



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)

F. No. NCST-16011(OD)/6/2021-RU-III

Dated: 04.07.2023

To,

The Collector and District Magistrate  
District- Angul,  
Collectorate, Angul – 759122  
Odisha  
E-Mail: dm-angul@nic.in

**Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 29.05.2023 at 04:30 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated 05.03.2021 received from Shri Govinda Palai, Badahula, Gram Panchayat-Ganbainda, PS-Handapa, District Angul, Odisha regarding mental harassment and dorcefully encroachment of public land by Tahasildar-Kishornagar.**


Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 29.05.2023 at 04:30 PM in the State Guest House, Bhubaneswar, Odisha on the above mentioned subject for information and necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission **within 30 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,

  
(H.R. Meena)  
Research Officer

Copy for information to: -

Shri Govinda Palai,  
At-Badahula,  
Gram Panchayat-Ganbainda,  
PS-Handapa,  
District Angul, Odisha

✓ 1. NIC Cell for upload in NCST  
Website.

## National Commission for Scheduled Tribes

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No. NCST-16011(OD)/6/2021-RU-III

**Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on the representation from Shri Govinda Palai regarding mental harassment and forceful encroachment of his land by non-ST's.**

Date of the Sitting: 29.05.2023 at 04:30 AM

List of Participants: As per Annexure

The Commission received a representation from Shri Govinda Palai, alleging that non-tribals have illegally acquired his land and constructed a boundary wall on it. The petitioner and his family have peacefully possessed the property for generations. Additionally, it is claimed that there were 30 teakwood trees and 30 mango trees on the land. Without prior notice some individuals, with the assistance of the administration, had cut down the trees. The petitioner's livelihood is dependent on this land, and the actions of the private individuals have made their life difficult.

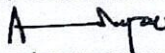
The recommendations of the discussion held on 16.12.2021 in the head office of the National commission for scheduled tribes, New Delhi were as follows-

The petitioner, who is in physical possession of a large portion of the land as stated, must be allotted 10 decimals of land from the said land by the District Collector, Angul within a period of one month of receipt of the recommendation. No action taken report was submitted

The Commission issued Summons dated 19.05.2023 to the Shri. Siddharth Shankar Swain, Collector and District Magistrate, Angul District, Odisha respectively for Sitting of the Commission at the State Guest house, Bhubaneshwar, Odisha on 29.05.2023 at 10:30 AM.

On 29.05.2023 the Shri. Siddharth Shankar Swain, Collector and District Magistrate, Angul District, Odisha was present.

During the hearing on 29.05.2023, Shri. Siddharth Shankar Swain, Collector and District Magistrate of Angul District, submitted that according to the OPLE Act 1972,

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

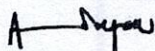
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government land can be settled in favor of eligible individuals who have encroached upon and possess such land. The OGLS Act, 1962 considers individuals without a homestead, living in a common mess, if their total annual income is below the government's prescribed limit. However, the petitioner already owns land in Badahulla village, contradicting their claim of being landless and homestead-less. Hence, it is challenging to comply with the Recommendations of the Commission, as the petitioner doesn't qualify for Government land allotment.

The petitioner submitted that he had been in possession of the land for over 60 years and had been actively cultivating it. However, he was forcefully evicted by the Tehsildar. The petitioner also pointed out that there are several individuals who already own land but have encroached upon this land and are enjoying its possession. These individuals have been granted Patta, while the petitioner was evicted.

The Commission expressed its concern regarding the significant number of landless Scheduled Tribes (STs) who lack appropriate documents. It recommended that the district administration assist these individuals in obtaining land Pattas. Additionally, the Collector and District Magistrate of Angul District shall submit a detailed report within 15 days, providing information on the number of encroachers evicted after serving notices and the number of individuals granted Patta in Ganbainda Gram Panchayat.

The Commission requires compliance report of the judgement and order of the Hon'ble Supreme Court of India in the case of Jagpal Singh & Ors. Vs State of Punjab & Ors on 28<sup>th</sup> January, 2021 in the district with 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

**(ANNEXURE)**

**F. No. NCST-16011(OD)/6/2021-RU-III**

**LIST OF PARTICIPANTS:-**

<b>National Commission for Scheduled Tribes</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri Ananta Nayak</b>	<b>Hon'ble Member</b>
2.	Dr. Jayant Sarode	Director
3.	Shri Radhakanta Tripathy	Special Rapporteur
4.	Shri Avinash Mattur	Legal Consultant
<b>The District Collector and Magistrate, District – Angul, Odisha</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	<b>Shri Siddharth Shankar Swain</b>	Collector
2.		
<b>Petitioner</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Govinda Palai	Petitioner