency, the Governor of Andhra Pradesh to apprise him of the hardships of displaced PDFs and bureaucratic juggernauts to address the genuine grievances of the affected people. The issues related to R&R, Forest Rights and Tribal Rights were the center stage of the discussion. The Hon'ble Governor has assured all sort of cooperation to address the issues.



Meeting with Hon'ble Governor of Andhra Pradesh

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भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

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RECOMMENDATIONS:

After making painstaking exercise, the Commission observed serious violation of tribal rights and express anguish over the delaying attitude of the Government Authorities. The Commission also takes note of the failure on the part of State Authorities in rehabilitation and resettlement of the displaced tribal families. The inaction and negligence of the State Authorities is not only painful but also violates the constitutional provisions meant for the safeguard and welfare measures for the tribal people. The Commission hereby recommends the followings for timely action.

For the Government of Andhra Pradesh– The compliance report to be sent to the Commission by the Chief Secretary of Andhra Pradesh within four weeks.

1. The Commission recommends to speed up the rehabilitation process to ensure that the all the PDFs shall get their legitimate dues. The State must ensure the compensation and R&R Packages under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and its Schedules to each and every PDFs and also in each of the new R&R settlement colonies.
2. . The Commission is constrained to recommend the quality of Construction of dwelling houses meant for the PDFs must be ensured with ventilation, doors and windows. The cracks on the walls and leakage of water from the roof ceiling must be immediately repaired with yearly maintenance. This must be supervised and monitored by the Rehabilitation commissioner of the project. His office shall receive complaints and take steps to see that the issues are addressed within ten days,
3. Since the basic amenities are absent in the new habitations it is recommended that the electricity, supply of potable drinking water, drainage system , road and communication must be ensured to the residents of the colonies/habitations with immediate effect in compliance of the schedules to Act 30 of 2013,.
- 4 So far as the habitations lack system/space/facilities/ambience to facilitate the tribal culture and tradition, the Commission recommends the State must ensure by all possible means to preserve and promote the tribal life style with sanctity of their culture and tradition. The State must encourage the Traditional Knowledge System of the tribal people and make sure the same remains intact since the R & R

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- Colonies are not in consonance with the Policy, i.e. exactly in the same shape of the original tribal habitations.
- 5 It is also important to take note of the fact that the habitations lack Anganwadi centers and Schools. Therefore the Commission recommends that the same must be functional in compliance with the COVID-19 guidelines before the communities are moved out.
 - 6 The Land to Land dispute is a persistent problem among the PDFs. The Commission takes serious note of the same and recommends that the Land must be ensured to the Tribal PDFs which must be cultivable and near to their habitations before the communities are moved out.
 - 7 The Commission recommends health care, maternity care and child care centers in each and every habitation.
 - 8 The Commission recommends the State must ensure to set up skill development programmers for the youth and to generate more employment opportunities for the educated mass.
 - 9 Since there are cases where the eligible PDFs have been deprived of justice the Commission recommends for re-survey of the PDFs as claims of many eligible families have been rejected without due verification by the Authorities.
 - 10 Since the Tribal communities have complained of non-settlement of individual and community rights under ROFR Act. Under FRA, the Commission recommends that their claims must be settled first. Appropriate inquiry, meetings of Gram Sabha, Survey etc must be taken up forthwith. If this is done the claims can be settled in course of time even if the tribal's move out to new colonies. If this is not done, after one year there will be no tribal available on ground in the original habitation and the forest will be submerged. Before this submergence the survey meetings, inspection of community resources documentation shall be completed.
 - 11 The Commission recommends that the Authorities to conduct CENSUS and SURVEY as in each village forthwith to finalise the list in Gram Sabhas. This will be the basis for distribution of left out benefits even if the villages are submerged and tribal's move to new settlements. The same should be used for villages which may get benefit under old Land Acquisition Act, 1894 and GO 68 which deals with rehabilitation. If this survey under section 16-19 is not done now, the tribals will lose


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the benefits forever as they will be scattered, resulting the beneficiaries will lose their identity forever.

- 12 The Commission recommends the State to implement in letter and spirit the relevant Legislation i.e. Act 30 of 2013 gives detailed procedure to be followed for R&R . Section 16, of the Act says that there shall be SURVEY and CENSUS of the affected families. Publication of Scheme. Review is to be done under Section 17. Section 18 and 19 speak about the Gram Sabha being consulted etc. Since these aspects are not taken care by the State Authorities, the Commission recommends completing the formalities on top priority.
- 13 The Commission hereby recommends that the Government must ensure Community Forest Rights in Project Affected Areas before finalization of compensation to the tribals as per the FRA and MOTA guidelines. It must also ensure, no eviction should take place till the process of recognition and vesting of Forest rights under the Forest Rights Act and in consonance with the MOTA Guidelines.
- 14 The ST PDFs have not been properly represented at SDLC and DLC therefore the Commission recommends for the inclusion of ST PDFs in the District Level Committees.
- 15 There is an urgent need to trace and compensate and properly rehabilitate the landless PDFs and their list must be separately maintained for ensuring them complete justice to them.
- 16 It is hereby recommended that the State of Andhra Pradesh to ensure additional Compensation amount of Rs.10, 00,000 (Rs. Ten Lakh Only)as promised by Govt. of Andhra Pradesh over and above the amount paid to them under the applicable Acts. Since the R & R process is moving at a snail's pace the same needs to be taken up on top priority. The PDFs from ST Community should be ensured with timely rehabilitation before their original villages are submerged.
- 17 Since the Commission feels that grievance management system of the State is poor, it is recommended that the Officials must visit the areas to address the grievances on a regular basis, in a timely manner(preferably on Wednesday or Thursday every week) with prior notice to the villages.).
- 18 The Commission recommends the State to ensure holistic and sustainable development of the tribal people affected by the Polavaram Project.

Recommendations for the Government of Odisha– The compliance report to be sent to the Commission by the Chief Secretary of Odisha within four weeks.

- 1 The Commission recommends that the State Government of Odisha to make an in-depth analysis of the Polavaram Project and its impact on the Tribal Population of the State. During the visit, it has been observed that the tribal people are going to be seriously affected by the project that is mostly from Malkangiri district. The district administration has no clarity over the total scenario of the Project in the absence of the detailed project report of Polavaram from the Central Water Commission.
- 2 The State of Odisha must ensure proper Survey of the Project affected area with Socio-economic impact of the displaced and/or to be displaced tribal residents/inhabitants. The State must take utmost care and caution while implementing R & R policies. It must see the people are not unreasonably displaced like the case of Nilakota village, where people from Odisha are going to be displaced whereas the people from the other side of the river are not going to be displaced. This fact creates reasonable doubt that needs to be clarified by the State in consultation with the Central Water Commission and Polavaram Project Authorities.
- 3 The Commission recommends that the State Government to ensure holistic and sustainable development of the tribal people affected by the Polavaram Project.

Recommendations for the Secretary, Ministry of Jal Shakti, Department of Water Resources, Government of India– The compliance report to be sent to the Commission within four weeks.

The Commission recommends to the Secretary, Ministry of Jal Shakti, Department of Water Resources, Government of India as follows:

1. To send a Detailed Project Report (DPR) of Polavaram Project.
2. To evaluate and ensure the rehabilitation and resettlement of the displaced tribal people in all the affected areas in all the states of Polavaram project in a time bound manner preferably on a monthly basis.


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