

Tour Report of the visit of the National Commission for Scheduled Tribes (NCST) to the State of State of Odisha from 7-2-2013 to 15-2-2013 for field visits, review of various Organizations, District and State level review meetings on the implementation of development programmes and reservation policy for STs

The Commission led by Dr. Rameshwar Oraon, Hon'ble Chairman, accompanied by Shri B.L.Meena and Smt. K.Kamla Kumari, Hon'ble Members, Shri T.D.Kukreja, PS to Chairman and Shri R.K.Dubey, Assistant Director visited the State of Odisha from 7-2-2013 to 15-2-2013 in accordance with the programme communicated to the State Government vide wireless message No. 16/19/ORISSA(REVIEW)/2012/RU-III dated 24-1-2013 and revised tour programme dated 7-2-2013 for field visits, review of various organizations, District and State level review meetings on the implementation of development programmes and reservation policy for STs. Shri Aditya Mishra, Joint Secretary joined the team on 12-2-2013 for the meetings scheduled from 13-2-2013. Shri B.L.Meena, Hon'ble Member attended the meetings and field visits up to 12-2-2013 (forenoon).

7-2-2013

Formal welcome and briefing the Commission about various aspects of tribal development by Secretary, ST and SC Development Department, Government of Odisha and other Senior officers.


1.0 After arrival at Bhubaneswar Airport, State Protocol officer received the Commission. Officers of ST and SC Development Department, Government of Odisha, senior officers of NALCO and office bearers of various ST Welfare Associations also welcomed the Commission. At the State Guest House, the Commission was given warm welcome by Secretary, ST and SC Development Department, Govt. of Odisha, Additional Secretary and Director, Tribal Research and Training Institute of the State.

Visit to Kalinga Institute of Social Sciences (KISS), Bhubaneswar

1.1 The Commission visited Kalinga Institute of Social Sciences (KISS), Bhubaneswar on 07.02.2013 at 16.00 hrs. On arrival, Commission was given warm welcome by the tribal students and the KISS Management. KISS was established in the year 1993 as a Residential Primary School (Class-I to V) by Dr. Achyuta Samanta with 125 tribal children with the financial support from Ministry of Tribal Affairs, Government of India, New Delhi. Presently it has become perhaps the prominent residential educational institute for the tribals, spread over 80 acres of land (built up area is approx. 8 lakh Sq.ft.), where more than 16,000 ST students from 62 tribal communities and 13 PVTGs of Odisha and adjoining States are pursuing their study free of cost from Class-I to PG level. At present, KISS is functioning with the following mission:

- to eradicate poverty and hunger through education,
- to empower through education,
- to transform 'liability' into 'asset' through education,
- to bring tribal children to mainstream, at par with others in the society,
- to enable them to lead a decent life and avail facilities and opportunities of 21st century, to preserve tribal heritage, culture and values,
- to nurture tribal children as change agents for their community
- to enable them to afford a better quality of life for their children and to save them from hardship that their parents and forefathers had to undergo.

1.2 It was informed by the representative of the KISS that is providing good accommodation, nutritious food, adequate health care, quality education (from Class-I to Post Graduation), vocational training, sports facilities and all other basic amenities of life absolutely free of cost to the students reading in it. Before making interaction with the tribal students reading in KISS, Commission visited ST Hostels (both boys and girls), Kitchen, Dining Hall, Mineral Water Project & Dispensary. During the visit, Commission observed that apparently good facilities are being provided to the tribal students residing in the institute and the environment is conducive for study. Commission


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

on the spot suggested for setting up of proper drainage system of water out let of washing points .since presently water was flowing towards the open area .

During the discussion with the KISS authorities, the Commission was informed that the State Government is providing APL rice for the inmates. They demanded for providing of rice to the students of KISS at par with facility to BPL families . Now the Government of Odisha have taken a decision to provide BPL rice @ Rs.1/- per KG. **The Commission observed that most of the tribal students reading in KISS have come from a very poor family background and their families come under the BPL category. The Commission is of the view that it shall be appropriate and justified if the State Government provides BPL rice @ Re. 1/- per kg to the tribal students of KISS.** It shall also be a great support to the KISS in its continuous efforts for promoting education to the Tribals .

(Action: Govt. of Odisha)

Meeting with the tribal students on their representation sent to the Commission:

1.3 The Commission held a meeting with the tribal students, who had sent a representation to the Commission regarding harassment and defamation of the students residing in the hostels of KISS and its founder by a private local TV channel (Naxatra news) by telecasting false and fabricated news items. Shri Somnath Gudia and 52 other students met the Commission and informed as under:

a) They stated that Kalinga Institute of Social Science is a free residential educational Institution run only for poor tribal students where students are pursuing their study from Class-I to PG level, both in Science and Arts. Most of the students reading in the KISS are from poor tribal families and from rural background. The Institute provides accommodation, food and education completely free of cost. The institute also provides vocational training to the students in different trades. They are also paid for the products they prepare in the vocational courses during training under the scheme “earn while you learn”. About 1500 students who have passed out from KISS are also pursuing their study in Engineering, Medical, Nursing, Law, MCA etc. in the KIIT University free of cost and they are also residing in the KISS Hostel. The students expressed their satisfaction over the food, accommodation and other facilities provided to them by the KISS Management.

While discussion, the students also stated that they are getting enough scope for their all round development. Many students of the KISS represented both in National and International Sports and won the prize. In the field of Rugby, one student of the KISS is the world champion.

b) Students informed the Commission that, a television news channel named 'Naxatra news' run by a company named 'N.K.Media Ventures' has been maliciously telecasting false and defamatory news and pictures against the KISS, KIIT and its founder Dr. Samanta. The News Channel is, thereby, committing the cognizable offence punishable under relevant Sections of IPC and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. They expressed their concern over the issue and demanded for immediate action by the Commission against Shri Budeep Mohanty, the news head of the TV channel, Shri Pravat Ranjan Mallick, the Managing Director of the company running the TV channel, Shri Chinmaya Mahapatra, its reporter and Shri Sunil Jena its news reader, who are jointly responsible for committing such offence and making deliberate attempt to tarnish the image of a reputed Institute (KISS and KIIT) and causing harm to the students. This is being done apparently to damage the institution so severely that it may be forced to close, thereby compelling the ST students to go away from the hostels and to discontinue their study.

c) As a result of such false and defamatory telecast made by the Naxatra news channel, the students stated that, their parents/guardians have become very much afraid of their future. Their parents have also become very much worried about their well being in the institute and due to such false telecast made by the news channel, they may force them to leave the Institute and discontinue the study. The students informed the Hon`ble Chairman that, due to the above reason, they are under severe mental pressure and cannot live peacefully and concentrate on their study.

d) Commission was informed that one of the boarders in the hostel of the KISS named Dhanurjay Behuri, studying in Class IV, who had gone outside of the campus to play, was forced to appear before the camera of the News Channel and to affirmatively nod to suggestive questions asked by the reporter. The news channel persons, through their agents, have also been terrorizing the students over last one and a half year to give interviews against the KISS and putting pressure on the authorities of the KISS to illegally pay hefty amount to stop the malicious propaganda against the KISS.

e) The students also informed the Commission that the KISS authorities have filed a suit in the court of Civil Judge (Senior Division), Bhubaneswar for damage against defamation and permanent injunction against the Naxatra TV channel and its authorities. The court has directed the News Channel to restrain from defusing and disseminating such libelous, malicious and defamatory news in their news channel against the KISS and its founder. Despite it, the news channel is continuing to telecast the false and defamatory news.

After listening to the tribal students, the Chairperson, NCST advised them not to be afraid of such telecasts by the news channel and to inform their parents/guardians not to believe in such false and malicious news items. He also advised them not to be panic and to concentrate on their studies. Hon'ble Chairman assured the students that the matter would be taken up by the Commission with the Ministry of Information and Broadcasting, Govt. of India and also with the State authorities to save them from further harassment by the Naxatra TV channel and its reporters. He further assured that the Police authorities of the State shall also be asked to take immediate necessary action against the News channel personnel under relevant Sections of the POA Act, 1989 and IPC.

(Action: Govt. of Odisha)

Before leaving the KISS, the Commission met Dr. Achyuta Samanta, Founder of the Institute. and his team of Officers. Hon'ble Chairman praised the sincere efforts of Dr. Samanta and his team for the upliftment of the tribals through education.

8-2-2013

2.0 The Commission left Bhubaneswar for Kalinga Nagar, District Jajpur at 09.00 hrs and reached Neelanchal Ispat Nigam Ltd., Guest House at Kalinga Nagar at 11.30 hrs where Shri Anil Kumar Samal, District Collector and other officers welcomed it.

Meeting with District Collector and tribal representatives displaced due to acquisition of land for setting up of industries.

3.1 The Commission held a meeting with tribal representatives displaced due to acquisition of land for setting up of industries in the Kalinga Nagar, District Jajpur.

District Collector, Additional District Collector and other concerned officers were also present in the meeting.

Report of the District Collector, Jajpur on the R&R issues related to Kalinga Nagar

3.2 In the beginning the District Collector, Jajpur briefed the Commission about the general information related to the district and the changing scenario of the Kalinga Nagar area due to the ongoing industrialization process. He informed the Commission that Jajpur district was carved out from Cuttak District in the year 1993 and 90% population of the District depends on the agriculture for their livelihood. Sukinda area of the District is having 99% reserves of Chromate of the country. Industries have started coming up in last few years and the district is now on the way of becoming 'Steel hub' as many steel plants are coming up in an around Kalinga Nagar area. For setting up industries, land acquisition is taking place and the project-affected families are being provided compensation as per the Government of Odisha guidelines/R&R policy, 2006 prevailing at the time of land acquisition.

3.3 He informed that Kalinga Nagar Integrated Industrial Complex (KNIIC) has been established comprising of 30 villages of Sukinda and Danagadi Tahsils of Jajpur district. It is about 100 kms from the state capital, Bhubaneswar and about 40 kms from the District HQs. The NH-200 connecting the iron ore/chromite belt of Jajpur and Keonjhar districts with the Paradeep port runs through the area. Brahmani, one of the major rivers of Odisha, runs nearby KNIIC. As there is no significant irrigation facility, the area is largely rain-fed and mostly rice is cultivated. The land of these 30 villages under 11 gram panchayats was acquired for setting up of 11 industries out of which 8 industries are functioning till date. For setting up of industries in KNIIC 8284.15 acres of private land was acquired and 6382.38 acres of Government land was alienated and leased out to IDCO for industrial purpose. The land acquisition/alienation processes started in the year 1991 and it is an ongoing process based on the requirement of the land from time to time for setting up new industries and for the purpose of other ancillary development work in KNIIC area. District Collector informed that in first second and third phase, 7057.40 acres of private land in 20 villages of KNIIC area was acquired through 38 land acquisition cases. Possession of the land has already been handed over to IDCO. An

amount of Rs. 35,27,62,920/- has been estimated as compensation for these old land acquisition cases. So far an amount of Rs. 24,64,00,700/- has been paid as compensation for 6054.97 acres of land. An amount of Rs. 10,63,62,220/- as compensation for remaining 1002.43 acres of land is yet to be paid.

3.4 He further informed that during the period 2004 onwards, the Chief General Manager (P&A), IDCO has filed 22 land acquisition proposals for an area of 1226.75 acres of land in 16 villages. In these new cases, land was acquired mostly for development of KNIIC, township, Ash pond, Water pipe line, Railway etc. These acquisition proposals also cover some interspersed land of first and second phase acquisition area. An area of 1226.75 acres of land was involved in these 22 new land acquisition cases and an amount of Rs. 17,97,32,119/- was estimated as compensation. An amount of Rs. 4,17,66,580/- for 434.01 acres of land has been paid as compensation and an amount of Rs. 13,79,65,539/- is yet to be paid for an area of 792.74 acres.

3.5 The District Collector informed the Commission that a total of 2423 families were affected due to land acquisition out of which 2066 have already been displaced. Out of the 2423 families, about 1700 families are from the Scheduled Tribe category. The displaced families have been settled in 6 colonies viz. Gobaraghatti-1, Gobaraghatti-2, Trijanga-1, Trijanga-2, Sansailo and Kantipur where 1331 plots have been allotted to displaced families. Altogether 1353 ST families have been resettled in these 6 colonies, which also includes self relocated ST families. The Commission was informed that as a measure of benevolence, Government has allowed the payment of ex-gratia over and above the compensation to all the land losers of KNIIC in different phases. In 31 old land acquisition cases, an estimated amount of ex-gratia is Rs. 39,10,61,098/- involving 6877.55 acres of land. Out of it an amount of Rs. 29,03,98,843/- as ex-gratia payment for 5087.40 acres of land has already been paid to the displaced families and an amount of Rs. 10,06,62,255/- involving an areas of 1790.15 acres of land is yet to be paid. Similarly in the 22 new land acquisition cases, the estimated amount of ex-gratia payment is Rs. 6,77,18,649/- for 1226.75 acres of land out of which an amount of Rs. 2,16,14,320/- as ex-gratia has already been paid to the displaced families involving 431.64 acres of land.

An amount of Rs. 4,61,04,329/- is yet to be paid as ex-gratia involving 795.11 acres of land.

3.6 The District Collector informed that most of the acquisition of land in KNIIC area was done before enactment of Orissa Resettlement and Rehabilitation policy, 2006. So, the Rehabilitation and Resettlement in Kalinga Nagar area was done as per the 2005 guidelines of Revenue and Disaster Management Department. As per the above guidelines, all adult male members and unmarried daughters above the age of 30, who have lost their homestead land, have been declared as displaced persons. They have been provided with 1/10th of an acre in rehabilitation colonies for resettlement. House building assistance, temporary shed assistance and transportation allowance is given to all the displaced persons. They are also entitled to get a permanent job in the Industry by which they are displaced. As per the Government guidelines, the local persons shall be given 90%, 60% and 30% employment in the unskilled, skilled and supervisory level categories respectively. The industries shall make expenditure to the tune of Rs. 10,000/- per acre of land acquisition for the CSR activities.

3.7 The District Collector admitted that the project affected persons are demanding higher compensation for their land and seeking employment for the members of each land loosing family. He also admitted that in some cases related to the acquisition of land, the land records have been too obsolete for rightful tenant to produce the relevant documents.

(Action: District Admn./Govt. of Odisha)

Discussion with representatives of tribals displaced due to acquisition of land for setting up of industries in Kalinga Nagar.

3.8 After listening to the information given to the Commission by the District Collector, the Commission requested the tribal representatives to brief the Commission on the issues related to acquisition of land and the problems being faced by them in the implementation of R&R policy. Following information was shared with the Commission in the meeting by the tribal representatives who were displaced due to acquisition of land for industrialization:

1) Shri Virendra Jamuda R/o Gobaraghatti village informed that 20 acres of land of his family located in village Gadpur and entire land was acquired by the district administration in the year 1992 and his family was paid compensation @ Rs. 37,000/- per acre. From the year 2007-08 onwards, the Government is paying compensation @ Rs one lakh per acre and the company (TATA) is paying Rs. 4 lakh per acre from its side. He demanded compensation at similar rate from the Government and the industry. He informed that his family was given Rs. 1.5 lakh for construction of house and 10 decimal lands. The company also assisted with an amount of Rs. 1 lakh for construction of house. His father was having 3 more brothers and the compensation received by the family was distributed equally among all the brothers. As the Government acquired entire piece of their land, hence they do not have any work or employment opportunity. Earlier all the family members used to engage themselves in agriculture. Those who were minor at the time of land acquisition have now become adult and many of them have separate families but they do not have any source of livelihood.

On being asked by the Commission, he informed that Tata Steel Company has started a hospital for providing medical care to them. There is a Government hospital also providing them medical aid at the time of need. However, the road facilities in the village are not well. They are being provided electricity free of cost. There is school facility in their village but in some of the colonies there is drinking water scarcity. Before the land acquisition, they used to keep cattle with them, which provided additional income to the family. Now, they are residing on a house constructed on 10 decimal piece of land as a result of which they cannot keep the cattle. Their cultural and community life has also been adversely affected due to land acquisition. Earlier each clan was having separate burial ground/cemetery but after the acquisition of land, there is a common cemetery for all. Had they all been provided land for land, this situation would not have arrived.

The ADM, Jajpur informed the Commission that there was no provision of providing land for land in the Government guidelines for land acquisition for setting up industries prevailing at that time. The Chairman, NCST insisted that the cultural and community life of the tribals should be protected by the State Government. The Government land available in or near by the colonies should be used for community requirements. The children of the project-affected families should be provided proper

education and training so that they can get employment in the industries being set up in the area. He also stressed that the District Collector should watch the interests of the tribal community as the provisions made under various laws have given the responsibility of safeguarding the interest of the Scheduled Tribes to the District Collectors.

2) Shri Laxman Jamda R/o Gobaraghati informed that his family has shifted from Chandia village. He informed the Commission that there is no Government secondary school in the area as a result of which the students are facing hardship in continuing their further education after primary level. He informed that the college is 15 km away from their village and there is no hostel facility for the students. The District Collector, Jajpur informed the Commission that the construction of hostel shall be started shortly as an amount of Rs. 1 crore has already been sanctioned for the construction of two hostels for 100 girls and boys each. The Chairman NCST advised the District Collector to ensure that the construction of hostel buildings is started at an early date so that the students do not have to suffer for a long time.

3) Shri Harishchandra Haibrue R/o Gobaraghati informed the Commission that the Government in the year 1992 acquired his land. His rehabilitation was not done as per the 2006 policy. He was not provided benefits due to him. He was not given any assistance for shifting to the new place after acquisition of his land. The social and cultural life has also vanished.

4) Shri Ganga Munda R/o Dey colony informed that his land was located in Kulapasi, Mangalpur village and his 7 acres of land was acquired for Visa Steel Company. He informed that he got compensation @ Rs. 52,000/- per acre of land whereas he should have been given compensation @ Rs. 1.5 lakhs per acre.

5) Shri Babli Poorti R/o Gobaraghati informed that he has shifted to the new place from village Kandiposi where his 20 acres land was located prior to acquisition. The Government in the year 1997 acquired Land of his family for setting up Neelachal Ispat Company. His father was having 3 brothers and their share of land was 5 acres each. They were paid compensation @ Rs. 52,000/- per acre in the year 1997 and the Government in the year 2007-08 paid further amount of Rs. 48,000/- per acre. The Company has not given any further compensation to the displaced families from its side, as Tata Steel has done. He further informed that a total of 640 families were displaced for setting up Nilachal Ispat Company which is the only Government owned Company out of 12

industries of Kalinga Nagar. Presently they are staying in Gobaraghati colony where other 150 displaced families are also residing. There is no supply of water in the area and no play ground for the children. Recently, a cemetery has been constructed. He informed that the Company gave employment to 150 displaced persons after the incidence of firing in the year 2006. Their children, who have, since grown up are unemployed. Had the land acquisition not taken place, they would have been engaged in the agricultural activities in their own fields. He informed that a person named Kaira Munda died of starvation after acquisition of his land by the Government.

6) Shri Ramesh Munda informed the Commission that his family was displaced by land acquisition for Neelachal Ispat Company. He said that 3 displaced persons who were given employment by the Company died within a few months after joining the service. One of them died within 3 months. The Company, which has taken all the land under their possession, is denying employment to the next of kin of the deceased who are on the roads. He demanded that in such cases immediate employment should be given to the eligible members of the family of displaced persons. He further added that the Company is not doing anything for the welfare of the displaced under CSR policy. The District Collector informed the Commission that a decision has been taken in the RPDS meeting held recently in which it has been decided to give employment to family member of such a deceased person who died in service. The Hon'ble Chairman, NCST suggested that these persons should also be given priority in the contracts by the companies so that they are able to earn their livelihood.

7) Shir Mahiram Poorti S/o Shri Nehru Poorti informed the Commission that the reservation policy of the State Government is not being followed in the District. He informed that he is a member of displaced family with a qualification of graduation and MBA but he has been given clerical job in the Company. Hon'ble Chairman, NCST advised him to give a representation to the concerned company in this regard with a copy to the District Collector who will do the needful in the matter.

8) Shri Shyam Sunder Gagarai informed the Commission that his family has shifted from Kosiudi village due to land acquisition for Neelachal Ispat Company. He demanded that the Company for which land has been acquired should give employment not only to the present generation but also to the next generations. Had they been enjoying the rights over their cultivable land, the family members would have engaged themselves in the

agricultural activities. They are now roaming here and there as no employment is available to them. He demanded that the R&R policy of the year 2006 should be made applicable to the land acquisition cases for Nilachal Ispat Company also. He informed that the Tata Steel Company is providing higher rate of compensation to the persons who have been affected due to land acquisition but no other company including the Government PSU like Nilachal Ispat Company is paying adequate compensation which is acceptable to them.

9) Ms Mona Avita Jamuda R/o Gobaraghati colony of Tata Steel Company informed that though there is doctor in the dispensary of their colony but no medicines are available there. The road facility is not there and the supply of electricity is also highly irregular. There is no drainage facility in the colony. She informed the Commission that she and other persons have been given land for construction of houses but they have not been given any pattas over that land to enable them to get loans from banks. They should be given pattas over the land to recognize their rights over the land. The Commission agreed to the demand made by her and directed the District Collector to issue pattas to such project affected families whose land has been acquired and who have been given land by the Government for construction of houses in the colonies of displaced families. The district Collector agreed to issue pattas to these families.

10) Ms. Sumitra Jamuda informed the Commission that her daughter is suffering from Cancer. Her husband was a bank employee but he is unable to serve the bank due to paralytic attack. She informed that she has lost all her belongings for the treatment of her husband and the daughter. She requested the Commission to see that if some kind of financial assistance is provided to her for the treatment of her husband and the daughter. The Commission advised her to contact the District Collector in this regard who assured that the district administration will help her in getting treatment of the family members at Tata hospital.

After listening to the representatives of displaced families, the Commission advised the District Collector to take necessary steps for settling the grievances of the displaced families sympathetically. The Commission advised him to ensure those basic amenities like drinking water, roads, electricity, health facilities including medicines, cemetery, playground etc. should be made available in the colonies. The Commission also requested him to issue pattas of the land, which has been given to them for construction


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Chairperson
National Commission for Scheduled Tribes
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of house, as it is recognition of their right over the land. The Commission also thanked the tribal representatives to come to the place to have interaction with the Commission.

(Action: District Admn./Govt. of Odisha)

District level review meeting at Kalinga Nagar, Jajpur

3.2 The Commission held a meeting with District Collector, SP and other officers of Jajpur District at 1500 hrs in the conference room of the O/o the District Collector, Jajpur to review the implementation of various development programmes being run for the welfare of scheduled tribes in the district. In the beginning, the District Collector, Jajpur welcomed the Commission. He gave a brief account of the district and informed that as per the year 2001 Census, there are 3,27,129 habitations in the district out of which 25,063 are Scheduled Tribe habitants. The total population of the district was 16,24,341 out of which 1,25,989 (7.75%) were Scheduled Tribes. Then, he invited the Chairman, NCST to initiate the discussion. The Chairman, NCST gave brief information about the role and duties of the Commission. He opined that the Scheduled tribes are the most vulnerable sections of the society. Several protection measures have been adopted in the Constitution of India to protect them from the other groups. It is responsibility of the District administration as well as State to protect them from all kinds of discrimination, harassment and exploitation. After the address by the Chairman, NCST, detailed discussion was held on the basis of reply of the questionnaire furnished to the Commission by the District Collector. Following action points/issues emerged in the meeting:

1) The Commission noted with concern that the while literacy rate in general category was as high as 87.27% in the males and 64.63% in the females whereas it was 21.5% males and 12.6% females in the Scheduled Tribes category as per the information furnished by the District administration. The Commission suspected towards the accuracy of the figures furnished to the Commission by the District administration. The District Collector informed the Commission that the correct figures for the literacy among Scheduled Tribes category was 45.48% among males and 16.33% among females. While comparing the figures of literacy rates between general category and ST category males and females, the Commission observed that there was almost double gap among the


males and four times gap among the females. The Commission stressed upon the need to reduce this gap in literacy without which the Scheduled tribes cannot come to the mainstream of the society.

2) The Commission also noted that as per the information provided to the Commission in reply to the questionnaire, the drop out percentage at High School level was reported to be 23.16% in general category and only 7.79% in the Scheduled Tribe category. The data doesn't seem to be correct. The Commission observed that in all the tribal areas, the drop out at this level in Scheduled Tribe category is higher than general category. The Commission directed to check the correctness of the figures and furnish correct figures to the Commission.

3) The Commission was informed that the required teacher pupil ratio at primary and secondary level was 35:1 and 30:1 respectively. There is no shortage of teachers in the schools in the district. There are 5 high school hostels in the district in which 684 boys and 770 girls are residing. In College hostel 30 boys and equal number of girls are residing. At high school level an amount of Rs. 620/- per boy and Rs. 650/- per girl per month is spent. At college level hostel, Rs. 1000/- per boy and Rs. 1050/- per girl per month is spend. Pre-matric and Post-matric scholarship is disbursed to them in time. The Commission desired to know about the time of payment of scholarship. It was informed that the scholarship is being distributed through RTGS mode directly crediting it into the beneficiary's account. The scholarship is being distributed by 31st December every year.

4) The Commission also noticed that as per information furnished to the Commission, there were 81,907 landless agricultural labourers in the district. The Commission desired to know the nature of occupation taken up by the agricultural labourers. In the written reply, it was informed by the District administration that they are engaged as a labour in agriculture and allied activities of their own land. The Commission desired to know that if they own a land; how they could be landless agricultural labourers. The Commission opined that there is lack of seriousness in preparing the reply to the questionnaire sent by the Commission to the District authorities. District Collector admitted that some typing error had occurred and assured the Commission to furnish the correct information totally.

5) The District Collector admitted that the tribals of the area are basically agricultural labourers to depend upon the agricultural activities. Most of the land owned by them is


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Chairperson
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rain-fed. So, extension of irrigation facilities in their area is necessary to improve their economic condition. In order to conserve the water and facilitated agriculture, WHS, farm ponds, big water bodies need to be developed. The tribal youth should be imparted with skill development training, which should be employment linked. The District Collector, on being asked by the Commission, informed that only 35% land of the tribal blocks of the district was irrigated. The Commission suggested that the agriculture sector needs higher quantum of investment. If the irrigation facility is provided to land owned by the tribals then, they may be able to take two or three crops. This will improve their economic condition. The District Collector agreed to the suggestion and said that integrated action plan has been prepared for providing irrigation facilities through borewells, ponds, check dams, lift irrigation schemes etc. A big river project (Rengali Dam) is coming up and the canals of the project are under construction, this will improve the situation in the tribal areas.

6) The Commission was informed that 26 number of ST villages/habitations does not have link roads. There is a special scheme in 12th Finance Commission Award in which SC/ST habitations are covered for taking up CC roads under the State sponsored scheme. Apart from the above scheme, roads are constructed under IAP, which is basically aiming for rural connectivity in the interior pockets of the ST dominated habitations. The Commission desired to know about the target fixed for providing road connectivity to these ST habitations. The District Collector informed that the target should be achieved by the end of this financial year.


7) The Commission also discussed the status of implementation of Indira Awas Yojana and Mo kudia schemes. The Commission was informed that the centrally sponsored IAY Scheme and the State sponsored Mo kudia schemes are being implemented to provide housing facilities to the poor including Scheduled Tribes. Government waste land under Vasundhara Project is also distributed to the Scheduled Tribes of the district and so far 1611 ST families have been given benefits under this project for construction of houses. For this purpose the Government has regularized the encroachments made by the Scheduled Tribes and they have been provided land measuring from 4 to 10 decimals. Most of the pattas have been distributed after disposing the cases under OPLES Act and OGLS Act. About 40% of Scheduled Tribes have constructed their houses.

8) The District Collector informed the Commission that all the villages/habitations have been covered by the health facilities. On being asked about the availability of Doctors, it was admitted that 40% posts of doctors was lying vacant in the Districts. There are many PHCs with single doctor and that too is being run with the help of Ayush doctor. The Commission was informed that there is a CHC in Sukinda block of the district, which is a tribal block. The Commission directed the District Collector to take immediate action to fill up the vacant posts of doctors in the district. For attracting the doctors to work in the rural and tribal areas, the Government should come forward with a action plan. This could include higher remuneration, Government accommodation, preference in admission to higher medical courses etc.

9) The Commission noticed that a huge amount of fund received under Article 275 (1) could not be utilized in last 3 years. The District Collector informed that this amount is not lapsed due to non-utilization and the utilization of the balance can be made in the subsequent year also. When the Commission asked about the reasons for non -utilization, it was informed that there was no district welfare officer posted in the district. The BDOs were also not posted in the tribal blocks during most of the period. The Commission stressed on the need to utilize the money received from the Central Government failing which the gap between the general population and the scheduled tribes will not be reduced and the scheduled tribes will lag behind in development.

10) The Commission observed that as per the information provided to the Commission, there were 5859 child labourers in the district. The highest number of child labourers detected in the survey conducted by State Labour Institute, Odisha during March 2011 to June 2011, was found in Sukinda Block which is a tribal block. The Commission was concerned that 4524 children out of the total 5859 child labourers engaged in hazardous operations. The Commission directed the district authorities to take necessary action against the employers.

11) The Commission also reviewed the implementation of Forest Rights Act in the district. The Commission was informed that 9170 individual claims were received out of which the Gram-sabha rejected 4237. A total of 1859 titles rounding to area of 1050.89 acres have been distributed to the ST beneficiaries. The Commission desired to know about the community claims provided to the community. As this information was not readily available, the District Collector assured to provide it separately


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12) The Commission also desired to know about the implementation of MGNREGA in the district. This act provides a legal guarantee of 100 days of wage employment in a financial year to every rural house hold whose adult members volunteer to do unskilled manual work at the minimum wage rate notified for agricultural labour prescribed in the state or else an unemployment allowance. The objective of the act is to supplement wage employment opportunities in rural areas and in the process also build up durable assets. As this scheme is very crucial in generating the income of the Scheduled Tribes residing in tribal areas, the Commission desired to know about the number of job card holders and the number of Scheduled Tribe households among them. The Commission was informed that 269443 job cards have been issued to the households out of which 23641 belong to Scheduled Tribes. In the year 2012-13 (up to January, 2013) 531225 man days were generated in the district out of which 58348 man days were generated against ST households. Number of workers registered in the district is 588209 out of which 51812 are the Scheduled tribe workers. On being asked, the Commission was informed that in the current year 168 families have completed 100 days work under the scheme. The Commission noted that the number of households who have been provided with 100 days of employment was not convincing. The information related to payment of unemployment allowance due to non availability of work was also not made available to the Commission. The Commission was informed that the present rate of wage is Rs. 126/- per day and the labourers are getting much higher rate of wages while working in the industries. The Commission advised the district Collector to intensify the works under this scheme in the tribal areas to create assets and to enhance the income of the tribal community of the district.

It was also noted by the Chairperson that at the field level there was lack of awareness of NSTFDC/OSTFDC schemes meant for income generation activities for the STs. Accordingly, Shri T.D. Kukreja explained the salient feature of NSTFDC schemes during district review meeting held with District Collector and other officers (about 40) at Jajpur Districts.

In the end, the District Collector thanked the Commission for the guidance and assured the District administration shall take necessary steps to ensure that the welfare schemes being run for the welfare of Scheduled Tribes is implemented in more efficient way. The

Chairman, NCST also thanked the district administration for cooperating the Commission in fulfilling its constitutional mandate.

(Action: District Admn./Govt. of Odisha)

After the district level review meeting, the Commission proceeded for field visits in the District.

Field Visits.

3.3 Visit to Phuljhar Ashram School:

In the evening the Commission inspected Phuljhar Ashram School and interacted with the tribal students residing in the ashram school and their teachers. This ashram school is upto Class VII and there are 6 teachers posted in the school. The students informed the Commission that they are given packet of Tiger biscuit in the breakfast. At 9.00 a.m. they are provided Daal-bhat and in the night also they are served daal-bhat with vegetables. They are provided chicken or meat on every Sunday and egg on every Wednesday and Friday. The Commission was informed that there are 376 students in the school out of which 220 are boarders. An amount of Rs. 620/- and Rs. 650/- for boys and girls each are spent. This Ashram school was started in the year 1989. The Commission noted that the boarders are sleeping on the floor in the classrooms. They have not been provided bed and only one blanket has been supplied to each of them. About 35 to 40 boarders are residing in each room as a result of which there is no ample space for them to sleep properly. The Commission also noted that proper and adequate arrangement of toilets and bathroom was also not there in the ashram school. The outsiders were coming inside the ashram school campus to take drinking water and it was a threat to the security of the students. The Commission was informed that 10 toilets were under construction in the ashram school and the new building of the 100-seated hostel is under construction. It was also informed that the students were residing in the classrooms only for the last 15-20 days. The Commission was not satisfied over the arrangements for the boarders in the ashram school and directed the District Collector to improve the living conditions in the ashram school.

3.4 Meeting with members of Maa Tarini Self help group:


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The Commission interacted with the members of Maa Tarini self help group. The members SHG informed the Commission that their group is a registered group of female members. Though gradation of this SHG has been done, they have not received any financial support till date. The district authorities present at the place informed the Commission that this a new SHG and a grant of Rs. 15.000/- has been sanctioned to assist the group. From the Commission's side, the district authorities were informed that a loan of Rs. 35,000/- per member up to a maximum of Rs. 5 lakhs per SHG under NSTFDC scheme can be provided to the self help groups on 6% per annum rate of interest. In another individual scheme of NSTFDC , exclusively for ST Women ,an amount of Rs. 50,000/- per person can be sanctioned for undertaking income generating activities . The Commission noticed that there is lack of awareness of NSTFDC/OSTFDC schemes for undertaking income generating activities by the eligible STs and advised the officers of the District to update their knowledge so as to encourage these groups in enhancing their income by availing the required funds under NSTFDC schemes available at highly concessional rates of interest .

3.5 Meeting with members of Mahalaxmi self help group:

The Commission also interacted with the members of Mahalaxmi self help group the Commission was informed that this is a two years old group, which is providing mid-day meal in the schools. The members of the group informed the Commission that the concerned authorities have not done so far grading of their SHG. The Chairman, NCST directed the local officer present at the venue to go to the doors of the members of the group and help them in grading process. The Commission was informed that 98% supply of the mid-day meal is being done in the State of Odisha through the SHGs. The Commission appreciated the decision of the State Government in this regard. Some members of the group informed about the scarcity of water in the Phuljhar village and said that they have to take water from the ashram school. There are two hand pumps, which are far away from their houses. As the ashram school is closer, they prefer to take water for their household requirement from the school. They demanded that at least two hand pumps should be provided in the area outside the ashram school. The district Collector informed that the work order has already been issued for setting up one hand pump. He agreed to provide one more hand pump in the area for adequate water supply.

(Action: District Admn./Govt. of Odisha)

After the field visits, the Commission returned to Kalinga Nagar guesthouse for the night stay.


9-2-2013

4.0 The Commission left Kalinganagar for Mayurbhanj District at 09.00 hrs in the morning and reached Circuit House at the District headquarter, Baripada at 12.30 noon where it was welcomed by Shri Rajesh Prabhakar Patil, District Collector, Ms. Kavita Jalan, S.P. and other officers of the District.

Meeting with tribal delegates.

4.1 Several tribal delegations met the Commission in the afternoon. Following demands were placed before the Chairman, NCST on issues related to the welfare of Scheduled Tribes:

1. There is a requirement of opening up of one Agriculture College in the Mayurbhanj District to promote modern agricultural techniques in the northern part of the State.
2. Since there is no medical college in the northern part of the State, it was suggested that one medical college should be established in the Mayurbhanj district, which can serve the adjoining districts of the State as well as neighboring districts of Jharkhand and West Bengal also.
3. Hundreds of families have been affected by the Subarnarekha Project, which is spread over the adjoining states also. Due to construction of Jamveera Dam and canals from the reservoir, some more families have been displaced. Their proper rehabilitation should be done and sufficient monetary compensation should also be paid to these families.
4. Provisions of Odisha Reservation Act are not being followed in the district as well as State. Many posts reserved for the Scheduled Tribes remain unfilled. The State Government should be directed to adhere to the provisions of Odisha Reservation Act and to fill up the reserve post through promotion as well as direct recruitment.


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5. The State Government is not providing any reservation for weaker sections in Government housing schemes. The Commission should take up the matter with State Government to provide reservation for Scheduled Tribes in the Government housing schemes.
6. To protect the tribal culture, a tribal museum should be set up at Baripada and Rairangpur.
7. A Pre-examination coaching center should be set up at Baripada in Mayurbhanj District to prepare the tribal students for various competitive examinations like banking, Civil Services etc.
8. The State Government should be advised by the Commission to promote cottage industry in the State as many tribal families are engaged in such occupations.

The Commission assured the tribal representatives that the demands made by them would be taken up with Government of Odisha at appropriate level for consideration.

(Action: District Admn./Govt. of Odisha)

Field Visits

Visit to Coaching Institute imparting training to the tribal youths for recruitment in Indian Army and para military forces.

4.2 In the evening, the Commission visited Coaching Institute at Ayurvedic College campus, Baripada where the District Administration is providing coaching to the tribal youths for Army Recruitment Rallies. The Commission interacted with the tribals taking training in this institute. It was informed that a private institute 'GENXT' has been engaged to impart training to these participants. They are being provided physical training and are prepared for written examination also. The coaching for written examination includes Mathematics, Reasoning, General knowledge and English as a subjects. There were 3 faculties for imparting training to these young boys at the time of visit of the Commission. There were about 50 young tribal attending the coaching. The District Collector, Mayurbhanj informed the Commission that these young boys would be sent in the Army Recruitment Rallies after completion of the coaching. They would also be sent

to attend the recruitment rallies of Para-military forces like CRPF, BSF, CISF etc. The Commission appreciated the steps taken by the District Collector for providing training to the tribal youth to make them employable in military and para-military forces. The Commission advised that similar training could also be provided in other tribal dominated districts.


Visit to Chikitamatia Education complex

4.3 In the evening, the Commission visited Chikitamatia Education complex at Baripada which was established in the year 2008. This complex comprises of a school from Class I to Class VIII and a hostel for the girls. In this complex, 250 girls belonging to Lodha tribe are being provided education and hostel facilities. They are also being provided vocational training like stitching and computer. This complex has been developed by Lodha Development Agency of the State from the funds received through Ministry of Tribal Affairs, Government of India. In the classrooms, the Commission interacted with the tribal girls and tested their level of knowledge, which was found satisfactory. The Commission also visited the hostel rooms where double Decker beds have been provided to the students. However, there were no mattresses on these beds. The Commission directed the district Collector to see that the mattresses are also provided on these beds. The Commission also visited dining hall, kitchen and wash rooms and found them neat and clean. The Commission was overall satisfied over the arrangements in the education complex.

Visit to Durdiasol village under Keontunimari Gram Panchayat

4.4 The Commission reached Durdiasol village under Keontunimari Gram Panchayat late in the evening where hundreds of tribals were present to meet the Commission. They welcomed the Hon'ble Chairman and Members of the Commission and appraised them about various problems and issues concerning the tribals of the area. They shared following information with the Commission:

1. Thirty-five villages of the district have been affected by the Subarnarekha project. 436 families of this village are also affected due to construction of reservoir. Many of the families have lost their land and house. Some families are partly affected by the project as they have lost either their house or a part of land under their possession. They are being


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provided compensation at different rate at different point of time. For example, before the year 2006 they were paid compensation @ Rs. 4.86 lakhs per acre. From the year 2006, they were paid compensation @ Rs. 5.10 lakhs and from the year 2012 onwards the compensation shall be Rs. 7.28 lakhs. There are also cases where compensation was paid to the different members of same family at different rates. They demanded that all the affected families should be paid compensation at the current rates. There should be no discrimination in the disbursement of compensation to the displaced families.

2. There is no provision of providing compensation to the tribal ladies who have been divorced by their husbands. Among the tribal community of the area, there is a simplified procedure of divorce. As per their customary law, there is a very meager amount of fine in the cases of divorce. Such divorced ladies are not provided any share in the compensation received by their families. Such ladies should also be provided their share in the compensation package.

3. There were many tribals who were 18 years old at the time of land acquisition in the year 2008. They were not treated as separate families. They are not being paid any compensation despite the fact that presently they are having families depended on them. There is no facility of bone test for age determination and they have to go far away to Baripada for the same. The District Collector present at the venue assured the Commission that arrangements would be made by the District Administration to provide facility of bone test for determination of age locally in the area.

4. The displaced families who have started residing elsewhere after constructing their houses are facing problem as there is no road connecting their locality to the nearby pucca roads. They are also facing water scarcity. The District Collector assured the Commission that the work should be started shortly as funds are available with him for this purpose.

5. Many tribal representatives demanded that the displaced families should be provided training in different fields like animal husbandry, poultry, plantation etc. to enhance their economic condition. The Commission also agreed to it and advised the district Collector to do the needful in the matter.

6. The displaced persons should be given priority in the matter of employment in Government services.

7. Arrangements for providing irrigation facilities should be made for the area lying over the dam and reservoir. Water is always made available for irrigation and other requirements in the areas lying below the reservoir and the upper part is neglected. Minor irrigation schemes should be started in the upper area so that the people residing there can also take two crops.

The Commission requested the District Collector to take necessary action on the demands made by the tribal representatives so that the hardship faced by them can be minimized.

(Action: District Admn./Govt. of Odisha)

10-2-2013

Field Visits

5.0 The Commission visited several other places in the forenoon to see the status of implementation of various developmental programmes being run for improving the economic condition of Scheduled Tribes in the district. District Collector and other district level officers also accompanied the Commission.

Maa Jagat Janani self help group, Kalikapur, Baripada

5.1 The Commission visited in the office of Maa Jagat Janani self help group at Kalikapur and inspected the working of this self-help group. This is a group of 10 female members from Santhali community (ST). The group is involved in purchase of toothpaste, shampoo, soap and hair-oil from the wholesale market and the members of this group supply these articles to the hostels after packaging for the use of boys and girls residing there. The group members also prepare sanitary napkins and supply them for the use in the girl's hostel. They also supply iodized salt and tiger biscuits in the hostels. These articles are supplied to the hostels by a pickup van. Baitarini Gramin Bank has provided financial assistance to this group. Members of the group have also been provided skill development training. The Commission was very much impressed with the working of this self-help group and opined that similar arrangements could be made in other districts also to promote such groups.

Visit to the hostel site at Takatpur


5.2 The Commission visited the campus of Baripada ITDA at Takatpur where a high school and college hostel for Scheduled Tribe girls is being constructed. The Commission was informed that this 200 Bedded ST girls hostel is being constructed at an estimated cost of RS. 1 crore. Rs. 90 lakh shall be spent on the infrastructure and remaining Rs. 10 lakhs shall be spent for providing amenities. Budget for construction of the hostel is being provided through the state plan. The Commission advised the District Collector to see that female employees are posted in the hostel after its opening in view of the security of the girls.

Visit to Ranibhole Government girls High School (residential)

5.3 The Commission visited Ranibhole Government girls high school (residential) where it was given a warm welcome by the teachers and students of the school. This institution was established in the year 2008. There are 280 boarders in the girl's hostel besides the day scholars. Girls studying from Class VI to X and kept in the hostel. The Commission visited the classroom and checked the quality of education, which was found good. The Chairman, NCST advised the district Collector to focus on personality development and individual development of the tribal girls besides their regular studies. The girls informed the Commission that the existing playground is very small and demanded that it should be expanded by allotting the government land adjoining the school. The Commission found this demand as genuine and requested the district Collector to allot the adjoining land to the school. District Collector agreed to the request. The Commission also visited the kitchen of the hostel and inquired about the quality and quantity of meals provided to the girls. The Commission was satisfied with the arrangements for the tribal girls in the hostel.

Visit to Plantations at Ranibhol and Kukudajodi

5.4 The Commission visited a plantation site at Ranibhol where medium density mango plantation has been done on 10 hectares of lands belonging to 24 tribal villagers of Ranibhol village under Sankhabhanga Gram Panchayat. The plantation was initiated in the year 2012-13 on 10 hectares of land and 4000 plants have been planted so far. DRDA, Mayurbhanj is the funding agency and the total cost is estimated to be Rs. 14 lakhs. Dy. Director of Horticulture, Mayurbhanj is the executing authority. A bore well has also


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
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been dug to provide irrigation facilities through sprinklers. The District Collector informed that schemes of different departments have been converged to get more effective results. He also informed that watermelon is also being produced in between the mango plants and thus more income is being generated for the beneficiaries. Presently 700 hectares of land has been utilized for the mango plantation in the district, which will be extended to 7000 acres in the next few years. Chairman, NCSIT advised him that bamboo plantation could also be promoted in a similar way to enhance the income of the tribal community.

The Commission also visited Kukudajodi plantation site where medium density mango plantation have been promoted on 30 hectares of land belonging to 20 beneficiaries out of which 19 are Scheduled Tribe farmers of Kukudajodi village under Rajabasa Gram Panchayat. The plantation of mango trees has been initiated in the year 2012-13 from the funds received from DRDA, Mayurbhanj. Dy. Director of Horticulture, Mayurbhanj is the executing authority and the total cost of the project is Rs. 42 lakhs. Similar arrangements of irrigation have been made at this plantation site also by the district administration. The Commission was satisfied over the implementation of plantation project.

Rubber plantation and processing center at Jadunathpur, Block-Badsahi

5.5 The Commission also visited rubber plantation and processing center at Jadunathpur in Badsahi Block of Mayurbhanj District. It is a joint venture of ITDA and Rubber Board. For the purpose of promoting the rubber plantation, Jadunathpur Rubber Producers Society has been formed. The Commission observed the process of obtaining latex from the rubber plant and its further processing in the unit. The Commission was informed that 180-200 C.m. rainfall is required for the rubber plantation. As the district receives lesser rainfall than the required rainfall, life saving irrigation is done in this plantation. A Rubber plant can be used to obtain latex after a period of seven years. In the meantime they sow other crops in between the trees and get income. The trees in this plantation are 15 years old and the wood of the tree is also used as timber. A total of 74 families of Scheduled Tribe category are engaged in the plantation activities. Last year total sale of Rs. 70 lakhs was made. The beneficiaries informed the Commission that they are getting benefit of Rs. 60,000/- to Rs. 70,000/- per acre. They also informed that this

project has been handed over by the authorities to them and they directly sell the rubber to the businessman. The District Collector informed the Commission that steps are being taken to expand the area of rubber plantation in the district. Chairman, NCST appreciated the steps taken by the district administration to promote rubber plantation and improve the economic condition of the Scheduled Tribe beneficiaries.

(Action: District Admn./Govt. of Odisha)

District level review meeting at Baripada, Mayurbhanj

5.6 The Commission held a meeting at 16.00 hrs in the conference room of the O/o the District Collector, Mayurbhanj to review the implementation of various development programmes being run for the welfare of scheduled tribes in the district. In the beginning, the District Collector welcomed the Commission. Thereafter, Chairman, NCST initiated the discussion and said that the Commission has visited several places in the district to see the status of implementation of various developmental programmes for Scheduled Tribes in the district. He particularly appreciated the arrangements made by the District administration in the schools and hostels for tribal students in the district. He also appreciated the working of self-help groups like Maa Jagat Janani self-help group and opined that similar arrangements should be made to promote such SHGs in other states also. He also appreciated the initiative taken by the district administration to promote rubber and mango plantation for economic development of the Scheduled Tribes farmers.

The Commission had sent a detailed questionnaire to the district Collector seeking reply on various issues concerning the Scheduled Tribes. Further discussion in the meeting was based on the reply furnished to the Commission by the district administration. Following issues were discussed in the meeting:

Education:

1) The Commission noted that the literacy among general category males was 74.92% and females were 53.18% as per the 2001 Census. However, among the Scheduled Tribe males it was 49.59% and females were only 21.14%. The Commission observed that there is a big gender gap (28%) between the Scheduled Tribe males and females. Further there was a bigger gap (about 30%) in the literacy figures among Scheduled Tribes in comparison to general category. The Commission advised the district

administration to give more focus on promoting education among the tribal girls to improve the situation. The District Collector informed the Commission about the steps taken by the district administration and the steps to promote education among the tribal community. He informed that Sarva siksha Abhiyan and Amra Vidyalaya programmes are being implemented in the district to bring all children of school going age to the school. He also informed that Kasturba Gandhi Balika Vidyalayas are being opened in all the 26 blocks of the district to promote education among the tribal girls. Many Panchayats have been identified as difficult area where more focus is being given on promoting education among the tribal communities. For this purpose 130 multi-language schools have also been opened where the students from class Ist to Vth are being taught in their mother tongues. In 100 schools, Santhali language is being used as a medium of education and in 35 schools Mundali language is being used as a medium of education in the district. The Commission appreciated the steps taken by the State Government and district administration and opined that more multi language schools should be opened in the State to promote education among tribal community.

2) The Commission was informed that 4,17,431 children below the age of 14 years attend the schools and 5,019 children do not attend the school. The Commission desired to know the reasons of children not attending the school. The Commission was informed that there are different reasons like migration of families, poverty etc. The Commission directed the district administration to take necessary action to bring these children to the school.

3) The Commission was informed that there was a shortage of teachers in some tribal areas especially in the subjects like English, Mathematics and Science. The Commission advised the District Collector to ensure that the posts of teachers in the tribal areas are filled urgently.

4) The Commission noted that there was a dropout of 11.21% among the tribal students at high school level in comparison to 8.19% among General category. The Commission desired to know about the reasons of the same. It was informed that the reasons of high drop out might be search of employment due to poverty, child marriage and accessibility. The Commission opined that a very high percentage of tribal students

could not pass the high school examination due to various reasons and non -availability of toilets especially for the girls in the schools might be the reasons of higher drop out in tribal areas. The Commission desired to know whether there are toilets in all the schools in the district? The District Collector admitted that all the schools in the district do not have toilets. There are 4500 schools in the district and out of them; about 3000 schools do have toilets. Now there is a plan to built separate girls toilets in all the schools. The Commission opined that running water should also be provided in the toilets. Without running water facility the children will not be able to use the toilets and the scheme under such situation will fail. The Commission advised the district administration to speed up the construction of toilets in the schools to promote education and reduce drop out. The Commission also advised the district administration to improve the quality of education at elementary level and built up more resources to reduce higher drop out at high school level.

5) The Commission also asked about the number of hostels for boys and girls and whether the number of hostels was adequate to cater the need. The Commission was informed that there are 38 hostels of high school level in the district. Out of them 11 are boys hostels where the number of boarders is 3271 and there are 27 girls hostels where the number of boarders is 7404. There is a requirement to open few additional hostels for tribal boys and the district administration is taking necessary action in the matter.

6) The Commission also inquired about the amount spent by the Government on the boarders of the tribal hostels and requested the district administration to inform whether it was sufficient to cater the needs of the children or not. The Commission was informed that an amount of Rs. 620/- per month per boarder is spent on the boy boarders of the primary school hostels, ashram school hostels and high school hostels. In case of girls, it is Rs. 650/- per month per boarder. The Commission was informed that the same should be enhanced at least Rs. 200/- p.m. per boarder for the boys and girls.

7) The Commission noted that there is some discrepancy in the figures of distribution of pre-metric scholarship to the tribal students in the year 2011-12. The Commission has been informed that in the year 2010-11, a total of 98,734 ST students were given scholarship amounting to Rs. 21,36,52,741/- but in the subsequent year, 99,327 students

were paid Rs. 2,18,29,207/- only as pre-metric scholarship. The Commission advised the district Collector to see that the figures are checked and correct figures are provided to the Commission.

8) The Commission also noted with concern that the number of students receiving post metric scholarship during the last 3 years has come down. In the year 2010-11, 12,363 students were provided this scholarship. In the subsequent year it came down to 8,963 and in the year 2012-13 it raised to 9,646. The Commission opined that the reason behind it might be poor percentage of pass out at high school level or lack of initiative from the concerned officers. The Commission advised the district administration to ensure that all the tribal students pursuing their studies at this level get the post-metric scholarship in time. The district authorities admitted that the number of applications for scholarship is increasing every year. In the current year, 42,000 applications were received. The processing of applications needs more manpower and there is some problem in the software also. The Commission advised the District Collector and the State administration to depute more manpower for the purpose and solve the problems related to the working on the present software.


Employment:

The Commission requested the district authorities to inform about the Scheduled Tribes unemployed youth registered in the Employment Exchange and the details of their qualification. The Commission was informed that 14,490 boys and 6,406 girls were registered in the 4 Employment Exchanges of the district. Out of the 20,896 ST youths registered in the exchanges, 15,306 are skilled, 1131 are unskilled, 2696 are Arts graduates, 183 are Science graduates and 1580 are technically qualified persons. The Commission directed the district administration to promote self-employment to the tribal youth and provide them vocational training to improve their skills.

Agricultural Labourers and MGNAREGA

The Commission was concerned to note that out of 3,96,769 landless agricultural labourers in the district 2,26,165 (57%) were from the Scheduled Tribe category. The District Collector agreed that the landless labourers get seasonal work during the harvesting season. In the remaining months of the year, they are being provided

employment under MGNAREGA scheme. The Commission was informed that plantation, road connectivity, water conservation by construction of check dams and stop dams are the main activities taken under this scheme. Last year about 30 lakh man-days were generated under this scheme and there is a good response from the workers having job cards in the district. They have established labour unions to work and presently about 55,000 workers are engaged in work. Being a tribal district, the tribal workers are getting good benefit under this scheme. On being asked by the Commission, the District Collector informed that in the year 2011-12, 3285 job cardholders were provided 100 days employment under the scheme. When the Commission asked about the payment to the workers, it was informed that the payment is being made within 7 to 14 days. It has reduced the migration of tribals in search of work. The Commission advised the district administration to ensure that the benefit of MGNAREGA and other employment schemes reach the needy tribals so that their economic condition is improved.



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Chairperson
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Health

The Commission also reviewed the availability of health facilities in the district particularly in the tribal areas. The Commission desired to know whether the number of health sub-centers was according to the guidelines of Government of India or not. The Commission was informed that as per the guidelines, there should be one health sub-center for a population of 3,000. At present there are 589 health sub-centers running in the villages of the district. There should be more than 800 health sub-centers as per the population of the district. There are 76 PHC (N) running in the rural pockets. Also there are 3 sub divisional hospitals and one district level hospital. Two CHCs and seven other hospitals are also providing health services in the district. Besides above 3299 ASHAs are working in the tribal areas to provide community link support to SC/ST people and facilitate the health services to the doorsteps. The Commission was further informed that there are 279 doctors posted in the district. 52 posts of doctors were vacant. There are 52 mobile health units in the district. Two Mobile health units have been provided in each block. The Commission advised the district administration to fill up the vacant posts of doctors urgently.

Forest Rights Act

The Commission also discussed the implementation of Forest Rights Act in the district. On being asked, the Commission was informed that about 37,000 claims were received for recognition of rights in the district out of which 18,586 individual claims and 44 community claims have been recognized involving an area of 11,803.89 and 19,394.67 acres respectively. It was also informed that 149 families were displaced due to Simlipal tiger reserve and they have been paid compensation as per their entitlement. The Commission opined that this Act is very important for the tribals as their rights over the land under their occupation has been recognized for the first time. Its proper implementation will empower the tribal community of the district. Hence, the district authorities should carefully examine the claims received from the tribals and extend the benefits as per the provisions of the Act.


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
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Child labour

The Commission noted that there was a survey conducted by the State Labour Institute in the month of August, 2005 regarding the child labour in the district. It was revealed from the survey that there were 32,754 child labourers in the district out of which 1577 were working in hazardous, 3007 in semi hazardous and 28170 in non hazardous occupation. The Commission observed that this was an alarming situation and requested the district collector to confirm that the figures were correct. However, the Commission was informed that 40 national child labour project schools were running in the district where 10,120 child labours were enrolled. It was also informed that the district administration has already taken several measures to remove / largely reduce the child labour in the district.

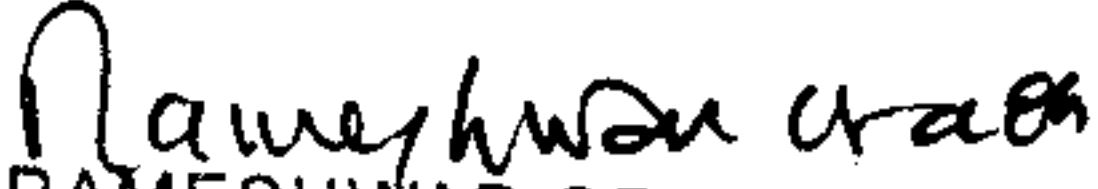
Community Certificates

The Commission noted that 222 community certificates were referred to the office of the District Collector for verification. So far, 165 community certificates were verified and communicated to the concerned ROs for verification. Another 57 cases were pending for inquiry. The Commission advised the district Collector to dispose the remaining cases also speedily and ensure that action against the officers issuing community certificates to the non-entitled persons is also taken in accordance of law.

SC & ST (POA) Act

The Commission also reviewed the implementation of SC and ST (POA) Act., 1989 and Rules, 1995 in the district. The Commission noted that the number of atrocity cases reported in the district in last few years was increasing every year. In the year 2009-10, 44 cases were reported in the district. It raised to 80 in the year 2010-11 and 91 in the year 2011-12. In the year 2011-12, an amount of Rs. 6,68,000/- was distributed as monetary compensation to the victims of 60 cases. The Commission noted that there was delay in payment of compensation to the victims in many cases due to non-availability of funds with the district Collector. In this connection, it was advised that sufficient funds should be made available to the district Collectors by the State Government to avoid delay in providing compensation to the victims.

(Action: District Admn./Govt. of Odisha)


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In the end of the meeting the Chairman, NCST requested all the officers of the district to rededicate themselves in the service of the tribals without which the benefit of the schemes cannot reach them. He appreciated the efforts of by the District Collector in this regard. The District Collector also thanked the Commission for the guidance and assured to take necessary action on the suggestions made by the Commission for the welfare of STs of the District.

Meeting with Management of Odisha Gramya Bank, Baripada (earlier Baitarani Gramya Bank)

5.7 The Commission held a meeting with Regional Manager and other senior officers of the Odisha Gramya Bank at Circuit House, Baripada in the evening. The objective of the meeting was to review the implementation of reservation policy in the services of the bank, Schemes of NSTFDC and the welfare measures taken by the bank for the Scheduled Tribes of the area. The Regional Manager of the bank welcomed the Commission and informed that earlier this bank was known as Baitarani Gramya Bank with its head office at Baripada. The Commission was informed that this bank is operating in 3 districts of the State and is having 43 branches in Mayurbhanj, 25 branches in Jashipur and 45 branches in Keonjhar Districts. The Commission had sent a detailed questionnaire to the bank management and the discussion was mainly based on the reply of the bank pertaining to the said questionnaire.

The Commission noted that this bank is operating its activities in the tribal areas of the State and opined that its activities are very vital for the economic development of the tribal community of the region. Following discussion was held in the meeting.

1) The Commission desired to know about the constitution of Board of Directors of the bank and the representation of Scheduled Tribe member in the Board of Directors of the bank. The Regional Manager of the bank informed the Commission that the Board of management consists of 9 members including the Chairman who is appointed by the sponsor bank in consultation with the NABARD. Two Directors are nominated by the sponsor bank, one Director each by the RBI and NABARD, two Directors are nominated by the State Government and two non official Directors are nominated by the Central Government. As Odisha Gramya Bank has been recently formed on amalgamation of


Dr. RAMESHWAR ORAON
Chairperson
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three RRB's including erstwhile Baitarani Gramya Bank, the Board of Odisha Gramya Bank is yet to be constituted. The board of erstwhile Baitarani Gramya Bank had one of the non-officials Directors belonging to ST category. The Commission advised the bank authorities to ensure that atleast one member from the ST category is nominated in the Board of Directors of the bank as it is operating its business in the tribal areas.

2) The Commission was informed that there is 15%, 7.5% and 27% reservation in services of the bank for SC, ST and OBC category respectively in the direct recruitment at officers level. At the level of office assistance and office attendants, this reservation is 16, 22 and 12% for these categories in direct recruitment. For direct recruitment of officers, the bank follows the guidelines laid down by the Government of India and for direct recruitment at lower level, guidelines laid down by the State Government are followed. In the posts filled by promotion, 15% reservation for Scheduled Castes and 7.5% reservation for Scheduled Tribes is provided in promotion from clerical to scale I and MCS to clerical level. For promotion to various cadres, the banks follow the guidelines laid by the Government of India.


3) The Commission desired to know about the total strength of officers and employees working at different level in the bank and the representation of Scheduled Tribes among them. The Commission was informed that as on 1-1-2011 there were 227 officers working in the bank out of which 19 (8.37%) belonged to ST category. On the same date there were 151 office assistance working in the bank out of which 33 (21.85%) belonged to ST category. At the level of office attendant, there were 81 employees out of which 15 (18.52%) belonged to ST category. The Commission was satisfied with the representation of the Scheduled Tribes in the bank.

4) The Commission was informed that recruitment was not allowed till the year 2009. At officer level, 20 vacancies occurred in the year 2010 out of which 8 were actually filled. There was one post reserved for the Scheduled Tribes which was filled from a candidate of this category. In the same year 97 vacancies of office assistant occurred out of which 59 were actually filled. One vacancy reserved for STs was carry forwarded from the previous year and 20 posts were reserved for Scheduled Tribes during the current year as a result of which total posts reserved for Scheduled Tribes became 21.

The bank could appoint only 15 candidates from the Scheduled Tribe category and 6 vacancies were carry forwarded to the subsequent year. In the post of office attendant, 20 vacancies occurred in that year and all of them were actually filled. The Commission was informed that 4 vacancies were carry forwarded from the previous year and 5 vacancies were reserved in the current year as a result of which 9 vacancies were reserved for the Scheduled Tribe candidates. The bank has filled all the 9 vacancies. The Commission noted that in the year 2011 and 2012, no posts were filled by direct recruitment in the bank as a result of which 6 vacancies of office assistant reserved for Scheduled Tribes continue to be unfilled. The Chairman, NCST advised the bank to go for direct recruitment and fill up the remaining vacant post within a period of 3 months.

5) The Commission also reviewed the implementation of reservation policy for Scheduled Tribes in promotion. In the year 2009, 22 employees were promoted to the post of officer scale I out of whom 2 employees belong to ST category. In the same year 17 employees were promoted as office assistant out of which one employee belonged to ST category. In the year 2010 no promotions were made at the officer level. However, 20 employees were promoted as office assistant during the year out of which one employee belonged to ST category. In the same year 11 employees were promoted as office assistant out of whom one belong to ST category. In the year 2011, no employee was promoted as officer. However, 28 employees were promoted as office assistant out of whom 4 belonged to ST category. In the same year 15 employees were promoted office attendant out of whom one belong to ST category. The Commission was informed that every effort is being taken by the bank to promote ST employees if they are available in the feeder cadre and come under the zone of consideration.

6) The Commission was informed that it has nominated a senior scale II officer as liaison officer to redress the grievances of SC/ST employees. Quarterly meetings are also held with the office bearers of the SC/ST welfare council/association. One additional officer has also been attached to the SC/ST cell to assist the Liaison Officer. However, there is no computerized grievance management system in the bank. It was also informed that there is one member from SC/ST category in the interview committees/departmental promotion committees constituted for direct recruitment and promotion in the bank. The


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Commission advised the management of the bank to see that the bank implements the decisions taken in the quarterly meetings with SC/ST Employees Associations.

7) The Commission also reviewed the distribution of loans to the Scheduled Tribe beneficiaries. The Commission was informed that during the last 3 years the bank has granted loans to 14888 Scheduled Tribe beneficiaries out of which 11127 (74.73%) belonged to BPL category. Remaining 3761 beneficiaries belonged to APL category. The total amount of loan actually granted to STs was Rs. 52.87 crores. The level of recovery of loans from general loan takers was 24%, 31% and 39% from the BPL category in last 3 years against 19%, 30% and 32% from ST category. Similarly the level of recovery of loans from general loan takers was 78%, 74% and 71.50% in the APL category against 71%, 73% and 73% in ST category during the last 3 years. The Chairman, NCST advised the bank to promote small scale and cottage industries in the tribal areas by providing loans as per the requirement. The bank should also promote self-employment activities in the tribal community as the employment in government sector is reducing year after year and the bank has a network of branches in the tribal areas. It should also promote awareness and give wide publicity about the NSTFDC schemes, which provide information about the availability of loan for undertaking income generating activities at highly concessional rate of interest. The Commission also advised the bank not to stress for guarantee in providing loans to the poor tribals. Presently, there are self-help groups are being encouraged by the bank and provided loans under NSTFDC schemes. Each member of the SHG can get financial assistance upto Rs. 35,000/- subject to a maximum of Rs. 5 lakhs for the whole group. Similarly, in Adivasi Mahila Sasaktikaran Yojana of the NSTFDC, the beneficiary is provided loan upto Rs. 50,000/- and a subsidy of Rs. 10,000/- also is provided if it is routed through OSTFDC.

8) The Commission was informed by the bank authorities that the bank is providing loans mainly for the purpose of making articles from Sabai grass and for rice making units. The bank is assisting about 2400 SHGs of the tribal community out of which 800 groups have been assisted for the preparation of articles from Sabai grass. Remaining groups are engaged in the works related to preparation of rice from paddy. The Commission desired to know about the interest charged from a self-help group dominated by the tribals which has some of the non tribal members also. It was informed that such

groups couldn't take the benefit of the schemes meant for Scheduled Tribes and have to pay higher rate of interest. For getting benefit of the schemes meant for tribal community, the group should have members exclusively from the tribal community. The Commission advised the management to seek further clarification from NSTFDC in the matter as NSTFDC have different norms for membership under schemes implemented by Co-operative societies.

9) The Commission was informed that due to merger of few RRBs in the State of Odisha, presently loaning under NSTFDC is held up as fresh agreement is to be signed between NSTFDC and Odisha Gramin Bank. Necessary action in this regard is being taken by the Bank. The bank officials informed that margin given to the banks by the NSTFDC for its schemes implemented through the banks is inadequate for meeting the cost of implementation of NSTFDC schemes. The Commission advised to take up the matter with NSTFDC

(Action: Odisha Gramya Bank)

In the end, the Regional Manager thanked the Commission for the valuable discussion and guidance and assured the Commission that necessary action shall be taken on the points emerged in the meeting by the bank in the interest of the Scheduled Tribes of the area.

11-2-2013

Meeting with tribal delegates

6.0 Many tribal delegates met the Commission at Circuit House, Baripada in the morning and placed their demands/complaints related to issues concerning the Scheduled Tribes of the District. Following demands/issues/complaints were placed before the Commission:

1) Chaitanya Prasad Junior Mahavidyalaya was established in the year 1993 in village Kandua of Shyama khunda block of the district where the students are studying in Arts and Science at Intermediate level. However, there is no ST boys and girls hostels due to which they are facing problem in continuing their studies. Hence, a hostel each for boys and girls should be opened in the village.

- 2) The Government of Odisha should take over the management of Mayurbhanj Ayurved Mahavidyalaya.
- 3) Harassment of Ms. Mallika Murmu, Industries Promotion Officer (ST) in Baripada block by Shri Jyoti Shankar Roy, BDO of Baripada.
- 4) Supply of cots, extension of playground, supply of musical instruments and extra coaching for the students of Ranibhol Government Girls High School (residential).
- 5) Establishment of Navodaya Vidyalaya at Udla, Rairangpur and Karanjia.
- 6) Establishment of Government Engineering College at Bamankhati/Panchpeer sub-division.
- 7) Proper implementation of Odisha Reservation Act in Government services.
- 8) Reservation for tribals in allotment of houses in government housing schemes like BDA, CDA etc.
- 9) Establishment of government medical college in Mayurbhanj district.
- 10) Establishment of Kendriya Vidyalaya at Badampahar.
- 11) Establishment of model school at Bahalda and Manada
- 12) Promotion of Santhali language (Olchiki) in primary level educational institutions.
- 13) Proper implementation of irrigation projects like bore wells and dug wells in the tribal areas.

The Commission directed the District Collector and tribal welfare officer present there to take necessary action on the demands and complaint of the tribal representatives.

(Action: District Admn./Govt. of Odisha)

Departure for Bhubaneswar

The Commission left Baripada for Bhubaneswar at 10.00 A.M. in the morning by road and reached there at 14.30 hrs.

Meeting to review working of SC and ST Research & Training Institute, Bhubaneswar

6.1 The Commission held a meeting with Secretary, ST & SC Welfare Department, Govt. of Odisha and Director, SC & ST Research & Training Institute, Bhubaneswar in the State Guest House in the evening to review the working of the Institute. Other senior

officers of the Institute were also present in the meeting. Following discussion took place in the meeting:


1) The Commission was informed that SCSTRTI is the premier and oldest Tribal Research Institute of the country established in 1952. Considering the Institute's impressive activities and splendid performance in all the areas like research, training, museum and publication, the Ministry of Tribal Affairs, Govt. of India elevated its status as a nodal Tribal Institute of the country in the year 2008-09. It is expected to play a leading role in undertaking research, evaluation, training, publication and interactive museum by sharing similar activities with its link TRIs in four States/UTs such as Andhra Pradesh, West Bengal, Jharkand and Andaman & Nicobar Islands. UNESCO has identified the tribal museum of the Institute as Model Interactive Tribal Museum for further improvement.

2) The Institute was set up with the following key objectives:

- a) Ethnographic research studies for different ST and SC communities and their documentation. Advising the Government on inclusion/exclusion of communities in the SC/ST list of the State.
- b) Study of social, cultural and economic changes and development among ST and SC communities.
- c) Preparation of action plan for development intervention
- d) A center for providing data and advisory services to government on the problems and development of ST and SC communities.
- e) Conducting training and awareness camp, seminar and workshop for tribal leaders and Government and non- Government functionaries concerned with tribal development.

3) Ministry of Tribal Affairs, Govt. of India and the ST and SC Development Department of the State provide 50% share each to the Institute to run its activities. Occasionally, Ministry of Panchayati Raj, GOI, DFID, UNDP, OSFDC and the State Information Commission also provide funds to the Institute. There are following wings of the Institute:

- i) Research- This wing conducts Monographic/Ethnographic studies, diagnostic and problem oriented studies, policy research and ethnic research determination.


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- ii) Planning-This wing is involved in benchmark/baseline survey covering the TSP area and survey, identification and formulation of action plans/projects reports for ST and SC communities.
- iii) Evaluation-This wing is engaged in monitoring and concurrent evaluation, post facto evaluation and inspection.
- iv) Training workshops and seminars- This wing organizes national and state level seminars.
- v) Tribal museum-More than 4,000 rare tribal art and artifacts have been displayed in five fully air-conditioned halls of the museum besides above five tribal huts of Santhal, Juang, Gadaba, Saora and Kandha tribes have been displayed here. There is a big auditorium in the Institute.
- vi) Library- Library of the Institute is best anthropological library in the State having more than 16,000 books and 1,000 research reports.
- vii) Data bank and resource center- This center has computerized universal benchmark survey data of STs, statistical data on SC and ST communities and sectoral data on ST and SC communities. The Institute has so far published 53 books and it publishes 'Adibasi' research journal biannually. It also publishes various annual reports on administration, ITDA and micro projects.
- 4) The Commission noted with concern that out of the 109 sanctioned strength of the Institute, 49 posts were lying vacant. Out of 7 group A sanctioned posts, only 2 officers were in position and 5 posts were lying vacant. Similarly in group B, out of sanctioned strength of 27, only 12 officers were in position and 15 posts were vacant. In-group C also 21 posts were vacant against the sanctioned strength of 46. Eight posts in-group D category were vacant. The Commission opined that it would be difficult to meet the objectives of the Institute unless the posts are filled up. Especially the Group A & B posts should be filled urgently so that the research activities of the Institute are not adversely affected.
- 5) The Commission was informed that cases of inclusion of 167 communities in the Scheduled Tribe list of Odisha was pending with the Ministry of Tribal Affairs/RGI. The Commission desired that a copy of the proposals on the subject may be provided to the Commission by the State Government to pursue the matter at appropriate

level. The Commission also advised the Institute and the State Government to effectively tackle the menace of obtaining false caste certificates by the non -entitled persons who grab the benefits met for the Scheduled Tribes of the State.

In the end of the meeting, the Chairman, NCST appreciated the working of the SCST RTI as a nodal Tribal Research Institute. Director of the Institute thanked the Commission for providing the opportunity of discussion with the Commission.

(Action: District Admn./Govt. of Odisha)

Meeting with Managing Director, OSFDC and NSTFDC to review the implementation of various schemes for the economic upliftment of scheduled tribes of the State.

6.2. The Commission held a meeting with Managing Director, Odisha Scheduled Caste and Scheduled Tribe Development Co-operative Corporation (OSFDC) in the evening to review the working of the Corporation related to implementation of various schemes for economic upliftment of the Scheduled Tribes of the State. AGM of NSTFDC, Bhubaneswar office was also present in the meeting. Secretary, ST & SC Welfare Department, Govt. of Odisha was also present in the meeting. Following discussion took place in the meeting:

1) The Commission was informed that OSFDC was established in the year 1979-80 with an objective to implement various economic development programmes for SC, ST and scavenger communities of the State under various income generating schemes. Following programmes are implemented by OSFDC:

- a) Special Central Assistance to Sch. Caste sub-plan- The SCA to Sch.Caste sub-plan is received from Ministry of SJ&E, Govt. of India and is utilized by OSFDC for implementation of income generating schemes and infrastructure development to assist the Scheduled Caste families living below the poverty line.
- b) Special Central Assistance to Tribal Sub-plan - The SCA to TSP is for dispersed tribals residing outside the ITDA, MADA, Micro Project and Cluster areas.
- c) Scheme for rehabilitation manual scavengers
- d) Implementation of high value term loan schemes with financial assistance from NSFDC, NSTFDC and NSKFDC.

Besides, OSFDC also receive funds under SCA to TSP from Ministry of Tribal Affairs, Govt. of India for implementation of income generating schemes and infrastructure development incidental to income generation for dispersed tribals under Dispersed Tribals Development Project living below poverty line. OSFDC also receives share capital from Government of India and the State Government. The authorized share capital and paid up share capital of OSFDC till 2011-12 is Rs. 3500.00 lakh and Rs. 3071.17 lakh.

2) The Commission was informed that following schemes/activities have been undertaken by the Corporation for the welfare and socio-economic development of dispersed tribals:

- i) Credit linked family income generating schemes for STs- Subsidy is provided under agriculture, animal husbandry, fishery, village and small scale industry, vocational trade and small business sectors where the loans are financed by banks for different income generating activities. OFSDC pays back-end subsidy of Rs. 10,000/- per beneficiary limited to Rs. 1.25 lakhs per group (having ten or more beneficiaries)
- ii) Infrastructure development programme incidental to ICS- Construction of CC roads, repair of buildings of educational institutions, providing drinking water, electrification facilities etc. As per SCA guidelines there is provision of utilization of 30% of grants under SCA to TSP for different infrastructural development work incidental to IGS. Infrastructure facilities for providing drinking water, link roads, electricity etc. can be provided with this fund fwhich is mostly incidental to IGS. Further, repair of buildings of educational institutions and hostels and hostels run by SC and ST Development Department are also being done by OSFDC by utilizing funds from SCA.
- iii) Skill Development Training- OSFDC provides skill development training to ST youths under the following three categories through different government and reputed training institutions free of cost (both residential and non residential) for providing self-employment and wage employment as per the mandate given in SCA to TSP-
 - a) Pre recruitment training
 - b) Skill development training
 - c) Placement linked employability training

OSFDC is providing training under different skills/trades such as Welding and fabrication, Tally, Accounting, Data entry operator, Mobile repairing, House wiring, Basic machining, Certificate programme in retail skills, Garment construction technique, electrical maintenance, Security guard, Mason, Certificate in food and beverage services and Certificate in front office operation, Telecom equipment operation and maintenance etc.

3) The Commission noticed that the allocation and expenditure of funds under the tribal sub-plan of the ministry for the last three years was reducing every year. In the year 2009-10, an amount of Rs. 1200.00/-lakh was allotted under tribal sub-plan (DTDP) and the expenditure incurred in the year was 1089.85/- lakh (90.82%). In the year 2010-11, amount allocated under DTDP was Rs. 11.47.30 lakh against which an expenditure of Rs. 904.64 lakhs (78.84%) could be made. In the year 2011-12 the amount allocated under DTDP was Rs. 954.00 lakhs against which an expenditure of Rs. 550.43 lakhs (57.69%) could be made. The Commission advised the Corporation to ensure that the funds available with the Corporation are utilized fully to meet the objectives of the scheme.

4) During the discussion, the Commission was informed that OSFDC is also implementing following schemes with funds received from NSTFDC:

a) **Term loan schemes-** High value income generating schemes are financed upto Rs. 10.00 lakhs /unit and on loan from NSTFDC upto Rs 5.00 lakh /unit interest @ 3% Per Annum is charged by NSTFDC from OSFDC and in turn OSFDC charges interest @ 6 % per annum from the beneficiaries. For loan above Rs 5.00 lakh per unit , interest @ 5% P.a is charged by NSTFDC from OSFDC and in turn OSFDC charges interest @ 8 % p.a.t.

b) Adivasi Mahila Sashaktikaran Yojana (AMSY)- It is an exclusive concessional scheme for the economic development of eligible Scheduled Tribe women, which provides term loans upto Rs. 50,000/- @ 2 % per annum is charged by NSTFDC from OSFDC and in turn OSFDC may charge interest @ 4 % per annum from ultimate beneficiary .

c) Wadi Projects for landless ST Wadi holders- This project is under implementation at Tikabali and G.Udayagiri block of Kandhamal district with the financial assistance from Ministry of tribal Affairs as grant and loan for income generating activities under


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NSTFDC scheme for the development of Wadi (Agro Horti Forestry Project) through cluster based activities by way of creation of Wadi and Development of association infrastructure with forward and backward linkages alongwith micro credit enterprises for landless STs.

5) The Commission was informed that OSFDC needs assistance from NSTFDC in the following areas to improve its performance:

- i) Complete waver of loan in case of death of beneficiary and seizer of assets in such cases.
- ii) Sharing the loss of non performing assets and irrecoverable loans
- iii) Sharing of the loss on implementation of one time resettlement scheme, 2012.
- iv) Financial support to OSFDC towards administrative cost for sanction, finance, disbursement and recovery of loan.
- v) NSTFDC provides Rs. 2 lakh as one time allocation for computerization of the office of OSTFDC. More funds are required for the purpose.

6) During the discussion, the Commission was informed by the Assistant Zonal Manager of NSTFDC present in the meeting informed that the State Government has provided government guarantee of Rs. **1.00 crore** only to the NSTFDC for its schemes for the Scheduled Tribes of the State who are **22% of the total population** of the State. On the other hand the State Government has given guarantee of Rs. 10 crores to NSCFDC for the schemes being implemented for the benefit of Scheduled Castes of the State who comprise 16% population of the State. He requested that the guarantee should be enhanced many fold for the Scheduled Tribes. The Commission advised to provide the State guarantee keeping in view the proportion and size of ST population of the State. Secretary, ST & SC Development Department, Govt. of Odisha agreed for processing of State Government guarantee for higher value for NSTFDC schemes. It was noted that funds allocated for STs by NSTFDC were not availed by OSTFDC because of lack of State Government of guarantee.

Chairperson also advised that necessary action be taken NSTFDC/OSTFDC in creating awareness of programmes for the economic development of Scheduled Tribes.

(Action:NSTFDC/OSTFDC/Govt. of Odisha)

7) During the discussion on the human resources available with the OSTFDC, the Commission noted that the sanctioned strength of the Corporation was 124, which comprises of one Managing Director, one General Manager, four Asstt. General Managers, one Assistant Manager, two Section officers, 47 Sr. Assistant/Sr. Steno/Sr. Typist, 36 Jr. Assistant/Driver and 32 Peons. The Commission observed that only 81 posts of the employees were filled and 43 posts of different level were vacant. No recruitment has been made since 1995-96. Some posts of officers were filled by appointing officers of the State Government on deputation. The Commission advised the Corporation to fill up the vacant posts with regular officers and employees to enable it to run its schemes more effectively.

In the end of the meeting, the Managing Director, OSTFDC thanked the Commission and assured that the State Government will take necessary action based on the discussion held in the meeting.


(Action:NSTFDC/OSTFDC/Govt. of Odisha)

12-2-2013

7.0 The Commission proceeded for Dhenkanal district at 09.00 hrs and arrived at the Circuit House, Dhenkanal at 11.30 hrs where the District Collector and the Supdt. of Police welcomed them. Thereafter, the Commission proceeded for Chhatia village to meet the tribal families affected due to setting up of CESE Power plant at Dhenkanal sub-division and RSB Metal Tech.Pvt. Ltd. at Kamakhya nagar sub-division of Dhenkanal District.

Visit to village Chhatia

7.1 The Commission reached Chhatia village where large number of tribal families were present to meet the Commission. Shri Debashisha Hota, Convenor Krishak Shangharsha Samiti, CESC Mahimagadi Khyatigrasth Praja Samiti and RSB Jenadesh Khyatigrasth Praja Samiti welcomed the Commission. Thereafter the Commission requested the leaders of the tribal groups to put up their case before the Commission one by one. First, the CESC plant affected families shared following information with the Commission:


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- 1) Shri Dhandadhari Dehury R/o Chhatia informed the Commission that he belongs to Sabar tribe and his family is affected due to construction of CESC plant. He informed that the State Government had issued pattas of one acre land each to the 64 landless tribal families in between 1971 to 1977. Since then, these families possess the land on which they have planted cashew plants. He informed that CESC plant was constructed in the year 2008. In the year 2011, the district administration has given their land to the Company but they have not been paid any compensation. They approached the district Collector in this regard but no favorable action was taken by the administration. If they loose their land without any compensation or alternative arrangements for earning their livelihood, as a result while they will loose their earning and also they would become landless. He demanded that the Government should first recognize their rights over the land in their possession and in the event of acquisition of land, suitable compensation and jobs for the family members of the project affected families should be provided.
- 2) Shri Jayakrishnan Nayak also briefed the Commission on the same lines and demanded job for unemployed members of the project affected families. He demanded that compensation @ 25 lakhs per acre should be paid to the project affected families.
- 3) Shri Srikant Nayak R/o Bandhanwada village informed that he has been paid compensation @ Rs. 3.5 lakhs per acre. He informed that no compensation has been paid for the Debottar land and the Eucalyptus trees, forest and encroached land. He demanded that they should be paid compensation for the above property also.
- 4) Shri Mayadhar Raout informed the Commission that no compensation has been given by the administration for Debottar land. The company is not interested in listening to them on the plea that they have not taken land directly from the project affected families as the land has been allotted to the company by IIDCO.
- 5) Shri Priyavarth Kar informed the Commission that the compensation of Rs. 3.5 lakhs per acre is not adequate keeping in view the rates of land in Dhenkanal sub-division. He also submitted that the Government has paid no compensation for the trees, plants and crops.

Many other tribal representatives also briefed the Commission on the same lines. Thereafter the families affected by RSB Metal Tech. Project came forward to brief the Commission about their grievances as under:

- i) Smt. Kiran Pradhan R/o village Markata informed that 426 acres of forest land under the occupation of the Scheduled Tribes of the village and 64 acres of similar land in Bijadehi village was illegally acquired by the Government without obtaining concurrence of gram sabha. Their traditional rights over the forest land were not recognized before the acquisition as a result of which they were not paid any compensation.
- ii) Shri Rengadhar Behra R/o Matia informed that his village is situated in Kamakhya nagar sub-division. He demanded adequate compensation for 'K' form holders and employment for the members of the affected families. He demanded that the villages of the area should be provided electricity, drinking water and irrigation facilities by the Company. He also requested for opening an Intermediate level college in the area.
- iii) Shri Padau Nayak R/o Bijadehi informed that no survey of their cashew plantation was conducted by the district administration before acquiring their land for setting up industries. The district administration is not settling their grievances.
- iv) Shri Premanand Nayak informed that the Sabar STs are not being provided ST caste certificate by the district administration due to different pronunciation. He demanded that a mechanism should be developed for meeting of the affected families with the officers of the district administration and the companies to solve their grievances effectively.

After listening to the speakers, the Chairperson, NCST addressed the tribal representatives and assured to discuss the matter with the District Collector and the State Government.

District level review meeting at Dhenkanal

7.2 The Commission held a meeting at 16.00 hrs in the conference room of the O/o the District Collector, Dhenkanal to review the implementation of various development programmes being run for the welfare of scheduled tribes in the district. The Commission also discussed the issues related to acquisition of land for CESC and RSB plants in the district.

Initiating the discussion, the Chairperson, NCST requested the District Collector, Dhenkanal to inform the Commission about the findings on the complaint sent to the Commission by Shri Debashisha Hota which was referred to him by the Commission for enquiry. The District Collector informed the Commission that some people in Chhatia

village were given pattas of land long back during the year 1971-1976 in "K" forms without any records in the concerned Tahsil. Most of them were poor SC/ST people. They were expected to convert it to Rayati status within stipulated time, which was not done by them. Now, these "K" forms have no legal sanctity. There are 46 "K" form holders in Chhatia village that will lose land to the company. He agreed that adequate compensation for their land should be provided to the affected families. Similarly, adequate compensation for Debottar land fixed by Compensation Advisory Committee must be given by the company.

The District Collector informed the Commission that CESC Power Ltd. proposed to establish one Power Plant near Village Chhatia under Gondia Tahsil of 1320MW capacity. Four villages namely Chhatia, Bandhanuagoan, Neulapoi and Ambakhel will be affected by the plant. No construction work has yet been taken up by the Company on the proposed site. Job for unemployed youths of all affected villages will arise when the company takes up construction work of the project. It should be insisted that the company should give employment to the local youths as per rehabilitation policy of the Govt. Demand for modernization of Govt. Medical institution is justified since the area is inhabited by SC & ST people. Other demands related to compensation and development can be decided in RPDAC meetings.

The Commission opined that the poor landless tribals and SC's, who were provided "K" form pattas were illiterate and it was the responsibility of the State and the District Administration to help and educate them to convert it to Rayati status within stipulated time. Moreover, they are continuously in possession of the allotted land on which they have planted cashew plants. It will be in the interest of justice to recognize their rights over the land and pay compensation to them. Other demands made by them should also be considered sympathetically.

(Action: District Admn./Govt. of Odisha)

After the above discussion, the Commission reviewed the status of various development programs and welfare measures for Scheduled Tribes in the district on the basis of reply to the questionnaire sent by the Commission. Following observations were noted by the Commission which requires urgent attention by the District Administration and State Government:

Education

1. The Commission noted that in the year 2001, there was almost 27% gap in the literacy among males of General category and ST category. This gap was 33% among the females. Among Scheduled Tribes, the literacy was 53.69% and 24.66% in the males and females respectively. The Commission desired that more efforts are required to fill these gaps. Education of females among the ST category should be given top priority and attention
2. The Commission was informed that the result in the schools located in tribal areas was about 83%. The Commission desired to know about the no. of students who secured first division last year. It was admitted that not many tribal students could secure first division. The Commission advised the concerned authorities to focus on improving quality of education in tribal areas.
3. The Commission was informed that an amount of Rs. 650/- and Rs. 620/- was spent per month on the girl and boy boarders respectively in the High School hostels. It was admitted that there is a need to enhance it by at least Rs. 200/- per month per boarder.
4. The Commission noted that the no. of ST students receiving post matriculation scholarship during the last two years was only 325 and 406 whereas, the no. of students receiving pre-matriculation scholarship during the last two years was 13,480 and 10,214 respectively. It seems that the dropout after matriculation was high which needs to be tackled appropriately.
5. The Commission desired to know about the availability of toilets in the schools particularly for the girls. It was admitted that all schools do not have toilets. The Commission opined that this could be one of the reasons for dropout of girl students and advised the District Administration to focus on construction of toilets with running water facility.

Health

1. The Commission was informed that there are 33 PHC's, 10 CHC's and 1 district Hospital in the district. The sanctioned posts of Doctors were 151 out of which 66 posts were vacant. It was admitted that many PHC's were managed with the help of Ayush Doctors. The Commission advised the District Collector to take urgent

steps to fill up the vacant posts of doctors. During the discussion, it was revealed that most of the posts of Pharmacists, staff nurse and ANM were filled up but all the posts of Lab technicians were vacant in the district. The Commission advised to fill up the vacant post urgently.

2. The Commission observed that there are to tribal dominated Block in the district were two mobile health units are providing health care to the people. The Commission advised to verify through Sarpanch of Gram Panchayats whether the services of these units are reaching in the villages or not.

Forest Rights Act

The Commission was informed that 12,529 individual claims were received in the district. So far, 6,109 claims have been accepted. A total of 5,079 claims were rejected due to non availability of documents specified in the rules. Another 1,342 cases have been referred back to Gram Sabha for reconsideration. The Commission was informed that 60 community claims were received and all of them have been accepted. The Commission advised the authorities to ensure that all eligible persons get their rights as per the provisions of this Act.

Child Labour

The Commission noted that as per Labour Department Census, 2012, there were 4,417 child labours in the district. 35 no. of NCLP schools are functioning in the district and in each school, 50 child labours have been admitted. Out of the 1747 students admitted in these schools, 824 belong to ST category. The Commission observed that still there are 2670 child labours who need to be taken care of by the District Administration and advised the District Collector to take necessary steps in this regard.

MGNREGA

The Commission was informed that action plan under MGNREGA for 2013-14 has been prepared with due consideration to ST habitations, land development projects for FRA beneficiaries etc. So far, 26,657 no. of ST households have been issued job cards under this scheme out of total 1,71,452 households in the district. Total 6,17,531 man days work has been generated in which 1,09,079 (18%) has been provided to the ST

beneficiaries. There is no instance of migration of labour in the district. The Commission was satisfied with the implementation of this scheme.

SC and ST (PoA) Act, 1989

The Commission, while reviewing the implementation of SC and ST (PoA) Act, 1989 observed that there was delay in providing financial assistance to the victims. The District Collector agreed there were cases of delay in payment of financial assistance to the victims due to non availability of funds with the District Collectors who have to forward their demands to the State Government. The Commission advised that adequate funds should be made available in advance with the District Collectors to avoid delay in payment of financial assistance to the victims.

In the end of the meeting, the District Collector thanked the Commission for coming to the district and providing guidance to the officers of the district. He assured the Commission to take necessary action on the points that emerged during the discussion held in the meeting.

After the District level review meeting, the Commission left Dhenkanal for Bhubaneswar and reached there in the evening.

(Action: District Admn./Govt. of Odisha)

Meeting with delegation of tribal representatives

7.3 A delegation of Tribal Students met the Commission in the evening at Bhubaneswar in connection regularization of services of 20 ST Civil Engineers appointed as Assistant Engineer (Civil) against 176 no. of Backlog vacancies in the year 2011 by Water Resources Department, Government of Odisha. They demanded for similar treatment as done by the same department with NMR Graduate Engineers.

7.4 Another delegation of persons met the Commission in connection with inclusion of 'SAARA' community in the list of Schedule Tribe for the State of Odisha as synonymous name of 'Sahara', 'Shabar' and 'Savar' in the Presidential order of the Tribe list. Another delegation requested the Commission to help in correction of the misspelled word 'SAARA' in all Government records and correct the same as 'SABARA'.

(Action: Govt. of Odisha)

13-2-2013

8.0 The Commission held sittings in the Circuit House with the respondents and the representations in connection with the complaints pending at the Regional office of the Commission at Bhubaneswar. Following cases were discussed in the meeting:

Case No. 1

Complaint filed before the Commission by Shri Nandu Bakti and others of G.P. Badomuda, P.O. Gorumahisani, District Mayurbhanj in connection with large scale agricultural crop damage since last five years due to illegal Iron Ore/Stone Mining by the mining Mafia(s) in connivance with the local police officer resulting in income loss to poor farmers.

Proceeding: Principal Secretary, Home Department, Forest and Environment, Steel and Mines and Water Resources, Secretary, ST and SC Welfare Department and Joint Secretary, Agriculture Department, Government of Odisha attended the meeting. The Commission was informed that the complaint was inquired through the Deputy Director of Agriculture, Mayurbhanj. It is revealed that Barukanda Nala receiving water from Kunkijharan and its watershed was deep enough to act as a perennial source of water. During kharif season water flowing through Barukanda Nala was used for irrigation by construction of 3 no. of check dams and canals facilitated by ITDA. Farmers were able to take up Rabi crops by lifting water by DP sets but it is not possible now due to deposit of excavated mining materials and reduction in storage of water. During heavy rains flash floods occurs which create submergence in the adjacent crop fields and created Iron Toxicity. As a result there is substantial reduction in the yield of the crop. Rabi cropping is also not possible due to deposit of excavated materials in the riverbed. During last 6 to 7 years Rabi coverage was about 30 hecets which is not possible now due to deposit of excavated materials in the Barukanda Nala. Similarly about 250 ha of kharif paddy is also affected in the village like Kasiabeda, Pandugandi, Pokharia and Pechadar. No such observation is found in Bahalda and Tiring block.

The Commission noted that the complaint regarding damage of crops made by the farmers was not negated by the State Government. On the contrary, it was admitted during discussion that 155 cases of illegal mining has been registered in the district. Social impact assessment was required to be done before providing mining lease. Check

dams, walls etc. should have been constructed before starting mining activities in the area to protect the agricultural crops sown in the fields. Several permissions and clearances are required from various agencies before initiating mining activity but no agency made any effort to protect the interest of the poor tribals. The Commission directed the State Government to inquire into the complaints of illegal mining and the extent of damage to crops and fields in Mayurbhanj District and to send a report to the Commission with an action plan to provide compensation to the affected families within a month's time.

(Action: District Admn./Govt. of Odisha)

Case No. 2

Complaint of Shri Ramchandra Hansdah, MLA, Saraskana, Odisha Legislative Assembly regarding violation of TSP/SCP guidelines in the State.

Proceeding: Secretary, ST and SC Development Department, Government of Odisha was present along with Director, Tribal Development Department of the State. The applicant was also present to present his case. The applicant informed the Commission that most of the funds allocated in Home Department, Works, Forest, Transport and Water Resources Department of the State are diverted to other purpose in violation of guidelines on the subject. For example the Home Department was allocated Rs. 24.85 crores under TSP Funds which was diverted to other purpose like construction of Buildings of Jail, Court, Fire Services, Police Welfare and purchase of security related items. Similarly Works Department utilized Rs. 10.58 crores allocated under TSP for construction of buildings for Revenue and Disaster Management, Sport Stadium, Law Department etc. Transport, Forest and other some departments also did the same thing. The Commission noted that there was a lack of understanding in visualizing the concept of TSP which is intended to fill up the gap in the development of general population and the Scheduled Tribes. The Commission asked the officers present in the meeting that had there been no Tribal sub-plan, these buildings would have been constructed or not? The TSP Funds should have been utilized for the schemes directly benefitting the Tribals. The Commission directed the State Government to ensure proper utilization of TSP Funds and send the report in this regard to the Commission within a month's time.

(Action: Govt. of Odisha)

Case No. 3

Complaint of Shri Iganesh Kandeiburu and others regarding rehabilitation of 13 Tribal families displaced due to construction of Rukura Dam in Bonai Sub-division of Sundergarh District. In the complaint, it is alleged that neither any compensation of land nor any rehabilitation package has been sanctioned to them for the displacement due to construction of dam.

Proceeding: The applicant did not attend the sitting. District Collector, Sundergarh was present in the sitting. He informed that the complaint was inquired by the Sub-Collector, Bonai and Executive Engineer, Rukura irrigation project and the finding are as follows:

- (i) The 13 ST Petitioners are not actually 13 households but belong to three original families of Shri Iganesh Kandeiburu, Nikodim Kandulna and Lemsu Purti.
- (ii) Shri Iganesh Kandeiburu ordinarily resides at Village – Bandhabhuin has no recorded land there but has recorded land at Village- Deogaon vide Hal Khata No. 172/115, Plot No. 132, Kissam- Goda measuring and area of Ac.0.24. The said recorded land has not been acquired for the project as the same does not come under the project area. However, title under Forest Right Act has been granted in favour of Shri Iganesh Kandeiburu and his wife- Indumati Kandeiburu under Forest Rights Act at Village- Bandhabhuin for and extent of Ac.9.29. Out of Ac.9.29 of Forest Land an area of Ac.04.02 vide Plot No. 1668 is coming under project area. Shri Iganesh Kandeiburu and his son Jitban Kandeiburu have been given notice to receive compensation towards structure constructed over the Plot No. 1668. But both of them did not yet turn up to receive the compensation. An amount of Rs. 1,46,762/- and 2,13,221/- has been sanctioned as compensation towards the structure in favour of Iganesh Kandeiburu and Jitban Kandeiburu respectively. Besides, Shri Iganesh Kandeiburu and Jitban Kandeiburu have been allotted with Ac.0.05 Government land, each under Orissa Government Land Settlement Act to utilise the land for homestead purpose in village Bandhabhuin.

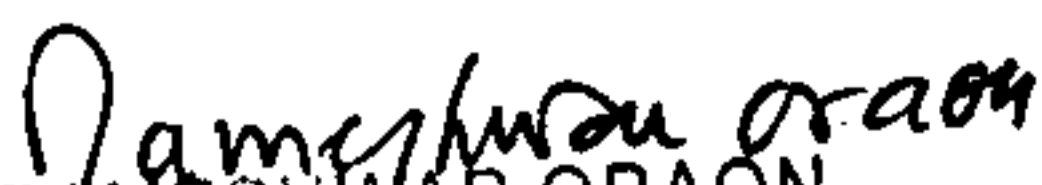
The petitioner Shri Iganesh Kandeiburu and his sons and daughters do not possess any private land in the acquired area hence payment of compensation towards private land does not arise. The Forest Land for which title has been granted has not been acquired under the land Acquisition Act. The compensation

towards forest land could be sanctioned since there is no provision in R&R Policy, 2006 of Government of Odisha. Only against the structure, compensation has been sanctioned and alternative site has been sanctioned for housing purpose to the petitioner.

It is not out of place to mention here that Shri Iganesh Kandeiburu is a retired government employee of the Government of Assam and has been receiving pension.

- (iii) Nikodim Kandulana- Shri Nikodim Kandulana and his family ordinarily reside at Village Bandhabhuin and has got no Royati Land. Shri Nikodim Kandulana and his family originally belong to Jharkhand State. He had encroached Ac.2.69 of Government land which is coming within the project area. As per guidelines of Government and Land Acquisition Act, no compensation is payable for alienation of Government land. Besides, some Forest Land occupied by Shri Kandulana has been acquired for the project and assessment of the structure made by him has been made and an award of Rs. 2,33,115.00 has been sanctioned as compensation of house over forest land. He has received an amount of Rs. 1,16,557 on 20.07.2012 vide cheque no. 237314. Shri Kandulana has also been allotted with Ac.0.04 land, under Orissa, Government Land Settlement Act to utilize the land for homestead purpose. In view of the above, the case of the petitioner has been taken care of within the provision of Government guidelines.
- (iv) Lemsu Perti- Shri Perti has neither got any Royati Land nor any Forest Land. He had encroached an area of Ac.0.44 of Government land in village- Bandhabuin. He has vacated the Government land on his own. As per the provision of the R&R Policy, 2006 he and his family are not entitled to get any R&R benefit.

The Commission was satisfied with the reply of District Collector and decided to close the case.


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

Case No. 4

Complaint of Shri Girdhari Munda Birhor (Mankadia) Ashram, Pragati Vihar, Sambalpur regarding demolition of tribal children home due to highhandedness and prejudice of District Collector.

Proceeding: The applicant and the District Collector, Sambalpur were present. The applicant presented his case, as per her complaint sent to the Commission. The District Collector informed that the land, on which Ashram was constructed, was allotted to the CPWD and the Ashram was illegally constructed. The applicant insisted on allotment of same land where the demolished Ashram stood but the District Collector did not agree to it. The Commission opined that the District Collector should allot another plot of land located at a prominent place for the Ashram in the interest of the poor tribal children. The District Collector agreed to allot land to the complainant for construction of hostel for tribal children. The Commission advised the complainant to be in touch with the District Collector to settle the grievance.

(Action: District Admn)

Case No. 5

Complaint of Shri Devashisha Hota and others, R/o Dhenkanal regarding payment of compensation to the affected villagers of the proposed CESC power plant at Dhenkanal and RSB Metal Tech Company at Kamakhya Nagar.

Proceeding: Petitioners and District Collector, Dhenkanal were present. After detailed discussion, the Commission directed the State Government to provide adequate compensation to 'K' form holders before acquiring their land as demanded by the petitioners affected by CESC power plant at Dhenkanal. The Commission also advised to consider the claims under Forest Rights Act in case of families affected by project of RSB Metal Tech Company at Kamakhya Nagar. The Commission opined that demand to provide employment to the members of the affected families, house to landless families and other developmental facilities in the area were justified and the State Government should take necessary steps in this regard.

(Action: District Admn./Govt. of Odisha)

Case No. 6

Complaint of Shri Laxmidhar Dehury, Daftary in the Directorate of Census Operations, Odisha regarding his promotion to Group 'C' post against the 10% promotion quota reserved for Group 'D' employees. The applicant alleged that the authorities did not consider his case for promotion willfully in the year 1998, although he had the requisite qualification and was at Sl. No.1 in the gradation list. On the other hand, one Shri K.B. Mahanta, Junior to him was given promotion.

Proceeding: Shri D. Behera Joint Director, Shri D.S. Mishra, Deputy Director and Shri Ashok Mishra, Directorate of Census Operations, Odisha were present. The Commission noticed that the Regional Office of the Commission has continuously followed up the matter to settle the case. The applicant had submitted copy of his HSC Examination certificate (essential qualification for promotion to the higher post) in the office which was not taken in record and an employee junior to him was given promotion. Later, a three member committee was constituted to inquire into the complaint of the applicant which found that no post was available for promotion to Group 'C' post against the 10% promotion quota reserved for Group 'D' employees. The Commission also noticed that the promoted employee obtained stay for a period of two months against his reversion from the CAT but he is still continuing in the promoted post. The Commission was not satisfied with the action taken by the respondent department and decided to hold a meeting with RGI in Delhi to settle the case.

(Action: RGI)

Meeting with NALCO SC/ST Employees Association

8.1 The Commission held a meeting with the office bearers of NALCO SC/ST Employees Association at 15.00 hours in the Corporate office of NALCO at Bhubaneswar. Shri P.C. Panigrahi, ED (H&A) and Chief Liaison Officer for SC/ST was also present. After welcoming the Commission, following issues related to service matters and development of ST's and SC's were placed before the Commission by the Association:

1. There is no representation of ST's in Executive Grade -5 to 9. Suitable candidates from ST category may be considered for promotion at E-7 and E-8 level (DGM & GM level).


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2. SC/ST Officers /employees should be given adequate representation in the training programs being conducted in India and abroad.
3. The SC/ST employees are not getting promotion from Supervisor to E.O. despite passing the exam.
4. Filling up of 6 backlog posts in Group 'C' should be taken up urgently.
5. Communication (Road), Water & Electricity to peripheral village & periodical maintenance because the roads are built 32 years ago.
6. Early construction of Technical Training School (ITI, Damanjodi) in this locality.
7. Education through NALCO Foundation has emphasized the peripheral children almost, but at the same time an opportunity at periodical intervals to be given to the parents of the children to get the feedback at KISS, KID & Vikash Educational Institutions.
8. Preference may be given to the LDP Dependents at the time of recruitment.
9. Preference in promotion to the ST category employees in NALCO (Non-executive to executive grade).
10. To examine the low representation in higher grade (ST category) & also shortfall in 'A' group and 'B' group be filled up by launching special drive.
11. Recruitment of ST staff in Company aided Schools at Damanjodi i.e. Delhi Public School & Saraswati Vidya Mandir. One Committee may be formed for both the schools under single Chairmanship.
12. Recruitment of JMOT, SMOT & GET in reserved category against the 4th phase expansion head of NALCO, Damanjodi.
13. Identification of Sr. Management personnel to look after the training need of ST category employees at unit level.
14. Nomination of one ST Representative in all the committees like Welfare Committee, Canteen Committee, Peripheral Development Committee, Safety Committee, Market Committee, House Allotment Committee etc in addition to the Union Representatives.
15. Contractor/ Workers Labour Colony: Like SVM, DPS, CISF, LDPE Colony may be constructed separately for welfare of the Scheduled Tribe community.

The meeting ended with a vote of thanks to the Commission.

Meeting with management of NALCO

8.2 The Commission held a meeting with the Management of NALCO to review the implementation of reservation policy and other safeguards for Scheduled Tribes and the issues raised by the NALCO SC/ST Employees Association. In the beginning, the Commission was given a warm welcome. Thereafter, a power point presentation was made regarding the activities and achievements of the Company. It was followed by detailed discussion on various issues concerning the Scheduled Tribes. Following action points emerged in the meeting:

1. The Commission noted that there was a sanctioned strength of 2178 employees in all Group 'A' posts and the number of employees in position was 1814 out of which there were 121 ST employees (6.67%). At Group 'A' lowest rung (entry by DR only) the sanctioned strength was 76 and the number of employees in position was 27 out of which there were 04 ST employees (14.81%). At Group 'A' lowest rung (to be filled by promotion) the sanctioned strength was 76 and the number of employees in position was 05 out of which there were no ST employees. Thus, there was a short fall at this level which needs to be taken care of.
2. The Commission observed that there was a backlog of 09 posts in group 'C' category as on 01-11-2008 out of which 03 posts have since been filled. Backlog of another 06 posts needs to be cleared urgently.
3. The Commission was informed that during the year 2009, 13 employees were sent for specialized training abroad in which there was no representation from ST category. Similarly, during the year 2010, 12 employees were sent for specialized training abroad in which there was no representation from ST category. In the year 2011, 26 employees were sent for specialized training abroad out of which 02 belonged to ST category. During the discussion, the Commission was informed that the trainings were being imparted to the employees who were directly connected to the work which was highly technical and sophisticated and the employees of concerned department were imparted trainings. The Commission opined that the career development of SC/ST employees was a responsibility of the management and they should be provided training in the new areas where there is a demand from the market and the areas where the Company is expanding

its activities. The Commission advised the Management to ensure that adequate representation is given to the ST employees in all the in – house, external and abroad trainings.

4. The Commission suggested the management of NALCO to take a lead and set up Computerized Roster Management System. The Commission also advised to set up Online Grievance Management System for effective management of grievances of employees.
5. The Commission noted that the representation of Schedule Tribes employees was very meager at higher level like E-7 and above. The Commission desired to know the reasons of the same. It was admitted that the employees from this category fail to earn promotion at this level. The Commission advised the management to come up with person specific HRD plan to identify the potential of employees at E-1 and E-2 level and to nurture them by providing trainings and experience in different areas of operations of the Company. They should also be given training in the fields of personality development and communication skills. If this will not be done, the employees from this category will not be able to go higher in the Organization.
6. The Commission took a serious note of the fact that reservation policy for SC/ST is not being followed in the Company aided schools. The Management submitted that the teaching and non teaching staff working in these schools is not employed by NALCO but agreed that the reservation was not followed in the services by these educational institutions. It was informed that the same shall be taken care of in future.
7. As far as representation of the office bearers of NALCO SC/ST Employees Association in various committees is concerned, the employee unions are included in these committees. However, the Management agreed to include a representative of NALCO SC/ST Employees Association in some of the committees like welfare, Canteen, House allotment etc.
8. The Commission was informed that the promotions from Supervisor to EO could not be made due to non availability of vacancies.
9. The Management agreed to fill up 06 ST backlog posts of Group ‘C’ category shortly.

10. The Management admitted that an amount of Rs. 06 crores was deposited with the State Government for construction of ITI at Damanjodi which could not be completed despite a lapse of many years. The Commission assured to take up the matter with the State Government.

11. The Management also agreed to the suggestion to provide training to the liaison officers for SC/ST and office bearers and members of NALCO SC/ST Employees Association regarding implementation of reservation policy and other safeguards for Scheduled Castes and Tribes.

In the end, the ED and Chief Liaison Officer of NALCO thanked the Commission for visiting NALCO and guiding the Management. He assured the Commission that the management will take necessary action on the recommendations of the Commission.

(Action: NALCO /Govt. of Odisha)

Visit to Ravenshaw University

8.3 In the evening the Chairman, NCST and other officers of the Commission visited Ravenshaw College (now University) where Vice Chancellor of the University warmly welcomed him. He held interactive session with the intellectuals and the students of the University on the subject 'The Adivasi Question: Issues and challenges'.

14-02-2013

State level review meeting to review the implementation of various welfare and development programmes for Scheduled Tribes in the State.

9.0 The Commission held a meeting with the Development Commissioner and Additional Chief Secretary and other senior officers of the State Government at 11.00 hours in the Secretariat to review the implementation of various welfare and development programmes for the Scheduled Tribes in the State. In the beginning, the Development Commissioner and Additional Chief Secretary welcomed the Commission. Thereafter, he requested the Chairman, NCST to initiate the discussion in the meeting.

The Chairman, NCST briefed the officers present in the meeting about the visit of the Commission in the tribal areas of Jajpur, Mayurbhanj and Dhenkanal Districts of the State and the interaction with tribal population and review meetings in these

Districts. He said that the State Government has taken several initiatives for the upliftment of the tribals of the State. He particularly praised the State Government has decided for opening about 5000 hostels for the tribal students of the State. He said that the Commission has visited Chikitamatia education complex where 250 girls from Lodha PVTG are being provided education and vocational training in the hostel and the Commission was impressed by it. He also appreciated the State Government for its decision to open a High School in every Gram Panchayat. He said that the Commission is also impressed by the working of SHG's of some tribal women particularly a SHG supplying toiletry items in the girls and boys hostels in Mayurbhanj District and it should be used as a model in other Districts of the State and other State should also learn from it. He also appreciated the implementation of rubber and mango plantation schemes in Mayurbhanj District and said that such schemes have been successful in generating more income among tribal beneficiaries. However, he pointed out some of the areas of concern where the State Government has to improve its performance for the welfare of Scheduled Tribes of the State. He stressed the need of proper implementation of R&R policy for the tribals displaced due to setting up of industries and irrigation projects and said that the only asset that the tribals were owning was land which is being acquired for setting up industries, mining and irrigation projects as a result of which the tribals are becoming landless. They are losing their occupation hence; they need more protection from the Government. He mentioned about the visit of the Commission to village Chhatia in Dhenkanal District where the 'K' form holders were denied compensation despite continuous possession of land for last few decades. He said that the local authorities should have guided the illiterate SC/ST families to convert the 'K' form Pattas into Raiyati land. The State Government should look into this issue and find out ways to recognize the rights of these people and provide compensation to them. He also mentioned about the different rates of compensation paid by the Government and the Companies and said that there should be uniformity in the compensation. The Commission also mentioned about the loss to the tribal farmers due to illegal mining in The Commission also pointed out that the tribals of Mayurbhanj District have made complaint regarding Badampahar area of Mayurbhanj District and said that before providing mining lease, the interest of the tribal community should be protected. The Commission also mentioned about the complaints of tribals regarding non -payment of

compensation to the families affected by the Subarnarekha project in Mayurbhanj District.

The Commission also pointed out the violations of norms as provided under TSP guidelines in utilizing the funds of TSP by various departments in the State and said that the amount allocated for the schemes directly benefiting the tribals was not spent as per the guidelines of TSP. The Commission also stressed the need of providing additional guarantee by the state Government to the NSTFDC so that the schemes of the NSTFDC could be implemented in the State in a better way. The Commission said that the tribals of the State have made certain demands like opening of a Medical college, Agricultural college and tribal museum at Mayurbhanj District, reservation in allotment of houses in Government housing schemes, hostel building for tribal students and playground in Ravenshaw University and establishment of separate ST Commission in the State and the Commission feels that these demands are legitimate. The State Government should consider these demands sympathetically.

After the address of the Chairman, NCST, discussion was held on the basis of reply of the questionnaire given by the State Government to the Commission. Following action points emerged during the discussion:

1. The Commission was concerned over low level of literacy and high level of dropout in the Scheduled Tribes. The Commission noticed that the State General literacy was 63.08% but among the Scheduled Tribes, it was only 37.37%. The State General male and female literacy was 75.35% and 50.51% whereas in the Scheduled Tribes, it was only 51.48% and 23.37%. The Commission observed that the State Government has taken several steps in the field of imparting education in the Tribal community but still, there is a big gap in comparison to the general population. More focus and attention is required in the field of education among the female folk of tribal community. The Commission also stressed the need of improving the quality of education in the tribal areas as the number of tribal students obtaining first division in high school and intermediate examination was reported to be very low during the District review meeting held by the Commission.


Dr. RAMESHWAR ORAON
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

2. The Commission pointed out that the guidelines of TSP are not being followed by many departments in the State. Most of the funds allocated in Home Department, Works, Forest, Transport and Water Resources Department of the State are diverted to other purpose in violation of guidelines on the subject. For example the Home Department was allocated Rs. 24.85 crores under TSP Funds which was diverted to other purpose like construction of Buildings of Jail, Court, Fire Services, Police Welfare and purchase of security related items. Similarly Works Department utilized Rs. 10.58 crores allocated under TSP for construction of buildings for Revenue and Disaster Management, Sport Stadium, Law Department etc. Transport, Forest and other some departments also did the same thing. The Commission noted with concern that there was a lack of understanding in visualizing the concept of TSP which is intended to fill up the gap in the development of general population and the Scheduled Tribes. The Commission asked the officers present in the meeting that had there been no Tribal sub- plan, these buildings would have been constructed or not? The TSP Funds should be utilized for the schemes directly benefiting the tribal population. The State Government informed the Commission that it has taken steps to stop diversion of funds and now TSP Funds are being utilized strictly as per the guidelines.
3. The Commission noted that there is a shortage of 470 doctors in the State, particularly in tribal areas. It was informed that the State Government is going to appoint 443 doctors shortly and AYUSH doctors have been placed in the PHC's to meet the requirement. The State Government has recently started 5 ANM training centres to provide training to the ANM's posted in the villages. Mobile health unit are also working in the tribal and rural areas of the State. The Commission advised the State Government to fill up the vacant posts of doctors and other paramedical staff particularly in the tribal areas so that proper health services could be made available to the tribal population of the State.
4. The Commission was informed that out of the total number of beneficiaries under MGNAREGA, 36% belong to the ST category. Though the involvement of ST's in this scheme was good keeping in view their percentage of population (22.13%) the Commission noticed that the number of ST beneficiaries came down by 50% in the last few years. During the discussion, it was admitted that about 20 lakh

workers migrate in search of employment from the State every year. About 1.3 lakh workers migrate alone from the Bolangir District every year which is a tribal dominated. The Commission was informed that on an average, 40 days employment is being provided to the job card holders. During the year 2011-12, 453 lakh man days were generated out of which 173 lakh man days (36.5%) work was performed by the ST's. The Commission was informed that the State Government has decided to provide 150 days employment to the job card holders in the migration pockets. The Commission appreciated this decision and opined that proper implementation of this scheme will help in reducing migration from tribal areas in search of employment. The Commission was concerned due to the complaints of delay in payment to the workers. It was admitted that there are many tribal pockets where there is no branch of banks and post offices and the workers have to move 20-30 kms.to receive payments. The Commission advised the State Government to call a meeting of banks and the postal department to open new branches of banks to meet the requirement.

5. The Commission also noted that there are complaints regarding auction of the land of defaulter tribals by the banks which is resulting in transfer of tribal land to the non tribals. The Commission suggested to establish a land bank comprising of land of such defaulters and advised that the land of the defaulters should be transferred to the tribals only.
6. The Commission noted that the number of houses built under IAY has come down by 10,000/- in last few years. It was admitted by the State Government and the Commission was informed that the FRA beneficiaries are being provided Rs. 90,000/- to build their houses. The State Government is also running a 'Mo Kudia' scheme to provide houses to the poor people including ST's.
7. The Commission was informed that about 5,24,000 individual claims were received under Forest Rights Act out of which 3,25,245 claims were accepted. The Commission observed that the percentage of rejected cases was very high and advised the State Government to review the rejected claims to ensure that all the genuine claims are accepted.
8. The Commission noted that out of about 44,000 villages, 38,000 villages have been covered under Rajiv Gandhi Vidyutikaran Yojana. Out of 32 lakh BPL

families, 60% have been provided Electric connection. The Commission noted that a good number of tribal villages are yet to be electrified and houses of 40% BPL families are yet to be covered under this scheme. It was admitted that there is problem in getting clearance from forest department in electrification in tribal areas. The Commission advised to focus more attention in implementing this scheme in tribal areas.

9. The Commission observed that 6,000 cases of land alienation were pending involving 10,000 acres of land. The Commission stressed the need to take urgent steps to dispose these cases.
10. The Commission also mentioned about the complaints regarding wrong entry in revenue records related to SABAR tribes who have wrongly been recorded as SAAR. The Commission advised the State Government to rectify the mistakes committed by the revenue officers through Board of Revenue of the State. The Commission also noted that 167 cases of inclusion /exclusion were pending with the RGI /MTA which needs early disposal. The Commission agreed to the request from the State Government to help in this matter.
11. The Commission noticed that thousands of posts reserved for ST's was lying vacant in the State and advised to fill up the backlog posts urgently following the provisions of ORV Act.
12. The Commission observed with concern that two meetings of TAC should be held in a year but only one meeting could be held in last Year. The Governors report has been sent up to the year 2010-11.
13. The Commission also reviewed the cases of atrocity against SC/ST. It was noticed that in the year 2011, 406 cases were registered and 257 cases were charge sheeted. In the year 2012, the number of cases registered increased to 579 out of which 326 were charge sheeted. As on December, 2012 a total of 3,032 cases were pending in the court. The Commission noted with concern that the rate of conviction in the atrocity cases was very low and out of 61 cases decided by the courts, accused was convicted in only 2 cases. Hence, there is a need to improve the quality of investigation, appointing of experienced lawyers and protection to witnesses failing which it will not be possible to improve the rate of conviction. The Commission also advised to prefer appeals in higher courts in the cases

having merits and stressed the need for speedy trial in the courts. The Commission noticed that the atrocity prone areas were identified in the year 2003 and advised the State Government to review the atrocity prone areas as the situation might have changed in a period of one decade. The Commission also advised the State Government to link the amount of wage loss paid to the witnesses of atrocity cases with minimum wages provided in the State. It was also suggested to provide adequate advance funds to the District Collectors to avoid delay in payment of compensation to the victims and their families as per the SC/ST (PoA) Rules.

In the end of the meeting, Development Commissioner and Additional Chief Secretary thanked the Commission for guidance and assured that the State Government will take necessary action on the recommendations and suggestions made by the Commission.

(Action: Govt. of Odisha)

Meeting with Governor of Odisha

8.5 The Commission met Shri M.C. Bhandare, H.E. Governor of Odisha in the evening at Raj Bhawan, Bhubaneswar and briefed him about various observations of the Commission pertaining to the issues related to the Sch. Tribes based on the field visits and review meetings undertaken by it during the tour of the State of Odisha.

Meeting with the Chief Minister of Odisha

8.6 The Commission met Shri Naveen Patnaik, Chief Minister, Odisha in the evening at Bhubaneswar and briefed him about various observations of the Commission pertaining to the issues related to the welfare of Sch. Tribes based on the field visits and review meetings undertaken by the Commission during the tour of the State. He was also informed about the demands of various tribal groups of the State. He assured the Commission to consider these demands sympathetically.

15-2-2013

The Commission left Bhubaneswar for return journey to New Delhi by AI-9602 and reached there at 14.45 hrs.