

ODISHA, BHUBANESHWAR  
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Government of Odisha  
Department of Steel & Mines

No 384 /SM Bhubaneswar, the  
LC- 05/2014(pt II)

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16.01.2018

From

Smt. Manjulata Swain  
Joint Secretary to Government

To

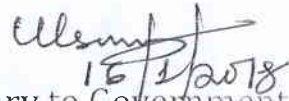
1. The Special Secretary,  
Forest & Environment Department
2. CEO, OMBADC

Sub: - Additional affidavit made by chief secretary pertaining to WP(C) No. 114/2014 (common cause case)

Sir,

I am directed to invite a reference to the subject cited above and to send herewith a copy of additional affidavit made by the chief secretary pertaining to WP(C) No. 114/2014 (common cause case) for kind information and record.

Yours faithfully

  
15/1/2018  
Joint Secretary to Government



**IN THE SUPREME COURT OF INDIA**  
 (CIVIL APPELLATE JURISDICTION)

**WRIT PETITION (CIVIL) NO. 114 of 2014**

**MATTER OF:-**

Common Cause .....Petitioner  
 Versus  
 Union of India and Ors. ... Respondents

**WITH**  
**WRIT PETITION (CIVIL) NO. 194 of 2014**

*S.2 - NO.*  
*232 dt 14.1.18*

Prafulla Samantra and Anr. ....Petitioners  
 Versus  
 Union of India and Ors. ... Respondents

**ADDITIONAL AFFIDAVIT**

I, Shri Aditya Prasad Padhi, S/o Dr. N. C. Padhi, R/o-Bhubaneswar, Odisha, presently Chief Secretary to the Government of Odisha and Chairman, Odisha Mineral Bearing Areas Development Corporation, do hereby state on solemn affirmation as under: -

1. That in compliance to the order dated 02.08.2017 of Hon'ble Supreme Court of India, an affidavit dated 25.09.2017 stating the work done by the SPV i.e. Odisha Mineral Bearing Areas Development Corporation, hereinafter referred to in short as OMBADC, as well as



the position of the audited accounts of the receipt and expenditure for the period from 02.12.2014 to 31<sup>st</sup> March 2017 along with Annual Report of the SPV has been filed before this Hon'ble Court.

2. That this additional affidavit is being filed in pursuance of the observations of the Hon'ble Court during the Course of hearing of the case on 22.11.2017 and on 05.12.2017 as advised by the Senior Advocate appearing in the case on behalf of the State of Odisha in the case.
3. That the State Government had constituted the Board of Directors of the SPV as per the structure approved by the Hon'ble Supreme Court in its order dated 28.04.2014 in I.A. No. 2746-48 of 2009 in WP(C) 202 of 1995. The State Government has vide its Notification dated 30.12.2017 included three more independent directors from among persons working for the welfare of tribals in the Mining affected areas of the State of Odisha. With the induction of these 3 Directors, the total number of Directors on the Board of Directors has increased to 15 (fifteen) out of whom five are independent Directors.
4. That in pursuance of the judgment dated 02.08.2017 of Hon'ble Supreme Court of India, the Corporation has, up



to 01.01.2018, received an amount of Rs 8290.96 Crores towards compensation under section 21(5) of the MMDR Act from various mining lessees For effective management and monitoring and also to ensure adequate safety and liquidity of the funds, this amount has been deposited in a Banking Account in the Public Account of the State under the Account Head "8443 Civil Deposits-00-106-Personal Deposits" for channelizing the receipts and expenditure of the SPV i.e. OMBADC.

5. A full time Chief Executive Officer has already been appointed to the SPV to oversee the implementation of the projects under OMBADC. She has joined on 7/12/2017.
6. That, consequent to the receipt of substantial sums of money by the Corporation on the basis of the directions of this Hon'ble Court in its judgment dated 02.08.2017, the OMBADC is being strengthened to enable it to manage the additional activities to be implemented by it. Three functional wings, mainly, administrative, operational and financial Wings are being created in the Corporation. Action has been initiated for setting up of a professionally managed Project Management Unit(PMU)comprising



experts in Livelihood, Infrastructure, Water and Sanitation, project formulation, Monitoring & Evaluation, Finance, Management Information System to assist in the preparation and implementation of action plan of the OMBADC, ensure Request for Proposal (RFP) for setting up of the PMU of OMBADC has already been floated. The Last date for receiving the proposal is 9<sup>th</sup> February 2018, after which the bids received will be evaluated and the Agency will be selected. The entire process of selection is expected to be completed latest by the Second week of March 2018. PMU will prepare the DPR in consultation with the stakeholders and different project implementing agencies. For regular and up to date Accounting work of the SPV, one C&AG empanelled Chartered Accountant Firm has already been appointed.

7. That in compliance to the order dated 28.04.2014 of the Hon'ble Supreme Court, Adhoc CAMPA had released a sum of Rs.869,42,23,102 to the SPV on 10.01.2015. In view of the limited availability of funds, in the first phase, the SPV had decided to accord priority to provision of Pucca Housing for all households not having Pucca houses and to provide clean drinking water through piped



water supply to all households in the villages identified as affected by mining operations. In addition, Farm Forestry / Social Forestry and Soil & Moisture Conservation were also taken up for protection of the environment and improvement of ground water recharge in the affected villages.

8. That the status of progress of these schemes has been reported in the affidavit dated 25.09.2017 and 04.12.2017. The latest status of the ongoing schemes/activities of the OMBADC is summarised in the following paragraphs.
9. That regarding the scheme of providing pucca houses to all eligible households in the identified villages, it is submitted that, after detailed survey, 29,829 families had been identified for sanction of assistance for construction of Pucca Houses. Out of these, construction of houses has been completed by 12665 beneficiaries. For early completion of houses within 4 months and 6 months, incentive of Rs 20,000 and Rs.10,000 are paid to beneficiaries. The total outlay for construction of 29,829 houses is Rs.402.033 Crore out of which expenditure of Rs.270.83 Crore (67%) has been achieved till now and

the remaining amount shall be fully utilized before the end of May, 2018.



10. That for provision of clean drinking water through piped water supply to the 691 identified mining affected villages, initially 343 projects were proposed. This was subsequently revised to 244 projects as rest of the projects have been taken up under other schemes like District Mineral Fund, State Plan etc. Out of the 244 projects, source of water has been identified/ developed for 160 projects and for balance 84 projects, exploration work is in progress and will be completed by February 2018. Out of 160 projects, tendering has been done in 148 projects and remaining 12 projects will be tendered in January 2018. Till now 17 projects covering 19 villages have been completed. A total expenditure of Rs 32.89 Crores has been incurred so far out of the estimated outlay of Rs.446.04 Cr. Out of 244 projects, 240 projects covering 346no of villages will be completed by December 2018.

11. That Annual Accounts of the Corporation for the FY 2014-15 (4-month period from 02.12.2014 to 31.03.2015) and for the FY 2015-16 have been approved by the Board



of Directors and adopted by the members of the Company in their adjourned Annual General Meetings held on 17.11.2016 and 16.06.2017 respectively. Both the Statutory Audit as well as C&AG Audit for FY 2016-17 has been completed and the comments of the C&AG are awaited by the OMBADC..

12. That in view of receipt of Funds to the extent of Rs. 8,290.96 Crore by the OMBADC in pursuance of the judgment dated 02.08.1017 of the Hon'ble Court, it is proposed to extend the geographical coverage area of activities of the Corporation from the existing coverage of 691 villages of eight mining affected districts of the State to all the areas in the mining affected districts and to also include the mining affected tribal District of Rayagada into its ambit. In the initial phase, due to limited availability of funds, the focus of the Corporation had been kept mainly on the provision of pucca houses and piped drinking water supply projects. For the second phase, it is proposed to include activities such as Works/ Projects related to agriculture, horticulture and allied sector, livelihood interventions, skill development, education, health, development of women and children.



entrepreneurial development of local people, communication and infrastructure projects and agro-silvicultural based livelihood projects, Brief description of activities to be undertaken are described in following paragraphs.



13. That livelihood promotion activities for the tribals/ other farmers in the mining affected areas are proposed such as (a) small scale dairy farm/unit, Fodder Block Unit, Goat Farming, small scale broiler farming, Back yard poultry farming , (b) Promotion of fresh water aquaculture to produce more fish for nutritional support and income generation. (c) Sustainable agriculture and other related activities, horticulture, vegetable cultivation etc. That Skill Development programmes are proposed for the underprivileged and unskilled youth in various skills like blasting operations, loading and hauling operations, washery operations, weigh bridge operations, horticulture, catering, housekeeping, automobile repairs, plumbing, welding etc. to prepare them for employment/ self-employment. That, for the educational development, activities like provision of classrooms, hostels for boys/ girls, modern teaching facilities, laboratories,

development of Play grounds, libraries, Water supply and Sanitation etc are proposed to be taken up



14. That for protection of forest cover, it is proposed to take up projects for water conservation through runoff management to improve ground water recharge in forest area. That, for improving the irrigation facilities, projects like Minor Irrigation Projects, Check Dams/Diversion Weirs, Community Lift Irrigation Projects and Individual Deep Bore Wells for small & medium farmers, watershed development projects etc will be taken up by the SPV. That, the SPV also proposes to take up development of Mining Corridor along the mineral transportation routes and improvement of the road network in order to reduce the traffic congestion and air pollution. That, Anganwadi Centres will be upgraded for improving the health and nutritional status of women, including pregnant and nursing mothers, and children, Health infrastructure facilities like expansion of Maternity Waiting Homes in difficult areas, expansion of critical care units like Special New Born Care Units (SNCU), High Dependency Units, Paediatric ICUs, Nutritional Rehabilitation Centres, intensive Care Units, Trauma Care units etc. are proposed to be funded by the SPV.

15. That, steps have been initiated for preparation of a Detailed Project Report containing an Action Plan for utilization of the SPV funds now received, in a time bound manner. The process will be expedited with the setting up of the Project Management Unit (PMU) and all efforts are being made to finalize the DPR within a period of six months for effective utilization of SPV funds over a period of five years for inclusive development of all mineral bearing areas and Districts of the State with a focus on tribal development.



16. That the facts stated in the above paragraphs of my affidavit are true and correct to my knowledge being borne out of official records.

*Aditya Prasad Padhi*

DEPONENT

**VERIFICATION**

Verified at Bhubaneswar on this 14th day of January 2018, that the contents of the above Affidavit are true and correct to my knowledge.

**CERTIFICATE**

Certified that the above named deponent duly identified by Sri. *S. K. Mishra* Advocate (Enrollment No. *1000*) he/she states on oath that the facts stated above are all true and correct to the best of his/her knowledge belief and *conscience*. He/She put his/her signature being present before me at about *11:30* a.m./p.m. *14.1.2018*  
 SRIKANT MISHRA, NOTARY-PUBLIC, BBSR

*Aditya Prasad Padhi*

DEPONENT