



सत्यमेव जयते

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)

Case File No. NCST/ATY-697/OR/7/2022-APCR

Dated: 17.04.2023

To,

1. Shri Lingraj Panda  
Collector & District Magistrate  
District - Gajapati  
Collector Office,  
Paralakhemundi  
Gajapati -761200 (Odisha)  
Email: dm-gajapati@nic.in
2. Ms. Swathy S. Kumar,  
Superintendent of Police  
District - Gajapati  
Office of the Superintendent of Police,  
Near Ranipeta, Paralakhemundi,  
Gajapati -761201 (Odisha)  
Email: spgjp.odpol@nic.in

**Subject:** Representation dated 06.10.2022 received from Shri Radhakanta Tripathy, Advocate & Rights Activist, New Delhi regarding the issue of distress migration of poor tribal's of Kalahandi Bolangir, Gajapati and other Districts of the State and case of barbaric and in human act of chopping of hand and leg of a tribal migrant worker.

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 01.03.2023 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 15 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,

(अंकित कुमार सेन / Ankit Kumar Sen)

अनुसंधान अधिकारी / Research Officer

Copy to:

Shri Radhakanta Tripathy,  
Advocate & Rights Activist,  
27, Old Lawyers Chambers,  
Supreme Court of India,  
New Delhi - 110 001  
M. No. 9205287636, 9868581097  
E.mail -srirkt@rediffmail.com.

## National Commission for Scheduled Tribes

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No. NCST/ATY-697/OR/7/2022-APCR

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the matter of Shri Radhakanta Tripathy, citing example of a labour contractor chopped off a migrant labourers limbs, hailing from Gajapati District of Odisha sought for permanent solution of Duress Migration in the State.

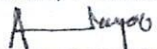
Date of the Sitting: 01.03.2023; 12.00 PM

List of Participants: As per the Annexure

In the present matter, the Commission received a representation dated 06.10.2022 from Shri Radhakanta Tripathy, Advocate and Human Rights Activist, New Delhi regarding the issue of distressed migration of poor tribals of Gajapati, Kalahandi, Bolangir and other districts of Odisha. In this particular case, a barbaric and inhuman act was committed as the accused labour contractor who chopped palm and toe of a tribal migrant worker. On September 13, 2022 five people from a nearby village lured the victim to work at a cement factory in Uttar Pradesh promising a monthly wage of Rs. 20,000. The victim stated that he asked for his wages but they gave him two bottles of local liquor. After consuming liquor, he fell unconscious. When he woke up, he found that his foot and palm were chopped off. The labour contractor further threatened to kill him and his family if they report the matter to Police. Seeking permanent solution of the problem, the petitioner suggested some short term and long term measures for distress, forced migration of tribals from the undivided Kalahandi-Koraput-Bolangir districts of Odisha. Later, the Commission also received another petition on the same issue. Both the petitions merged together.

Taking seriously the petition, the Commission issued Notice to the Chief Secretary, Government of Odisha; Collector and District Magistrate, Gajapati, Odisha and Superintendent of Police, Gajapati, Odisha on 12.10.2022.

Pursuant thereto, the Commission received the reply from the Office of Special Secretary, Home Department, Government of Odisha that during the enquiry the concerned Investigation Officer found that on 25.09.2022, Shri Sanka Murmu (Victim) was moving on the side of the Railway track, Etawah (UP) by connecting an earphone in his

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत शासक/GOVT OF INDIA  
नई दिल्ली/NEW DELHI

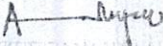
mobile handset where a train collided with him resulting in multiple injuries. It is further stated that during the victim was examined and the victim himself confessed that he was hit by the train and nobody had assaulted him. The Investigating Officer also examined Shri Anil Kumar Mahto and Shri Bijender Singh, train drivers, Shri Joginder Singh, Head Constable and Shyamabir Singh, Constable RPF and they also iterated the same facts.

The Commission received another reply from the Office of the Divisional Labour Commissioner, Gajapati which mentioned that during the course of the enquiry, prima facie, it was observed that with a hope of earning more money in short span of time, victim got engaged in illegal activities and due to internal conflict between them or some other reasons which is yet to be ascertain, victim lost his organs. Hence, the present matter did not fall under the ambit of Labour Laws. As per the reply forwarded by the concerned police officials, the case was registered at Adava Police Station vide Case No. 119 dated 04.10.2022 U/S 365,342,326,370,34 IPC Act, 1860 r/w S. 26 of Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. A fact Finding Committee was formed for the matter. The matter is currently under investigation and eye-witness stated that the victim collided with the train as he was moving alongside the lines of the train while plugged to music with the headset. It is also stated that the victim got his limbs chopped off by train accident as they examined the train driver Shri Anil Kumar Mahato. In this regards, a station diary entry has been made at Tundula RPF Post under UP State vide entry no. 46 dated 25.09.2022.

Considering the reply scanty and highly unsatisfactory, the Commission, issued Summons to the Collector and District Magistrate, Gajapati, Odisha and the Superintendent of Police, Gajapati, Odisha.

During the Sitting the petitioner raised alarm over the present status of the Victim and the failure of the Chief Secretary of the State in taking proper action to tackle the menace of Duress Migration of Tribals. He also expressed utter dis-satisfaction and surprise as to how in a train accident only palm and toe got so much injured without injury on other parts of the body.

The Commission asked the Collector and District Magistrate, Gajapati regarding the current status of the matter to which he responded that the case was registered in Etawah,

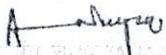
  
MEMBER  
NATIONAL COMMISSION FOR SCHEPUS TRIBES  
GOVT. OF INDIA  
New Delhi

Uttar Pradesh and the Fact Finding Team was formed by the concerned officials of Gajapati District, Odisha. As per the statement of the victim, he migrated to work for cannabis fields and he got hit by the train accidentally while walking on the side of the train track. Since, it was outside the premises of the workplace, the present matter does not pertain to labor laws. A handicapped certificate, pension benefits, benefits under Antodaya Yojana and Rs 20,000 financial assistance from Red Cross funds have been given to the victim. DDRC has been notified for the requirement of artificial limbs and it will be provided on priority basis. Other social benefits and compensation will be provided to the victim.

After hearing the concerned official, the Commission recommended the following: -

- (i) The Collector and District Magistrate, Gajapati to ensure that sensitization programs are being conducted for both contractors and migrant labourers across the district.
- (ii) The Collector and District Magistrate, Gajapati to ensure that benefits under Pradhan Mantri Awas Yojana, and benefits of other welfare schemes, livelihood scheme and any other Centre and State schemes are being provided to the victim and his family.
- (iii) To ensure artificial limb for the victim on top priority,
- (iv) The Superintendent of Police, to submit investigation report with the report of at Adava Police Station vide Case No. 119 dated 04.10.2022,
- (v) The In-Charge, Railway Police, Etawah, Uttar Pradesh to submit the details of the entire issue in question before the Commission along with comprehensive report touching all the points,
- (vi) The Chief Secretary and the Collector and District Magistrate, Gajapati to send detailed and comprehensive compliance report on the short term and long term measures as suggested in the petition.

Action Taken Report with compliance of the Recommendations be sent to the Commission within 15 days.

  
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