



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

File No. Tour Programme/JS/1/2017/RU-III

6<sup>th</sup> floor, B Wing Loknayak Bhawan,  
Khan Market, New Delhi-110003

**Dated: 28<sup>th</sup> August, 2017**

To,

1 The Secretary,  
STs & SCs Welfare Department,  
Govt. of Odisha,  
Bhubaneswar, (Odisha)

2 The Collector,  
District- Koraput,  
Odisha

**Sub:** Tour Report of Joint Secretary, National Commission for Scheduled Tribes to Koraput, District, Odisha from 9<sup>th</sup> August to 14<sup>th</sup> August 2017 regarding discussion issues concerning tribals Odisha.

Sir/Madam,

I am directed to enclose herewith a copy of tour report of Shri S.K. Ratho, Joint Secretary, NCST to Koraput District, Odisha from 9-14 August, 2017 for information and necessary action.

Yours faithfully,

  
(S. P. Meena)

**Assistant Director**

5842-44  
29/8/17

Copy for information and necessary action to:

1. The Research Officer-In-Charge, National Commission for Scheduled Tribes, Regional Office Bhubaneswar, N-1/297 IRC Village, Bhubaneswar-751015 (Odisha)
2. NIC, NCST uploaded on the web site.

**Tour Report of S.K. Ratho, Joint Secretary, National Commission for Scheduled Tribes to Koraput District, Odisha from 9<sup>th</sup> to 14<sup>th</sup> August, 2017.**

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1.	Name of the Visiting Dignitary:	S.K. Ratho, Joint Secretary, National Commission for Scheduled Tribes, New Delhi.
2.	Dates of Visit/Tour	9-14 August, 2017.
3.	Places visited:	(i) Circle Jail, Koraput (ii) Machhara Tribal Village (ITDA) (iii) Kokriguda Tribal village (FRA) (iv) Ekalavya Model Residential School, Pungar (SC/ST Deptt.) (v) Govt. Girls High School, Subai (SC/ST Deptt.) (vi) Govt. High School, Semiliguda (School and Mass Education Deptt.)
4.	Key persons/ officials/ organisations met.	(i) Shri Anupam Saha, IAS, District Magistrate and Collector, Koraput (ii) Dr. K.S. Singh, IPS, Supdt. of Police, Koraput. (iii) Shri P. Arthanani, IFS, Divisional Forest Officer, Koraput (iv) Dr. Manoranjan Nayak, PA, ITDA, Koraput. (v) Shri Jaganath Soren, District Welfare Officer, Koraput and other District Officials..
5.	Key highlights of the visit (Major issues discussed during tour/visit)	
	<p><b>(i) <u>Land Transfer Cases in respect of Scheduled Tribes:</u></b></p> <p>Government of Odisha has promulgated a Regulation on 20<sup>th</sup> August, 2002 by amending the Odisha Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation 2002. By virtue of this amendment, any transfer of immovable property by a member of a Scheduled Tribe shall be declared null and void unless such transfer is made in favour any other member of Scheduled Tribes. The Amendment, however, allows a member of Scheduled Tribe to mortgage the immovable property in favour of any public financial institution for securing loan for agricultural purpose only.</p>	

By virtue of this regulation, there is no reported case of transfer of land by persons belonging to Scheduled Tribes in the Koraput district. It was also informed that the Government of Odisha has set up an inter-ministerial Committee to look into the issue, the report of which is awaited.

It is recommended that the Report of the inter-ministerial committee be expedited and government may take a decision at the earliest with a balanced approach to the issue.

**(ii) Forest Rights Act implementation:**

Out of 35,476 applications received in Koraput district, the Gram Sabha have approved claims of 30,949 cases for issue of Individual Forest Rights. So far 28,143 individual forest rights have been vested covering an area of 44,214 acres in the district. As regards community rights, out of 633 application only 196 claims have been approved by the Gram Sabha covering area of 2,78,019 acres. While the progress in the individual forest rights is amongst the best in the country, the progress in respect of community rights reflects large number of rejection cases. The following are the major highlights of the Forest Rights implementation in the district during field visit.

- (a) None of the individual Forest Right pattas contain cadastral or even a sketch map of the land on which a patta is issued. The Revenue Department in the district has taken up this matter and has promised that within a period of two months, the maps will be appended to the pattas. As regards forest land under the control of Forest Department, the exercise is yet to begin. The District Forest Officer, Koraput has assured that they will take up GPRS survey exercise immediately and complete the same in a time bound manner.
- (b) During the field visit to Kokiriguda village on 11.8.2017, it was noticed that many villagers belonging to Scheduled Tribes are not



aware that their applications have been rejected. However, the President and Secretary of Village Forest Rights Committee has given a certificate that there are no eligible claimants for forest rights in the village Kokiriguda. After discussion with Collector, Koraput, it was agreed that an independent review and evaluation of the rejected cases of individual forest rights should be carried out by the District Administration to get an unbiased and factual report on the matter.

**(iii) Atrocities Cases:**

It was noticed that out of 148 cases registered under Atrocities Act in the district, orders of the Trial Courts have been passed in 24 cases. Out of these, 23 cases resulted in acquittal and there is conviction only in one case. Disproportionate level of acquittal reflects that proper care is not being taken by prosecution in dealing with cases under Atrocities Act.

As regards payment of relief under SCs & STs (PoA) Act, it was noticed that an amount of Rs.20,000/- has been recommended for relief for cases booked under Section 3(1)(x), while the Government of Odisha notification dated 11<sup>th</sup> February, 2015 provided relief upto Rs.90,000/-. Further, the rules/ resolution provides payment of relief in 2-3 stages. In most cases, except the first instalment, no further relief has been provided. This requires regular review by the District Collector.

**(iv) Under Trial Prisoners (UTPs) belonging to Scheduled Tribes:**

During field visit to Circle Jail Koraput on 10<sup>th</sup> August, 2017, it was noted that 71 under trial prisoners out of 248, belong to Scheduled Tribes. It was noticed that Shri Ghana Bisoi (UTP) in G.R. case NO.58/2015 belonging to Scheduled Tribe, has got bail since last 11 months, but he is unable to move out from jail due to lack of surety as per court order. Similarly, two more UTPs belonging to STs i.e. Shri Braja Hikaka (G.R. Case No.70/2015) and Shri Dukia Kulasika

(G.R. Case No.217/15) are in jail since 24.3.2015 and 13.10.2015 respectively. Their cases are not heard as the charge sheet is delayed by police. Such cases should be taken up by the District Administration or District Legal Service Authority so that under trial prisoners who have got bail from the Court are provided assistance for their immediate release.

**(v) Education for STs:**

The functioning and results of Ekalavya Model Residential School, Pungar is praiseworthy. The school attracts best talent in the district and integration of +2 Science along with CBSE curriculum has provided rich dividend to Scheduled Tribe students. The teaching faculty (PGT and TGT) are highly qualified and motivated. However, they have issues relating to their contractual appointment which need sympathetic consideration by the Collector, Koraput who is also the Chairman of the School Management Committee.

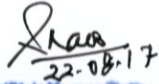
The visit to Government Girls High School at Subai operated by ST and SC Dev. Department and Government High School at Semiliguda operated by School and Mass Education Department underlines the importance of scholarships, free books and free uniforms provided to students belonging to Scheduled Tribes for retaining them in schools. Because of this facility, the parents are increasingly sending their children to schools for studies.

**(vi) Implementation of National Food Security Act:**

The performance of National Food Security Act (NFSA) in respect of STs Koraput district is outstanding. As against 1,67,094 Scheduled Tribe families as per 2011 Census, the ration cards under NFSA have been distributed to 1,80,771 families belonging to Scheduled Tribes. The higher number of ST beneficiary families coverage than 2011 Census figure is due to the fact that a number of ST families have been added after 2011 census. However, the district reports that there is 100 per cent coverage of STs in terms of distribution of ration cards under NFSA and there is no ST family without NFSA card.



6.	<p>Follow up action to be taken and by whom (Specific recommendation may be mentioned along with the name and designation of the official with whom the matter needs to be followed by the NCST officials).</p> <p>(i) The complete ban on transfer of land by persons belonging to Scheduled Tribes may be reviewed (Action: ST and SC Welfare Deptt., Govt. of Odisha)</p> <p>(ii) Cadastal/GPRS maps showing boundaries of land allotted under Forest Rights Act should be appended to the pattas by both Revenue and Forest Department. The concern Record of Rights (RoRs) of Revenue Department as well as Reserve Forest Map of Forest Department should also corrected to reflect pattas issued under Forest Rights Act. (Action: District Collector, Koraput, DFO, Koraput).</p> <p>(iii) As per sub-rule (3) of the SCs and STs (POA) Amended Rules 2016, the Secretary, Home Department and Secretary, STs and SCs Welfare Department, Director of Prosecution and Director General of Police of the State Government are required to review by the end of every quarter the position of the investigation under SCs and STS (POA) Act 1989 (Action: STs and SCs Welfare Department, Govt. of Odisha).</p> <p>(iv) The amount of relief recommended under the Joint Enquiry Report may be enhanced upto maximum limit prescribed under the Rules/Regulations.</p> <p>(v) Adequate legal assistance may be provided to Under Tribal Prisoners belonging to STs who have got bail or whose cases are delayed for hearing by engaging suitable lawyers by the District Administration. (Action: District Collector, Koraput).</p>
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 22.08.17  
 सिसिर कुमार राथ/ Sisir Kumar Ratho  
 संयुक्त सचिव/Joint Secretary  
 राष्ट्रीय अनुसूचित जनजाति आयोग  
 National Commission for Scheduled Tribes  
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