



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

Case File No. NCST/ATY-161/OR/6/2021-APCR
Case File No. NCST/ATY-162/OR/6/2021-APCR

Dated: 07.11.2022

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

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

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

(NCST/ATY-161/OR/6/2021-APCR)

Representation dated 26.11.2021 received from Shri Deme Oram, Sundargarh (Odisha) regarding atrocity against STs and deployment of forces to protect the interest of STs in the District Sundargarh

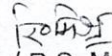
(NCST/ATY-162/OR/6/2021-APCR)

Sir,

I am directed to enclose herewith a copy of the Minutes of the Sitting held on 19.10.2022 under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action. It is requested that compliance report may be submitted to this Commission within 30 days positively for placing the same before the Hon'ble Commission.

Encl: as above

Yours faithfully,


(आर.एस. मिश्र / R.S. Misra)
अनुसंधान अधिकारी / Research Officer

Copy to:

Shri Deme Oram
S/o Shri Saharai Oram,
At. Barhabans P.O. - Bisra-kirkera,
District - Sundargarh - 770036
(Odisha)
Email- oraondeme@gmail.com

NCST - NIC

National Commission for Scheduled Tribes

(F. No. NCST/ATY-161/OR/7/2021 – APCR)

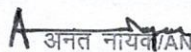
(F. No. NCST/ATY-162/OR/7/2021 – APCR)

Minutes of the sitting held under the Chairmanship of Shri AnantaNayak, Hon'bleMember, NCST, in the case of Shri Deme Oram regarding alleged atrocity inflicted upon the villagers, Land acquisition, and beaten by the police officials.

Date of the sitting: 19.10.22, 15.00 AM

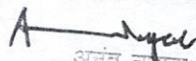
List of Participants:As per Annexure

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- In the present matter, the petitioner has alleged that the land SabikKhata No: 1 of SabikMouza, Tarkera, P.S. – R.N. Pali which comes under the Fifth Schedule of the Constitution of India (Schedule Area) has been encroached and acquired by the State Authorities after they took this land from the private entity –Rourkela Steel Plant. The aforesaid land was surrendered by them to the State Authorities. Instead of returning the land to the legal heirs (local tribes), the land was acquired by the State Authorities for constructing a Truck Terminal. The high handedness of the police has also been alleged against the peaceful protestors.
 - Pursuant to the notice of the Commission, reply has been received from SP, Rourkela which states that from 13.07.2021 to 15.07.2021, there was a peaceful demarcation of land for public purpose but to avoid any unwanted incidents, the police was deployed. There was no use of muscle power, insults or humiliation towards the tribal people. It was mentioned that no FIR was lodged by the villagers or the locals.
 - The Commission issued summons to the District Collector, Sundargarh and Superintendent of Police, Rourkela, Odisha. Both the Authorities were present in the sitting. During the course of hearing, the Commission enquired about the reasons as to why the FIR has not been lodged despite repetitive complaints before the local Police Station.


अनंत नायक/ANANTA NAYAK
सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

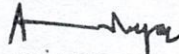
- The SP replied that if the police is not responding then the petitioner always had an option to submit their complaint to the Magistrate directly. The Commission expressed serious displeasure and pointed out the responsibility of the Police to lodge an FIR if an individual has approached. The SP replied that he would get it registered immediately and start the investigation.
- The petitioner shared with the Commission that SDPO, Ms. Shantanutan Samath has been harassing them and has not been registering their FIR. He also shared that no meeting of the District Level Committee for Scheduled Castes and Scheduled Tribes has been held yet.
- The petitioner also pointed out that there is no records of HSPL acquiring the disputed land in 1954 and no compensation was determined at that time. Then, when the land was supposed to go back to the tribal, the Tahsildar used his Executive Magistrate power and ordered for a Truck Terminal. The petitioner stated that there is a Parliamentary Standing Committee Report which recommends that the unused tribal land to be returned to the tribal people. The Collector replied that this has to be decided by the higher level State authorities.
- The petitioner requested that the grievance shall be expeditiously disposed and the tribal people shall be compensated as per the rules.
- The Commission clarified that development is not to be intervened but the rights of tribal people should be given to them.
- The petitioner stated that the administration is not following the recommendations of the Gram Sabha and heavy police forces are deployed to get the project started in tribal areas. The administration does not respect the decision of the community and there have been instances when genuine tribal people with valid Voter IDs were not allowed in public hearings.
- The petitioner also brought to the notice of the Commission on the railway bridge construction where appropriate compensation is not being decided for the tribal people in exchange of their land.
- The officials mentioned that they have tried to bring both the parties together in order to negotiate but to no avail. They only deployed forces to stop some vested groups from creating nuisance and misunderstanding.


 अनन्त नायक/ANANTA NAYAK
 सदस्य/Member
 राष्ट्रीय अनुसूचित जनजाति आयोग
 NATIONAL COMMISSION FOR SCHEDULED TRIBES
 भारत सरकार/Govt. of India
 नई दिल्ली/New Delhi

After hearing both the sides, the Commission recommended the following:-

- FIR submitted to the local police to be lodged on urgent basis and the same to be investigated expeditiously in a time bound manner.
- Disciplinary inquiry and investigation to be held against SDPO Ms. Shantanutan Samath for harassing the tribal people.
- The minutes of the last meeting of the District Level Committee for SC and ST to be submitted to the Commission.
- The matter of dispute related to the land and truck terminal construction to be finalized in the court of Sub-Collector on urgent basis.
- Fair and adequate compensation to be given for the resettlement and rehabilitation of the tribal people as per the rules of the state whose land has been acquired for the construction of Railway Bridge and truck terminal construction.
- A High Powered Committee to be constituted to find out the condition of the people who have been affected due to the construction of the Railway Bridge. The Committee to have members from the affected tribal, administrative authorities and Railway (DRM) authorities.
- Detailed report of the Committee to be finalized in associating the tribal people.
- Clarification to be given on the Parliamentary Standing Committee 2006 report which states that the land which has been unused for five years shall be returned to the tribal people.

The Compliance of the recommendations with detailed Action Taken Report (ATR) to be submitted to the Commission within 30 days.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

भारत सरकार/Govt. of India

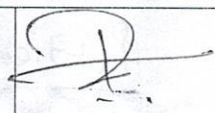
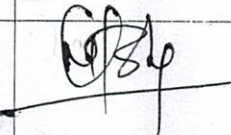
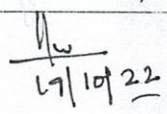
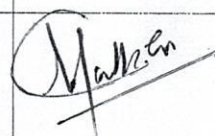

नई दिल्ली/New Delhi

Attendance Sheet
National Commission for Scheduled Tribes

File No. NCST/ATY-161/OR/6/2021-APCR
NCST/ATY-162/OR/6/2021-APCR

Sitting to be held on 19.10.2022 at _____ in the case of _____

- (i) Representation of Shri Deme Oram, Sundargarh, Odisha regarding atrocity against STs and non registration of FIR by the Police authorities with regard to forcefully acquiring the land by the Steel Authority of India (formerly HSL) and State authorities.
- (ii) Representation dated 26.11.2021 received from Shri Deme Oram, Sundargarh (Odisha) regarding atrocity against STs and deployment of forces to protect the interest of STs in the District Sundargarh

Sl. No.	Name and Designation	Address & Phone No.	Signature
I	National Commission for Scheduled Tribes		
1.	Shri Ananta Nayak Hon'ble Member	In Chair	
2.			
3.			
4.			
5.			
5.			
6.			
7.			
II	Officers from the District – Sudargarh and District - Rourkela		
1.	Dr Parag Gavali	Dm, Sundargarh	
2.	Mullesh Bharama	S.P. Rourkela	
3.	Anisya Kumar Mishra	Addl. Secy RSDM Deptt	 19/10/22
4.	Chandranant Mishra	Tahasilkar. Rourkela	
5.			
III	Petitioner		
1.	Deme Oram	Rourkela, Odisha 9438539549	
2.	Sushain Bandyopadhyay	Rourkela, Odisha	