



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-161/OR/6/2021-APCR

Dated: 19.06.2023

To,

1. **Dr. Gavali Parag Harshad**,
Collector and District Magistrate,
District - Sundargarh,
Sundargarh -770001 (Odisha)
Email: dm-sundargarh@nic.in

2. **Shri Mitrabhanu Mahapatra**
Superintendent of Police
District – Rourkela,
SP Office, Udit Nagar,
Rourkela – 769012 (Odisha)
Email: sprkl.orpol@nic.in

Subject: Representation of Shri Deme Oram, Sundargarh, Odisha regarding atrocity against STs and non registration of FIR by the Police authorities with regard to forcefully acquiring the land by the Steel Authority of India (formerly HSL) and State authorities.

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 30.05.2023 at State Guest House, Bhubaneswar 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 30 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 Deme Oram
S/o Shri SaharaiOram,
At. Barhabans P.O. - Bisra-kirker, a,
District - Sundargarh – 770036 (Odisha)
Email- oraondeme@gmail.com

NCST - NIC

National Commission for Scheduled Tribes

No. NCST / ATY-161 / OR / 6 / 2021-APCR

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on representation of Shri Deme Oram, Sundargarh, Odisha regarding atrocity against STs and non-registration of FIR by the Police authorities with regard to forcefully acquiring the land by the Steel Authority of India (formerly HSL) and State authorities.

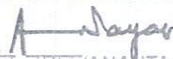
Date of the Sitting: 30.05.2023 at 11:30 AM

List of Participants: As per Annexure

The Commission received a representation from the Petitioner stating that SAIL had through the government acquired the land of the tribal community and had recently surrendered the land back to the State. Instead of returning the land back to the tribals, the State was trying to use the land for the establishment of a truck terminal. When the tribals tried to stop the illegal constructions on their land, they were harassed by the officials at the construction site and the police authorities. Even after decades, they have not received any compensation from the government. The Petitioner has filed complaints with the authorities, but no action has been taken against anyone and neither has any FIR been filed.

The Commission in its Sitting dated 19.10.2022 made the following recommendations:

1. FIR submitted to the local police to be lodged on urgent basis and the same to be investigated expeditiously in a time bound manner
2. Disciplinary inquiry and investigation to be held against SDPO Ms. Shantanutan Samath for harassing the tribal people
3. The minutes of the last meeting of the District Level Committee for SC and ST to be submitted to the Commission
4. The matter of dispute related to the land and truck terminal construction to be finalized in the court of Sub-Collector on urgent basis
5. Fair and adequate compensation to be given for the resettlement and rehabilitation of the tribal people as per the rules of the state whose land has been acquired for the construction of Railway Bridge and truck terminal construction


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जात समिति
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार, नई दिल्ली


6. A High Powered Committee to be constituted to find out the condition of the people who have been affected due to the construction of the Railway Bridge The Committee to have members from the affected tribal, administrative authorities and Railway (DRM) authorities
7. Detailed report of the Committee to be finalized in associating the tribal people
8. Clarification to be given on the Parliamentary Standing Committee 2006 report which states that the land which has been unused for five years shall be returned to the tribal people

The Petitioner submitted a dated 20.12.2022 and informed the Commission that the authorities are misinterpreting the recommendations of the Commission and are violating the recommendations made by issuing work orders on the disputed land. The Commission did not receive ATR from the authorities.

The Commission issued Summons dated 19.05.2023 to the Superintendent of Police, Rourkela, Odisha and the Collector and District Magistrate, Sundargarh, Odisha to appear before the Commission in the Sitting held at the State Guest house, Bhubaneshwar, Odisha on 30.05.2023 at 11:30 AM.

During the course of hearing on 30.05.2023 the Petitioner submitted that the authorities have not complied with any of the recommendations. The police had not filed any FIR against the accused, no action was taken against Shri. Shantanutan Samath, no compensation was awarded to the Petitioner. The authorities were demolishing their houses and evicting them from their land in the name of "development". Petitioner further mentioned that the authorities were destroying all the crops in their land and were making the land infertile and barren. The victim tribals have no means of livelihood. The Petitioner and the tribal community have started migrating to the cities.

Dr. Subhankar Mohapatra, Additional District Magistrate, Sundargarh, Odisha present on behalf of the Collector and District Magistrate, Rourkela, Odisha submitted that the land in question was under government khata and was alienated for the construction of truck terminal in favour of RTO, Rourkela. Demarcation of the land was done by the RO, Rourkela and thereafter during the construction of the truck terminal, the local people obstructed the construction work and created law and order situation.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India


The Superintendent of Police, Rourkela, Odisha submitted that construction of the truck terminal was allocated to the RTO, Roukela. No complaint was received by the Raghunathpali Police Station. Even during the time of demarcation, no rightful ownership was produced by the people present at the place.

The Commission expressed serious disappointment over the lackadaisical attitude of the authorities. Despite passing of 6 months, none of the recommendations of Sitting dated 19.10.2022 were complied with.

After hearing the case, the Commission recommends the followings: -

1. The Petitioner will file a fresh complaint with the Superintendent of Police, Roukela, Odisha and furnish a copy of the same to the Commission. The Petitioner will also submit copies of previous complaints filed with the police authorities.
2. The Collector and District Magistrate, Sundargarh, Odisha will furnish full details of the land acquired by SAIL, land acquired for the truck terminal, details of approved project and the compensation / rehabilitation provided to the tribal community.
3. The Collector and District Magistrate, Sundargarh, Odisha has to ensure that fair and adequate compensation to be given for the resettlement and rehabilitation to all the affected people.
4. The Superintendent of Police, Rourkela, Odisha to furnish complete report of investigation along with copies of FIR, chargesheet and all other relevant documents.

Action Taken Report with compliance of the recommendations to be submitted within 30 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

NOTE SHEET

NATIONAL COMMISSION FOR SCHEDULED TRIBES

F. No. NCST/ATY-162/OR/7/2021-APCR

Dated: 30.05.2023

NCST/ATY-162/OR/6/2021-APCR

Sub: Representation dated 26.11.2021 received from Shri Deme Oran Sundargarh (Odisha) regarding atrocity against STs and deployment of forces to protect the interest of STS in the District Sundargarh.

S. No.	Name	Designation	Mob. No. & Office No.	Signature
1.	Shri Ananta Nayak	Hon'ble Member		In Chair
2.	Shri Jayant J. Sonode	Director, NCST		
3.	Shri Radhakanta Tripathy	Special Reporter NCST		
4.	Shri P.K. Parida	PS to Parida		
5.	Shri Avinash Mattur	Consultant, NCST		
6.	Shri D.K. Palai	NCST RO, BBSR		
7.				
District Collector Sundargarh				
1.	Dr Subhanu Mohapatra (Commandant)		9437546098	
2.				
3.				
4.				
Superintendent Of Police Rourkela				
1.	Mehar Mohan	SP, RKL	9438518585	<i>[Signature]</i> 30/5/23
2.				
3.				
4.				
General Manager South Eastern Railway				
1.	R.S. RAJPA L	CE/CON/SER	9002080255	<i>[Signature]</i>
2.	A.K. SAXENA	AXENIC/ROU	9777582273	<i>[Signature]</i>
3.	P.S. BISWAS	SPO(M&EL)/GRE	9002080609	<i>[Signature]</i>
4.				
Petitioner				
1	Deme Oran		9438539549	<i>[Signature]</i>
2				
3				
4				