



Government of India
National Commission for Scheduled Tribes

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

File No. PO/2/2018/STGOR/DELAAL/RU-III

Date: 29.08.2018

To,

- 1 The Chairman & Managing Director,
Mahanadi Coalfields Ltd,
P.O. Jagruti Vihar, Burla,
District - Sambalpur,
Odisha - 768020
- 2 The Chief Executive Officer,
Vadanta Company Limited
Bhurkahamunda, PO-Sripura,
District - Jharsuguda,
Odisha -768202
- 3 The Collector,
District – Jharsuguda,
(Odisha)
- 4 The Superintendent of Police,
District – Jharsuguda,
(Odisha)

Sub: Tour Report of Hon'ble Member of National Commission for Scheduled Tribes (NCST) from 02.05.2018 to 03.05.2018 to the State of Odisha.

I am directed to enclose herewith Tour Report of the National Commission for Scheduled Tribes (NCST) from 02.05.2018 to 03.05.2018 to the State of Odisha on the above cited subject.

It is, requested that action taken report in the matter may please be sent to the Commission within months' time.

Encl: As above.

Yours faithfully,

(R.K. Dubey)

Assistant Director


Copy for information and necessary action to:


1. PS to Hon'ble Chairperson, NCST
2. ✓ SAS, NIC, NCST upload on the web site.

National Commission for Scheduled Tribes

Tour Report of the Hon'ble Members of National Commission for Scheduled Tribes to the state of Odisha from 02-05-2018 to 03-05-2018

1.	Name of the Visiting Dignitary	1. Shri. Harshadbhai Chunilal Vasava, Hon'ble Member, NCST 2. Smt. Maya Chintamn Ivante, Hon'ble Member, NCST
2.	Date of Visit	02-05-2018 to 03-05-2018
3.	Places Visited	Katikela, Kurebega, Brajrajnagar, Ubuda, Bandhabahal of Jharsuguda District of Odisha.
4.	Key Persons/ Officials / Organisations met	1. Shri. Bhibhuti Bhushan Patnaik, District Collector, Jharsuguda 2. Superintendent of Police, Jharsuguda, Odisha 3. Shri. Abhijit Pati, CEO of Vedanta Company, Jharsuguda 4. Shri. L.N. Misra, CMD, MCL Sambalpur 5. Smt. Radharani Pandu, MLA of Brajrajnagar
5.	Key High lights of the Visits	1. On the first day on 02.05.2018, Hon'ble members visited and inspected the area of ASH –PONDS, (Total 3 ash-ponds were created by the Vedanta Company , for the purpose of Aluminium and Power Supply) located in the Katikela and surrounding villages of Jharsuguda district. The ASH-POND -2 was broken on August 28, 2017 at 9.00 p.m which resulted in inundation of liquid ash around 100 acres of paddy field. Around 42.24 lakh metric tons of ash flowed into the village fields and surrounding areas. The first day of the tour ended with the meeting of local administration and the Vedanta Company officials over the ASH-POND effect on peripheral villages. Interaction was also made with the local tribal people on various problems besides holding a press conference to this effect. 2. On the second day i.e. 03.05.2018 Hon'ble members reviewed the rehabilitation and employment provided by MCL to the displaced tribals of Brajrajnagar and Ubuda and Darlipali villages of Jharsuguda district. At Ubuda and Darlipali, Hon'ble Members received the complaints / petitions from the individual victims. At the end of the day, meetings were organized with the local representatives, district administration and the MCL officials over the issue of displacement, employment and compensation. A few important cases were brought to the notice of MCL by the Commission.


श्री. श. श. श. Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India


श्रीमती माया चिंतमन इवन्ते/Smt. Maya Chintamn Ivante
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
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The Detailed Report:

02-05-2018 9.00 A.M to 1.00 P.M:

On the first day, i.e.02.05.2018, the Commission on the way to the Katikela village which was 15 km away from Jharsuguda, visited to the site of broken ASH-POND and photographic documentation was done (**Photographs enclosed**). Later the Commission visited to the Katikela village and interacted with the affected local tribal community groups and received representations from them. During the visit, the local tribal groups were asked to speak before the Commission about the problems and consequences being faced by them due to the effect of broken ASH-POND of Vedanta Company. After the Meeting with the tribal groups, Commission also visited the Bedan River where the wastage of broken ASH-POND flowed into. The Bedan river was about 1.5 km to 2.km away from the Katikela and nearby villages which was the main source of drinking water and irrigation.


02-05-2018, 2.00P.M to 4.00 P.M:

The Commission visited the Kurebega village and interacted with the other affected tribal communities of Buromal, Banjari, and Chithupada villages. The interaction session at Kurebega envisaged mixture of voices. Most of them complained over the activities as well as safety measures adopted by the Vedanta Company towards the poor and illiterate tribals, although a few of them have expressed their satisfaction and acknowledged the work done by the Vedanta Company.

Some Observations Through Petitions from Ash-Pond Affected Areas.

1. Safe Drinking Water was a big issue. Due to the worsening condition of the broken ash-ponds, the sources of water like hand pumps, man - made ponds caused acute water pollution.
2. Some people reported about health issues while some other informed that they have not received any compensation from the Vedanta and some people have received only 50% of the compensation and the reaming amount is still pending.
3. The villagers demanded to pay Rs. 50,000 per acre and Rs. 10,000 per Rabi Crop until the settlement.
4. It was reported by the villagers that, while finalizing the rate for the land or sites, Vedanta Company made all the settlements with the help of middle men. No Gram Sabah was conducted in the village to fix the rates.
5. The members of SC/ ST communities said that the fixation of price or valuation need to be done under the control of the district administration for their lands.
6. The Vedanta Company has decided to displace the Katikela villagers to 200 to 300 metres away from their original settlement (within the Katikela village) but the villagers in sight of fast spreading of environmental pollution demanded to have displacement about 5 km away from the broken Ash-Ponds,


 हर्षदाबाई वसावा/Harshadbhai Vasava
 सदस्य/Member
 राष्ट्रीय अनुसूचित जनजाति आयोग
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7. The tribal people from Kurebega informed to the commission that they were deprived of getting employment in Vedanta. Further, a quite number of educated youths of the villages were not given any employment opportunity. The medicines provided by the Vedanta Company also not enough and often the Vedanta Company advising them to buy the medicine from the local market.


02-05-2018, 4.30 P.M to .5.30 P.M :

1. The Commission organised the meeting with the local district administration, Vedanta Officials and held interaction with the local tribals and press. The Hon'ble Commission emphasised to address the problems being faced by the tribal and non-tribal communities of ASH-POND and suggested to extend the following facilities immediately in view of welfare of the people. The commission instructed the CEO of the Vedanta to start immediate rehabilitation steps to avoid the environmental and health hazards. The rehabilitation should be at least 5 km away from the present place. The Commission also advised to gear up construction of 100 % toilet facilities, health, education and water facilities at the new rehabilitation sites without fail. And steps needed to be taken for providing employment, based on technical and non-technical qualifications. The Commission also instructed the CEO of VEDANTA Company, not to encourage and involve the mediators in the matter of settlement of compensation, employment and displacement.
2. The Commission suggested to the District Collector to take immediate steps over issue of the Land documents to the eligible tribals within a month without any delay and to look after the welfare of the Schedule tribes in the affected ASH-POND area.
3. The VEDANTA management said that they have fixed the rate as per the govt. norms i.e, about Rs. 6, 00,000 (Rs Six lakhs) per acre and the amount will be 3 times after the acquisition. Regarding the welfare measures, the CEO of Vedanta Company has informed that they are taking precautionary steps to avoid the pollution in the affected areas. Recently they have tied up with the TATA consultancy regarding construction of a concrete bridge for the safe flow of liquid ash. They are also providing the medical facilities like supplying the generic medicine in the affected tribal villages through Wockhardt Foundation, Mumbai.

03-05-2018, 8.00 A.M to 2.00 P.M :

1. The Commission visited the place of displaced tribal villages of Brajrajnagar and Ubuda along with the district administration. During the visit, commission made a pilot survey in the Ubuda village to assess the damage done due to coal mine blasting by the MCL Company. And it was observed that some of the houses were collapsed, some houses developed heavy cracks on the walls. The school building was also in a pathetic condition.


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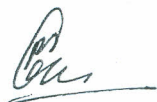
Later, a public meeting was organised in the primary school of Ubuda village. About 500 villagers belonging to SC/ST and other caste groups were present. In the public meeting the ST people submitted representations to the commission on the issues like compensation, employment and displacement. Hon'ble Member Shri. Harshadbhai Chunalil Vasava addressed the public of Ubuda village that the NCST will take up the matter and do the needful to the victims. After completion of the public meeting at Ubuda Village, the Commission members and other officials visited a place where 6 families were shifted from the Uduba village and accommodated them in a MCL club. During the investigation the commission had come to know that the shifted 6 families were landless. Due to the demolition of their houses, these 06 families have been shifted forcibly to the MCL Club nearby Ubuda village.

2. Later in the second session, the commission visited the Darlipalli village which was another distressed village by MCL mining activity. The village was surrounded by the coal mines about 200 to 300 metres away close to the habitations. The public meeting was organized at the Darlipalli village and each and every one was asked to submit their petitions. Hon'ble Member, Smt. Maya Chintamani, addressed the public and informed the victims that the NCST commission is dedicated to safeguard the rights and welfare of the Schedule tribe and all the grievances will be sorted out after directing to the MCL and local administration.

Some Observations on the Petitions for MCL Mining Project Affected Areas :

1. Land Compensation
2. Employment was not provided
3. The villagers wanted to have the present rate of land compensation.
4. The residence of Ubuda village complained that all the water sources were polluted. They are getting only one tank of water for all the purposes everyday which was not sufficient.
5. The 1980 Deforestation Act was not properly implemented, the MCL is not observing the rules and regulations regarding this.
6. The Ubuda village people claimed that settlement of their cases relating to the problems in the court at Jharsuguda district. At present all the court cases related to the MCL are present under the jurisdiction of Dhenkenal district.
7. Due to the coal mining, the tribal and other section of people are suffering from Eye irritation, Asthma, Tuberculosis, Skin diseases and Fluorosis in animals. On the other hand the doctors are not available to treat the Ubuda villagers, especially the tribal groups.
8. The migration is taking place in all the sections of the villagers due to the environmental pollution.
9. Due to nearest location of the mining area, they needed immediate displacement from Darlipalli village.



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 सदस्य/Member
 राष्ट्रीय अनुसूचित जनजाति आयोग
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03-05-2018, 3.00 P.M to 5.00 P.M:

1. A meeting was arranged along with the District Collector, Smt. Radharani Panda, MLA of Brajrajnagar, Shri. L.N. Misra, Director Personal -Land and Revenue, MCL and with the local tribal representatives on the present situation over the compensation and employment. Hon'ble Member Shri. Harshadbhai Chunilal Vasava explained the problems faced by the tribal groups in Ubuda and Brajrajnagar areas and asked the MCL authorities to take immediate action for protection of Schedule tribes. Besides, he also brought to the notice of the MCL authorities about some important cases which needed to be settled immediately on priority basis.
2. In respect of the problems raised in the meeting, the Director, Personal Land and Revenue, MCL Shri. L.N. Misra assured the members of the Commission that an immediate appropriate action will be taken regarding such cases on priority basis.

(Hon'ble Members, Sri. Harshadbhai Chunilal Vasava, Smt. Maya Chintamani Ivante were accompanied in the tour by Shri Satyadeo Sharma, Honorary Advisor to the Hon'ble Chairperson, NCST, Shri. V.Ashok Vardhan, Assistant Director, Regional Office, Bhubaneswar and Ms. Rekha Koram, Personal Assistant, NCST).


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 राष्ट्रीय अनुसूचित जनजाति आयोग
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