



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)

File No. 22/Review (State)/2022-Coord.

Dated: 18.05.2023

To

The Chief Secretary,
Government of Odisha,
Odisha Secretariat,
Bhubaneswar – 751001 (Odisha).
Email: csori@nic.in.

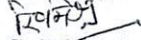
Sub: Report and Recommendations of Review Meeting held on 06.03.2023 at Bhubaneswar, Odisha under the Chairmanship of Shri Harsh Chouhan, Hon'ble Chairperson, NCST regarding implementation of constitutional safeguards, Monitoring and Review of the schemes for the protection, welfare and socio-economic development of Scheduled Tribes of Odisha.

Sir,

I am directed to enclose herewith a copy of the Minutes of Review Meeting held on 06.03.2023 at Bhubaneswar, Odisha under the Chairmanship of Shri Harsh Chouhan, Hon'ble Chairperson, NCST on the subject mentioned above.

2. It is, therefore, requested that action taken / to be taken on the recommendations alongwith information may please be furnished within 30 days for placing the matter before the Commission.

Yours faithfully,


(R. S. Misra)

Research Officer (SSW)

Tel: 011-24657272

Copy to:

Smt. Roopa Roshan Sahoo,
Commissioner-cum-Secretary,
ST & SC Development, M&BCW Department,
Lok Seba Bhawan (Odisha Secretariat),
Bhubaneswar-751001 (Odisha).
Email: stscdev@gmail.com

Copy for information to:

- (i) APS to Hon'ble Chairperson, NCST
- (ii) PS to Hon'ble Member, NCST
- (iii) PS to Secretary, NCST
- (iv) Consultant to Joint Secretary, NCST
- ✓(v) NIC, for uploading on the website of the Commission (copy of the minutes of the Review Meeting is enclosed)
- (vi) Director, Regional Office, NCST, Bhubaneswar (copy of the minutes of the Review Meeting is enclosed)

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

REPORT AND RECOMMENDATIONS UNDER ARTICLE 338A(5)(e) OF THE CONSTITUTION OF INDIA ON THE MEASURES TO BE TAKEN BY THE STATE OF ODISHA FOR EFFECTIVE IMPLEMENTATION OF CONSTITUTIONAL SAFEGUARDS AND REVIEW AND MONITORING OF SCHEMES FOR THE PROTECTION, WELFARE AND SOCIAL ECONOMIC DEVELOPMENT OF THE STS BY THE NATIONAL COMMISSION FOR SCHEDULED TRIBES.

[File No. 22/Review(State)/2022-Coord.]

Date of Review: 6th March, 2023 at Bhubaneshwar (Odisha)

The National Commission for Scheduled Tribes (NCST) is a constitutional body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of Scheduled Tribes in the country. As per constitutional provisions, the Union and every State Govt. shall consult the Commission on all major policy of decisions affecting Scheduled Tribes. The Commission is required to present to the Hon'ble President of India, reports on working of those safeguards and all such reports are to be laid before each House of Parliament alongwith Memorandum explaining the Action Taken or proposed to be taken on the recommendations relating to the Union and the reasons for non-acceptance, if any, of any of such recommendations.

2. In pursuance of the above constitutional mandate, a Review Meeting was undertaken by the National Commission for Scheduled Tribes, headed by Shri Harsh Chouhan, Hon'ble Chairperson, NCST with Shri Ananta Nayak, Hon'ble Member, NCST accompanied by Smt. Alka Tiwari, Secretary, NCST and other senior officials of NCST on 06.03.2023 with the Chief Secretary, Additional Chief Secretary, Director General of Police, Principal Chief Conservator of Forest, Principal Secretaries and other Senior Officers of various Departments of State Govt. of Odisha to evaluate the constitutional safeguards and implementation of various programmes under Scheduled Tribes Component, education related programmes, Health and Nutrition, Housing, Land allotment and land alienation, implementation of Forest Rights Act (FRA), 2006, the Panchayats (Extension to Scheduled Areas) (PESA) Act 1996, SCs & STs (Prevention of Atrocities) Act 1989, service safeguards and other developmental schemes / programmes being run for the welfare of Scheduled Tribes by the Govt. of Odisha including Tribes Advisory Council, Governor's Report on Administration of Scheduled Areas etc.

3. The list of Officers, Govt. of Odisha present in the Review Meeting is Annexed.

Harsh Chouhan

हर्ष चौहान / HARSH CHOUHAN
अध्यक्ष / Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
लोकनायक भवन / Loknayak Bhawan
नई दिल्ली / New Delhi

4. Before the Review Meeting with the Officers of the State Government of Odisha on 06.03.2023, the Hon'ble Chairperson and Hon'ble Member, NCST had a meeting with the Tribal Leaders of the State of Odisha. The Office bearers of ST welfare association(s) / tribal leaders from various Organizations working for the Welfare of the Scheduled Tribes in the State of Odisha and representatives of NGOs participated in the Meeting. The following were the issues highlighted by the tribal leaders:

- Inclusion of HO / Mundari language in the VIIIth Schedule of the Constitution.
- Sixty Four communities are to be included as synonym of STs / independent entry in the list of Scheduled Tribes of Odisha.
- There are lack of basic infrastructure i.e. Water, Road and electricity in areas inhabited by the Scheduled Tribes in the State.
- The provisions of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) are not implemented properly.
- Literacy rate among the ST women is very low.
- Odisha Girls Incentive Programme (OGIP) requires to be widely publicized in the local market / Haat / Mela so that benefits of the scheme may be availed by the STs.
- Education Loan is not sanctioned in time to ST candidates.
- Mahua flower to be excluded from Excise Policy of the State.
- There is no guidelines / rules for implementation of PESA.
- Representatives / Tribal leaders of Malkangiri District pointed out that land is not allotted to the Villagers, lack of opportunity of employment, hostels facilities are not adequate and R&R Policy is also not implemented in the project affected areas.
- State Excise Policy to be reviewed keeping the interest and welfare of the Scheduled Tribes.
- Employment opportunity are inadequate, hence, Employment programmes / schemes need to be reviewed focusing on the need of local tribals.
- STs are victimized and penalized in simple incidents by the local Police, hence, this should be looked into.

5. After introduction of the Commission by Shri K. Touthang, Joint Secretary, NCST Smt. Alka Tiwari, Secretary, NCST briefed the Chief Secretary and the senior officers of the Government of Odisha present in the review meeting about the duties and functions of the National Commission for Scheduled Tribes and requested the Chief Secretary, Government of Odisha to introduce his team of officers and also brief the Commission about the various safeguards and development programmes implemented by the Government of Odisha for the benefit of Scheduled Tribes. On the basis of the presentation and the discussion during the review meeting, the following are the observations of the Commission:

- a. There are vacancies in the Health and Education Sectors and the State Govt. is making efforts to fill up theses vacancies on priority basis.
- b. Due insufficient facilities of tele-communication and internet connectivity, the banking facilities are hampered.

Harsh Chouhan

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- c. On the Odisha Millet Mission, the Commission has been informed that this Mission is operated in all 22 Integrated Tribal Development Agencies (ITDAs) of the States.
- d. During the discussion, it has been observed that there is no information on the implementation of PESA, procedure for demarcation of community Forest Rights, Scheduled Tribes Component (STC), Funds allocated to Scheduled Tribes under District Mineral Fund Trust (DMFT) and training programmes for upliftment of Scheduled Tribes, details of major projects for which land acquisition process were initiated in 2013 and onwards, total size of land to be acquired, total number of ST families affected and those actually displaced due to acquisition, compensation granted and rehabilitation and resettlement process sanctioned and actually granted to each family.
- e. The State Govt. has informed that preparation of Annual Plan and Tribal Sub Plan / STC has been discontinued w.e.f. financial year 2017-18 after formation of NITI Aayog. There are 22 ITDAs, 45 MADA Pocket and 14 Clusters have been identified under Tribal Sub-plan Area in the State.
- f. An amount of Rs. 27.72 Crores for the year 2021-22 and Rs. 10.01 Crores for the year 2022-23 were released by Govt. of India under Special Central Assistance to Tribal Sub-Plan which remain unutilized. An amount of Rs. 16.12 Crores received under Grant-in-Aid under Article 275(1) of the Constitution of India also remain unutilized during the year 2022-23.
- g. There were 6756 number of ST Hostels set up in the State under the ST and SC Development Department.
- h. In respect of allotment of House / House sites to STs, it has been informed that during the year 2020-21, out of 201333 houses, 1 house was allotted to ST. During the year 2021-22, out of 817513 houses, 302811 were allotted to STs. During the year 2022-23, out of 142005 house sites, 28520 were allotted to STs i.e. 20% only.
- i. Under FRA, 4,55,067 individual titles have been distributed in favour of ST and other Traditional Forest Dwellers since, 2006 upto 31.12.2022. It was informed that as on November, 2022, 1,43,235 cases were rejected (which includes 72351 STs, 69880 OTFD, 869 Community Rights and 135 Community Forest Resources) and 39948 cases are pending (which includes 29870 ST 3358 OTFD, 4141 Community Rights and 2579 Community Forest Resources).
- j. Revenue and DM Department has taken steps to check alienation of land belonging to STs. But, there was no information regarding the cases of land alienation in the last three years. The State Govt. has informed that there were 22 number of Forest Villages, but, there was no information about the ST population in these Villages.
- k. Under SCs & STs (Prevention of Atrocities) Act 1989, it was informed that in the year 2022, the total number of cases reported is 1021 (which includes 215 pending cases of 2021), charge-sheet was filed in 486 cases, 634 cases were reported closed after investigation and 387 cases reported pending for investigation. 20866 cases were received by the Courts during 2022 which includes 16959 of previous years. 1571 cases decided and disposed off by the Courts which includes 51 convicted and 1402 acquitted. 6077 cases are pending for trial. 102 Special Courts / designated Special Courts have been set up in the Districts of the States. Three Exclusive

Special Courts have also been set up in Balasore, Bolangir & Cuttack Districts.

- l. The number of complaints on False Caste Certificate received by the end of November, 2022 was 1281. Out of which 657 were finalized and 624 are pending for disposal.
- m. The shortfall of vacancies are being filled up through Special Drive. There was no information about setting up of Internal Grievance Redressal Committee (IGRC) by the Govt. of Odisha as advised by the NCST in August, 2021.
- n. It was informed that 9303942 cards have been issued in the State under National Food Security Act, 2013 but there was no information about ST beneficiaries.
- o. There was no information about the Governor's Report on Scheduled Areas under Vth Schedule submitted to the Hon'ble President of India after the year 2015-16.
- p. It was also noted that the TAC Meeting was not convened after 28.06.2018.
- q. There is no information about the formulation of Rules for Implementation of PESA.
- r. There was no information relating to funding by National Scheduled Tribes Finance Development Corporation in the State for the development of Scheduled Tribes.
- s. The National Commission for Scheduled Tribes has observed that the Millet Mission operated by the State Govt. is appreciable initiative to strengthen the economy of the ST farmers. The Special Courts set up by the Govt. for prevention of atrocities is also appreciable. The Rules and Regulations formulated by the Govt. for verification of ST status and issuance of ST certificates are also good initiative for the protection of ST Rights.

6. The following are the recommendations of the Commission:

- a. Status report on the issues highlighted during the discussion with tribal leaders, as noted at para 4 above, to be furnished to the Commission.
- b. The updated data/status report on the observations at para 5 above to be furnished to the Commission.
- c. Study to be undertaken for information / data regarding availability of internet connectivity in Scheduled Tribes inhabited areas.
- d. The Police and Forest personnel, at all levels to be sensitized about the problems and rights of the Scheduled Tribes w.r.t. atrocities and forest rights related issues.
- e. Information on the following to be furnished to the Commission:
 - (i) Tribal areas where Millet Mission has been initiated in the State.
 - (ii) The number of Schools and the details thereof where vocational education is being given and number of Schools where scholarships are not distributed during the last three years.
 - (iii) Information regarding ST Students / candidates who got IAS / OCS coaching during the last ten years.
 - (iv) The reason for not availing financial services of National Scheduled Tribes Finance Development Corporation (NSTFDC) in the State may be given.

Harsh Chouhan

हर्ष चौहान / HARSH CHOUHAN
अध्यक्ष / Chairperson
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- (v) The procedure / guidelines for demarcation of Community Forest Resource Rights (CFRR).
- (vi) Implementation guidelines / criteria for STC. The information regarding appointment of Nodal Officer for monitoring of STC by the concerned Department of the State.
- (vii) Details of vacant posts for para-medical staff recently advertised by the Govt. of Odisha. Details of applications received and candidates passed / selected thereof.
- (viii) Details of Special Coaching / training organized for the employment to the ST candidates during last three years.
- (ix) Data of ST candidates under the schemes of Prime Minister's Employment Generation Programme (PMEGP) during last three years.
- (x) Copy of Rules / Regulations framed for implementation of PESA in the State.
- (xi) Policy / Guidelines for extending the benefits of PoA Act, 1989 to the migrant ST in the State, if any.
- (xii) The details of conviction and acquittal rate under PoA Act 1989 during last three years.
- (xiii) The District wise funds allocated and utilized for STs under DMFTs during last three years in the State.
- (xiv) The Project-wise ST beneficiaries who have been alienated from their land and compensation given to those families by the Govt. or other agency in the State during the last ten years.
- (xv) Details of ST Blocks/concentration where the literacy percentage of ST women is less than ten percent as per census, 2011.

Harsh Chohan

हर्ष चौहान / HARSH CHOUHAN
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ATTENDANCE SHEET
State Level Review Meeting

ANNEXURE.

Place - Bhubaneswar

Date-06 March 2023

State of Odisha

Sn.	Officials, NCST		Signature	
1	Shri Harsh Chouhan	Hon'ble Chairperson	-In Chair-	
2	Shri Ananta Nayak	Hon'ble Member		
3	Smt Alka Tiwari	Secretary		
4	Shri K. Touthang	Joint Secretary		
5	Shri Jayant Sarode	Director		
6	Shri R. K. Tripathy	NCST Expert		
7	Shri R. S. Mishra	Research Officer		
8	Shri P. K. Parida	PS to Member		
9	Shri Sushil Sharma	pp to Chairperson		
10	SHRI D.K. PALAI	RD NCST BBSR		
Sn	Name of the officials	Department & Designation	Contact No.	Signature
1	Pradeep Jena Chief Secretary	C. S.	9437445000	
2	Amu Gang	DC & ACSHR		
3	Satyabrata Sahu	ACS (Rev & DM)	96258 95629	
4	Nikunja Moh	ACS, Energy & SRC		
5	Sunil Bansal	D.G.P.		
6	V.V. Yadav	Pr. Secy Workshop		
7	S.K. Singh	Pr. Secy R-O		
8	Shelini Pandit	Secretary Health & Fw		
9	S.K. Popli	PCCF, WLD CLOCH		
10	S. Kumar	ACS GA & PG Tourism		
11	D. K. SINGH	ACS SM Home		
12	A K Padhee	Pr. Sec., Agric FE HTH		
13	Debnidhi Behera	Pr. Sec., Odisha		
14	Vishal Dev	Pr. Secy, Fin		
15				