

INCLUSIVE DEVELOPMENT OF  
**ODISHA**

PROSPECTS & CHALLENGES

Volume 3

**Manas Jena**



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## PREFACE AND ACKNOWLEDGEMENT

This is the third volume of Inclusive Development of Odisha. There are three sections in this book. The first section of this book is about the social vision of inclusiveness and democracy which contains the ideas of Birsha Munda, Jyotirao and Sabitri Bai Phule ,Periyar, Dr. Ambedkar and Madhusudan Das of Odisha and inclusive democracy concerns. The second section is about inclusive policy and laws that impacting over social change and the third section is about issues in social inclusion which covers resources, land, water, forest, agriculture, minerals, financial inclusion, budget, SCSP and TSP, education and employment, social security and poverty alleviation in the prospect of marginalized communities of the state of Odisha. I always felt that the various issues of marginalized communities, their pain and suffering over social issues have not been sufficiently shared and debated in public policy making forums. I hope the articles in this book will help to public policy making dialogue process over the issues of social inclusion through an informed debate based on facts and grass root experiences.

I acknowledge with thanks the efforts of dear Mr. Prasant Kumar Mallick and the team of People's Literature Publication, Mumbai in bringing this volume to public. Many of the articles in this book are published in a regular column by me in daily Pioneer Bhubaneswar edition. I thank several readers for their encouragement and comments through regular phone calls, emails and letters.

I welcome critical comments and feedbacks from all concern, social activists, academics, media and social movements for its further improvement and corrections.

Manas Jena

*21.01.2018*

*Bhubaneswar, Odisha*

# SOCIAL VISION OF INCLUSIVENESS



# LET'S RESPECT AMBEDKAR'S VISION OF AN EQUAL INDIA.

*Saturday, 16 April 2016*

Our nation paid tribute to Babasaheb Dr B R Ambedkar on his 125th birth anniversary on April 14. Ambedkar's political legacy reminds us of his aim to build a democratic and inclusive India with economic growth, equality and social justice.

The social and economic equality vision of Ambedkar continues to inspire Indian nationalism and in building India on principles of democracy, liberty, equality, fraternity and dignity of human being. But it is a fact that the last 65 years of planned economic growth of the country has not been able to ensure socio-economic equality among its citizens.

There are various forms of gaps in status and opportunity; discrimination and exploitation continues and the marginalized groups are being excluded from the process of development without a fair share with dignity. So it is important to reorient ourselves with the ideas of Ambedkar and the principles of constitution while moving on the path of building a modern India.

It is fact that our centuries old caste system has not only divided our human society but also deprived many of their basic human rights. There has been denial of access to education, land and participation in governance to low caste people. The caste system in India and untouchability practices needs to be eradicated by the effort of Government and others.

Ambedkar through his famous books Caste in India: Their mechanism, genesis and development, (1916) and Annihilation of Caste (1936), made a historic analysis and provided recommendation for annihilation of caste. Ambedkar argued for common dining and inter-caste marriage. The Constitution of India abolished untouchability and enacted anti-untouchability offence legislation in 1955, Protection of Civil Rights Act, and later SCs and STs (PoA) Act in 1989 along with provision of financial award for inter caste marriage among SCs and caste Hindus. But in spite of legislations the untouchability, caste-based discrimination and

atrocities continue in newer forms posing new challenges to our social harmony, brotherhood and national unity.

There are reports of practices of untouchability in rural parts, caste-based discrimination in public institutions and heinous forms of atrocities against Dalits, honour killing by dominant caste, Khab Panchayat. Many young couples who prefer inter-caste marriage are being ostracized and in many cases being killed by dominant caste Panchayats. The policy and criminal justice administration has failed to ensure justice to the victims of atrocities. There should be exemplary punishment for the persons who believe in caste system by treating them as anti-nationals because they are against equality and human dignity.

The ideas of Ambedkar can bring social unity in the country to build our nationhood on principles of equality. Therefore it is time to take the great ideas of our Constitution to our schools, colleges and all educational institutions, public places and villages for annihilation of caste and for building modern India on principles of social democracy. Ambedkar and Constitution of India should be widely read and discussed among all, especially youth, who are the future of our nation. Along with enforcement of anti-discrimination laws, there should be programme for social change to change the caste, communal and patriarchal based mindset of the people. The builders of modern India have put much emphasis on human liberty, brotherhood and dignity without which a democratic society is not possible.

Ambedkar has argued for social democracy as a way of life in family and social life which recognizes liberty, equality and fraternity as its basic principles. He said democracy is not merely a form of Government. It is essentially an attitude of respect and reverence towards fellowmen. Political democracy cannot last without social democracy. He also said fraternity is the other name of democracy, a sense of common brotherhood which is equally important to build a nation like ours with so much of diversity and social hierarchy based on caste.

Ambedkar was more engaged in building social movements to bring the socially oppressed sections into the nation building as equal citizens of modern India. While ensuring diversity and equal rights for all its citizens in the Constitution, the provisions of affirmative action have brought protection for the marginalised. Affirmative action, reparation, compensation and reservation have been in practice worldwide to protect

and ensure the participation of the marginalised, indigenous communities, ethnic and religious minorities, and people getting discriminated based on their identities, race, caste, gender, ethnicity, indigenous and minority status. The principles of reservation have been in practice in India in the field of education, employment in Government and public sector and political governance. It has created scope of participation of the marginalised in national building and making our public place inclusive of all social groups of the country. It has contributed to promoting brotherhood and social harmony among fellow citizens from diverse groups.

But the scope of reservation has served a few from among the marginalised while a vast majority remains as before without land, capital and education for their development. Hence, there is a need to expand the scope of reservation to private sector to bring more inclusion of group left out in our private sector business and industry. There are areas where the participation of the marginalised section is very negligible.

It is the duty of the Government to enforce affirmative action in employment of private sector. The Government has to provide opportunity for quality education, skill development and placement guidance so that the youth from the marginalised section become employable in all sectors. The natural resources of the country such as land, forest, water and minerals have been disproportionately used by a privileged few and depriving many of their rights to life and livelihood. The financial resources available with banks are also unreasonably accessed by a few for their development while denial of right to development and right to financial access of majority of rural poor and marginalised in unorganised sector continues. Social segregation is one of the major reasons of under development. There has been growing unemployment, distress migration, and hunger death among the marginalised sections. The market forces are largely dominated by upper caste people where the State has to make rules for affirmative action in private sector to ensure employment and income for the marginalised.

The country with constitutional governance is mandated to bring equality in social and economic sphere but it is fact that all the successive Governments are more focused on economic growth and have paid very less attention to equality and social justice agenda. But without social equality only economic growth has resulted in concentration of wealth in

the hands of a few families and they are also ruling over the majority of the poor and have-nots. The socio-economic equality cannot be realised without active participation of the socially oppressed in decision making process in the Government. Political power is the key to any change and social progress but political power has been monopolised by a few in this country which needs to be democratised. Ours is a multi-party parliamentary democracy and our election system having universal adult franchise based on FPTP should be changed to proportionate electoral system to give equal representation to all by converting votes into seats. The use of money and muscle power in election and caste and communal vote bank politics should be done away with to ensure political participation of the poor and socially oppressed. Therefore while paying tribute to Ambedkar his political ideas should be respected in letter and spirit.

## MADHUBABU WAS DEMOCRAT IN TRUE SENSE OF TERM

*Saturday, 30 April 2016*

Utkal Gaurav Madhusudan Das (1848 to 1934) appeared at a time when Odisha witnessed feudal and imperialist exploitation, hunger death, famine, social oppression and also struggles for unification.

It was a time when the religious ideas were dominating mass mind and people were looking for freedom from socio-religious bondage, economic exploitation, misrule of kings, feudalism and British imperialism.

When he was a student, more than one lakh people died in the famine in 1866. He was pained to find the killing of women in the name of Sati, religious fanaticism, celebration of inhuman customs and tradition in the name of god and goddesses, practices of untouchability by upper caste Hindus, caste-based discrimination and inhuman exploitation against low caste Hindus, women and working class in society.

Odia people were migrating to West Bengal in search of livelihood and getting engaged in low-grade jobs as cooks, caretakers, attendants, gardeners and manual workers in Kolkata. Madhubabu, as he fondly was called, denounced all anti-people unequal ideas of those days that were given legitimacy in the name of God in Hindu religious social order. He converted to Christianity since he found it much progressive and a better religion in those days. He fought against untouchability, caste oppression and for women's education in a number of ways. Many of his ventures as an entrepreneur were built with active involvement of people from lower social strata and he used their indigenous skill and local materials with dignity of labour to produce footwear, leather and metal products.

Mahatma Gandhi visited his workshop in 1923 at Cuttack with much appreciation as a creative application of Swadeshi movement with social reform, especially for eradication of untouchability and respect for dignity of labour and indigenous knowledge. Earlier in a conversation with Dr Rajendra Prasad of Congress in 1912, on the occasion of Bihar students' conference held at Mothari, he told Swaraj will not be realized in a society with increasing caste system. He vehemently argued for the

development of backward communities and women without which Swaraj cannot be realized. The rulers such as Maratha, Mughal, Afghan, Muslim and finally British had not intervened in the issues of untouchability and caste because of its religious nature and linked to the fundamentalist sentiment of the upper caste Hindus which the rulers never wanted to disturb by interfering in social customs and prejudices prevalent in social life. So for building a united struggle against the British, it was necessary to build social unity among the masses, especially by including the excluded masses in nationalist struggle. The social liberation of the oppressed and equality was the inspiring central ideas of freedom struggle which had been very much realized by leaders like Mahatma Gandhi and Madhubabu. Dr B R Ambedkar further refined it by developing the ideas of social democracy as inseparable part of political and economic democracy. In Odisha, it was Bhima Bhoi who made an impact in social life of the Odias in that spirit.

Madhubabu struggled to get higher education and exposed himself to a wider spectrum to build him as an educated, informed and enlighten personality to serve the people. His effort was also to challenge the hegemonic rule, exploitation and injustice and to expose the suffering of the lakhs of voiceless people of the State. He had no personal agenda to build a career by doing a high-salaried job or enjoy power and position but to make himself an effective social worker and reformer. He used his education, knowledge, time and wealth for the benefits of masses of Odisha till the last part of his struggling life.

Even at the deathbed he only focussed his mind on the wellbeing of the people of Odisha. He played many roles as an advocate, journalist, legislator, minister, organizer and leader of the unorganized masses.

His patriotism lies in building nation State of Odias as he said Mother Utkal is not different from Mother India. Unity in diversity can only contribute to the growth of Indian nationalism. Though Madhubabu was very well linked with the nationalist struggles in the early days of Indian National Congress but it is primarily the specific issues of the Odias that preoccupied him all the time. For any major change, it has been always the administration which plays a much important role in socio-economic progress of the people but those days Odisha was divided into four administrative zones and being governed from Madras presidency, Central provinces, Patna and Bengal.

It was primary concern of Madhubabu to bring all Odia speaking tracks and Odia domiciles into a single administrative unit and finally it was possible two years after his death. The modern democratic Odisha came into existence on April 1, 1936 on linguistic basis with six districts such as Cuttack, Puri, Baleswar, Ganjam, Koraput and Sambalpur having merged. The other feudatory States joined Odisha in 1949 and finally greater Odisha came into existence comprising of 13 districts and later the State got divided into 30 districts.

While Odisha has been demanding for special category State status and more financial autonomy, in the true spirit of federal structure, the ideas were of Madhubabu in those days. In a memorandum to Simon Commission in 1924, he very well explained the problems of Odisha and argued for a United States of India. He motivated the upper caste organizations, Odisha Brahman Mahasabha and Odisha Karan Mahasabha, kings and Zamidars of Odisha to join the State formation process in building a democratic province and many of the then kings were the supporters of the Odia nationalist movement but it was observed that Madhubabu made much effort to involve the ordinary masses especially the excluded communities in hills and forests and the marginalised groups. The separate State formation campaign was more dominated by the elites and oppressors of those days.

For Madhubabu, it is not the geography or language but the people who mattered. Thus he wanted the unification of Odias irrespective of their language, religion and culture. Today it's not only Odia language or Hindu religion, but there are many languages such as Santali, Kosali-Sambalpur, Kui, Ho and many more and religious groups such as Christian, Muslim, Buddha, Sarana etc that are inseparable parts of Odisha. The beauty of Odisha lies in its diversity, tolerance and brotherhood, which respects individual freedom and human dignity. The constitutional values and citizenship should be realised by everyone irrespective of his/her social identity. There should not be cultural dominance by the majority over the divided minority.

When poverty continues to be a major challenge for the Odisha and still distress migration, low production, unemployment, agrarian distress, farmer suicide, lack of basic social infrastructure and hunger death disturb us every day, the ideas of Madhubabu continue to be relevant. In the economic front, he advocated for agriculture development and

industrialisation and cooperative movement to improve production, employment and income. He said without canal irrigation the agriculture of Odisha will not be developed. Land settlement should be completed by recognizing the farmer's rights over land by abolition of intermediaries and absentee landlords. The real farmers should have land ownership. He further stressed on the development of railway line as equally important factor for development Odisha. After 82 years of his death, Madhubabu's inspiring life and ideas require to be followed in many respects by the people of the State.



## JYOTIRAO PHULE'S IDEAS OF SOCIAL DEMOCRACY STILL RELEVANT

*Monday, 28 November 2016*

Jotirao Phule was born in 1827 in Satara district of Maharashtra and he died on November 28, 1890. He was one of the great architects of modern India whose founding vision of social democracy against Varna is highly relevant till today. He wanted to liberate the Indians from caste-based social order. His discourses on human rights and nationalism have contributed to the deconstruction of Indian society and later inspired movements of annihilation of caste.

In order to reform Indian society, he laid emphasis on education and started opening schools for the Sudras and untouchables and he said let there be schools in every village to educate the Sudras and untouchables who are historically denied education and social respect. The main reason of historical marginalization, inequality and slavery of Sudras and Ati-sudra is lack of education which caused all disaster and distressful condition. He opened schools for Sudras, Ati-Shudras and women to spread education among them and fought with British Government to allocate more funds for the education of the marginalized along with recruitment of teachers from among them.

He argued that the hard earned public money collected in form of tax by British Government should be spent on education of the children of poor farmers and other producing communities of the land. He and his wife suffered a lot in carrying this mission with paucity of funds, lack of teacher and bearing the inhuman attacks by the orthodox upper caste those who were opposing universal rights to education and a life of dignity for all human being irrespective of their social identities. In those days the condition of women, widows and their children was a matter of concern because of ban on widow remarriage and encouragement to child marriage mostly among the then upper caste Hindu society. Jotirao Phule opened orphanage for the protection of children and widows. It was a historic step in the social transformation history of India in 1848 when he opened schools for Girls and in 1868 he declared war against untouchability by allowing the Ati-Shudras for education and to draw water from his tank and also had arranged common dining with people

from all sections. He opposed the move of the then Government to issuing of licences for more number of liquor shops. He played a role in organizing the farmers and workers in distress and disastrous condition in drought-prone areas and textile workers of Bombay along with his colleague NM Lokhande (1848-1897) who was known as father of trade union movement in India.

Phule started the first Indian worker's organization Bombay Mill Hands Associations.

He was advocate of universal brotherhood and considered the whole universe as one family. In his early days after educated in the Scottish mission high school at Poona, he decided not to join in any Government jobs but to dedicate his life in the mission of education of women, Sudras and Ati-Shudras. He was more influenced by the English American political activist and revolutionary, Thomas Paine's (1737-1809) idea of rights of man (1791).

Phule was also appreciating his contemporary reformer and a progressive atheist member of British parliament, Charles Bradlaugh(1833-1891), who strongly advocated for the freedom of India along with many progressive activities in those days. In order to bring reform in social life he was opposing decadent religious ideas, idolatry and denounced Verna system. In his universal religion of truth he proposed 33 rules for building a man of character with spirit of love and understanding. He was advocating to practice humility and courtesy in dealings and to become industrious day and night. He said that true ethical conduct is the ideal religion for man and women. With the objectives to liberate the Sudras and Ati-Shudras he founded Satya Sodhak Samaj, society for seekers of truth and held the position of president and treasurer of the organization. He was very much critical on the role of Brahmo Samaj, Prarthana Samaj and Indian National Congress in ameliorating the condition of the Sudras and Ati-Shudras because of their socially non-inclusive nature of organization. He argued that in order to build nationality the people of India must not impose restriction on dining and marrying outside their castes. The farmers, artisans, cobblers, Adivasis and fishermen all should be respected with dignity for their work and they should be emotionally integrated without social discrimination and exclusion.

# WOMEN EMPOWERMENT: PHULE STILL A BEACON LIGHT

*Saturday, 06 January 2018*

The people in many parts of the country, especially women, and students in universities observed the 186th birth anniversary of Savitribai Phule on January 3.

Though late in getting a due place in history, people from all sections have started recognizing her contribution to the progress of human society. As a visionary of social democracy, her thoughts and actions were much ahead of her time and are still relevant after 200 years.

She was born in Satara district of Maharashtra State in 1831 and along with her husband Jyotirao Phule, one of the great architects of modern India, she fought a most significant battle for human rights and dignity of the marginalised sections till her death on March 10, 1897.

Today after 58 years of constitutional governance, we have developed a series of laws, institutional mechanism and host of programmes for realization of rights, participation and development of the most marginalised sections but still, we fondly remember her to emotionally inspire us.

India in the 19th century was in a time of darkness with unscientific ideas, religious bigotry, hierarchical social order based on birth, endless obscurantism with false pride, superior identities, denial of rights and dignity, caste superiority and subjugation of women in family and social life.

The worst form of human rights violation has been in practice to protect the caste honour and male supremacy in the name of religion. She fought the most difficult battle of social transformation against own family and society where she took birth and lived with challenge and conviction of understanding and continued to dream for a better society.

She was the first women teacher in an early age of 17 and she started the first school in 1848 in Pune for women that include the most marginalized section who are socially ostracized as untouchables, low caste and Muslims and vulnerable women of upper caste.

She realized the importance of education to bring change in the life of the oppressed because historically education has been monopolized by a few oppressors. The move by the Phule couple was vehemently opposed by the orthodox upper caste of those days. She was attacked on her way to school and abused in filthy language. She had to face all kinds of personal and social humiliation.

Today we have all started realizing the education of girl children, their safety and security as a first step towards gender equality, women participation and to end all forms of discrimination against women.

Here comes Savitribai as a teacher, educator, author of books and promoter of educational institutions who had not just attempted to educate but made effort to use education as an instrument of social transformation in the life of the human beings in the lowest ladder of our social life who are left out and subjected to live in subhuman conditions. She advocated for education for all and school in every village.

It is time to look at our ongoing educational system and status of education in perspectives of Savitribai Phule while moving towards privatization of education, promotion of unscientific ideas among our students in the name of faith education and making attempt to deprive the marginalized section and women of their right to education by withdrawing State supports. Our educational institutions are yet to become a safe place for women and discrimination free for Dalits and Adivasis, with continued caste and gender based violence in spite of law and institutional mechanism to address such issues.

Along with education, Phule stood with the most vulnerable section of women of those day who were denied basic human dignity like the widows, unwed mother, women with unwanted pregnancies and such victims of sexual exploitation and inhuman torture by fellow family members and own caste and religious groups.

The untouchable women and deserted women of upper caste were protected at shelter homes built by her with all care and support to live a life. It was not so each to be with these deprived women in those day and going against the hegemonic dominance and physical violence by the conservative social groups was tough.

We see the situation in our social life and social suffering of women even today with phenomena like female foeticide, unwed motherhood, victims

of trafficking, migrant women workers, forced prostitution, honour killing, witch-hunting, etc. The social barriers and prejudices continue to dominate our social life without much desired change after so many years of actions in many fronts. Phule fought for the rights of vulnerable women, widows and opposed child marriage.

She made the greatest social revolution in Indian social life of women by introducing marriage reform. She was instrumental in organizing marriages those days without priest, dowry and caste barrier.

This most scientific and ideal form of marriage was in true sense a social revolution par excellence which was meant to break the caste and gender barriers and wasteful marriage expenses. This sort of wedding ensures human rights of young couple and their right to choose their life partner and live a life with dignity.

Before 200 years, this kind ideal marriage was unthinkable for many but today though we have made progress in many fronts, we are still largely struggling with issues of child marriage, dowry death, bride burning, inhuman honor killing of inter caste married couple and violence over inter caste marriage and shameless exhibition of wealth with expensive marriage celebrations in public. Why so, is it that many of us don't want to accept social change and there is lack social commitment and a scientific mindset to accept social equality? It is time to teach our children about Sabitri Bai, her great work and aspirations by introducing her in our educational curriculums and social movements.

## BIRSHA MUNDA CONTINUES TO INSPIRE STRUGGLE OF ADIVASI

*Tuesday, 15 November 2016*

The 142nd birth anniversary of national leader Birsa Munda is celebrated all over the country today. He was born on November 15, 1875, in Ranchi and died on June 9, 1900, in the Ranchi Jail. His 25 years of struggling life continues to inspire people and his liberating thoughts remain relevant to the contemporary challenges faced by the nation in the context of development of Adivasis and governance of Adivasi areas.

This pioneering leader's portrait donated by Birsa Munda Statue Committee, Rourkela, got a place in the Parliament complex in the year 1989. A number of educational institutions and public establishments, airports, jails, stadiums etc. have been named after him as mark of respect to the great warrior of justice. The State of Jharkhand was created on his very birthday in 2000 and the State's foundation day is celebrated as his birth anniversary. The National Book Trust of India under national biography series has published his biography written by KS Singh in 2001. There are also films such as *Ulgulan -Ek Kranti* and novels such as 'Aranyara Adhikar' by Mahaswata Devi based on Birsa's life and struggle. Today, Birsa Munda's legacy is recognized in the ideological galaxy of Phule and Ambedkar and it is contributing to the social transformation dialogue going on in the universities of the country. His vision is contributing to strengthen the composite pluralistic culture of India.

Birsa Munda's legacy being symbolized as identity of Adivasis and their self-esteem, dignity and rights over resources, land, forest, water and mineral for a dignified life and self-determination. His life and struggle is an inseparable part of history of the end part of 19th century central India that witnessed tribal upsurge against internal and external colonization by British and native feudal class, zamindars, money lenders and kings over the tribals and other marginalized communities searching for homeland. The central issues of the people's movement was land and identity which was questioning the dominant notion of ownership over land, its utilization, and imposition of dominant socio-cultural practices, language and belief system. In line with Birsa Munda there were many powerful leaders like Baba Tilak Majhi, Sidhu -Kanhu, Chand Bhaira,

Nimal Munda, Laxman Nayak, Dharanidhara Bhuyan, Rendo Majhi, Chakara Bisoi, Aluri Sitaram Raju, Madri Kalu, Sandi Sabara to name a few, whose struggles were not properly documented by historians and their contribution to freedom struggle has not been recognized adequately.

The dreams, aspirations and demands of the struggles of these nationalist leaders and especially those from among the Adivasi communities later reflected in the constitution of Independent India under the able leadership of Dr BR Ambedkar as Chairman of the drafting committee and Jaipal Singh Munda, Member Constituent Assembly and president, Adivasi Mahasabha and many others who have sacrificed their life in anti-British and anti-feudal struggle to establish a united Independent India.

What is the picture of the socio-economic condition of the tribals today after 116 years of death of Birsa Munda and 66 years of constitutional governance? The living condition and standard of life of the Adivasis have not changed to the desired extent and they are found in the bottom of almost all social development indicators. There has been deliberate criminal negligence in enforcement of the mandate of the constitution in the interest of the Adivasis of the country. They are the ones who have made maximum sacrifice for the modern industrial development of the country. Many of them got uprooted from their homeland and became homeless refugees. Hunger, death, poverty, distress migration, trafficking, violence and lawlessness are the order of the day in the tribal areas.

The tribal population in 5th Scheduled areas has been decreasing with huge migration of Adivasis and emigration of non-Adivasis to tribal areas. This has drastic ramifications over the Adivasis and the governance of the tribal belt. In the coming days, the challenges will be more intense. The community ownership over land and forest resources is getting privatized with new laws and encouraging individual ownership. The language, culture and religion of Adivasis are in grave danger and it is difficult to maintain its continuity in the changing condition.

The collective struggle of all marginalized poor, including Adivasis on the path of Birsa Munda and others will shape the future society. There are examples of Sami parliament in Norway and separate electorate for Maories of New Zealand to ensure their self-governance and mainlining indigenous identity with dignity. In many countries, tribals are demanding

reparation against historical injustice. The affirmative action in India has been playing a major role in ensuring the representation of Adivasis in legislative bodies, executive and lower judiciary which need to be strengthened. But the policy of affirmative action has not been effective in building dignified inclusion of Adivasis in all spheres.

The land ownership, quality education and access to finance capital is still a distant dream for a majority of the poor Adivasi households and development funds for illiterate and poor are drained to the pockets of non-Adivasis. After seventy years of independence, the representation of Adivasis remain insignificant in many important sectors, like civil society, academics, media, literature, judiciary, executive, business, trade and commerce.

The State Government has not brought necessary amendment in the laws in consonance with provisions of 5th Scheduled area. It is not making budgetary allocation under Tribal Sub Plan which has been seriously affecting the tribal participation in governance of tribal areas and development of tribal population. The statutory bodies such as NCST, TAC, MTA, STFDC and other-related departments are doing only routine work but in real terms the development of the tribals remains far from satisfactory.

Remembering Birsa Munda certainly gives strength to the ongoing struggle of Adivasis and other marginalized communities struggling against all kinds of marginalization, injustice and exploitation for building an egalitarian society based on constitutional values of liberty, equality, fraternity and democracy, while striving together in upholding the unity and integrity of the nation.



# LET STATE FUND POLL EXPENSES FOR INCLUSIVE DEMOCRACY

*Saturday, 11 February 2017*

This time total 1, 89,099 candidates are in the fight of panchayat elections of 2017 in Odisha, out of which 26,539 are contesting for post of Sarpanch, 22,109 candidates for Panchayat Samiti member, 3,288 for Zilla Parishad member and 1, 37,163 persons for ward member posts as revealed from State Election Commission sources.

There is a provision of reservation in posts for SCs, STs and OBCs and since 2012, minimum 50 percent of seats is reserved for women. The requirement of rotation of different social groups and genders is in practice to ensure the representation of all social groups across gender. About 26 million eligible voters are going to elect 853 Zilla Parishad members, 6,802 Sarpanchs, 6,802 Panchayat Samiti members and 92,052 ward members and half of these posts would be occupied by women.

Local self-governance has been playing an important role in power sharing at the grassroots and in the process of development of the women, poor and marginalized as well as rural areas of the State.

Devolution of power has extended the scope of development administration to Panchayati Raj institutions. Many of the welfare schemes and programmes for rural poor and marginalized such as employment, housing, social security, food security etc are being implemented through Panchayati Raj institutions. The Central Government has allocated Rs 3 lakh crore per year for rural areas in the current Union Budget along with a host of schemes beneficial for rural areas.

In this context, the election for Panchayati Raj institutions is quite significant. There are many educated professionals and experienced people joining Panchayat election to get the scope of leading development works of the Panchayats which is a very healthy indication for democracy.

The current trends in Panchayat poll have exhibited very disturbing signals which are not conducive for building inclusive democracy

through free and fair participation of women and other socially marginalized sections in rural areas. There are reports of violence, murder, abduction, physical attack and personal vilification, and many more disturbing incidents happening having a bearing on the voters. In pre-poll violence, two people were killed recently in Malkangiri and Dhenkanal. Maoists also abducted Government officials. Along with violence the corrupt practices, undue influence, bribery, distribution of liquor, free feast, gifts and many more acts of favouritism have been taking place to woo the poor and illiterate voters.

Corrupt practices are well defined in Section 41 of the Odisha Gramapanchayat Act, 1964. These are organized by the leaders of major political parties to attract the voters. Though there is model code of conduct (MCC), but it has been violated by the parties and their candidates. Ruling party leaders, film stars, celebrities and local influential people are mobilized by political parties to motivate the voters in support of the party candidates. There are restrictions over involvement of parties in power and persons holding public office but many of them use their official position to influence the election campaign.

Reports revealed that in many places the candidate selection process is highly unfair and the dominant sections select the representatives from marginalized sections and usually the most loyal and obedient from among the marginalized are chosen as party candidates without formal consultation with the communities. Citizens are forced to cast their votes to any of the party candidate in a multiple choice without alternative as it is pre-decided by the ruling parties. Social mobility within the village and meeting the voters itself is a challenge for the women and marginalized section candidates because of local customs, traditions, and socio-cultural restrictions in practice against the women and low caste people.

The election process in scheduled areas and interior parts with threat of violence by Left Wing Extremists have posed a major challenge to conduct of free and fair elections in these areas. Maoists warn the people of abstaining from voting in many parts. The voters as well as the officials managing elections are in panic condition without adequate State protection.

Many genuine candidates from the poor and marginalized section background and candidates representing social movements, local

Let state fund poll expenses for inclusive democracy organizations and small parties are unable to match with candidates backed by ruling political parties.

The SEC has fixed the ceiling limit of election expenditure of candidates, but it is not adhered to.

The ceiling for candidates for Zilla Parishad is Rs 2 lakh and for Sarpanch and Samiti member is Rs 80,000. However, the expenses by candidates are many times over.

It has been argued that adequate representation of women and marginalized will ensure participation in governance and development which will further lead to a qualitative change in inclusiveness of our grassroots governance and development by replacing the age-old feudal, casteist and patriarchal dominance in villages. But the current election practices are a hindrance to the poor and marginalized people get access to democratic process and rightful participation in decision making.

The persistent economic and social structure in the village is dominated by landowning upper caste male members. The poor and marginalized voters have economic dependency on the landowning dominant communities of the village as bonded labour, wage labour and sharecroppers. Untouchability practice and caste and gender-based discrimination are still prevalent in social life. The economic activities, business, trade and institutional service delivery work are mostly under the control of the dominant caste of the village.

There are undeclared caste councils, khab panchayats, backed by patronization of political party leaders. Unequal social system does not respect democratic culture and constitutional values. The prevailing socio-economic bondage in rural areas must be abolished to ensure political democracy.

Just by making provisions of reservation for women and marginalized section is not enough to ensure their participation in local governance and development process unless our socio-cultural and socio-economic hegemonic structures are not conducive for their free participation. Legal provisions must be backed by public awareness about democratic values to build democracy and rule of law. Along with adequate protection it has been suggested for State funding of elections to help the candidates of the poor and marginalized sections participate without depending on dominant forces or ruling political parties for funding.

State funding of elections has been in practice in many democratic countries of the world. It is also suggested that the political parties must adopt reservation in their own party structure at different levels to include women, SC, ST and OBC in leadership position and decision making bodies.

The political parties must follow internal party democracy and must have a transparent candidate selection process based on principles and policy of the parties rather than leaving it to local influential people to decide on behalf of the party.

The high command culture must be replaced with democratic decision making process. The political parties must be the models of democratic reform for inclusive democracy to be followed by the voters. The Government must invest on political education, citizenship, voter awareness and build a sense of political responsibilities with voters to elect right candidate without fear and influence.

## ENSURE FREE, FAIR PARTICIPATION OF MARGINALISED IN GP POLLS

*Saturday, 07 January 2017*

The most recent judgment of a seven-Judge Bench of Supreme Court on January 2 has prohibited parties seeking votes in the name of caste, race, language and religion because election is a democratic secular exercise. This has been appreciated by many political parties and religious organizations of the country.

In the context, the State Election Commission has notified for holding panchayat elections for more than one lakh seats that includes Sarpanch, ward member, Samiti member and member Zilla Parishad. The franchise would be exercised by 2.5 core voters of the State. The model code of conduct declared by the election commission for political parties and candidates remain in force till counting is over.

It is said in the model code of conduct that no political party or candidate shall use any words either spoken or written on the ground of religion, sex, place of birth, residence, language, caste or community which shall create disharmony or feeling of enmity between different communities. There shall not be any obstruction or intimidation to any prospective candidate for filling his nomination. The candidate and party leaders shall not engage in character assassination and criticism of private life of any candidate which will lead to ill feeling and social tension in the society. The voters shall not be persuaded to vote for any particular candidate and there shall not be any obstruction which will prevent the voters from exercising their free choice. It is also instructed in model code of conduct that no liquor or intoxicants shall be served by any political party or candidates to their supporters or workers on the polling date to avoid violence and social tension.

The corrupt practice by political parties in form of gratification, bribery, undue influence over voters is an offence and liable for penalties under the provision of law. The party in power and persons holding public office shall not use their official position for election campaign in fever of their party candidate. Any kind of threats to any voter or social

ostracism or expulsion from community shall not be allowed during election.

In spite of constitutional provisions, laws, court orders and model code of conduct, it is a fact that the whole enforcement depends on the attitude of Government, ruling party, officials managing the election, and the level of active political involvement of the conscious voter. The political awareness of the voters as a responsible citizen of the country is most important factor and it is the duty of the political parties of the country to politically educate the voters about their duty and responsibilities in the larger interest of the democracy and governance.

In the context of Odisha, the Panchayat election is a mass political process involving more than one lakh posts and in an average if there are minimum five contestants for each post then there will be five lakh people who will be directly involved in the election process. Of about 2.5 lakh voters, a majority of them are illiterate and not well informed about the constitutional process. The voters are not homogenous and belong to diverse social and religious identities and political affiliations. The social reality of rural Odisha is still predominantly feudal and patriarchal, while caste and ethnic status and religion have an influence over a vast majority of the illiterate population. The very habitations are caste and community based where social relations and political affiliations are linked to caste, faith and community identities. The dominant caste and communities have been controlling the social, religious, cultural, economic and political power in the village and for historical reasons, the political democratisation process has not changed much the age-old social and economic structure of the village. The only political right that people have been enjoying is the right to vote under universal adult franchise. The social status of Dalits, Adivasis and backward classes and women and religious and linguistic minorities has not changed to the desired extent to place their political position in equal footing at par with dominant communities in the decision making process of the village. The families having land, education, employment, access to governance with political affiliations are enjoying relatively more power than others, especially the marginalised sections.

The candidates from dominant caste or backed by dominant caste are well protected while the candidates from marginalized communities and backed by marginalized communities are more vulnerable in the existing

power structure and social relationship. The most vulnerable candidates are women of the marginalized communities who are almost defenceless and without support of the family and influential people it is almost impossible for her to contest the election. The candidates for reserved seats are not decided by the marginalized sections; rather the dominant communities and male members are taking decision and selecting candidates for election. It is found by study that a large number of elected women leaders were proved as proxy leaders and mostly they were managed by their male members in family. It is reported that minutes of Pallasabha and Gramsabha are changed as per wish of the local leaders to favour the people of their own choice violating the guideline of the schemes and programmes. It happens in connivance with the Government officials and direct involvement of the ruling party leaders.

There has been movement of women against liquor for a long time but it is fact that the State Government has increased liquor shops in every Panchayat. The voters of marginalised communities are being bribed and offered liquor to vote due to their poor economic status and illiteracy. The free flow of liquor has been a major source of violence during elections and mostly women, children and marginalized communities suffer a lot in such situations. The normal life of the poor people is disturbed during election times due to tension and violence.

The rural village social condition has not changed much as untouchability, caste-based discrimination and atrocities continue unabated in spite of laws and protective mechanism and the marginalised sections continue to live in segregation and isolation without a dignified stake in the social and cultural and economic life of the village. The vulnerable groups in village such as the landless poor families, sharecroppers, Dalits and Adivasis are prone to violence. They are threatened by dominant groups and communities during election to vote in favor of a particular candidate but in spite of protective laws the people are not protected enough to get free to cast their vote to the candidate of their choice because after election they have to continue their stay in the same village and it is very difficult to challenge the dominant influential people and communities. The marginalized sections are largely economically dependent on the dominant caste people of the village and a majority of them are sharecroppers and agricultural labours who are engaged in the land of upper caste for livelihood. The panchayat

, block , tehsil and police stations are mostly controlled by the dominant caste people.

While more power and resources are being planned to hand over to the Panchayati Raj institutions, it is equally important to democratize such institutions with free and inclusive participation of people from all social groups without fear and exclusion. Panchayat elections must be a democratic secular exercise to make space for participation of marginalized sections.



# FIGHT RIGHTS VIOLATIONS, BUILD INCLUSIVE SOCIETY

*Saturday, 09 December 2017*

The Human Rights Day is observed on December 10 since 1948 as on this date the United Nations General Council had adopted the historic Universal Declaration of Human Rights (UDHR).

After 69 years of its existence, this document has been adopted by almost all countries and it has been translated to more than 500 languages of the world, including in Odia by the UN. The 30 principles placed in the declaration are as relevant today as they were in 1948, and still, there are many deprived of their human rights in many ways.

The observation of the day makes us to reaffirm our faith and commitment on human rights and remind us of the sustained attempt for the protection and promotion of it.

The historic document of universal values of human rights had emerged after experiences of human rights violation in the World War-II and related events. It is visualized by the world community to build a world that recognizes civil, political, economic, social and cultural rights of each and every human being irrespective of his/her identity and status, as it declared that all human beings are born free and equal in dignity and rights and must have equal protection under rule of law.

The world continues with the threat of war, climate change and most importantly, increasing gap between the rich and the poor. The influential military powers and resource-rich nations have been dominating over the less powerful and posing a threat to democracy and sovereignty of nations. The conflict over control of natural resources and markets makes the universe more vulnerable in the hands of imperialist forces. The defence budget of each nation is increasing whereas the spending over health, education, poverty eradication and environmental concern is getting less attention. Against all these odds, there has been always a ray of hope by the people all over the world who are dreaming of a world without borders putting human being in the centre.

In case of India, the major principles of UDHR have got a place in its Constitution. The line 'respect for dignity of human being and brotherhood' gets a mention in the Preamble of the Constitution.

The last 70 years of experience of implementation of UDHR and constitutional governance in India is not so much encouraging so far as the human rights situation is concerned. In spite of constitutional mandate, protective laws and dedicated institutions, there are prevalence of serious issues of human rights violation and there have been issues of non-implementation of laws by the State and not adhering to the international standards and procedures in ensuring the rights of its people. It is expected that the laws must be translated into action; otherwise they are just good to listen but without any utility in the life of people.

The enforcement of law is the responsibilities of the Government and its institutions which have to address and intervene on issues of human rights violation. It has been largely felt that the human rights institutions in India are largely inadequate in delivering justice to the poor and marginalized and these institutions are also crippled with inadequate human and financial resources to act effectively and timely to respond to the huge expectation of the people suffering with human rights abuses. But realization of human rights is not just limited to a matter of protection by human rights institutions. The human rights activists are facing violence and not getting adequate protection from the State. The social environment and economic and political conditions are equally important for the realization of human rights. Human rights are realized in an environment of freedom and dignity to develop his/her personality and live without fear, threat and restrictions over liberty. But our social, cultural, civil, political and economic conditions are not changing to the desired extent to make an inclusive democratic environment that allows everyone to grow and live a life of equals.

Discrimination based on class, caste and gender continues unabated and that contributes more to the violation of the human rights. The Dalits, Adivasis, ethnic, linguistic and religious minorities, women and children, elderly people, PWD, LGBT, displaced families and migrant workers and the homeless and the landless poor are subjected to various forms of human rights abuses that remain unaddressed. India is signatory to all

international human rights laws and also a party to the historic UDHR document of UN among other 48 countries who voted it in 1948.

Many of the recent reports show that there has been increase in deprivation, hunger, malnutrition and inhuman atrocities against the marginalised sections of people. Though untouchability practice has been banned since 1950 but still it is very much prevalent in rural villages and continues in practice with active patronization of socially dominant caste. This is one of the biggest human rights abuse in South Asia affecting about 26 crore people with majority from India and there is no specific international law to address the human rights violation. The children of the poor and socially excluded groups live a life of social segregation and economic deprivation and suffer with inferiority and dominance by fellow friends in public institutions like school etc in the village. The family, school and all public institutions where the child starts his/her first lessons must have provision to compulsorily learn the UDHR. It will have an impact on the mindset of the child and enhance his/her worldview towards life and fellow human being. Human rights education status in India has not progressed much which should be given priority in all schools and other public institutions to build a human rights friendly conducive social environment.

The sources of domination lies with inequality in ownership and access to public resources for life and livelihood, restricted participation in governance and decision making process, discriminatory religious, socio-cultural discourses and orientations on human relationship. Persistent inequality in many forms is the most dominant danger to human rights and it affects the people in lower ladder of the socio-economic structure. So as a first step towards realization of human rights, the State must take steps for democratization of the intellectual and material resources such as education, air, water, land, energy and minerals for the fullest benefits of its people. Along with scope of equal opportunities in education and employment, all kinds of discriminatory practices, derogatory to the dignity of human beings, must be banned by laws, and to be rejected with promotion of information and awareness among people. Equal participation without fear and discrimination in all spheres of public life is most important to build an inclusive democratic society under rule of law that ensures human rights.

# INTRODUCE ENGLISH MEDIUM EDUCATION FROM PRIMARY LEVEL IN ALL SCHOOL

*Saturday, 27 August 2016*

English language has become a global passport to higher education, science, technology, engineering, IT, business, governance and huge employment opportunities. There has been increasing demand for English medium education worldwide including India. It is reported by the MHRD that the number of enrolment of students in English medium schools has almost doubled and it was 2.9 crore by the year 2014.

English has been introduced as a subject by about 27 States at primary level and many State Governments are in process to introduce English as medium in all schools from class 1 level. The States of Jammu and Kashmir and Nagaland have made English as the main medium of education in all schools. The others States such as Kerala, Punjab, Tamilnadu ,Andhra Pradesh, Maharashtra and Delhi are in the process of increasing share of English medium schools up to more than 90 percent. Manipur, Sikkim, and Nagaland have achieved almost near to 100 percent English medium schools.

There has been growing interest among people of northern States such Bihar and UP, Himachal Pradesh, Haryana, Rajasthan, Jharkhand over the years to shift to English medium schools. Even though the Government of India has been promoting Hindi, but many of the Hindi speaking northern India States prefer English. English as a foreign language was discouraged as part of anti-colonial struggle during British rule by the then nationalist leaders who were pursued patriotism and nationalist feeling by encouraging Hindi as national language but Hindi has not been emerged as alternative to English. The neglect of English in northern States has wider impact over its quality of education and its subsequent impact on overall socio-economic condition of the people. The leaders of north India have started realizing the consequences of neglecting English and engaged in reparation effort y promoting English.

Leaders in Punjab Assembly, both ruling and opposition parties, have preferred to go for English medium education in all Government schools and introduce it from nursery. It has been observed that English medium

schools are mostly filled by educationally and economically forward communities whereas Government-run vernacular schools are for the economically poor and socially and educationally backward communities who are historically deprived of education. It is a fact that most of the parents irrespective of their social and economic background prefer English medium school for quality education to ensure socially respectful dignified employment opportunities for their children. The poor people in metropolis and cities with very marginal income prefer to send their children to English medium schools with hope for a better future. The Government schools are not preferred not just because of quality of education but also the demand to learn English language as gateway to opportunities globally. The English language is a symbol of social status in a caste and feudal ridden society where the English language has been monopolized by the upper caste and upper-class elites who are using it to exploit the illiterate poor and marginalised.

Way back English education was introduced in India by TB Macaulay in 1835 with his minute on Indian education (The English Education Act) approved by William Bentinck, the then Governor General of India, where Macaulay advocated for English education as English had become a language of commerce, politics and judiciary. The Christian missionaries started English medium schools in early nineties with the entry of East India Company and helped the Indian upper caste elites to access knowledge. Later, in Independent India, English language has been suggested along with mother tongue in both two and three language formula as medium of education. The overdominance of mother tongue with English has been continued because it was advocated by nationalist leaders such as Mahatma Gandhi and GK Gokhel. However, with growing consciousness, the public perception has started changing in support of English education as a non-negotiable necessity to build our future.

In a multilingual country like India, English language has been used as a vehicle of communication among people in different parts of the country. It has brought national unity and understating among people in diversity. By taking English language to common people the democratic access of people to governance, judiciary, media and economic activities will improve and it will bring more inclusion in all spheres of social, political and economic life of the nation. The continued colonial bureaucracy and its hegemony and dominance will be changed by use of

English by a large section of masses. The National Knowledge Commission in 2007 report suggested for English language in all schools to build inclusive society and transform India into a knowledge society. It is said that the English language will enhance scope for excellence and global identity beyond State and national boundaries.

Many of the Central Government education programmes have introduced English medium schools such as Navodaya, Kendriya Vidhyalaya, Kasturba Gandhi Balika Vidyalaya and Ekalabya model schools which have created scope for the rural poor and marginalized social groups to access quality English medium school education. The higher amount of school fee made private English medium schools inaccessible to the poor and marginalized. So only through Government support, quality education can be imparted to the poor.

Odisha has shown a growing trend of English medium schools in different parts of the State. The children of upper class are over-represented in private English medium schools. In order to change the backwardness of Odisha, English education is highly required to empower the rural marginalized sections, SCs, STs, OBCs and Muslim minority who constitute almost 90 percent of the State population. There are different languages and dialects such as Odia, Kosali, Sambalpuri, Kui, Soradam, Alechiki being used in the State and a larger proportion of Odisha's population does not speak the Odia language but local dialect. English language can bring larger unity among people of different languages and help the people of all sections to access education and job opportunities. It will contribute to reduce regional disparity and encourage quality representation of people from all sections.

In response to the aspiration of people, the Government of Odisha has started a scheme called Anwasha in 17 ST dominated districts for SC and ST children to support them for quality education in leading English medium schools. The Government has to spend Rs 25,000 per student in a year which covers the expenses that includes school fee, books, accommodation and transportation from hostel to school. The selection process is headed by the district Collector in a committee that follows lottery system for selecting students. The State Government has targeted to cover about one lakh children in the coming ten years. The Odisha Government has also launched 100 English Model Schools on line of Kendriya Vidyalaya in 14 districts. But this limited step is not enough in

Introduce English Medium education from Primary level in all School order to bring a change in Odisha and the State Government must universally introduce English from class 1 in all schools and take all possible steps to promote quality English teaching.

INCLUSIVE POLICY AND  
LEGISLATION FOR SOCIAL  
CHANGE



## RIGHTS AWARENESS A MUST TO UPLIFT MARGINALISED

*Saturday, 10 December 2016*

The International Human Rights Day on December 10 is celebrated worldwide since Universal Declaration of Human Rights (UDHR) in the year 1948 by the United Nations General Assembly. Today there are 192 countries as members of United Nations, which came into existence in post Second World War aiming to bring peace to the world. Slogan of this year's Human Rights Day is 'Stand up for someone's rights today with compassion, concern and mutual co-existence.'

The UDHR is an international document of 30 rights which the member countries need to disseminate among people for promoting awareness on human rights and for its realization by all human beings irrespective of their identities and place of birth.

The first article of the document says that we are all born free and equal. It includes a range of rights, the right to life without slavery, discrimination and torture. It says about equality before law and protection of human rights by law. The document affirms the right to freedom, democracy, freedom of thought and expression, privacy, mobility, nationality, right to marriage and family. The right to food and shelter, education, social security, and responsibility are interrelated for a dignified life. The end part of the document says that no one can take away your human rights.

The International Bill of Human Rights is a human rights law which includes UDHR and International Covenants on Civil and Political Rights (ICCPR) and the International Covenants on Economic, Social and Cultural Rights (ICESCR) produced by the UN Human Rights Commission as international law since 1976. The countries which have ratified ICCPR have agreed to allow the human rights committee to investigate allegations by individuals and organisations of their country that have violated human rights but before that the complainants have to exhaust all legal remedies available in their own country.

During the years after the World War II, the understanding and connotations of human rights have been getting widened in the changing global context by including civil rights, peace, anti-war, terrorism, migration, refugees, environment and climate change issues. The issues of poverty and increasing inequality, discrimination and exclusion of communities and democratic insufficiencies have become a global human rights concern and emerged as challenges for human rights. The UN has set up the Millennium Development Goals (MDG) to achieve some of the basic human rights such as food, shelter, health and education for all.

In spite of progress in many fronts, today millions of people, mostly children, women, elders, PWDs, ethnic minorities, indigenous people, sexual minorities, LGBTs, race and caste discriminated communities and working class continue to suffer in realization of their human rights to live with dignity.

The historical battles for human rights witnessed many stalwarts those who continue to inspire the human rights movement in many fronts and their remarkable struggles have changed the human rights discourses. The ideas and work of Eleanor Roosevelt (1884-1962) of USA who is credited for the UDHR document, M K Gandhi, Dr B R Ambedkar, Martin Luther King Jr (1929-1968), Nelson Mandela (1918-2013), Desmond Tutu, and Aung San Kuuki of Myanmar and many others are a continual source of inspiration for struggle against race, caste and gender-based discriminations existing around the world.

There have been powerful peoples' movements going on in many parts of the world to establish civil rights, dignity and equality in social life. The post-independent human rights movement in India witnessed multiple issues of human rights violation against the women, Dalits, Adivasis, indigenous ethnic groups and religious and linguist minorities who are deprived of their basic socio-cultural, economic and political rights as citizens of the country. There is a series of human rights laws and dedicated institutions built in the country for the protection and promotion of human rights and especially to defend the poor and weak from injustice and exploitation. But still, these laws have not reached to many of the poorest of the poor and vulnerable groups and individuals suffering with miseries and injustice which need a collective commitment of all human beings in the universe. It is globally understood in the

famous saying of Martin Luther King that “injustice anywhere is a threat to justice everywhere”.

The practice of respect for human rights must be reflected in our day-to-day personal life, in families, schools and workplaces by making all efforts of spreading human rights education as well as practices to build a society based on values and principles of liberty, equality and fraternity and utmost respect for human dignity.

The Constitution of India and international covenants and UDHR paved the way for the foundation for the Human Rights Act 1993 under which human rights commissions are in place to address the issues of human rights violation of people in general and the women, SCs, STs, and minorities in particular. There are human rights bodies at State and national levels such as the National Human Rights Commission, National Commission for Scheduled Castes, National Commission for Scheduled Tribes, National Commission for Women and National Commission for Minorities. There have been provisions of human rights courts and special public prosecutor along with provisions of legal aid for speedy trial of offences arising out of violation of human rights.

There are many civil society groups, private bodies, activists and community voluntary organisations engaged in promotion and protection of human rights of the vulnerable groups who are struggling without adequate support of the Government. They are prone to physical and mental harassment and humiliation by anti-social forces and sometimes by police and paramilitary forces. There has been a discussion about the rights of human rights defenders by the UN and it is being reported that sometimes in conflicting situations, the human rights defenders are facing life threat while discharging their duty and a few of them even have lost their lives. The Government must take adequate steps to ensure the safety and security of human rights defenders and promote and encourage defenders to strengthen rights movement to building a law-abiding peaceful society.

The Odisha Human Rights Commission came into operation in the year 2003. It is reported in the annual report of 2013-14 of the commission that 6,656 cases have been pending for trial and only 1,727 cases have been disposed by the commission. It shows an increasing rate of human rights violation in the State and particularly, the vulnerable sections like the women, children, SCs, STs, PVTGs, PWDs and minorities. More

worrying is the fact that the rate of disposal of cases is very negligible. It is found that the cases of human rights violations by police and paramilitary forces are increasing in number. It is a fact that a majority of people are not aware about the existence of human rights bodies due to lack of information about such bodies and their activities. In a backward State such as Odisha with more SC and ST population, it needs more proactive human rights institutional mechanism to ensure justice without delay.

It is good that in many cases of public interest, the Odisha Human Rights Commission has intervened on its own and passed many exemplary judgments. There should be human rights courts in each district and adequate public prosecutors from among vulnerable communities of the State must be recruited to improve the justice delivery system with social inclusion. The human rights institutions and State must have adequate allocation of funds to disseminate human rights education among the students and youths in educational institutions, schools, colleges and universities. Media has a major role in projecting issues of human rights violation and matter of public interest.

The Government has to support the initiatives of media, human rights organisations for realisation of human rights. The UDHR must reach to all people of the State to build an inclusive Odisha.

## JOB, EDUCATION NOT ADEQUATE; OBC NEGLECTED IN ODISHA

*Saturday, 26 November 2016*

The Other Backward Classes (OBC) in Odisha are victims of longtime State apathy to ensure their representation in governance and participation in development. They are mostly producers and service providing communities who continue to remain socially, educationally and economically backward.

Historically, they have been deprived of owning productive assets, land and education and denied a reasonable share in governance because of their social identity in the caste structure of Hindu social order. In the fast-changing traditional rural economy, technology and production process, they are facing the challenges of economic liberalization and privatization. A majority of OBCs in the State are farmers, sharecroppers, artisans, weavers, milk farmers, cattle rearers, small food vendors, carpenters, blacksmiths, small traders, barbers and many other small communities who are engaged in production in many ways and contributing to the economic growth of the State. They have very insignificant share in the State administration, executive, judiciary, legislative, business, trade, and media and in the decision making bodies of ruling political parties, which are major causes contributing to their marginalization process since long. There has been distress migration of youths of OBCs along with other marginalized in rural areas in search of livelihood and employment. The privatization of technical and higher education has restricted the access of students of poor families to get the education. The increasing unemployment problem among educated youths creates distress condition in families struggling for survival. All these economic distresses lead to demand for adequate State protection and public investment through affirmative action for the OBCs in ensuring higher education, skill development, fair share in Government jobs and scope of self-employment through protective access to credit and related facilities under schemes of Government. Unfortunately, two most important affirmative actions for OBCs, the reservation in the education and jobs and self-employment, have been deliberately neglected by the State Government. Though Odisha has started a very

late intervention in comparison to other States of India, the reservation policy has been partly implemented violating constitutional provisions.

The State Government implements only 11.25 percent in place of 27 percent for OBC. Besides, the State Government has identified a State category under SEBC where the list has included few more communities which are not in the Central OBC list.

The State Government has not allocated adequate resources to the OBC Finance Development Cooperative Corporation for the self-employment of OBC youths and their economic development. The National Backward Classes Finance and Development Corporation (NBCFDC) set up in 1992 has been channelizing support through State agencies for development of education, agriculture, artisanal work, technical and professional trade, transport and service among deserving OBCs for their self-employment. The NBCFDC sanctioned Rs 445.98 crore to the State agencies during the year 2014-2015 till March 31, 2015. Odisha has received Rs 1,435.61 lakh for 6,747 beneficiaries. The NBCFDC has an educational loan scheme for OBC students of Rs 10 lakh to study in the country and Rs 20 lakh to study abroad with an interest rate of 4 percent per annum and 3.5 percent for girl students. The States such as Kerala, Punjab, Gujarat and Karnataka have used this benefit for the

education development of the OBCs, but unfortunately, Odisha has very poor performance in execution of such schemes for OBCs with support of the NBCFDC.

This inaction of the Government shows its political commitment for the development of the OBC communities in the State. No powerful socio-political movement of the backward classes to influence the administrative and political will in favour of development of OBCs of the State is found.

It is reported that more than two decades after Mandal, the quota for OBCs has not filled up in group A, B, C and D of the Central Government ministries, departments and other statutory bodies. The Central Government provides 27percent reservation for OBCs in Central Government services and Central educational institutions. The reservation of services in States is a matter of concern. It is reported by MSJE that States such as Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and Tripura have no reservation for OBCs as they have

insignificant OBC population. Tamil Nadu provides 50 percent reservation to OBCs which is the highest percentage in the country. Tamil Nadu even had reservation for backward classes before independence. The other southern States such as Kerala, Karnataka, Puducherry and Andhra Pradesh have 40 percent, 32 percent, 34 percent and 29 percent reservation for OBCs respectively and there are classifications of OBC reservation to reach to the most deserving groups that includes backward Muslims within the backward classes of the State. Odisha has provision of 27 percent reservation for SEBC. The Odisha Reservation of Posts and Services (for socially and educationally backward classes) Act 2008 has not been implemented to keep the quota limit within 50 percent. As a result, the State Government has brought down the SEBC reservation limit to 11.25 percent, while 16.25 percent for SCs and 22.5 percent for STs are in place. In order to ensure 27 percent for SEBCs, the quota limit has to be raised up to 65.25 percent in the State. Tamil Nadu has been implementing total 69 percent reservation for SCs, STs and OBCs of the State with 50 percent for OBC, (BCs 26.5 percent, BC Muslim 3.5 percent, MBC 20 percent), 18 percent for SCs and 1 percent for STs. So it is argued that a State such as Odisha with a majority of SCs, STs and OBCs must have the desired reservation to ensure their just share in State employment and educational opportunities created out of public finance. The violation of principles of reservation in State employment is directly violating the constitutional right under Article 16, which says equal opportunity in matter of public employment and also 16(4) which says about State initiative to ensure employment. Based on the criteria of social, educational and economic backwardness, the Government of Odisha notified 209 castes /communities as SEBC. The Union Ministry of Social Justice and Empowerment notified 194 castes /communities along with their synonym on the basis of the recommendation of the National Commission for Backward Classes as OBCs in Odisha. The Vision- 2036 for building inclusive development of Odisha must be inclusive of the OBCs.

# ODISHA GOVT NEEDS TO BE MORE PROACTIVE TOWARDS OBCS

*Saturday, 27 May 2017*

Affirmative action is a global phenomenon being practised in many democratic countries of the world to address discriminations in representation based on religion, ethnicity, gender, minority status, race and caste. Many countries including India have adopted policy of reservation to strengthen inclusive democracy through balanced representation. Reservation is provided to SCs, STs and OBCs at the rate of 15 percent, 7.5 percent and 27 percent respectively, in case of direct recruitment on all India basis.

It is understood that affirmative State intervention in form of reservation of seats in educational institutions, Government jobs, local self-governance, and special economic development programmes is key to development of backward classes but BCs/OBCs/SEBCs in States such as Odisha are historically neglected because of continued political apathy and lack of backward class movements in the State.

Though reservation for backward classes started from the year 1993 by the Centre but before that, it has been implemented by States such as AP, Karnataka, Kerala, Tamil Nadu, Bihar, UP, Maharashtra and Jammu and Kashmir.

The history of reservation in pre-independent India dates back to 1902 when it was started by Maharaja of Kolhapur, 1921 by Maharaja of Mysore and in Madras presidency, 1931 by Bombay presidency, and 1935 in Travancore. It was primarily targeted to bring balance representation of different caste groups in education and public governance and arrest the hegemonic dominance of a few dominant castes.

Dr B R Ambedkar's advocacy for SCs made provision of reservation by British in August 1943 and later for both SCs and STs in independent India in post and services, educational institutions and political reservation in Lok Sabha and State Assemblies as reparation to Poona Pact of 1932 between M K Gandhi and Dr B R Ambedkar. There was demand for separate settlement, separate electorate and representation as



per population. The political reservation was only for ten years, but there was no time limit for reservation in jobs and education.

The Constitution of Independent India has made provisions of reservation for SCs and STs and BCs but the reservation for BCs got implemented by the Centre in 1990.

The history of reservation for BCs rooted in Article 340, 15 and 16 of the Constitution of India and the process started in 1953 with appointment of first Backward Classes Commission under chairmanship of Kaka Kalelkar, Member, Rajya Sabha from 1952 to 1964, to identify castes or communities in the country and to prepare a list of such backward communities for the whole of India along with examining the difficulties and for recommendation of steps. The report was submitted in 1955. The four criteria to identify the BCs were considered on the basis of low social position in the traditional caste hierarchy of Hindu society, lack of education, and inadequate representation in Government services, trade, commerce and industry. But it was unsuccessful in moving further with controversies of criteria of identification. The identification of caste and communities and their correct population has been controversial in the absence of census.

The Government of India appointed a five-member second Backward Class Commission under the chairmanship of B P Mandal, Member, Lok Sabha from Bihar in 1979 when Morarji Desai was Prime Minister and the commission submitted its report in 1980. The criteria adopted by the commission were social, educational and economic. The recommendation of the commission recommended reservation for BCs in Central Government jobs, educational institutions along with a set of affirmative relaxation policy similar to SCs and STs. The recommendation was adopted after ten years by the then VP Singh Government with 27 percent of reservation but it was challenged as unconstitutional and cleared by a nine-member constitutional bench of the Supreme Court. However, along with the Centre, almost all States have been implementing the OBC reservation. Some States such as Tamil Nadu have been performing well because of political movements.

The State of Tamil Nadu has 50 percent reservation for BCs, out of total 69 percent, which includes 26.5 percent for BCs, 3.5 percent for backward class Muslims, and 20 percent for most backward classes.

The Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in educational institutions and of appointments or posts in the services under the state) Act 1993, enjoys protection of 9th schedule 257, A, inserted under constitutional 76th Amendment Act 1994 with effect from August 31, 1994.

The States and UTs of Arunachal Pradesh, Tripura, Meghalaya, Mizoram, Nagaland, and Lakshadweep have no reservation for BCs because they have no such population.

The Government of Odisha has enacted Odisha State Commission for Backward Classes Act 1993 and has implemented reservation for OBCs in late just after 40 years of independence with very less percentage in comparison to other States though OBC constitute a major portion of the population and continue to remain backward in many respect of social, educational and economic development along with political representation. There are more than 209 communities identified as SEBC in the State which are traditionally resources less and socially treated as lower in caste hierarchy as higher than untouchables.

The Government of Odisha has made legislation for 27 percent reservation in job and educational institutions but later reduced it to 11.25 percent because of the compulsion of 50 percent criteria imposed by the Supreme Court. But it is good that it has introduced reservation for SEBC local self-governance which has been ensuring participation of backward class men and women in grassroots governance.

The Odisha Backward Class Finance Development Cooperative Corporation Ltd set up in the State has no proper scheme or allocation. It has been suggested that the State Government should allocate adequate finance and develop special schemes for the economic development of the backward classes of the State in the areas of skill and entrepreneurship development, encourage trade, business and self-employment of youths and women in rural villages. The landless sharecroppers and small and marginal farmers must be supported with land and credit for sustainable agriculture development to boost production and employment. They must be allowed with equal stake over resources, land, water, forest and financial resources of the State.

The students must be encouraged with scholarship for higher and technical education. The scope of reservation must be extended to

private sector, business, trade and commerce for inclusive economic development. There must be a separate backward class development department with a dedicated minister and adequate resource allocation to plan, monitor and promote accountability for the development of SEBCs in the State.

It is important to note that the subcategorization of reservation for BCs have been followed in many States such as Bihar, Tamil Nadu, AP, and Karnataka etc. to help the most backward communities within BCs and ensure equity which must be followed by Odisha to ensure the inclusion of the most backward communities. The issue was raised by LR Naik, a former MP and Dalit member of the Mandal Commission, in support of most backward among OBCs as land owning OBCs are more powerful than others. The most backward classes whose marginalisation has been more visible must have protection from the dominance of powerful BCs to avoid unequal competitions as the true spirit of social justice must prevail in the path of equality.

It has been experienced in the last 60 years that reservation policy serves as an instrument of building inclusion, distributing public opportunities, and sharing responsibility of nation building based on values of democracy, liberty, equality and fraternity. It has been helping to bring different castes to work together for common goal and contributing to strengthen fraternity as fellow citizens of the country. It has contributed to abolish caste based occupations, caste based discrimination in public places through social mobility of different castes and most importantly created equal opportunity in matter of public education, employment and governance. Reservation has not affected the quality rather it has been proved that States having reservation for a long time have made success in education, administration and governance. All southern States are the best examples in this regard.

# ODISHA YET TO HAVE STATE MINORITY COMMISSION

*Saturday, 23 December 2017*

The development of Odisha must include an all-round welfare of its about 6 percent religious minority population. Socioeconomic data show their increasing marginalisation and vulnerable sub human condition. Under the provision of the National Commission for Minorities Act 1992, the Government of India has notified Muslims, Buddhists, Christian, Sikhs, Parsis (Zoroastrians) and Jains as religious minority communities in India. The United Nations promulgated the declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities in 1992 and the Constitution of India also very well spells out the rights of religious and linguistic minorities for their protection, participation and development in all spheres of national life.

Minority population as citizens of the country deserves all human and constitutional rights at par with others and must not be deprived of livelihood with dignity. They need all kinds of protection and must avail scopes to develop at par with others. It is the duty of the State to enforce all international human rights standards, constitutional provisions, and laws that protect and promote justice to minorities in order to check their marginalization.

The Census of 2011 data says 93.63 percent of population of the State of Odisha as Hindus followed by 2.77 percent as Christians, 2.17 percent as Muslims, 0.05 percent as Sikhs, 0.03 percent as Buddhists, and 0.02 percent as Jains. The data revealed that though the minority population has been increasing but the growth rate of the population has gone down between 1961-71 and 2011. The Hindus were 97.57 percent of State's population in 1961 and it decreased to 93.63 percent in 2011 for various reasons. The Odisha Freedom of Religion Act 1967 has put restriction on change of religion.

The minority population in State, mostly the Muslims and Christians, is largely poor and most inadequately represented in public services, especially in Government jobs and other public institutions created out of State funds. The literacy rate of these communities has not improved

in comparison to other social groups. Majority of the minority population in the State face social discrimination and dominance of dominant religious group. Due to very insignificant number of population, the minorities also do not feature in electoral political participation and the policy decision making process of the State though the minority population has a sizable presence in rural and urban areas in the districts of Bhadrak, Kendrapada, Baleswar, Cuttack, Jajpur, Khurda, Puri, Gajapati, Kandhamal and Sundargarh. The district of Gajapati has been identified as a Christian minority focused area of the State and the people there are mostly from the marginalized sections. They have been bearing the brunt of social injustice for a long time because of their social and religious identities based on ethnic, caste and religion status.

Studies by minority commissions found that the level of illiteracy, poverty and unemployment is very high among the minorities and their habitations are deprived of basic amenities such as homestead land, housing, drinking water, toilet, electricity, linking road and other communication facilities as well as social infrastructure such as schools and hospitals for education and healthcare. Landlessness is very high among them and they do not have homestead land of their own to securely build houses for a dignified living and their hamlets are well identified as backward locations.

Homestead land is a major problem for Muslim communities in Jajpur, Bhadrak and Baleswar as many of the families live near the roadside and peripheries of the towns. Surveys have found that it is mostly the minority communities who are visible living on outskirts and slums of the major cities of the State. The Adivasis and Dalits converted to Christianity in forest areas of the State have no record of rights over their land they are in possession of. The people in forest area living for generation and their villages are not being declared as revenue villages. The unsettlement of record of rights in the absence of proper land survey and settlement by the State Government has led to conflicting situations in the forest areas having minority population.

The legal status of the converts has been changing during last 65 years of constitutional governance which is contributing to the conflicting situation over land and other rights and the ultimate losers are the landless poor and people of lower social strata.

The minorities are not free to celebrate their faith and cultural events and they have been under constant threat and continuous abuse by the dominant religious group in these areas and in recent past there have been a number of communal riots against the minority in districts like Kandhamal and Bhadrak where the minority people were the ultimate sufferers.

The two most important commissions report in 2006 and 2007 on issues of religious minority are by Justice Ranganath Mishra, former Chief Justice of India and Justice Rajindra Sachar, former Chief Justice of Delhi High Court, which have very well exposed the vulnerable condition of the minorities in India where it is told that the minorities in India are not well represented in education and jobs. Both the commissions have recommended a series of affirmative actions to be implemented by the Government to ensure justice for these communities.

The Ministry of Minority Affairs was set up in 2006 along with the National Minority Commission and the National Minority Development and Financial Corporation as institutional arrangement with budgetary allocation to address the issues in planned manner focusing self-employment, wage employment and recruitment to the Central and State services. There are about 16 States in India having State level minority commissions excluding Odisha to address the State specific issues. The National Commission for Minority Educational Institution was set up in 2005 under the provision of the Act for the development of minority educational institutions through infrastructure development to impart quality education.

There are a number of educational development schemes to promote education among minority communities such as pre-matric and post-matric scholarship schemes, Maulana Azad National fellowship, PadhoParadesh, Free coaching, and NaiUddan to support of Rs1 lakh to Rs 25,000 to students for preparation of civil service examination, so that minority representation in civil services can be improved. The ministry source says about 900 students have availed the benefits in the year 2016-2017.

The Prime Minister's new 15- point programme for minorities has been in operation since 2006 though it was started in 1983 with identification of 44 districts with high concentration of minority population based on 1981 census. The Central Government also is implementing a scheme

Odisha yet to have state minority commission

named Hamari Dharohar to preserve the rich heritage of minority communities in India along with many other schemes for economic change such as concessional credit and skill development programme and women development.

However, it is being observed that the Government of Odisha has not set up a State level Minority Commission to look in to the issues of the communities in the State and many of the Central schemes are not being properly implemented by the concerned department in the absence of any dedicated institutional mechanism and leadership from among the minority communities. The monitoring committees at State, district and block level under the provision of Prime Minister's 15- point programme are not taking review of the progress and also lack creative involvement of representative of minority communities and their institutions.

The political parties in the State have only minority cells to satisfy the minority leaders without their unbiased representation in the party decision making bodies and legislative posts.

## ODISHA MUST HAVE PROGRESSIVE LAW TO PREVENT HONOUR KILLING

*Saturday, 11 June 2016*

There have been shocking media reports of honour killing in different parts of the State in spite of our celebration of economic progress in many fronts. It is a fact that economic growth of the State has not been contributing much in respect of desired social change. Many well-intended protective laws such as Protection of Civil Rights Act 1955 for social change are not reaching to the most marginalised sections of our society and there is limitation in existing laws for prevention and prohibition of honour killing. The issue of honour killing needs a special legislation by State to save life of the young people.

The most recent incident is the case of Gita Tanla (17), daughter of Kailash Tanla (45), from Patnagada, Bolangiri, who is a migrant worker belonging to Dalit community. She was brutally killed by her father in front of her grandmother. She was in love with Naresh Tandi (17), a Dalit boy of Saradhapur, Bongamunda. Gita was four months' pregnant while she was killed. Both Gita and Naresh were working in brick kilns of Andhra Pradesh as migrant workers. The body of Gita was thrown away to the garbage yard near a railway station without cremation. The body was consumed by street dogs there. And, later, it was cremated by the benevolent local youth volunteers of a social organisation with support from local municipality. The State Human Rights Commission has intervened in the case and issued so-cause notice to the district Collector, SP, municipality executive officer of the locality to inquire into the matter and report as this is a serious case of human rights violation. Both Naresh Tandi and Gita Tanla were Dalit migrant workers from the same district but their marriage was unacceptable because of caste to the father of Gita.

There are a number of similar cases happening in different parts of the State with high incidence in district of Ganjam. Swapna, a student of class ten in Dharakot block of Ganjam district, was brutally killed by her brother and father due to her love with a Dalit boy of the same village. The whole family members killed her to save the family's caste pride. Her body was seized by local police. Another girl Sulochana (22) in



Odisha must have progressive law to prevent honour killing

Bhanjanagar of Ganjam was killed by her family members. Her body was put into a bag and while Sulochana's father was carrying it in public, the local people informed the police. The most heartbreaking case was reported from Malkangiri district where a boy and a girl of a tribal community were very inhumanly tortured and killed. Their bodies were thrown into a river, which were later recovered by the Chhatisgarh police. The parents of the victims were threatened by the villagers to avoid informing the police. The cases are not limited to Dalits, Adivasis or interior pockets of south-west Odisha. It was also reported from coastal Jajpur where a pregnant teenager of Binjharapur police station was killed by her parents. The neighbour informed the police and the case was reported in media. In most of the honour killing cases, the girls are being brutally killed in most inhuman manner in a middle age customary practice very systematically followed to maintain purity of religion and caste. There are hundreds of castes existing in Hindu religion and each caste group has been practising endogamy as matter of caste principles with superior and inferior complex which has been internalised as a culture and tradition. There are caste based organisations that glorify caste pride over rest of the caste and being allowed to function freely with political patronage and used for political power benefits. The elected people's representatives are very cunningly avoiding such incidents and do not want to change the casteist mindset of the people as most of the political parties have no agenda for social reform.

The condition of women and low caste people in our society needs a radical change to build an inclusive society that respects human dignity, freedom and civil liberties of man and women irrespective of their age, place of birth, caste and other social identities. There are inadequate social legislation by modern State to protect and promote their civil and social rights in social life. The middle age social condition, illiteracy and poor health service to the labouring class, have been contributing to low production and income and finally the quality of life. Poverty is also substantially linked to social issues and the economic backwardness of Odisha has been largely linked to continued oppressive social systems in the tag of religion and caste that deprive a majority of people of their basic civil rights. The literacy rate of women is very lower in Odisha in comparison to male and national average. The literacy of Dalit and Adivasi women in interior pockets is extremely lower. The marginalised poor have minimal access to health service and a majority of people are

still depending on old and traditional healthcare practices. Due to lack of health and education, service women and children suffer all social indignities, many tribal women as witch are brutally killed in many parts though the State. The Government has enacted the Odisha Prevention of Witch hunting Act 2013, but it is of little avail. The modern healthcare system has not reached to the grassroots; even drinking water and sanitation facilities are not available for all. The girl children are most unwanted and unwelcomed in family. Female foeticides continue abated violating laws while male child is still most preferred in families regardless of caste and religion. The women are taught to become tolerant and be subjugated to male elders in family especially while decisions on marriage of a majority of young women have no choice but to follow the imposed decision of parents. All adult girls should be treated equally in most dignified manner in family. Our society must change to accept the freedom of women as equals in social life in line of international standards of human rights.

Recently the Government of Maharashtra has enacted ‘The Maharashtra Protection of People from Social Boycott (prevention, prohibition and Redressal) Act of 2016.’ The focus of the Act is to prevent the interventions of caste Panchayats as community based parallel courts to punish couples of inter caste marriage. This Act has been a new step to strengthen civil rights, freedom and dignity of individuals aspiring for change by denouncing age-old prejudice. The Government of Odisha must enact similar legislation in the context of the increasing honour killing in the State and enforce it in letter and spirit.

# ODISHA SHOULD HAVE STRONG ANTI-SORCERY LAW

*Saturday, 25 November 2017*

The Karnataka Prevention and Eradication of Inhuman Evils Practices and Black Magic Bill 2017 has been passed by the State Assembly on November 16. This is the second State after Maharashtra to have such an exclusive legislation.

The move of State Government in fighting social backwardness has been appreciated by rationalists, humanitarians and progressive people. This change is also seen having a close link with social justice as it will radically influence the socially backward and marginalized groups to get liberated from decadent practices.

There are about 23 listed items banned under the provisions of law which include perform fire walk at religious festivals, human sacrifice, animal sacrifice or causing harm to animals, witchcraft, parading women naked, sexual exploitation, segregation of menstruating women or pregnant women, rolling on leftover food by Brahmins, caste based places for serving meals, making people drink foot soaked water, putting urine and excreta in peoples mouth, attacking people with stick in the name of removing evils, preventing individuals from taking medical treatment and diverting them to black magic, causing injury to human body in the name of removing ghost, performances claiming possession of a super natural power, and piercing rods through human body and other self harming activities like hanging from hook and creating panic in the minds of public by way of invoking ghost or mantra etc. There are many more evil practices in the name of religion and tradition and culture which are not included in the list.

The violation of the anti-superstition law will be a cognizable and non-bailable offence. As per the provision, there will be vigilance officers under the provision of the law to take steps to prevent such inhuman evil practices enlisted in the law and also to monitor the violations of the provisions in the law. Any person who propagates, practices or causes to promote any inhuman evil practices and black magic will be liable for imprisonment not less than three months and a fine up to Rs 5,000 or

both. A judicial magistrate of first class shall try offences punishable under the Act.

It is being observed that in the absence of legal protection, mostly the ignorant common people largely from backward classes, Dalits and Adivasis in rural areas are victims of such evil practices. They have been suffering in many ways, including physical and mental misery and economic loss due to continued exploitation of black magicians and other such people spreading superstitions. It is also witnessed that many of the evil practices are followed to economically exploit and socially subjugate the marginalized. So it is also suggested to promote more awareness and education among the socially and educationally backward communities who are being historically denied education for centuries.

The anti-superstition bill passed in Karnataka was opposed by some section of BJP and Congress leaders who are labelling the legislations as anti- Hindu and anti-religion. They apprehend that this may hurt the religious sentiments of mostly Hindu communities but the fact is that the law has nothing against faith on god or religion; rather it is targeted against blind faith that affected the dignity of human being. It is expected that the elected people's representatives in parliament and state assemblies must respect the visions put forth in the constitution in building India.

The Constitution of India under Article 51A (h) says it is the duty of every citizen to develop scientific temper, humanism, and the spirit of inquiry and reform. But this important provision needs to be translated into practice and in that context this kind of legislations are highly required but it is also further discussed that only legislation cannot be enough to fight such evil practices without perusing required education in our schools and family in order to change the mindset and larger social environment. Our children must be educated to think rationally and their questing mind must be encouraged in all level.

The Maharashtra Andha Shraddha Nirmulan Samiti (MANS) and its founder president and social justice crusader Padmashri Dr Narendra Dabholkar (1945-2013) played a major role for such type of legislations in Maharashtra. Former VC of Hampi University MM Kulabargi who was shot dead in August 2015 in Dharward of Karnataka spoke against superstitions and made all efforts to have the legislation along with journalist Gouri Lankesh of Karnataka, Left leader of Maharashtra

Gobind Pansare and rationalist organizations such as the Federation of Indian Rationalist Association and many others such as the National Law University and Bangalore, State Law University, Dharwad have played a role and also been advocating for such legislation for a long time. Being rational and logical is a constitutional duty. Fighting blind belief and superstition is also a part of our commitment to the constitution that upholds liberty, equality, fraternity and dignity of all citizens of our country.

Odisha is not only economically poor but also the backward in building a progressive rational society. Every day there are news of evil practices, superstitions and blind beliefs from different parts of the State where innocent poor people from rural and tribal areas of the State are victimised. It is found that in majority of cases women are the easy victims of such evil practices. Witch hunting has been a major issue in major tribal areas of the State that claim life of hundreds of innocent women in spite of the Odisha Prevention of Witch Hunting Act 2013 by the Government of Odisha. The Act has not been implemented by local police and there has been no awareness about the law in the areas which are more prone to such evils. The State has been witnessing increasing influence of Guru, Baba and Mata and cult practices in public life, faith on unforeseen power to change fate, health and wellbeing, animal sacrifice before deity, goddess, ancient brutal mode of treatment of new born baby and children, black magician influencing common people and many more localized evil practices impacting life of common people.

It is found that outdated social systems are being used to exploit women and to alienate them from resources such as land. The female foeticides continue abated violating laws.

A few months back Sanjukta Jayapuria (18), a student of Panchagan Mahima College of Bijapali under Rengali police station in Jharasuguda district was brutally murdered by her friends in an event of religious ritual of Siva Guru, a fanatic cult. Recently Jasmin, a 6- year- old girl in Badhi village under Oupada police station of Baleswar district, was kidnapped and her wrist was cut with a blade to drain blood to appease goddess Kali and there are cases of similar nature happening in Khurda and other parts of the State. It is expected that legislators of political parties as social change agents must lead the people towards building a progressive society and fight all kinds of social backwardness through rule of law.

Along with sensible education, law can be used as a powerful instrument of social change. Odisha must have similar legislation in line of Maharashtra and Karnataka to prevent black magic and superstitions.

## MARGINALISED YOUTHS SOFT TARGETS OF OBSCURANTIST BELIEF

*Saturday, 11 March 2017*

With the fast changing socio-economic condition of the State, life of the youths of marginalized sections in backward regions become more challenging in the absence of inclusive intervention by the Government to address their sufferings.

There have been cases of man-made disaster and exploitation without interference of the Government where the youths are in serious distress while struggling for a living. This distress condition has been encouraging distress migration of the youths in search of livelihood and making them believe in unforeseen power which encourages various religious cults, Gurus, Babas and Matas in public life.

The poor and marginalized are more vulnerable because of their traditional socio-educational backwardness, poverty, and continued State apathy to their basic issues of life and livelihood. There has been absence of progressive social reform movement to build an inclusive society.

Sanjukta Jayapuria (18), a student of Panchagan Mahima College of Bijapali under Rengali police station in Jharasuguda district was brutally killed by her friends, Saudamini Jayapuria (23) and Santosini Jayapuria (24), both are college students, and NabinBhoi. They played role of Brama, Bishnu and Hanuman, as chief officiator of the worship of Siba Guru, and they all danced over the body of the deceased and inhumanly tortured her to liberate her from her suffering.

The murder took place as an event of religious ritual in front of family members and other villagers who are staunch believers of the Siva Guru cult. The religious practices in the cult of worship are propagated in the areas with knowledge of local public and local police.

The girls involved in the whole case are students and were motivated by the local fanatic preachers in the name of God and religion. In spite of spread of education, the traditional blind belief system dominates the minds of the youths and there are people who continue to propagate such ideas in the name of God and religion scot free. They are trying to

motivate the poor and uneducated people to have faith in God to redeem their suffering. There has been increasing influence of Baba and Mata in public life and faith on unforeseen power to redeem the suffering of the poor in the absence of restriction imposed by the State machinery.

The incidents depict backwardness of women in society and the mental illness of young women who become soft target of religious propaganda and ultimate victims of blind beliefs. It is reported in media that the Siba Guru Baba Haridrananda and his wife Didi Nilam Anand from Jharkhand mostly target the women of Dalit and Adivasi communities from the tribal dominated districts of Sundargarh, Mayurbhanj and Keonjhar etc. It is fact that in spite of legislation and constitutional protection, the Dalits are being debarred from participation in worship, temple entry, religious festivals, place of worship due to centuries-old practice of untouchability and caste based discrimination.

Consequently, many Babas and Matas are trying to enter in the life of the gullible Dalit community and involve them in many religious activities. As there has been lack of healthcare facility and due to extreme poverty, poor people have very limited access to modern healthcare. They mostly influence with motivational sermon of the Babas and Matas and promise of a cure from suffering.

The innocent people out of faith and in a very distress condition worship their photos to get blessing. They prefer spending on worship to medicine and doctors. It is expected that the local doctors and police should visit the hamlets of marginalized social groups and motivate them for availing the modern healthcare systems and strongly oppose such blind beliefs among the ignorant masses. The suffering of Dalit young women is more because of their social identity based on class, caste and gender. Most of the young women of the marginalized groups suffer mental depression and become victims of exploitation by vested interest groups.

This case is not an isolated one, rather such type of incidents have been happening in different parts of the State where the poor and illiterate people are motivated and forced by different means to be part of the blind belief being promoted and propagated in the name of God and religion. This has been taken away life of hundreds of innocent people and creating law and order problem. It has wider ramification over the life and social living condition of the people. Our mass media,



particularly electronic media, has been promoting blind belief through fabricated religious stories, serials that mostly affect the young minds. Many of our writers also promote such backward ideas in their writing justifying blind beliefs and superstitions. In the name of entertainment our commercial theatre groups, Jatra troupes, are also propagating the blind religious ideas through stories that influence the public mind. The entertaining programmes must have social purpose.

It is expected that our educational institutions are bringing change in the life and living condition of the people but how come youth in schools and colleges are subscribing to such fanatic ideas! The educated people and the police and the Government officials in the area are not opposing such brutal and inhuman practices. Why our schools and colleges are not promoting scientific ideas, spirit of inquiry and logical questing minds among our children and youths? It seems the spread of education has not changed the age-old mindset of the people to accept the knowledge of science in their life and living environment.

The political parties, civil society organisations, literary forums, teachers association, students and youth bodies in the State must have social reform agenda and its members should be models of ideal progressive life in public to be followed by students and common people. The political parties should propagate scientific ideas and progressive thoughts and human values based on the Constitution of the country and international human rights laws. It is being observed that political parties remain silent over such social issues and leave it to the people to decide but it is expected that political parties must lead the people towards building a better progressive society where human dignity and dignified life is guaranteed by the rule of law.

# RURAL ODISHA REELS UNDER APATHY : CASE OF JHARSUGUDA VILLAGE

*Saturday, 01 April 2017*

Jharasuguda district in the western part is home to mostly the marginalized sections as SCs and STs constitute almost half of the total population of the district. The people of the small district have been experiencing displacement due to dam, mining, industry and other projects and a sizable section of the marginalised poor continue to live in tiny slums even without basic minimum amenities for life. They lost their land based livelihood and took up odd jobs for survival in the absence of proper rehabilitation and resettlement.

A recent visit by this writer to the Rampaluga village in the district had brought a scope of interaction with the villagers on their issues of land and livelihood. Rampaluga village of Sunari Gram Panchayat in Lakhanapur block is inhabited by about 72 families of the landless poor who are mostly engaged in fishing in the reservoir for livelihood over last 60 years after being displaced due to the Hirakud Dam over the Mahanadi in the early 60s.

Their village was submerged in the reservoir and they shifted to this new location since then. This multi-caste village in a distance of about 60 km from the district headquarters is not a revenue village in record and the inhabitants are without legal rights over the homestead land they are in possession of since generations. The people here are deprived of their basic human rights to live with dignity and to be part of a larger development process. Though the village is surrounded with water but water for household consumption for drinking, bathing and washing purpose has been a major problem of the people here as they mostly depend on the pond and tube well water to meet the household needs. The only small pond available near the village is not large enough to meet the growing need of the people and the tube well water quality is below the standard, but the people have no alternative for safe drinking water, said Sabita Rohidas, a fisher woman of the village.

The health and education service for the people has also not improved much in spite of the repeated request of the villagers to the district

administration to take initiatives on this front. The mini Anganwadi centre functional here has not a full phase status of Anganwadi centre to meet the demand in providing service to the needy women and children. The children and women usually suffer with cold and water borne diseases every time and the primary healthcare centre is at a distant place. The students of the village after 5th standard have to struggle a lot for higher education and they have to travel about 3km to attend the next higher class, told Sarapanch Akshya Kumar Sai.

This fishing community in spite of their dependency over the Mahanadi reservoir has not yet received any aid from the Government under the schemes targeted for the fisher folk development. Usually their fishing timing start early in the morning till 12 noon and after a small break it continues till 8pm at night. The average monthly income is not more than Rs 5,000 and sometimes there is absolutely no income as it depends on the fish production of the whole day. Their economic and social condition has not improved though both men and women are engaged in fishing. They mostly depend on private traders for sale of fish in the absence of cooperative of the fishermen and women for marketing. Rainy season is the most difficulty time as they do not want to go for fishing because of fish roe breeding but they can wait for about two months without alternative livelihood, said Hemsagar Godwal and Trilochan Godwal. They demanded that the Government should support them for two months for alternative livelihood and by that help in increasing the fish roe breeding in the reservoir which is very much required for sustainability and livelihood of the fishing communities.

It is unfortunate that many of the displaced families have no access to Government schemes such as homestead land, free housing and ration card. Though Lakhanpur is a coal mines area and having a thermal power plant but the inhabitants of the block who are poor and marginalized have not benefited out of the mining and industry operation. Rather they have been evicted and have been bearing the brunt of the mining pollution. The Mahanadi Coalfields Limited (MCL) is a public sector company having coal mining here in the block, but it has not given adequate attention to ensuring basic amenities such as drinking water, electricity, housing and other community infrastructural facilities for the villages of the poor and marginalized in the block out of Corporate Social Responsibility (CSR) programmes, District Mineral Foundation (DMF) funds or periphery development funds created under the provisions of

law to address various local issues. The employment opportunities out of mining and industry have very minimal impact over local unemployed youths due to lack of education and required skill. There has been no growth of manufacturing sector in the areas and ancillary industrialization. The traditional family based occupations such as fishing, agriculture and forest based work are getting squeezed due to changing economic policies in support of corporates. There has been non availability of land, capital and marketing facilities for the agricultural workers, forest workers and sharecroppers who deserve the protection of the Government as small producers.

It is to be noted that the location of the village Rampaluga is a beautiful picnic spot and attracts many tourists and visitors to enjoy the nature's beauty with boating but unfortunately this place has not drawn any attention of the Government to develop this place as a tourist spot of ecological and natural importance. Migratory birds from distant places used to visit the place seasonally. But this tourist potentiality of the place has not been explored by the district administration. People from distant places visiting this spot in different seasons for picnic are not getting basic conveniences. The villagers argued that for any development work and alternative livelihood they need land and connectivity.

Sumitra Pere, a local women leader who has been instrumental in motivating the local people for their rights and entitlements and has taken the matter with the local revenue authority, said that there are many hamlets such as Ubuda, Kudaloi, Kirma, Chingiriguda, Tingisimal, Darlipali, Khairikuni and Charla which are affected by coal mining.

The people have been staying for generations without a record of rights and they have been getting displaced for mining and industrial projects without proper rehabilitation. Though 60 years have passed, but the dam displaced families in Rampaluga village are yet to be rehabilitated with land and housing to live a dignified life. The district administration must take up these kinds of issues to ensure inclusive development and justice to the victims of State apathy, she asserted.

## ENFORCE LAW STRINGENTLY TO FIGHT SUPERSTITIOUS PRACTICES

*Saturday, 03 June 2017*

Superstitions in many forms claim lives of the innocent poor driving the society to backwardness in the absence of education and healthcare facilities, especially in interior pockets.

It happens for less economic cause, rather than many non-economic factors such as social customs, religious beliefs and traditional practices among a majority of people.

The Government sources say that every year hundreds of women are killed in witch hunt in spite of the preventive legislation, like the Odisha Prevention of Witch Hunting Act 2013. It is clear the law has been almost nonfunctional in intervening in such cases.

What is required is to promote awareness to change the mindset of the illiterate people who believe in practices of witchcraft albeit blindly.

Odisha is the second State after Jharkhand having such cases as reported by the National Crime Record Bureau. There is no correct figure of such cases as many of them are happening in interior tribal areas and go unnoticed. The districts of Mayurbhanj, Keonjhar, Sundargarh, Malkangiri, Gajapati, Ganjam, Rayagada and Koraput have maximum reports of cases of witch hunting.

The other important issue in healthcare is the brutal ancient method of treatment like pressing hot iron to body to get cured. It has resulted in death of hundreds of children in the backward areas of the State. It is found that mostly the children of these marginalized sections are victims of such inhuman practice which is prevalent in the garb of traditional practices. Superstition in healthcare of women and children is one of the reasons of high infant mortality rate in the State which has not been sufficiently addressed by the authorities.

Leave apart the interior parts, in the most advanced areas, a very common trend having great influence is the faith on Baba and Mata. They are believed to be wielding supernatural power to provide an instant solution to any problem of life, the believers think.

The superstition leads to violence and killing of innocent people.

Usually, a sizable number of people from almost all over the State, for any difficulties, theft, illness or family problem, mostly look for black magicians for solution without going to a police station or a hospital. The Baba, Mata and Tantrik are flourishing in good number to cheat people of money.

Superstitions are strengthened by religious belief, name of gods and goddesses, illiteracy, hunger, landlessness and low income and more importantly lack of anti-superstition laws. Added to this is the unrestricted flow of liquor, other toxic materials such as ganja and opium. Under the pretext of revenue, the Government has been encouraging the narcotics trade in the State. The social and political organisations working in tribal areas should take these issues seriously and need to realize the urgency of progressive social movement against all forms of superstition lest social development should take a backseat.

Social change through eradication of superstitions is very much needed for inclusive growth. But unfortunately, there has been lack of progressive social legislation by the Government to help the administration to handle such issues. The State has been doing economic charity programme and these programmes are being projected in the name of development as solution to social issues. It is equally important to build the human resources of the State with education and social awakening.

The social education must include, constitutional education, civil, political and human rights education and more specifically health and hygiene education. These studies need to be introduced not just in schools but also at the community level literacy centres.

It has been observed that the community-based organisations promoted at village level such as the women self-help groups are not being educated on health and human rights, civil and constitutional morality matter that affect their daily life. The social reform movements and civil society actions must be encouraged by the State to counter irrational ideas and traditional practices while spreading health and educational awareness among the marginalized sections. Women from marginalised sections need to encourage to work in social development sector by

Enforce law stringently to fight superstitious practices which they can play a motivational role in their community in bringing change in the mindset of the people in community.

But unfortunately, women organizations have very minimal agenda on social change and for abolition of age-old superstitions and unscientific ideas which are a major cause of their underdevelopment and backwardness. A vast majority of women of the marginalized sections remain illiterate and have no access to education and information. They have very little exposure to the outside world and are mostly forced by the male dominated community to remain at home with traditional household work without much change and participation in outside activities. The traditional religious notions, caste and patriarchal restrictions guide and restrict their life. It is found that the marginalised sections in interior parts are deprived of health and education facilities because of poor infrastructure and lack of adequate health and educational service providers and most of them are not willing to serve the marginalised section in interior parts.

On the other side, among the service providers a very few are from the marginalised section and backward areas. It is important to ensure quality education and healthcare to counter superstition relating to health of the women and children in family.

There is a sizable number of vested interest people and spiritual and religious organisations in the State freely engaged in promoting illogical ideas and blind beliefs among the poor and illiterate masses.

The Government should ban such organisations and individuals and impose restrictions on their activities among masses because they are not only exploiting the simplicity and faith by cheating the illiterate and poor people but also are spreading unscientific ideas, detrimental to the growth and formation of an egalitarian civilized society based on scientific temper and democratic values.

# TRANSGENDERS MUST LIVE NORMAL DIGNIFIED LIFE

*Saturday, 13 August 2016*

The Transgender Persons (Protection of Rights) Bill 2016 introduced in the Lok Sabha by Minister of Social Justice and Empowerment Thaawarchand Gehlot has created a scope of dignified living for transgender persons in India. It was awaited for a long time by human rights concerned groups, especially by the transgender community.

The proposed legislation is to provide protection to the rights of transgender persons and also promote their welfare.

According to Census 2011, India has six lakh people belonging to the transgender community. The bill defines transgender as a person who is neither wholly female nor wholly male or a combination of both and whose sense of gender does not match with the gender assigned to that person at the time of birth. They also include trans-men and trans-women and persons with inter sex variations and gender queers.

The legislation ensures protection by prohibition against discrimination in form of unfair treatment, denial and discontinuation to any transgender persons in educational establishments and services, employment and occupation and healthcare services. It also includes unfair treatment with regard to the right to reside, purchase, rent or to otherwise occupy any property. The bill has made provision that it will be obligation of public or private establishments to prevent discrimination against any transgender person to ensure barrier-free access. The educational institutions funded and recognized by the Government will create opportunities of inclusive education to transgender persons and have to ensure their participation in all kinds of activities, including sports and cultural events in the institution.

The transgender persons will have right to avail a certificate of identity to be issued by the District Magistrate on the basis of the recommendation made by a district screening committee where the representatives of the transgender community will be members. The bill further says that the Central and State Governments will take measures for effective participation of transgender persons and their inclusion in all spheres of



social life through different Government schemes and programmes specially formulated for them to address their genuine need.

The bill proposes a National Council for transgender persons headed by the Union Minister in charge of the Ministry of Social Justice and Empowerment with representatives not below the rank of Joint Secretaries to Government of India of different related departments including, Ministry of Health and Family Welfare, Home Affairs, Human Resource Development, Rural Development, Urban Development and Poverty Alleviation, Labour and Employment, Legal Affairs, Pension and Pensioners Welfare , NITI Ayog, National Human Rights Commission, and National Commission for Women to advise the Central Government on formulation of policy, programme, legislation and project with respect to transgender persons. The national council will coordinate with various departments, Government and non Government agencies dealing with matter relating to transgender persons.

The bill has provision of penalties and imprisonment against offences committed against transgender persons which is minimum six month and can go up to two years with fine. The offences include forced to leave household, village or other place of residence, forced bonded labour, denial of access to public place, causing physical, sexual, verbal and emotional and economic abuses.

The issues of transgender persons were extensively discussed in the Rajya Sabha in the context of a private bill by DMK MP Tiruchi Siva who introduced it on April 24, 2015 under the title The Rights of Transgender Persons Bill 2014 and the bill was passed by the Upper House with support of all members. Many activists feel that Tiruchi Siva's bill is a model which should be accepted fully without any change. The private bill was also discussed in the Lok Sabha in February, 2016. It is said that there are about 29 countries having protective laws for transgender persons.

In the context of the proposed legislation by the Government it is important to refer to a famous landmark judgement of Supreme Court's in the case of Legal Service Authority versus Union of India and Others on April 15, 2014 which has been instrumental in many ways in ensuring the rights of transgender persons recognizing them as equal citizens having equal rights guaranteed under the Constitution of India. The Supreme Court ruling says they should be recognized as third gender and

also socially and economically backward classes so that they can have reservation for their adequate representation in education and employment. The court also has raised concern in areas of public health and sanitation, socio-economic rights and stigma and public awareness which are very important for transgender persons and directed the Government to address the issues through legislation and programmes. Many of the decisions by the court were questioned by the Government in a petition for more clarification. However, the decisions of the honourable court were historic and paved the way for bringing legislation by the Government.

The Government of Odisha has announced many programmes for the transgender persons. It is estimated by Census 2011 that there were 20,000 transgender persons in the State better known as “Hijira/Kinnar”. But a very detail survey and identification process by the State Government is needed to ascertain the actual number of such persons in the State. It is told that many of them are cut off from their family and are staying in group without proper shelter and minimum amenities. They face difficulties to get a house on rent for accommodation and purchase land for housing. Most of them migrate to cities for shelter and livelihood. It is reported that a majority of the transgender persons are mostly engaged in group begging in train and sex work and other casual work for their livelihood and continue to face serious unemployment problem due to lack of skill and opportunities for a dignified life. There are serious health issues with them in the absence of proper care and medical facility. They have been facing social discrimination, verbal, mental and physical violence in everyday life. Very few of them are educated and engaged in dignified employment. They also routinely face police harassment and very little access to legal aid for protection against abuse. They are excluded from all Government programmes for the poor and oppressed social groups due to lack of identity. In order to systematically intervene in their issues the proposal of the State Government to constitute a State level welfare board similar to that of Tamil Nadu, Bihar, Rajasthan, Chhattisgarh and Maharashtra and pension facility like Tamil Nadu is still pending.

However, the State Government has included all transgender persons under BPL category and covered them under National Food Security Act, one hundred days paid work, pension and loan to start business and included them under housing schemes so that they can have access to

Transgenders must live normal dignified life

Government run employment schemes, food security programme and similar other schemes.

Recently, the Odisha Government has decided to appoint them in jails as warders and let them take part in Independence Day parade to exhibit their identity. It is expected that in line with coming Central legislation, the State will take more proactive steps to ameliorate the condition of the transgender persons.

# ANTI TRAFFICKING LAWS IN INDIA TO DO WONDERFUL JOB

*Saturday, 20 August 2016*

A comprehensive legislation against human trafficking, which was long overdue, will see the light of the day with the proposed anti-human trafficking law. The Draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2016 unveiled by Union Women and Child Development Minister Maneka Gandhi was available for public comment till June 30 last.

The proposed Bill aims to prevent trafficking of persons along with their care, protection and rehabilitation in a legal, social and economic environment that promotes anti-trafficking in India. Human trafficking has been a global concern with increasing vulnerability of women and children to the organized ensnaring network of traffickers engaged in spreading of commercial sex, organ trade, drug, crime and forced slavery.

The National Crime Record Bureau reports that there were 5,466 of human trafficking cases registered in 2014 and the number has been increasing every year but the real figure is not available with the Government as many of the cases remain under-reported. The countries such as India, Nepal and Bangladesh having huge human trafficking problems as south Asia is the fastest growing along with East Asia in the world as reported by the United Nations office for drugs and crime. It is reported that rural poor, women and children are being trafficked. The Global Slavery Index of 2016 published by Walk Free Foundation says that India is home to the largest number of enslaved people in the world. There have been reports of trafficking of women and children from backward regions of the State to different parts of the country. They are mostly poor and a large chunk of the trafficked population belongs to socially and economically backward communities, Dalits, Adivasis and minorities who are mostly poor and resourceless. The poor people in poverty, illiteracy and unemployment are given false promises of good jobs and marriage and later, exploited for sex work, commercial sex, forced labourer and all other degraded inhuman jobs in bondage. Many women and children are confined to brothels as sex workers and their life becomes worse in such conditions.

The Bill has drawn its foundation from Article 23 of Constitution of India which prohibits trafficking in human beings and Article 21 that guarantees life and personal liberty of a person and the United Nations Convention on Transnational Organised Crime and its three optional protocols including the protocol to prevent, suppress and punish trafficking in persons, especially women and children which India has rectified.

The Bill has provision of Central Anti-trafficking Advisory Board at the national level headed by the Secretary, Ministry of Women and Child Development, with representatives of concerned Ministries and civil society organizations.

At the State level, the Bill has provision of State Anti-trafficking Committee with the Chief Secretary as its chairperson and Secretaries of Women and Child welfare, Home, Labour, and Health departments, DG police, Secretary, State Legal Service Authority and two social workers nominated with gender balance by the Chief Justice of Orissa High Court as its members. The responsibility of the committee is to implement this Act and advise the State Government and district anti-trafficking committees.

The district anti-trafficking committee will be headed by the district Collector and members drawn from judiciary and social work background, representatives of District Legal Service Authority and officials of Social Justice and Women and Child Development departments. The committee has to meet at least once in three months to deal with trafficking prevention, rescue, protection, medical care, psychological assistance, skill development and need based rehabilitation of victims who are to be produced before the committee by police, public servants, social workers or the victims themselves.

There will be a special agency to be constituted by the Central Government to investigate offences under the provisions. The Bill has proposed protection homes or special homes in each district either by the Government or voluntary organizations under provisions of support service for care, protection and long-term institutional support for rehabilitation.

There are provisions of punishment, penalty and imprisonment in case of disclosure of identity of a victim in any report, newspaper or magazine or

audio-visual media. It has included use of narcotic drugs, psychotropic or alcoholic substance for trafficking and use of chemical substance or hormones for the purpose of exploitation as serious offence. There is provision of confiscation, forfeiture and attachment of property of the offender. The State Government in consultation with the Chief Justice will specify a court of session as special courts for trial of trafficking cases of the district with special public prosecutors having ten years of active practice as an advocate before a court of session.

There will be anti-trafficking fund to be created by the Government for the implementation of the provisions and other related activities. The Central and the State Government will have power to make rules and give direction as per the provisions.

Activists and civil society organizations have been critical about the Bill as they argue the definition of trafficking is not wide enough to include many other forms of human trafficking and the long term rehabilitation aspect of rescue person is not clear. They say the new legislation should be an addition to existing two Acts, that is, the Immoral Trafficking Prevention Act and the Juvenile Justice Act 2015 and must address the limitations of many existing laws to prevent trafficking of women and children. They also suggest for involvement of cross section stakeholders in the process of consultation to make the legislation more realistic to implement and address the ground realities and issues faced by the trafficking persons in distress and post rescue arrangements.

Backward State Odisha has serious trafficking problem in the districts of Sundargarh, Bhadrak, Kendrapada, Sambalpur, Baleswar, Angul, Dhenkanal, Boudh, Kandhamal and Ganjam. They are mostly from rural areas and poor economic background who are trafficked to Delhi, Uttar Pradesh, Jhansi, Uttarakhand, Haryana ,Rajasthan ,Punjab ,Chennai, Karla for sale.

With support from the Union Ministries of Home Affairs and Women and Child Development, the State Government has setup integrated anti-human trafficking units having representatives of police, advocates, NGOs and other related departments as part of the policy and resolution made in 2014 to prevent trafficking in the State. In the resolution of the Government, there have been provisions of involvement of district, block and Panchayat officials along with NGOs, media and leaders of women self-help groups and other concerned to collect information

about the traffickers and make all efforts to ensure zero tolerance to human trafficking in their area. It is instructed by the Government that local officials, NGOs, media and Panchayati Raj Institutions should work closely to generate whistle-blowers in the area and encourage people to intervene in the issues. The Panchayat level committees have a major role in this regard because of their direct contact with people in village .The Sarpanch, ANM, ICDS supervisor, school teacher, NGOs and women self-help groups have to openly take initiative where ever they are coming across issues of human trafficking. The marriage registration at Panchayat level should be enforced strictly by promoting awareness among public and to prevent fake marriage and false promise of marriage. The registration can help in monitoring such marriage and prevent the traffickers to take the girls outside. The women self-help groups and other women forums should educate the young girls and make them aware about the human trafficking issues and motivate them to know the details of outsiders. Media has an important role in exposing the traffickers. It is expected that the new legislation will add more strength to tackle the problem in a more integrated manner.

## GOOD THAT NEW BILL TO REIN IN COMMERCIAL SURROGACY

*Saturday, 03 September 2016*

The growing multi-million dollar baby factory business in India as the most preferred destination for fertility tourism in the world is going to be regulated with the proposed Surrogacy (Regulation) Bill 2016 which has been cleared by Union Cabinet recently and to be introduced in Parliament soon.

The proposed new legislation will apply to the whole of India except Jammu and Kashmir after getting approval of the Parliament. There has been felt need for a legislation to deal with issues of surrogacy mother. The guideline by the Indian Council of Medical Research has made commercial surrogacy legal in India but there is no legislative support to it.

In 2015, the Government of India informed to the Supreme Court in an affidavit that it does not support commercial surrogacy and proposed new law will allow surrogacy only for Indian couples and not to foreigners. There are reports of a number of legal problems over the child and commissioning parents outside India and the two most popular cases from Australia and Japan were visible in the country.

Commercial surrogacy is banned in many countries such as Canada, Australia, UK, Germany, New Zealand Finland, France, Hungary, Nederland, Italy, Spain, Pakistan, Hong Kong etc. Taking over the advantage of relatively low-cost medical facility with a favourable legal provisions and availability of illiterate poor women willing to become surrogate mother, India become the most preferred international destination for surrogacy. The commercial surrogacy has wider socio-economic impact over the people, especially on women of the country.

The proposed bill has created good response with its strong rejection of commercial surrogacy in India that has been exploiting poor and illiterate women in distress for financial benefits. It has put restriction on certain category of people such as married couple with biological and adopted kids, NRIs, People of Indian origin, overseas citizens of India, OCI cards holders, gays, live-ins, foreigners, single parent, and homosexuals not to



go for surrogacy. The bill has allowed needy infertile childless couples who have been married for at least five years to avail surrogate motherhood. Childless and unmarried women are not allowed to be surrogate mothers.

The bill has legalized surrogacy for infertile couple with limitation on age and length of marriage. While denying payment to surrogate mothers, it has suggested preferring someone from among close relatives for this job. Surrogacy is allowed only in case of necessity not for luxury or fashion being exhibited by the celebrities. It has not allowed people having child for another one and limits the timing of surrogacy only for once. It has proposed a national regulatory body under the chairmanship of the Union Health Minister to monitor the hospitals offering surrogate service and the hospitals providing support should have to maintain records for 25 years after the birth of the child.

It is further said that provision of legal aid to surrogate mothers requiring for such help is there in the bill. The violation of law can attract 10 years of imprisonment. It is widely reported in media that India has been emerging as most attractive hub of surrogacy with annually about 2,000 births from 3,000 surrogacy clinics across the country. The surrogate baby business is estimated in thousands of crores of rupees in a poor country having high maternal mortality rate.

Commissioning parents come to India from countries where commercial surrogacy is banned or restricted and also cost-wise, it is cheaper in India. There are clinics in Anand, Surat, Jamnagar, Bhopal, Hyderabad, Bangalore, Delhi, Indore, Raipur, Bilaspur and Sambalpur, Baragada, Cuttack and Bhubaneswar in Odisha. It is observed that a large number of couples from Britain, America and Russia are visiting the clinics in India that have engaged many people in the whole operation. The Gujarat State is the surrogacy capital of India and privately it is estimated that about 12,000 foreigners come to India each year to hire surrogates. The health and tourism sector together make profit out of it in a range of related business.

The poor women from rural village and slums in metropolis are becoming surrogacy mothers for rich people and foreigners and mostly they are exploited by doctors and middlemen involved in this business as racket of vested interest. It is reported that the surrogate mothers have to stay in hostels, shelter homes in alienation for about nine months to

make available regular health monitoring by doctors. It has very negative impact over the psychology of surrogate mothers. They are not fully aware about the impact over their health as there were reports that many of them died without proper healthcare and post-delivery nourishment. These poor and uneducated women are forced out of poverty and economic compulsion to take up the job where the clinic and agents have taken a lion share of the business. It is found that mostly the women of poor socio-economic background are chosen for this job with payment. A study by Center for Social Research well reveals the socio-economic condition of surrogate mothers from Gujarat. It is said in the report that many women having natural capacity of reproduction are forced to use reproductive assistance techniques to become a surrogate mother.

The most important concern area is the social status of women in a patriarchal society and rights of women which have been always linked to the prevailing social and religious value system. It is reported that the woman who became surrogate mother were socially looked down by own children, husband and other family members .

So, most surrogate mothers keep their pregnancy a secret due to social taboos, relating to such kind of motherhood. The relationship among surrogate mothers and commissioning parents are not cordial as mostly the agents and doctors have to make the deal as the poor and illiterate women are in distress and need of money.

Studies found that there are no regulatory mechanism and provisions of compensation and insurance in post-delivery healthcare that affects the surrogate mother. The socio-psychological condition attached to pregnancy and the very concept of motherhood will be changed with commercial surrogacy.

Through this bill it is being expected that the exploitation of poor women becoming surrogate mothers will be restricted to a large extent with ban on commercial surrogacy. However, it is reported in media that surrogate mothers in Anand, Gujarat, protested against the ban on commercial surrogacy and instead suggested for more protection and regulation rather than a complete ban on it.

It is apprehended that a complete ban on commercial surrogacy will encourage underground activities like illegal organ trafficking which will make the condition of poor women more vulnerable. So it is expected

Good that new bill to rein in commercial surrogacy

that during the discussion over the bill, the new legislation may include more provisions in addressing the gaps in the existing draft. The people concerned over the issue, health professionals, women organisations and civil society groups, media, legislators and Parliamentarians should take the debate to people of the country.

# NEW LAW FOR DISABLED TO SAFEGUARD THEIR RIGHTS BETTER

*Saturday, 24 December 2016*

The Rights of Persons with Disabilities Bill passed in both the Houses of Parliament on December 14 and 16 has brought new era for the disabled. The new legislation complies with the United Nations Convention of Rights of Persons with Disabilities 2006 and ratified by India in 2007. The Government of India also has formulated the National Policy for Persons with Disabilities in 2006.

As per 2011 census, India has 2.68 crore differently-abled persons who constitute 2.21 percent of the total population out of which 1.50 crore are males and 1.18 crore females. By introduction of the new law, the persons with disabilities are going to realize their human rights at par with international standards to be enforced by the Government. The new law has replaced the Persons with Disabilities, Equal Opportunities, Protection of Rights and Full Participation Act 1995. Though the Government of India had introduce the Bill in 2014, but it was referred to a Parliamentary Committee for examination and a report was submitted in 2015. There had been demand by organizations and activists working with people with disability for a comprehensive legislation for last few years.

As a signatory to the UN convention, India has to implement the provisions of the convention and also harmonise its country laws with the provisions of the convention. The Government of India also submitted the country report prepared by Centre for Disability Studies, NALSAR University of Law, Hyderabad to the UN committee on rights of persons in 2015 as a mandate of the convention. However, the new legislation is in the right perspective and it has replaced the earlier model while expanding the scope of rights of the persons with disabilities in the areas of discrimination and hurdle free physical accessibility, education, employment, economic rehabilitation and social empowerment towards building a productive, safe and dignified life of the disabled.

In the new legislation, it is said that the Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others

in all aspects of life and have the right to equal recognition everywhere as any other person before law. The new law provides grant of guardianship by district court under which there will be joint decision making between the guardian and the person with disability. While the new legislation recognizes the special requirements of women and children with disabilities it has aims to eliminate any kind of discrimination as any distinction, exclusion and restriction on the basis of disabilities damaging the exercise of equal rights in the economic, political, social, cultural, civil or any other rights.

The new law has increased the type of disabilities from existing 7 to 21 by adding many new categories of disabilities such as acid attack victim, speech and language disabilities, Parkinson's diseases, chronic neurological conditions, sickle cell diseases, muscular dystrophy, and blood disorders, haemophilia, thalassemia, etc. The Central Government has the power to add more type of diseases in the list. It has been a new addition to the issues of disabilities in the country through recognition of its verities of existence in different categories.

The new law has expanded the areas of affirmative action with inclusion of a range of new interventions such as a provision of reservation from three to four percent in the Government establishments along with provision of reservation in higher education, employment, allocation of land and poverty alleviation schemes. It is said that the appropriate Government shall formulate schemes and programmes to safeguard and promote the rights of person with disabilities. The schemes must have provision of education with skill development and employability, self-employment through additional financial provisions considering the specific condition of the person with disabilities.

The special provision for women and children has been spelt out and it is compulsory that every child with benchmark disability between age group of 6 and 18 years shall have the right to free education which has to be ensured by the Government. Under the new law, special courts will be designated in each district to deal with the cases concerning the violation of rights of the persons with disabilities. There is provision of penalty of jail term for six months and fine of Rs 10,000 for offences committed against persons with disability and violation of provisions under the new law. The provision has added strength to the legislation and ensured its effective implementation.

It is most important to note that under the new legislation, accessibility has been given importance by including access to both Government and private establishments. The Prime Minister has given priority to ensure accessibility in public and private buildings in a prescribed time frame. The public building owned by the Government or private bodies used for educational, commercial, cultural or any other public purposes should be accessible to persons with disability. Especially, hospital and healthcare units must follow the norms of making accessibilities mandatory in their establishments. There will be national fund and State fund to meet the financial requirement for the implementation of the provisions, schemes and programmes of the legislation. The State Government will frame rules and constitute district committee to address the concerns of the persons with disabilities. In order to strengthen the institutional mechanism, there is provision of Central and State level advisory board and the office of the Chief Commissioner of persons with disabilities will have two more commissions and an advisory committee comprising of not more than 11 members drawn from experts in various categories of disabilities. The State Commissioners of disabilities will be assisted by an advisory committee comprising of not more than five members drawn from experts in various disabilities. The Chief Commissioner for persons with disabilities and State Commissioners will act as regulatory bodies and grievances redressal agencies to monitor implementation of the Act.

This historic legislation is not going to be implemented in Jammu and Kashmir. The persons with disabilities in that State have been demanding for the extension of the law to their State. The State Assembly of J&K has to ratify for its implementation in the State. However, in order to access any of the rights and benefits, a disabled identity certificate is the pre-condition under the provision of law but to get a certificate of disability has been a major problem as only 50 percent of the persons with disabilities identified in 2011 Census have availed disability certificate by August 2015. In Odisha total 12, 44,402 persons were identified but only seven lakh person have been issued the certificate. Many deserving persons have been deprived of getting certificate and by that are unable to access the benefits of protection for them under the provisions of laws and schemes of the Central Government. The certificates issued to the disabled are valid within the State which was problematic when someone moves out of State. However, the new

New law for disabled to safeguard their rights better legislation has made the certificates valid across the country. It is suggested that the certificate issuing process should be made easier and less time consuming to benefit the persons with disabilities in rural interior parts and from poor and socially marginalized background. It is expected that the new legislation will bring a major change in the process but it is not alone the Government but the organisations and activists in grassroots should work hard for proper implementation of the new legislation.

# TIME WE CHANGE OUR MINDSET OVER INTER-CASTE MARRIAGE

*Saturday, 10 June 2017*

Men and women have the right to marry and start a family. It is a human right under Article 16 of the Universal Declaration of Human Rights (UDHR) by the UNO on December 10 1948, and India is a signatory to the historic international convention.

The Constitution of India under Article 21 guarantees Right to Life with dignity and also protection of life and personal liberty. Men and women at right age are free to decide about their marriage. Marriage in India is regulated under laws and a valid marriage must be registered under provision of law such as Special Marriage Act 1954 for all religious groups and specific law for different religious groups such as The Hindu Marriage Act 1955 for Hindu, Jain, Sikh and Buddhist and separate marriage Acts for Muslim, Christians and Parsees.

The Prohibition of Child Marriage Act 2006 restricts that a bride in India cannot legally marry before the age of 18 years and a bridegroom before the age of 21 years. However, legally there has been no such restriction for marriage based on caste and religion. But still, there have been issues of honour killing, suicide by young couples, social tension and violence in case of inter caste and inter religion marriage in the plea of social customs and religious traditions that do not allow young boys and girls to get married by their own choice.

In case of marriage, it is understood that caste and religion are major barriers to individual freedom and dignity, especially in India and South Asia. There have been reports of organized killing of thousands of young boys and girls. And, due to lack of social support and mental humiliation, many of them forced to go for suicide. Out of several cases, very few cases are being reported in media and come to the notice of public, but it is fact that many cases are not reported; so it is difficult to assess the volume of cases happening in different parts of the country which may reach too few thousands. The young couples committing suicide constitute a major share of total suicide in the country. Many of the cases show that it is not failure of love; rather it is lack of support of family and



society which forces them to commit suicide. It is a fact that boys and girls are harassed, abused, mentally and physically tortured and brutally killed by their own family and community members for the sake of family pride and caste honour in society because caste is so deeply rooted that it enjoys supremacy over human relation and human life.

Caste and patriarchy are inter-related and both the systems contradict freedom to get married in own choice. Caste system restricts freedom of choice in choosing a life partner and it forces to limit the choice within the caste. Though honour killing is a national problem, so far there is no specific law against this inhuman crime. The States of Uttarakhand, Punjab, Haryana, UP, Bihar, Rajasthan, Odisha and Jharkhand have reported hundreds of cases of honour killing. The horrible case of Gita Tanla (17) of Patanagarh in Bolangir district, who was brutally killed by her father, was much discussed in media last year. The most recent news from Karnataka revealed that an Indian Muslim family burns Bagu Begam, a pregnant daughter, alive for marrying a man of a lower caste. It is reported that during last five years the State of Tamil Nadu had 185 cases of honour killing by powerful caste panchayats, though inter-caste marriages were publicly encouraged by Periyar E V Ramsamy and C N Anadurai. Recently, the CPI(M) in Tamil Nadu State committee has launched a campaign in demand of specific law to control honour killing. It is said that mostly Dalit men and caste Hindu women have been killed in more numbers for inter-caste marriage. It is fact that Dalit Hindu, Dalit Muslim and Dalit Christians are also victims of caste-based discrimination within their own religious fraternity.

The intercaste social mobility is not possible without a social relationship but it has been difficult in India to marry outside the caste and particularly when it comes to the so-called low caste, they face all the abuse and social, mental and physical humiliation. India is a country of caste diversity within Hindu religion. The census reports identify the existence of more than 6,000 castes and communities, within the Verna and outside, being divided under broader category of OBC, and SCs, STs and socially advanced category.

Caste conflicts have been influencing our governance, democratic polity and democratic ethos with complexities of superiority and inferiority over each other backed by religious notions of Verna or a hierarchical structure. Progressive social movements in India always have advocated

for individual freedom, especially freedom of choice, to choose own life partner. The radical atheism speaks of individual freedom and human dignity and rational values that respect dignity of human being.

Jyotiba Phule and Savitri bai Phule were the pioneers in promoting education among women and Sudras and Ati-shudras also promoted inter caste satyashodhak marriage through oath ceremony in the State of Maharashtra as part of their social reform movement in the nineties. During the freedom movement, Mahatma Gandhi was advocating for inter caste marriage and he was personally committed to this to socially unify the caste ridden Hindu society. As a solution to annihilation of caste in India, Dr BR Ambedkar in his famous book 'Annihilation of Caste' in 1936 suggested for promotion of inter caste marriage and later, the Union Ministry of Social Justice and Empowerment promoted inter caste marriage among caste Hindus and Scheduled Castes by rewarding such couple with cash prize of Rs 50,000. Many State Governments, including Odisha, have added extra support to raise the prize money along with other facilities.

In 2016-2017, as per the Odisha Government sources, 969 couples received some Rs 4.78 crore. At all India level, the about 15,000 were rewarded. The number of inter caste marriage couple has been increasing day by day. It is found that many newspapers matrimonial page and matrimonial websites have placed a column under caste/religion no bar. It shows a denouncement of caste as criteria of marriage. It is also found that inter caste marriage discourage dowry, destroy caste identity, and helps in bringing harmony and friendship among different castes. Though inter caste marriage has been increasing but no official statistics is available on this.

However, the increasing education facilities and caste and gender diversity in workplaces due to affirmative action along with migration has been contributing to the growth of inter caste married couple but in spite of change in socio-political and economic condition in the country, an opinion survey shows still a majority of people in India are against such marriage. It is officially reported that untouchability and caste-based discrimination still are prevalent in our social life in spite of laws such as the Protection of Civil Rights Act 1955 and SCs and STs (Prevention of Atrocities) Amendment Act 2015, and a number of anti-discriminatory programme such as inter caste marriage promotion.

Time we change our mindset over inter-caste marriage

The NCRB reports that in 2014, a total 47,000 cases of atrocities were committed all over the country, that include rape, murder, house burning, molestation, robbery, and social boycott against Scheduled Castes and Scheduled Tribes. A total of 1, 27,341 cases of crimes committed against SCs were for trial in the country during 2014.

# CSR, DMF YET TO CATER FULLY TO INTEREST OF POOR

*Saturday, 04 June 2016*

There are lots of opportunities of social development created by the Centre through new legislations integrating mining, industry and business sector with the process. The Corporate Social Responsibility (CSR) in the Companies Act 2013 and District Mineral Foundation (DMF) under MMDR Amendment Act, 2015 are ideal.

These provisions have made available financial resources for developmental activities in areas having mining, industry and business. It is quite relevant for States such as Odisha having mining, industry and business which need a careful planning and involvement of the concerned departments of the State Government for an effective, coordinated and plan full utilisation of available financial resources from the corporates operating in the State. This can be utilised to eradicate extreme poverty through livelihood development and to ensure basic human requirements such as drinking water, primary education and health, local employment and income generation as Odisha continues as one among the poorest States of India and lags behind human and social development index of other States. There is vertical and horizontal inequality in the State across region and among different social groups.

The resource rich regions and marginalised sections remain backward in spite of investment. The natural resources available with the State and active patronage of the Government attract corporates to set up mining, industry and business ventures. The new legislations have created scope of collective efforts involving Government, Panchayati Raj Institutions (PRIs), corporates and non-profit organisations (NPOs) in the State in the areas of social development, environment and building local infrastructure.

With new economic policy of liberalisation and privatisation by recognising the increasing role of corporates in economic development of the marginalised poor, the Government has bestowed upon non-business responsibility with corporates to intervene in social development concerns as integral part of business responsibility and to

follow international standards of human rights, labour legislation, environmental concerns and best practices in dealing public finance through promoting transparency and accountability. The provision of CSR has been introduced to corporates in India through The Companies Act 2013, Clause 135, which says companies with annual turnover of Rs 1,000 crore or more or a net worth of Rs 500 crore or a net profit of Rs 5 crore or more have to spend at least 2 percent of their average net profit in the previous three years on CSR activities from the fiscal year 2014-2015. The indicative activities have been specified under Scheduled VII of the Act and CSR Rules 2014.

The companies have to set up a CSR committee with policy and implement the activities through its own nonprofit foundations or other nonprofit organizations. Similarly, the provisions in MMDR Act on DMF says the mining companies which have executed mining lease before January 12, 2015 have to pay an amount equal to 30 percent of the royalty paid by them to DMF and where mining lease granted after January 12, 2015 the rate of payment would be 10 percent of the royalty to DMF for the developmental activities of the people in mining affected districts as per the model guidelines provided by the ministry.

Through these provisions the major mineral bearing mining and industrial districts such as Angul, Jajpur, Keonjhar, Sundargarh, Jharasuguda, and Koraput are getting substantial financial resources from both public sector and private corporates under CSR and DMF for the development of the districts. There are public sector companies, such as MCL, Nalco, NTPC, SAIL, RSP, OMC and private companies such as Tata steel, HINDALCO, Vedanta, Birla, and Bhusan etc which are operating in these districts. In a recent report on CSR activities in Odisha it is revealed that there are 287 companies listed out by IPICOL and IDCO and there is a target of Rs 464 crore of spending under CSR but only Rs 344 crore was spent in the year 2014-15. The Public Sector Company MCL alone spent Rs 61.30 crore followed by Rs 59.61 crore by Tata and Rs 24.05 by Vedanta and these firms mostly spent in Angul, Jajpur and Sundargarh. The Industry Department of State Government has not yet developed any guideline as per the requirement of the State. It is required that both the Industry and Mines departments have to work together for a coordinated effort for the development of the mining and industrial areas of the State. The State Government should have proper data base about the corporate CSR spending at district and State level

and regular coordination meeting should be held involving media for wider dissemination of plans and activities for larger public involvement and to promote transparency and accountability in public spending.

The parliamentary committee on public undertaking observed that the companies have not utilised over 50 percent of their CSR fund though it is compulsory to spend on CSR activities every year as per provision of the Companies Act.

It has been calculated that by advantage of this provision, 131 central public sector enterprises together have Rs 3,683.73 crore as CSR fund. The committee examined 13 CPSE during the year 2014 -2015 and found unspent amount of previous year. It has also reported by the committee that the spent CSR allocations include ineligible activities like city beautification. It is told that CSR fund should be dedicated to serve the most marginalised poor and backward areas but unfortunately there has been huge diversion of funds violating the basic purpose of such fund utilisation. Sometimes the company officials are acting on their own in the absence of strong monitoring mechanism and guideline by the State Government.

There are also influence of ruling party and influential bureaucrats over the decision on the utilisation of the fund for vested interest and non-priority areas. It has been argued that while the companies mostly using the State resources, land, minerals, water, power and infrastructure, they should shoulder the social responsibility to spend for the marginalised poor. This is not a charity but legal and social responsibilities to be followed by the companies. Similarly the development of a mining affected area is the legal obligation of a mining company to restore the land, forest and ecosystem and livelihood of the local people but unfortunately the corporate sector many a time violates the laws. It has been very often reported about the sub human condition of the people, STs and SCs and other backward communities in mining and industrial areas where they have been struggling for basic human needs such as drinking water. Why in spite of so many varieties of funds, the basic need of the people have not been solved. Anyone visiting the periphery areas of MCL, SAIL, and Nalco can have a better picture about the quality of life of the local marginalised sections. The poor women of these areas usually struggle to walk a long distance to fetch drinking water by digging small holes in river beds in hot summer.

The industry and mining companies use the surface and ground water and pollute it without developing alternative sources for the poor who have been depending on public water bodies for water consumption. The companies have built good English medium schools and hospitals for the benefits of their employees but the marginalised people in the locality who depend on Government run schools and hospitals are deprived of basic services. There has been lack of basic health and educational infrastructure and personnel in these areas but it has become no body's concern. The huge deforestation by the companies has changed the local climatic condition and weather bringing upon high temperature and drought like conditions affecting the local poor and marginalised the most.

No substantial development work has been done to improve the ecosystem of the areas by the companies; so it is obvious that the local people have expectations over the corporates to ameliorate their socio-economic and environmental condition by implementing the provisions of law and the State Government has to monitor this for its effective implementation in the interest of the people of the State, especially people in mining and industrial areas for inclusive development.

# MINING INDUSTRIAL AREA INHABITANTS KNOW LITTLE ABOUT DMF

*Saturday, 02 July 2016*

Odisha has a natural advantage of foremost deposits of strategic major mineral resources such as coal, bauxite, chromite and iron ore etc. It has 98 percent of chrome ore, 60percent of bauxite and almost one-third of coal and iron ore of the total deposits of the country. The State can be country's aluminium capital, thermal power hub and South Asia's steel hub by utilising the investments in the sector. But how the business can meet the interest of the people of the State, especially the people in mineral bearing areas, needs to be focused.

Mineral is a natural resource and its best utilisation should meet the best interest of the people. It has been observed that the way the State Government has been involved in mineral business in the name of growth and development, it is not looking at the issue with the similar interest of the mineral bearing areas and the affected people who have been least benefited out of the business. In this context, the implications of District Mineral Foundation (DMF) created under the provisions of Mines and Mineral Development and Regulation Amendment Act 2015 and the Rules framed by the State Government is a matter of concern because the DMF is one of the major sources of financial resources generated out of mineral royalty meant for the mineral bearing area and people. While the State has been struggling with paucity of financial resources for development works, this provision of DMF created under the provision of law has generated hope of regular resource availability.

The mineral-bearing areas are the backward areas and home to mostly the marginalized sections. It is observed that the State Government has been delaying implementation of the provisions of DMF under MMDR amendment Act and not covering all the districts because there has been focus on few major mineral bearing districts and not including other major and minor mineral bearing districts. It is violation of the provisions and also depriving other districts of their right to development.

The formation of the DMF shows bias towards bureaucrats by relying more on them. The affected people and mostly the marginalized sections'



representatives have not been taken into confidence and there is no social diversity in the committee without special provision of inclusion of women, SCs and STs as per their proportion. The Government is not involving local people in planning and decision making and execution process by building awareness among local people on various provisions of DMF. It is fact that the whole concept of DMF has not been widely discussed among the people in mineral bearing districts and locally.

The Government has not been maintaining any transparency in allocation of financial resources and no procedure has been followed to address the issues of most disadvantaged area and social groups and priorities of the people who deserve the most. The sustainability of the work is not being discussed locally as local people are always seen as backward even in the decision making process.

These issues were discussed in a two-day dialogue of mining affected communities on development of mineral bearing areas and DFM held at Jamunali in Angul district with gathering of community leaders, activists and environmentalists and people's leaders from mining affected areas of Jharasuguda, Sukinda, Joda-Barbil, Sundaragarh etc. where Sreedhar of Environics Trust, New Delhi shared that the DMF rules of the State of Jharkhand are comparatively much better than other States in terms of composition of the committee and power to Gram Sabha. Smitarani Pattanik of Nari Surakshya Samiti said the involvement of women in DMF is required to address the emerging issues of domestic violence, unwed mother and many forms of violence against women. She said the elected women representatives of Panchayatiraj institutions are not aware of the provisions of DMF in Angul. So it will affect its implementation. Sumitra Pere from Remenda, Lakhanpur, Jharasuguda coal mining area and Saraswati Majhi from Joda, Keonjhar complained that the socio-economic and environmental issues have been left unaddressed by the Government. Maguni Jena from Sukinda, Jajpur shared about the experiences of Dalit and Adivasi communities in Kalinganagar and Sukinda chrome valley area. He said still many of the SCs and STs are staying over Government land without record of rights and they are not getting adequate benefit to rehabilitate them. He said people do not have adequate safe drinking water but mining and industry units in Sukinda valley are polluting the water source and the water table has gone down.

Basanta Pradhan, representing Machakuta Vistapita Sangha in Chhedipada block of Angul district while was critical about the rehabilitation policy of the Government, said the land owners are not getting adequate compensation to rehabilitate them in the changing condition as the land price in coal mining areas is going high with increasing mining business. Sudhir Pradhan, a youth leader and environmental activist from Kishorenagar, Angul, asked in spite of mining and industry why still the people in Angul are poor.

The Nalco, MCL, and NTPC are not contributing much to the development of the local people in Angul district. The plan of the Government to go for more coal based power plants in central-west Odisha will have catastrophic impact. Sisir Tripathy, social activist from Angul, raised the issues of pollution due to coal and fly ash affecting the lives of local people with increasing pollution of water, air and land. The local river Brahmani and Nandira are utterly polluted and there has been no action to control the pollution. The mining and industrial pollution has impacted the local agriculture and forest resources and affected the livelihood of the people around mines who are mostly the farming community, said Ranjit Pattnaik , social activist from Angul.

Many participants of the dialogue raised the issues of drinking water and sanitation. It is told that the Swacha Bharat scheme will not be successful without sorting out water crisis. The recent plan of the Government for housing projects is a welcome step but there are households without record of rights over land. So how the landless people are going to avail the housing scheme without homestead land, questioned many.

The Government must give equal amount of attention to counter the destructive impact of mining and industrialization over the people in the area and its environment and ecosystem. The DMF should be used as an opportunity for creative, sustainable and inclusive growth of the State.

# ODISHA TO GET HUGE CAMPA FUNDS FOR FOREST GROWTH

*Monday, 08 August 2016*

The Parliament has cleared the Compensatory Afforestation Fund Bill 2016 in May last in Lok Sabha and in July last in Rajya Sabha and as per the provision of the new legislation, there will be establishment of Compensatory Afforestation Fund Management and Planning Authority at the Centre. At the State level, for compensatory afforestation activities will be looked over by the Forest Department.

As per the new provision created under legislation, the Compensatory Afforestation Fund will be available under public accounts for each State and Union Territories with sharing of 90:10 between the State and the Center, respectively. It has made provision of administration of funds and utilisation of funds collected from the user agencies to purchase new land, undertake plantation, regeneration of forest ecosystem, wildlife protection, relocation of people from protected wildlife area, protection of forest and forest related infrastructure development.

By this new legislation, an ad-hoc structure of this kind already in operation by the order of Supreme Court will be replaced with the new one in more systematic way. It has also expanded the list of related activities with focus on compensatory afforestation. Now, the States will have more funds available under the new arrangement and it will be mostly beneficial to the States such as Odisha where forests are cut continually for mining.

The Forest Conservation Act, 1980 provides that no forest land can be diverted for non-forest purpose without prior approval of the Government of India. The Divisional Forest Officers (DFOs) can grant permission for diversion of forest land up to one hectare for community development work. The Forest Conservation Act, 1980 further says that non-forest land equal to the size of forest which is diverted for non-forest purpose must be afforested. The value of diverted forest is to be calculated and recovered from the user agency for diverting forest to non-forest use and in order to compensate the loss in the interim the Net Present Value (NPV) of the diverted forest is calculated for a period of

50 years. The NPV has to be decided by an expert committee by the Central Government. The NPV ranges from about Rs5 lakh to Rs10 lakh per hectare depending on the quality of forest and it has been suggested to increase the NPV about five times more in case of dense forest.

The way forest diversion has been taking place there is huge amount available with States for afforestation programmes. It is reported that nearly Rs42,000 crore lying idle and each year about Rs6,000 crore will be available for the States for afforestation activities including conservation, improvement and exposition of forest and wildlife resources. The fund will help to regenerate forest and improve the quality of degraded forest which has been a major concern in the contest of increasing drought, desertification and climate change impacts. It is expected that the new fund will have wider impact over people in forest areas, especially on tribal population in terms of generating employment and income related opportunities. The forest regeneration will contribute to arrest soil erosion, drought and desertification and improve the soil and water management of the area and facilitate agriculture.

India's top five States with maximum forest cover include Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Maharashtra and Odisha. The State of Odisha also has advantage of mangrove forest along with other States having coastline. Odisha is rich in biodiversity having two national parks, 18 sanctuaries, one biosphere reserve, three tiger reserves and three elephant reserves, which are valuable natural gifts and need to be protected. The status of forest report by Forest Survey of India data shows the forest cover in the State accounts for 31.38 percent of the total geographical area of the State.

The forest areas of Odisha are also largely inhabited by STs and other forest dwellers who have been dependent on forest resources for generations. After independence, there have been largescale activities, including mining, industry, dam, SEZ, communication infrastructure projects and urbanisation. These development activities have acquired huge forest land hitting the life and livelihood of forest dwellers which cause unemployment, poverty, displacement, loss of livelihood and distress migration. The deforestation also hits economic growth of the State as forest is one of the major sources of income. So through CAMPA fund the State Government should generate employment and strengthen livelihood of people living around forest areas. The increase in

poverty and economic distress will encourage more deforestation and lead to other negative social and political consequences. It is observed that the Forest Department has been planting firewood trees for industrial consumption, but it has been suggested that plantation of native species should be given priority. There has been problem of non-availability of forest land for afforestation. If an area is contiguous to a forest or in the proximity of a reserve forest area or protected forest, it will be easier for the Forest Department to maintain it. But where it is not possible to find land, the fund can be used for regeneration of degraded forest. The Revenue Department in an office order says the revenue land recorded as forest on which the provisions of the Forest Conservation Act, 1980 are applicable would be converted for the purpose of compensatory afforestation. It further says in view of scarcity of non-forest Government land, project proponents other than Government projects, requiring forest diversion should go for private purchase of land or acquire land through land acquisition model for the purpose of compensatory afforestation. It is important for the State Government to make available land for afforestation purpose while huge forest land will be diverted in the coming days for mining, industry and other infrastructural projects. It is suggested that the huge abundant mining land can be utilised for this purpose which will be mostly beneficial to the people in mining areas. The Government should also encourage indigenous species plantation in private land of people living in forest fringe villages to increase their income and to improve local environmental condition.

There are a number of plantation schemes implemented in the State such as bamboo plantation by the Odisha Bamboo Development Agency, industrial belt plantation, bald hill plantation in hills devoid of any vegetation, plantation under MGNREGS, Shree Jagannatha Van Prkalpa to cater to the timber demand of Lord Jagannath in nine forest divisions and National Afforestation Programme involving about four thousand Van Surakshya Samitis. But the real impact of these schemes needs to be evaluated. In this context, the huge fund available under CAMPA needs very special attention of the Government. In the new legislation, the Chief Minister will be the Chairperson of the governing body of State Compensatory Afforestation Fund Management and Planning Authority and mostly the senior forest officials will have to manage it. It is told that the Forest Department is most ineffective in

spending the money and a Vigilance report in 2011 which appeared in media says that from 2000 to 2005 about 164 officials of the department were charge-sheeted under the ground of corruption. The effective implementation of afforestation funds fully depends on the commitment of the forest officials. It has been always suggested that the involvement of forest dwellers and people in forest fringe villages should be ensured and there should be space for involvement of communities in planning, implementation and monitoring of the funds under CAMPA. The other resource agencies such as CSOs, research bodies and people's organizations should be involved as stakeholders. The available resources must be utilized to maintain forest and ecosystem.

# SPEND DMF FUNDS TO CHANGE LIVES OF MARGINALISED

*Saturday, 18 February 2017*

The District Mineral Foundations (DMF) are set up as nonprofit trust at district level under the provision MMDR amendment Act 2015 and came into force since January 12, 2015. As per the provision every mining leaseholder has to pay a part of the royalty, 30 percent of the royalty amount in case lease before January 12, 2015 and 10 percent in case lease after this date, to the DMF as per rates decided by the Central Government.

In case of minor minerals, the State Government has decided 30 percent of the royalty for lease granted not through auction and 10 percent of the royalty in case lease granted through auction to be paid to the DMF. There are about 503 minor mineral mines, 666 major mineral mines and 30 coal mines in operation in the State. The fund will be spent for the welfare of mining affected people and the mining affected areas.

The Government of Odisha has made rules “Odisha District Mineral Foundations Rules 2015. The Ministry of Mines, Government of India, has developed Pradhan Mantri Khanij Khetra Kalyan Yojana (PMKKKY), a holistic scheme for the development of affected people in mining areas which has to be implemented by DMF. Now the DMF's are established in all districts.

So the functioning of DMF is quite significant for the development of mining areas of the State and this development is linked to the development of backward areas, mining affected areas, and marginalized groups those who have a large presence in mining areas.

The Odisha District Mineral Foundations Rules 2015 has created two structures -the board of trustees and the executive committee and both are headed by the district Collector as Chairperson. The project director of the District Rural Development Agency is the Chief Executive of the trust to monitor the day to day management and supervision of the activities of the trust. The district Collectors are its managing trusty and these district level bodies are having representation of elected people's representatives MP, MLA, PRI or local urban bodies' leaders and district

level Government officials. In the board there is no provision of representation of marginalised section in the affected areas such as SCs, STs, farmers, forest dwellers, especially vulnerable tribal groups and women. The participation of local civil society organisations, media, trade unions, and experts has been ignored. There is no scope to utilise the experience and expertise of the local available human resources and public spirited institutions.

The functioning of DMF is largely controlled by ruling party representatives and district level Government officials without the involvement of affected people, stakeholders and others concerned. The participation and voice of affected people and their suggestions on development work being denied and the responsibilities lies on bureaucracy. Though the fund is primarily targeted to the mining affected people but there is no scope of participation of affected people to share their problems and concerns with DMF. According to rules, the mines areas in scheduled areas of the State must have adequate representation of STs in the DMF as per provisions of PESA Act 1996 and FRA 2006. The plan and project must have space of involvement of the target population for whom the fund is allocated but it has not been followed by the State.

The State level committee on DMF headed by Chief Secretary of Odisha along with Secretary Mines disclosed that in August 2016 about Rs 1,100 crore has been collected under DMF. The Government source says among major mineral bearing districts in the year 2016-2017 the district of Keonjhar has Rs 383.2 crore, Sundargarh has Rs 200.6 crore and Jajpur district has Rs 91.5 crore collected under DMF. However, it is being observed that the funds under DMF are not being spent properly as per its guidelines to meet the need of the affected people and affected areas in the district and many districts have not yet started spending the available fund under DMF. Even districts having major minerals such as Jajpur has no information about the activities of DMF in public domain. The affected people and affected areas have been defined in the guideline of PMKKKY. The affected areas includes directly affected areas and indirectly affected areas on account of mining operation and its impact in the physical structure, eco system, soil, water, air, forest etc. which leads to depletion of ground water, reduction in streams flows, deforestation, pollution and impact on carrying capacity of the area due to transportation etc. The ODMF rules say the affected area is an area



within a radius of ten kilometres from a mine or cluster of mines but this must include more. The affected people include directly affected persons, affected families and displaced families as defined under section 3(c) and (k) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. Added to this the Gramsabha has power to identify the affected persons and families in the mining areas. The affected families also include the landless poor and forest dwellers who have no record of rights and depend on the land and forest leased out for mining.

The DMF has to prepare a list of affected areas and affected people to plan the development project based on the identified information but such data is not available with the DMF of any district. It is important to prepare a database of affected area and affected people and identify them properly in due consultation with the affected people in the mines areas and such consultations must seek the opinion of the people and their suggestions for the development of the areas. The development must include both physical natural resources and local human resources. The DMF must identify the most deserving poor, landless, vulnerable tribal groups, women in distress such as single mother, women-headed households, migrant workers, child labour and other such social groups in distress and disadvantage condition in mining areas. There is special provision for mining areas in Scheduled areas where the provisions for protection and development of STs such as PESA Act and FRA must be strictly followed to ensure the participation of STs. The approval of Grama Sabha shall be required for identification of beneficiaries, for all plans, programmes and projects to be taken up by DMF in scheduled areas of the State. But no such identification has been done by the DMF.

It is said that the DMF will substitute to the ongoing development projects and schemes of the State and Central Governments. The DMF core activities have high priority areas such as drinking water supply, environment, primary healthcare, sanitation, education, welfare of women and children, welfare of aged and disabled people and skill development for livelihood support and income generation of the affected people mostly the poor and marginalized sections. Along with DMF there are a host of other schemes and programmes as additional support to the mining areas. So mining areas and tribal areas have regular funds available from different sources which need an integrated long-term plan in bringing desirable change in the mining-affected areas.

The State Government must make available all kinds of information in public domain relating to DMF and make the process transparent and inclusive of different social groups.

## BUDGET ENSURES FINANCIAL INCLUSION OF MARGINALISED

*Saturday, 04 February 2017*

The Finance Minister of India has presented the Union Budget of Rs 21.47 lakh crore for the financial year 2016-17 in the Lok Sabha recently. There has been mixed response to the Budget from different quarters but the allocation for social sector, rural areas, farmers, SCs, STs, women and children is quite significant.

It is told in the Budget speech that the Government wants to ensure the distribution of the fruits of growth to farmers, workers, the poor, SCs, STs, women and other vulnerable sections. Budget is one of the important tools of financial planning and it reflects the political economy of the country and priorities of the Government.

The allocations to the Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs and Ministry of Minority Affairs have increased very marginally than the previous year. It is Rs 7,763, Rs 5,329 and Rs 4,195 crore respectively. It is said that the Government will introduce outcome-based monitoring of expenditure in these sector by the NITI Aayog. Last year the Standup India scheme was introduced to promote SCs, STs and women entrepreneurs to set up greenfield ventures to create more jobs. It is reported that last year 16,000 new entrepreneurs have come up through the scheme in the areas of food processing, garments and diagnostic centres etc. The number will increase in the current year as priority will also be given to SCs, STs, BCs, minority and women in Pradhan Mantri Mudra Yojana (PMMY) by making twofold the lending target allocation to Rs 2.44 lakh crore. The socially marginalized section has been excluded from the financial market and for inclusive growth financial inclusion is highly required to bridge the gap but it depends on financial literacy and ensuring inclusive access of the section of people where promotional work and affirmative policy at all level is required. The concerned ministries must work more on this to minimize the continued bottleneck which has been affecting the implementation. It is being argued that the allocation for the marginalized section is not adequate and not on the basis of their percentage of population.

The rural development and agriculture are major areas having a sizable allocation for the year 2017-18. The target for agricultural credit is fixed at record level of Rs 10 lakh crore. Along with credit there are a host of agricultural development schemes such as sixty days interest waiver, irrigation, long term irrigation and micro irrigation, insurance, Fiscal Bima Yojana as protection against natural calamities, support price and marketing facilities for agricultural produces. There is also allocation of corpus fund for dairy processing and infrastructural development as inputs support to milk farmers. It is a fact that a majority of our farmers are small and marginal farmers and sharecroppers in rural and tribal areas those who deserve all kinds of support for agricultural activities. The small farmers mostly depend on cooperative societies. The financial institutions and banks have not reached many of the rural and interior parts such as Odisha where about more than 60 percent of the farmers are sharecroppers and many panchayats have no banks.

So how this huge credit scheme is going to help such poor farmers in backward areas especially in States such as Odisha is yet to be seen. There are also legal and administrative issues such as land ownership along with lack of institutional mechanism to deliver credit to the needy farmers even though there is provision in the Budget. The agriculture budget is going to help the rich land owning farmers. This will widen the disparity in the agriculture sector of the country as the poorest and backward regions may not be able to utilize the allocated resources because of inherent weakness of the region. The farmers of socially marginalised sections such as SC sharecroppers and ST farmers in interior parts are being deprived of access to credit and related benefits. The Budget has no such targeted benefit sharing for the marginalised section engaged in agriculture sector.

The Finance Minister proposed to spend Rs 3lakh crore in rural areas. There have been ongoing programmes for drinking water, sanitation, electrification, linking roads under Pradhan Mantri Gram Sadak Yojana and housing along with other infrastructural development of rural areas. There is allocation for women and children under ICDS. It is told that the open defecation free villages will be given priority for piped water supply. There is allocation for safe drinking water to over 28,000 arsenic and fluoride affected habitations by national rural drinking water supply programme. Though the health and education budget has increased marginally, new scheme has been introduced for women. The welfare of

women and children under various schemes across the ministries is Rs 1, 84,632 crores. The Mahila Shakti Kendra in 14 lakh Anganwadi centres and Rs 6,000 support to pregnant women who undergo institutional delivery will be helpful to rural poor women.

The plan to bring one crore households out of poverty and to make 50,000 gram panchayats poverty free by 2018 have been proposed in the Budget under the programme Mission Antyodaya. The budget of MGNREGS has increased to Rs 48,000 crore with assurance for 100 days work along with provision of one crore house by 2019 for the homeless and those living in Kutcha houses through Prime Minister Awas Yojana (gramin). The national housing bank has allocation for financing individual housing loans. The allocation for rural housing will help the marginalized section in rural areas who constitute a major portion of the homeless population.

The allocation for skill development and rural livelihood opportunities has increased. It is targeted for mason training in rural areas to supplement the housing and infrastructure construction work in rural areas. It is expected that all these schemes will bring qualitative change in the rural areas and generate employment but the effectiveness and proper implementation of these programmes have been a matter of concern where there has been no improvement in matters of transparency and accountability of public spending in rural areas. In spite of allocation, MGNREGS has not reached to the job needy card holders. It is a fact that everywhere machines have been deployed in place of human labour. The basic objectives of the rural employment generating scheme has not been followed. The wage and related opportunities such as allowances and social security for the labour have not been improved to engage people in productive assets creation and public infrastructure building. However, in the Budget, it has been targeted to build farm pond and compost pits out of this programme but some of the issues may get resolved with the increased allocations. The plan for using space technology to plan MGNREGS as digital scrutiny will bring qualitative improvement.

The implementation of all rural development programmes targeting the poor and socially marginalized sections depend on grassroots governance. So it is equally important to spend more on areas of governance improvement and capacity building of the human resources

engaged in development administration in rural areas. The capacity building of elected leaders of panchayat raj institutions and grassroots Government officials make ways of reaching the target but more important is the involvement of the people in rural areas more particularly the people from the marginalized sections for whom most of the schemes are targeted. The Budget of the country needs to be discussed among people in order to make them involved for realization of their responsibilities while accessing benefits out of public finance to maintain growth with equity.

## IMPLEMENT BUDGET COMPONENTS FOR SCs, STs IN TRUE SPIRIT

*Saturday, 05 March 2016*

The Union Budget 2016-2017 has made a few special schemes such as Stand up India and Vanabandhu Kalyan Yojana. The marginalised sections including Dalits, Adivasis, OBCs, minorities and women of the country, who are also featured as rural and urban poor and habitants of backward regions, have been lagging behind in every aspect of human development and need special attention for building inclusive development and sustainable growth.

In the context of continued economic reform initiatives, the welfare and development of the marginalized sections need adequate State protection. There has been practice of building special components such as Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP) since 1979 and in the recent years, practice of gender and child budgeting to make the Budget more inclusive.

The Budget allocation of 2016-2017 shows separate components that include the scheme with allocation of Rs90,626 crore for welfare of women, Rs65,758 crore for welfare of children, umbrella scheme for development of minorities (Rs crore) and Scheduled Caste Sub Plan (SCSP) across all Ministries (Rs38,833 crore) and Scheduled Tribe Sub Plan (TSP) across all Ministries (Rs24,005 crore).

While our nation is paying tribute to Babasaheb Dr BR Ambedker on his 125th birth anniversary, this year should be the year of economic empowerment of SCs and STs, said the Finance Minister. The Prime Minister of India said the Dalits and the Adivasis now want to become entrepreneurs. He/she does not want to be a job seeker rather a job creator. Stand up India Scheme has been introduced with Cabinet approval of Rs500 crore to promote entrepreneurship among SCs, STs and women. It will bring benefit to at least Rs2.5 lakh entrepreneurs. It is proposed by the Finance Minister to constitute a national SC and ST Hub with Ministry of Small and Medium Enterprise (MSME) in partnership with industry associations and Dalit Indian Chamber of Commerce and Industry (DICCI) to provide professional support to

interested SC and ST entrepreneurs of the country to fulfil obligations under Central Government procurement policy of 2012. Earlier, the Central Government has made provision of venture capital for SC and ST entrepreneurs. The Government had announced amendment in procurement policies under which 4 percent of the overall order by the Government and public sector undertakings is to be sourced from SC and ST entrepreneurs. DICCI's founder and Chairman Milind Kamble has appreciated the move of the Government by provisioning this in the Budget while many others have expressed doubt over its implementation considering the very insignificant presence of SC and ST entrepreneurs and the continued unfavourable business culture for SCs and STs of the country. Along with resourcelessness, they continue to face social discrimination in business and industry sector.

The Ministry of Tribal Affairs has allocated Rs4,800 crore. Vanbandhu Kalyana Yojana(VKY) has been set up with Rs504.78 crore as an umbrella scheme for development of STs along with Rs1,505.22 crore for tribal education, Rs140 crore for tribal institutions, Rs1,250 crore special Central assistance to TSP and Rs1,400 crore under Article 275(1) for development of the Adivasis in scheduled area. The

Ministry of Social Justice and Empowerment has allocated Rs6,500 crore for SC welfare out of which Rs800 crore is allocated for special Central assistance to SCSP along with allocation Rs2,791 crore for post matric scholarship. It is being protested that the provision of SCSP and TSP has been violated in the NDA -II Budget. It is argued that as per the provision out of total Budget Rs19. 78 lakh crore, there should be 16.8 percent for SCs and 8.8 percent for STs, as per their total population, allocated under SCSP and TSP but only Rs38,833 crore for SCSP and Rs24,005 crore for TSP have been allocated and a total amount of Rs75,764 crore has been denied by violating the provision. It will impact over the public spending for SCs and STs in the country. The States such as Odisha having 40 percent of SC and ST population and 44 percent of scheduled areas are among the major losers of Central assistance. Odisha is heavily dependent on Central assistance to run many of its schemes and programmes for the marginalised will bear the burden of managing such schemes out of its own resources. The Comptroller and Auditor General (CAG) in its report many times pointed out the issues of diversion and underutilisation of funds in schemes specially targeted for SCs and STs. Many States including Odisha are not following the



Implement budget components for SCs, STs in true spirit

provision of SCSP and TSP in the State Budget though they are getting special Central assistance to SCSP and TSP under the provision.

The Government of Odisha has no such special scheme benefiting the SCs of the State. There is no awareness among MLAs and MPs belonging to SC and ST communities to raise this issue in respective legislative forums having their membership. The ST and SC Development Department being the nodal department should have a proactive role in making the SCSP and TSP a reality in the State but lack of political will has encouraged bureaucratic apathy to the cause of SCs and STs. There has been felt need of awareness about various schemes and programmes among the marginalised sections in rural areas and to motivate them to access the schemes for their development. It is found that many of the beneficiaries are facing problems with local Government officials who lack transparency and accountability in discharging their duty for the poor while looking after the implementation of the schemes.

The vast majority of marginalised sections are not only poor but mostly illiterate, unorganised and face different forms of social discrimination, dominance and subjugation. So it is suggested that along with Government, the Panchayati Raj Institutions and civil society organisations of the marginalised should play a catalyst role in promoting the organisation of the marginalised for realisation of their economic rights. Along with Budget of the MSJE, MoTA and Ministry of Minorities and Ministry of Women and Child Development and provisions of SCSP, TSP, there are a host of other schemes which are very relevant to the development of the marginalised such as MGNREGS with Rs 38,500 crore, ICDS with Rs16,120, National Social Assistance Programme Rs crore, SSA Rs 22,500 crore, Mid-day Meal Rs 9,700 crore, Gram Jyoti Yojana Rs 8,500 crore which targets 100 percent village electrification by May 2018 and many other schemes. There is also provision in the Budget with Rs2,000 crore for LPG connection scheme in the name of women of BPL families and it is planned to cover around five crore BPL households in the coming years that targets for universal coverage of cooking gas which will benefit mostly the poor among the marginalised sections. It will have impact over food preparation in family, health of women and generate employment for youth in rural areas. This year Budget focuses more on agriculture and rural development with significant allocation that will have affirmative impact over marginalised

sections in rural area engaged in agriculture sector but it is found that most of the agricultural schemes are land based which will not be helpful for the landless poor, agricultural workers and sharecroppers in rural area.

The rural infrastructure being created out of State fund is not being accessed by all social groups due to discriminatory practices by dominant groups. So it is suggested that the SCSP and TSP funds should have land distribution scheme for the rural poor that includes homestead and agriculture land for agriculture based livelihood. Along with land, credit, education and skill development should be combined to facilitate the development of the marginalised.

The banks and educational institutions, while delivering their service, must have to ensure credit and quality education. It will boost Green, White and Blue revolutions in the country through sharing of Budget with the marginalised. The special component provisions of the Budget should be implemented seriously to meet the desired objective of building inclusiveness to ensure growth with equality.

# ODISHA BUDGET DISCOURAGING FOR MARGINALISED POOR

*Saturday, 04 March 2017*

A budget reflects the political will and vision of the Government and an important indication of the economic trend of a State. The Government of Odisha has presented a budget of Rs 1, 06,911 crore for 2017-18 and it also include a separate Agriculture Budget of Rs 15,000 crore.

The Chief Minister said that the Budget is for farmers and the poor, but this has not reflected in the allocation of expenditure. It is a good Budget speech to listen but there is absence of real allocation for the poor.

The traditional poor and marginalized sections like the STs and SCs constitute 40 percent of the total population of the State and it is expected as part of the policy of Budget formulation that such percentage of the budget must be allocated for the STs and SCs under Tribal Sub Plan and SC Sub Plan but the Government has allocated a total of only Rs 20,081 crore which includes Rs 11,965 crore for STs and Rs 8,116 crore for SCs under schemes of different departments, like education, rural employment and livelihood, skill development, housing and electricity. It is denial of due allocation in the Budget as per the provision for inclusive development and it will affect the development of the marginalized sections and backward areas of the State.

The administrative expenditure of the Government which includes salaries, pension, interest payment and maintenance of capital assets is almost near to 50 percent of the Budget. This will primarily help the people in salaried jobs of the State. It is a fact that SCs and STs have not adequate representation in the Government jobs as per the percentage of their population share.

Education is one of the important means of social transformation but the investment of Government in ensuring quality education for the marginalized poor is very less. The allocation under Akankshya and Anvesha scheme to provide free quality education inclusive of tuition fee, uniform, books, transportation, food and accommodation for SC and ST students in best English medium schools in urban area is very less

and it only covers a very handful of students from among the marginalized communities.

It is good that the Government has been allocating substantial finance for the agriculture development of the State as the current year Budget is just double of previous year. It is told that more than 60 percent of population depends on agriculture and it contributes around 18 percent to GSDP but these allocations are primarily going to be beneficial to the land owning farmers of the State and there is no allocation for a vast section of agricultural labourers and sharecroppers those who are the backbone of the agriculture operation of the State. In spite of protest from many quarters, the State Government has not developed any policy or legislation to protect the most genuine rights of the sharecroppers and agriculture workers and tribal farmers, who constitute the most vulnerable section in rural agricultural sector. The other sections in agriculture such as milk farmers, forest-based farmers, forest workers, horticulturists and fisher folk are neglected in the Budget without specific allocation for their development. Agriculture also includes livestock, fisheries and forest- based agriculture.

It is fact that rural land owning families are not involved in agriculture and mostly the sharecroppers and agricultural workers do the whole activities relating to production. They ensure agriculture production with all kinds of sufferings. The distress condition in agriculture sector shows it is mostly the small and marginal farmers and sharecroppers who are the worst sufferers of the apathy of the Government in ensuring irrigation, timely credit, seed, fertiliser, insurance and marketing facilities. Many of the illiterate poor farmers have no land and bank account to access DBT schemes in agriculture.

Evidence shows that a majority of the farmers those committed suicide last year are sharecroppers. The agricultural loan with one percent interest is not reaching to the real farmers. Rather, it is the land owning families availing the low interest loan and mostly, spending on consumption and very little investment goes to serve the purpose. It is told that cooperatives provide around 65 percent of the crop loans. The Government has allocated Rs 435 crore as interest subsidy to cooperatives as well as commercial banks. The Odisha State Cooperative Banks and Primary Agricultural Cooperative Societies are also supported in the Budget. The Government should review the loan schemes and

make assessment of the impact of such low interest loans on agriculture and find out ways to reach the real farmers and also to ensure that the loan is being spent on agriculture development.

The risk mitigation fund of Rs 265 crore has been allocated to counter the crop failure owing to drought, flood, cyclone, unseasonal rain and hailstorm as State share to the Pradhan Mantri Fasal Bima Yojana introduced since last year but this fund will not reach to the real farmers such as sharecroppers. There is also additional Rs 88 crore under the Biju Krusak Kalyana Yojana through a network of 100 hospitals to provide health insurance to about 57 lakh farmers' families. The Central Government schemes such as Rashtriya Krishi Vikas Yojana for agriculture and allied sector development with good allocation must include the real farmers. It is hopeful that Paramparagata Krishi Vikas Yojana has provision to targeting the tribal districts of the State.

The distress sale of agricultural produce has been continuing in the State, mostly the small and marginal farmers' face the problem in the absence of storage facilities and pressure of earning out of sale to meet the bare needs. It is reported from different parts of the State that the vegetable farmers are facing a serious marketing problem. The paddy procurement centres are almost nonfunctional in every districts and farmers are unable to sale their paddy in MSP but forced to sell to the private business centres mostly owned by the private mill owners. The same has been happening with forest workers engaged in collection of minor forest produce and milk farmers in interior rural parts. The State Government has not adequately invested in developing marketing networks and marketing infrastructure to counter the distress sale which not only has affected the farmers but also the consumers and mostly helped the middlemen in business. The State Government has failed to build infrastructure such as cold storage facilities for storage of agricultural produce though there has been huge support declared by the Central Government under agricultural food processing schemes. It is told in the Budget to encourage blue revolution. Rs 48 crore has been allocated for the fish farmers to avail 50 percent subsidy for creation of ponds for pisciculture. There is encouragement for private investment in fishing sector, but how the landless farmers in rural areas are going to avail this scheme is a moot question.

It is unfortunate that people engaged in agriculture, fishing, animal husbandry and forestry as landless workers are neglected though they are contributing to ensure food security, livelihood and economic growth of the State. It is a fact that the separate Agriculture Budget has given very insignificant attention to the working population in agriculture sector, especially those who belong to the socially marginalised groups in rural areas.

The State investment in agriculture is not poor friendly; rather the poor have a very less share than the landowning rich in rural areas. Therefore, the Budget is not targeting any structural change in the life of rural poor.

## ODISHA VERY SLOW IN WELFARE FUNDS SPENDING

*Saturday, 18 November 2017*

It is being observed that funds available under the provisions of laws for welfare of working class and marginalized sections largely remain unspent by the State Government. This delay in decision making and slow spending of welfare funds is violation of rights and entitlements of the poor under provision of laws. The casual attitude of the Government over spending of funds has affected adversely the development.

In this context, the State Construction Workers Welfare Fund under the provisions of The Building and Other Construction Workers Welfare Cess Act 1996, the District Mineral Foundation (DMF) Trust fund under the provisions of Mines and Minerals Development and Regulation Amendment Act 2015 and the compensatory afforestation fund under the provisions of Compensatory Afforestation Fund Act, 2015 and the Forest Conservation Act 1980, are a few examples.

These funds are primarily collected as cess, royalty and cost of compensation from builders, construction companies, mining firms and other such establishments and corporations etc to spend for the welfare of construction workers, mining affected people in mining areas, and forest dwellers of the State. But various reports and study revealed that these funds are lying idle due ineffective planning.

In a recent Supreme Court hearing on a PIL on construction workers, it is observed that till October 2016 a total amount of Rs 28,455 crore has been collected, but only 21 percent of the funds have been spent and over Rs 22,000 crore remains unspent as majority of States, barring Kerala which has spent 90 percent of the fund, have not even spent 20 percent.

In case of Odisha, it is found that the welfare funds around Rs 1,200 crore remains idle and not being spent in spite of demands by the trade unions. There are many eligible workers who are not being registered due to apathetic attitude of the Labour officials who are intentionally delaying the process with official hurdles. The construction workers living in urban slums and rural areas are deprived of basic minimum for life such

as homestead land, housing, drinking water, toilet, sanitary facilities and electricity for a dignified living. It is expected that these basic human necessities of life must not be delayed simply because of Government indifference while huge funds are available to spend on it.

The condition of construction workers in the State has not improved to a standard and they lag behind in all aspects of human development indicator. The children of construction workers are not able to get quality education and many of them drop out due to lack of financial support. The so-called skill development training for workers is largely misused and far from the target. This denial of rights is a serious injustice on the part of the Government against the working population of the State.

The District Mineral Foundation fund collected from mining companies has the same situation. It is revealed from the Ministry of Mines that till February, 2017 from all over the country about Rs 6,000 crore has been collected from mining companies where three major mineral bearing States, such as Odisha, Chhattisgarh and Jharkhand have contributed about one-third of the total amount but these amounts are remain unspent, especially in States having major minerals and largely inhabited by STs in the mines areas. In cases of Odisha, it is found that though it has collected around Rs 2,000 crore in 2016-2017 under DMF, it has been very indolent in spending the amount. The purpose of this fund is to spend for welfare of the mining affected people and the development of mining affected areas, focusing on welfare of the STs and other marginalized sections who are largely affected due to mining operation in the area. It is also said that the dedicated amount has to be spent on basic amenities such as drinking water, healthcare, education, skill development, livelihood and employment generation of the affected people, but unfortunately it is not followed.

The local affected people are not being consulted over the use of the fund and its utilization is not been shared in transparent manner. The management of the fund is under the monopoly of ruling party and district level officials without involvement of the representatives of the affected people. The districts of Sundargarh, Keonjhar, Jharasuguda,Angul, Koraput and Jajpur having mining operation for a long time with large population of STs still remain backward in all respects of human development due to negligence of the Government.



There have been cases of malnutrition death, lack of drinking water, pollution and livelihood problems in these areas. The people from these areas are hugely displaced due to mining and other activities. The cases of distress migration from these areas are very often getting reported in media.

The district of Jajpur has chrome mining in Sukinda chrome valley though it has been contributing to the national growth in many ways but the condition of the poor people in the valley has not been improved. The water quality of the area has gone down with poisonous substances in the water as there is no proper water treatment plant.

The poisonous water flows to the nearby water streams without any treatment. The valley is home to the particularly vulnerable tribal groups such as Juanga and Mankidia and their socio –economic condition has not improved. So it is expected that the funds under the DMF must be spent on the development of the locals who deserve the most and are worst affected by mining for a long time. The DMF has provision that 60 percent of the fund must be spent on drinking water, but it is fact that all mining areas have serious drinking water crisis and water sources are polluted due to mining operation. The drinking water issues must be addressed.

Odisha along with other forest bearing States is one the major beneficiaries of compensatory afforestation fund which comes around Rs 6,000 crore per year. The compensatory afforestation fund is meant for the development forest resources which have a direct bearing on STs because most the mining operation in Odisha are in the areas having forest and ST population. Therefore, the spending of this fund will bring direct benefit to the forest dwellers and people living in forest and forest fringe villages. It will contribute to build the lost ecosystem through forest regeneration and activities of plantation and other forest development work. This will generate employment for the forest dwellers as well.

## LET ODISHA HAVE A SPECIAL ACT LIKE TELANGANA

*Saturday, 29 April 2017*

The human development index reports by the Government and other agencies for different social groups in the country shows prevalence of persistent inequality. Especially, the SCs and STs are lagging behind in their progress in comparison to other social groups.

There has been widespread atrocities against the marginalised in rural parts in many forms like resource alienation, landlessness, lack of quality education, credit, low wage, distress migration and distress condition with limited access to basic amenities for quality living. Inherent limitations in allocation of targeted funds and its effective implementation to reach out to the deserving marginalized poor are galore. There is also lack of dedicated institutional mechanism and legislation to monitor the process of implementation.

In the late eighties it was decided to boost the provisions of sub-plan for SCs and STs within the annual plans of the Central and State Government budgets to make the benefit of development inclusive of the marginalised poor but such planning concepts and policy directives have not been fully worked out. As a result, the human development impact over SCs and STs has been very negligible. The second most important issue is ensuring transparency and accountability in the process of implementation. It has been observed that the various schemes and programmes under Scheduled Caste Sub Plan and Scheduled Tribe Sub Plan lack transparency and the officials in charge of its implementation are not accountable for any omission and commission. The sub-plan provisions are never been followed by many States such as Odisha and there has been only notional allocation to fulfil the formalities without any specific schemes and institutional mechanism to allocate, plan and monitor such fund. The nodal departments are not empowered to plan and coordinate but for sake of reporting they have been doing this as a formality. There has been regular complaint of diversion of funds allocated for sub-plan in the State.

It is being argued by development planners that the special provisions are meant to eliminate inequalities in status, facilities and opportunities not only among individuals but also among different social groups. Though the concept of SCSP and TSP has been dominating the development discourses of SCs and STs in the country for last forty years but there has been very less improvement due to lack of political and administrative willpower. The limitations of sub-plan for SCs and STs have been debated among planners and legislators, researchers, CSOs and social movements for a long time since its inception in 1976. During the UPA Government, there was an attempt by States such as AP and Karnataka for legal status to sub-plan to make it more formal to promote accountability of the State Government.

Though it was a forward step but it did not work as much as desired. The Government of AP has enacted the AP SCSP and TSP (planning, allocation and utilization of financial resources) Act 2012. The Government of Karnataka has a similar law.

Most recently the Government of Telangana has repealed its earlier Act of 2013 and brought a new legislation in this direction to bring further improvement. The Act is named as the Telangana State Scheduled Castes and Scheduled Tribes Special Development Fund (planning, allocation and utilization of financial resources) Act, 2017. It is said that the law is going to ensure and accelerate the development of SCs and STs with emphasis on achieving equality focusing on economic, educational and human development along with ensuring their security and social empowerment by creating a special development fund of the State.

As per the provisions of the Act, the State Government has to set up a council for development of SCs and STs headed by the Chief Minister and special funds for the SCs and STs. In every financial year the State Government shall earmark a portion fund for the development schemes proportionate to the SC and ST population. Along with ongoing general schemes, the special development funds shall include only such schemes which will have direct and quantifiable benefit to SCs and STs habitations and tribal areas to bridge the gap in the development. The departments have to identify gaps and prepare action plan for SCs and STs and promote equity among different social groups within SCs and STs and their habitations with more attention to STs in scheduled areas of the

State. Each department has to submit its proposal to nodal department and nodal agency for SCs and STs for its appraisal.

The schemes exclusively benefiting SCs and STs households and habitations shall get 100 percent of the cost of the scheme out of the special fund. In respect of non -divisible infrastructure works a portion of the schemes cost shall be deemed to have been attributed out of special fund. There shall be an exclusive Secretary Finance in the Finance Department to function to fulfil the purpose as determined by the Finance Department. The State Council headed by the Chief Minister, nodal departments and nodal agencies for SCs and STs have to coordinate and maintain database of beneficiaries and monitor the progress through State and district monitoring units. There shall be annual social audit and annual report to be placed before State Legislature. It is important to note that the State of Telangana also has been pursuing land distribution schemes for the landless sharecroppers of SCs and STs out of the State fund so that the rural poor have assets for livelihood and productive engagement.

It is argued that SCs and STs constitute 40 percent of the population of Odisha and also almost half of the geographical area of the State is 5thScheduled area but the Government is not implementing the sub-plan approach to bridge the wider gap that exists among social groups and among different regions. It is suggested that the Government of Odisha must follow the States such as Telangana in enacting a special legislation to accelerate the development of the SCs and STs.

# FRAME SPECIAL SCHEMES TO SPEND FUNDS FOR SCs, STs

*Saturday, 13 May 2017*

The Government of Odisha has allocated Rs 20,081 crore to the SCs and STs Development Department, out of which Rs 11, 965 crores under Tribal Sub Plan (TSP) and Rs 8, 116 crores under Scheduled Castes Sub Plan (SCSP) for the year 2017-18 budget. However, though the fund is specially earmarked for the development of SCs and STs, but the State Government has not developed any special schemes to spend it.

It has been observed that these are only notional allocations that reflect in the State annual plans and demand grants but does not reach to the targeted beneficiaries in the absence of special schemes for the purpose followed in other States. It is a provision of sub-plan within annual plan since eighties that the annual budget plan outlay of the State must have allocation of funds exclusively for SCs and STs as per the percentage of their population in the State. Along with this provision of sub-plan, the Constitution of India Article 164(1) has also made special provision of appointment of a Cabinet Minister from among STs to head the SCs and STs Development Department. The department is the nodal coordinating agency to look into the implementation of the SCSP and the TSP along with coordinating Scheduled Tribes Advisory Council and Scheduled Caste Advisory Board headed by the Chief Minister for the purpose of development and protection of SCs and STs of the State.

As per the provision, special fund has to reach to individual beneficiaries, household, specific vulnerable caste and communities, hamlets and villages and areas having majority of SC and ST population. But there has been an allegation that the SCSP and the TSP funds have been knowingly diverted to other purposes and spent on indivisible items such as roads, bridges and flyovers benefiting all without any direct impact over SCs and STs though this is serious violation of budgetary norms, the SCSP and the TSP guideline, and non-implementation of planned outlays. There is no legislation and institutional arrangement in this regards to make the authorities accountable and this continued political apathy towards the development of the marginalized sections is largely reflected in the development administration. It is being demanded that in order to

bring improvement in the implementation of SCSP and TSP in the State, there must be political and administrative will and a legislation with clearly defined rules to make the violator accountable.

For last 40 years, the improper implementation of the SCSP and the TSP has an adverse effect on the overall development of the State and specially the development of SCs and STs in rural and tribal parts which constitute a major section of the population and continues to be in the lower strata of all development indicators in comparison to other social groups. This process has been widening social and economic gaps, assets and income inequality, manifested in poverty, unemployment, low income, distress migration, hunger death and malnutrition and weakening State's growth because of its non-inclusiveness in sharing public opportunities out of the State fund.

In recent years, there has been growing awareness about public spending on development programmes in the country and especially, the marginalized sections, SCs and STs, women and children have been demanding their due share in the budget for their development through campaigns and movements. The Dalit and Adivasi budgeting, gender budgeting and child budgeting campaigns have been getting momentums in the country. The recent budget proposals of the Central and State Governments have shown separate heads of account in this regard. There have been attempts in many States to address the issues of tracking of budgeted public spending and its most transparent implementation for the development of the marginalised sections and vulnerable groups, who are left behind the ongoing development process and getting further excluded in public expenditure.

The most important issues in spending of development funds for the poor are equity, transparency and accountability which have been a matter of concern for the country. It has been told that it is not the paucity of fund but its effective implementation has been a serious problem due to lack of political will in developing institutional administrative mechanism of public spending. The existing policy and practices in the context of SCSP and TSP have been questioned on grounds of accountability of the Government and the officials responsible for its implementation. The violation of developmental responsibilities needs to be questioned in the court of laws and must be treated as serious offence against SCs and STs. The legislation in this

regard can enhance responsibility among authorities violating norms that defeat the purpose of public spending.

In this context, many States such as Andhra Pradesh, Karnataka and Telangana have attempted to bring legislation to streamline the spending of SCSP and TSP so that the purpose behind such provisions is not defeated. The legal provisions enhance the accountability and bring more transparency to the implementation process, ultimately benefiting the poor.

It has been suggested that the Government of Odisha must design special schemes and exclusive projects for the development of SCs and STs to improve their social, economic and environmental condition. The priority must be on ensuring basic amenities such as homestead land, drinking water, sanitation, housing, electrification, linking road to Dalit and Adivasi hamlets, health and educational infrastructure. The livelihood must be strengthened with distribution of agriculture land with access to water, electricity and credit facilities. The youths and women should be encouraged with education and skill upgradation trainings and entrepreneurship development with adequate credit and infrastructural facilities for business and trade. The Government must make serious effort to abolish untouchability practice in rural villages and stop atrocities against SCs and STs to ensure social protection and rule of law which are pre conditions for the development.

The Government must make available disaggregated data on SC and ST beneficiaries of each scheme and programme against the allocated amount out of the SCSP and the TSP fund by different departments. The monitoring of such funds and tracking of expenditure must be done at separate SCSP and TSP cell in department level, district, block and Panchayat level through formation of monitoring bodies involving the representation of the beneficiaries. It must be reflected in statutory audit and impact assessment reports along with social audit reports by different stakeholders. The annual reports must be available in public domain for wider transparency of fund utilization. The funds should not be diverted for other purposes and must be non-lapsable and if unspent must have provision of utilisation in the next year.

There must be a State level authority and special fund, by rule of law, under the Chairmanship of Chief Minister along with representation of Tribes Advisory Council, Scheduled Caste Advisory Board and Finance

and ST and SC Development Department with necessary administrative mechanism to ensure governance leadership and accountability to the provisions of SCSP and TSP. This authority will have the responsibility of formation of annual plan along with specific schemes to earmark a portion of State plan outlay for SCSP and TSP in proportion to the population of SC and ST of the State. This will bring qualitative change in the development administration of the State and in the life and livelihood of the poor.



## ISSUES IN SOCIAL INCLUSION

RESOURCES :- LAND AND AGRICULTURE

## ENSURE DALIT LAND RIGHTS FOR STATE'S INCLUSIVE GROWTH

*Saturday, 26 March 2016*

Dalit land rights cover right over homestead land, agriculture land and commons which have been denied to them for centuries due to continued caste system and Government apathy of last sixty five years.

Land includes revenue land, forest land, land under water and land in coast. Land is central to human development without which right to housing, livelihood, food security, social security and dignity cannot be realised. The development of Dalit communities/Scheduled Caste is largely linked to their rights over land. There has been a need for land distribution as well as protection from land alienation along with land development for its productive use. The Scheduled Caste Sub Plan (SCSP) should be used to for this purpose.

The Scheduled Caste population of Odisha is 17.1 percent. As per census 2011 it is about 72 lakh out of which 62 lakh people are living in rural areas. A vast majority of households depends on agriculture as agricultural workers or sharecroppers with small and marginal land holdings. Landlessness is very high among SC households. As per a private survey, in the absence of valid State data, out of 15.56 lakh households as per 2011 Census, about 20 percent of the households do not have homestead land to construct a house in their own land. There are hamlets in the outskirts of the village over inhabitable category of land, land owned by former landlords, temple land and land remained unsettled by revenue authority. It has been decided by the State Government since establishment of constitutional governance to distribute land to the landless for housing purpose, especially to historically marginalised Scheduled Castes and others. The Government of Odisha has been distributing land since 1974-75 but justice has not been done to a vast section of homestead landless families where SCs constitute a majority. Every year the State Government has been coming up with new statistics but many of the landless Scheduled Caste families have been routinely visiting Revenue Inspector (RI) or Tehsil offices with application Form-I (Rule-5(2) under OGLS Act 1962 bearing undeclared delay and stress of apathetic behaviour of revenue officials. The few

families having four decimal land Patta under Vasundhara scheme have been waiting for possession for years. The revenue officials have very less time to attend the issues of landless rural poor and this non-negotiable human need has been getting shifted for years together without human sympathy for the marginalized communities. The homestead landlessness issues have ramifications over their life, livelihood, food security and social dignity in the village life. Our socio-legal identity and status are land-based and most of the Government development schemes are linked to land ownership. The Central Government has made provision of support to States to purchase private land in case suitable Government land is not available and distribute the land to deserving SC families with priority but this has not been implemented though there has been budgetary allocation. The State Government has limited the provision of land distribution to rural areas and there has been no attempt to distribute land to urban homestead landless families in slums and urban peripheries.

The Census 2011 shows that a very insignificant percentage (only 0.80) of SC households is doing salaried jobs. Of the SCs, 46,543 are in Government, 5,388 in PSUs and 17,247 are in private jobs. There is very insignificant number of families among SCs those who have landholding above five acres. The vast majority of Scheduled Castes families are small and marginal farmers and primarily depending on sharecropping over the land of absentee landlords of upper caste families. It has been decided by the Government since 1974-75 to distribute ceiling surplus land, Bhoodan land and Government wasteland to landless families with priority to landless SC families for agriculture purpose but this has been still an unfinished task with the Government in spite of provisions under law such as the OLR Act. It has been promised under constitution to ensure land for poor SCs but in spite of availability of Government land the land distribution has been deliberately delayed which has taken a back seat in development agenda due to lack of political will and bureaucratic apathy for the marginalised, especially SCs.

The landless sharecroppers have been deprived of all kinds of Government subsidy, MSP, compensation, insurance and a host of all other facilities and schemes for farmers by Central and State Government. The agricultural schemes are land-based that deny rights of the landless engaged in agriculture. The land ownership is central to production as mostly SCs are small producers and to improve the

agricultural production of the State, it is highly essential to distribute land to the SC households engaged in agriculture and other productive activities in rural areas. It will create scope for poor SC households to get engaged in agricultural activities throughout the year. The production of cereals, vegetables, milk, fish, egg, meat, fruits etc. can be enhanced in rural area by engaging the labouring class. It will contribute to create employment, income and increase the production and reduce the State's dependency on neighbouring States. The food security of the rural poor can be maintained.

The SCs have been largely denied the rights over forest land under FRA. Though the SCs are also forest-based communities but their rights over forest have not been recognized at par with STs. The Government has to consider the livelihood of the landless SCs in scheduled areas/forest areas who are also forest-dependent communities like STs and mostly depend on forest land for survival. SCs constitute about 20 percent of the total population in scheduled areas. The SC population in districts of Malkangiri is 22 percent and in Kalahandi it is about 18 percent. The landlessness among SCs encourages distress migration. The South Odisha revenue division has major districts such as Gajapati, Kalahandi, Koraput, Malkangiri, Nawarangpur, Kandhamal under Tribal Sub Plan (TSP) area and these area is also home to a sizable SC population. The land ownership and land alienation issues have been major cause of social conflict among the locals in the absence of a valid land title. In spite of protective laws to arrest land alienation and attempt to restore the SCs and STs land from potential none SC and ST encroachers and land grabbers, still many of the families have been deprived of justice from revenue administration.

The SCs all over the State have been facing social discrimination while accessing common land such as cremation ground, village forest, water bodies, playground and all other common space available in a village. They have to struggle to use such land and in many villages the brutal attack from the dominant caste in the village. The SCs have very restricted access to common property resources of the village due to caste system. Therefore it is highly essential for the State Government to recognize the rights of Dalits over the land and make effort under proper implementation of schemes under Scheduled Caste Sub Plan (SCSP) and revenue laws for the distribution of land as well as for the protection of land from illegal possession.

# MAJORITY OF ODISHA RURAL POPULACE STILL HOMELESS

*Saturday, 21 January 2017*

Housing is an integral part of rights to life but there is no enabling law to realise this basic human right. A sizable population of Odisha is deprived of a dignified and decent living due to continued State apathy in implementing housing schemes for the poor and the marginalised.

The Pradhan Mantri Awas Yojana (PMAY) as a scheme of housing for all by 2022 has targeted to construct two crore houses within a span of next six years. There have been housing schemes and programmes by the State and Central Governments targeting the rural poor and the marginalised, but still the progress is far from satisfactory. The poor performances of the State Government have been reflected in slow implementation and very insignificant achievement of targets of various housing schemes such as PMAY, Biju Pucca Ghar Yojana, Nirman Sramik Pucca Ghar Yojana and Biju Pucca Ghar Yojana (mining) for mining-affected families in mines areas out of the District Mineral Foundation (DMF) fund. The various housing schemes have not even achieved one percent of the target as revealed in the departmental review meeting and reported in media. This has raised concern and shattered the hope of the poor looking for shelter. It is told that housing for the poor in the State is moving very slowly because of lack of homestead land of beneficiaries and corruption by the local Government officials in implementation of the housing schemes for the poor and the marginalised section in rural areas. There are a number of genuine beneficiaries who are being deprived of getting allocation under housing scheme due to non-implementation of other related schemes that are precondition for construction of a house such as land patta and other rural infrastructure, electricity, linking road and drinking water sources. The strategy note of the State Government for rural housing for the year 2016-2017 says that the Revenue Department has been moved for providing house site to eligible landless households of mining-affected villages, but unfortunately this is not being followed by the local revenue authorities in mining areas. It is also told that during field verification if it is found that the prospective beneficiaries are not in possession of

recorded house site then the names of such beneficiaries must be enlisted and sent to the concerned tehsildar for allotment of homestead land to the beneficiaries on priority basis. But it is fact that in spite of knowing the ground reality, the Government has not been fulfilling the preconditions for implementing housing projects for rural landless poor. The condition in remote tribal areas is the worst because mostly many of the prospective beneficiaries have no record of rights over the land they are in possession of since generations and in many of the coastal districts, the landless poor Dalit families for whom the housing schemes are targeted are not being able to access such schemes due to lack of record of rights over the land they have been staying for generations. The local revenue officials must solve these issues, lest the very purpose of the scheme should be defeated.

It is observed that many such poor beneficiaries are routinely visiting block and tehsil offices and spending time to present their cases before the officials in charge of issuing orders. Cases of corruption relating to issue of land patta or work order are reported in large numbers and suspension of revenue and block officials on charges of bribery is also reported most often. But this has not solved the purpose of ensuring land and housing to the needy. The displaced and affected families, primarily landless poor Dalits and Adivasi households in mining areas of the State are living in misery and migrating to other places in search of livelihood. It is found that many of such families are migrating to non-mining areas and to the periphery districts. The fund available with DMF must be allocated to such affected and displaced people and they must be rehabilitated and linked to the existing housing schemes of the Government. But the delayed action of the Government is making their condition more vulnerable.

A number of studies have found that lack of land and proper housing in mining areas have encouraged distress migration of Adivasis and other landless poor. Mining slums are habitation of casual and contract labourers in mining areas where mostly the poor workers and local Adivasi population are inhabitants. Lack of proper shelter has an adverse impact on women, children and elders in family and encouraged social insecurity among the people.

The rural housing schemes are primarily targeting the rural poor, construction workers, agricultural workers, sharecroppers, rural artisans,

Dalits, Adivasis, distress women, and PWDs. These are mostly unorganized and have very limited information about Government schemes and programmes. It is good that the State Government has encouraged the participation of CBOs and NGOs in the implementation of housing schemes to facilitate handholding support to the beneficiaries. The block level Government officials are also encouraged with rewards out of administrative contingency of respective rural housing schemes. The Government must organise quality capacity building training programme for block level officials and CBO leaders, NGOs functionaries along with PRI leaders from rural, tribal and mining areas involving the marginalized sections representatives to make them understand the very purpose of housing schemes and operation procedure to ensure better impact. The dissemination of information and facilitation of the schemes with stakeholder involvement will help in bringing transparency and reducing corruption at local level. The local banks must provide supplementary housing loan to the beneficiaries of rural housing schemes as additional support at lower interest rate to make it more need-based. The other departments directly linked to beneficiaries such as ST and SC Development, Labour, Women and Child Development and Mining have scope of convergence of their schemes for an integrated development and fullest utilization of the resources. The State Government must make efforts to make available building materials at low cost without restriction for the beneficiaries of the housing schemes.

In order to avoid the administrative blockage, the district level appellate committees to resolve grievances related to rural housing must have dedicated officials for timely action to minimize the administrative issues to speed up the implementation process and avoid interference in beneficiary selection and delay in payments and other related issues. The interdepartmental coordination and convergence of programmes is highly required for housing schemes because it is not just building a house but to make it a home or living space by ensuring related infrastructure and opportunities. The departments of Revenue, Panchayatraj, Rural Development, Energy, Mines and Environment must have planned and coordinated effort in facilitating the schemes. The most important aspect is awareness among the beneficiaries information about the schemes and their quality participation in accessing the schemes without social, economic and administrative barriers.

# POOR MUST HAVE RIGHT TO HOMESTEAD LAND

*Saturday, 26 August 2017*

The mission housing for all can't be realised without homestead land for the poor. The State has to resolve historic homestead land issues and must develop new habitations with basic amenities.

Homestead landlessness is the core problem to avail housing schemes in rural areas. For last 70 years, there has been very slow implementation of laws to ensure land for housing. As a result, there are lakhs of homeless poor getting deprived of land to construct affordable house with support of the Government for a dignified living.

There are thousands of informal human settlements inside forest areas , river and canal banks , sea coasts, city and village outskirts , roadsides , mining dumping yards periphery of industrial areas, cocoon and mangrove forest areas, besides emerging slums in urban areas of the State where people have been living for past so many years in most distressed condition without a scope of affordable housing due to lack of homestead land rights.

This subhuman condition of people has not substantially drawn the attention of the authorities. The poor living conditions of a large number of people in temporary shelters without basic amenities are the breeding grounds of diseases and poor health and mental condition. It has impact over the working population and growth.

The Dalits, Adivasis, and minorities continue to suffer with social disabilities. They are forced to live in segregation because of caste and religion based discrimination. Their demand for rights over the land they are occupying since generations falls on deaf ears.

Land being a State subject, it was expected that the Revenue Department would guarantee minimum homestead land for each and every household through survey and settlement and also by developing new habitation areas with facilities for basic amenities.

But even today in spite of provisions under law, nowhere the Tehsil officials are proactively visiting the villages or hamlets to settle the



homestead less household and help them to become eligible beneficiaries of housing schemes.

Lakhs of landless poor beneficiaries submitting applications for homestead land are routinely visiting offices and demanding claims but unfortunately the action by local revenue officials are far from satisfactory. There have been a number of ways for distribution of land among the landless poor in the absence of non-availability of Government land, but thanks to bureaucratic apathy and inordinate delay process, it is not done for the landless poor. The harassment and distress condition of the poor relating to land and housing remains unaddressed by political parties and social movements.

It is reported that land patta is distributed to landless poor in forest and hilly areas which are not fit for habitation due to lack of basic minimum amenities. These allotted plots are also located in a distance of five to ten kilometres from the village without communication. In some places, there is instance of strong opposition by local influential people who are not allowing the poor and marginalized section to settle there.

Many of the families having patta are struggling to occupy the land because of the threat by the dominant people in the locality and even in many places the land is already occupied by influential people.

The Government has not developed new habitations with all facilities to settle the landless people there, rather the poor people are forced to accommodate anywhere without basic amenities and protection by local administration.

There are also houses constructed on Government land without record of rights of the land by the beneficiaries owning the house for so many years.

Virtually, the block and Tehsil offices have no coordination in matter of homestead land and housing projects for the landless poor and no departmental review take place to ensure land and house for the prospective beneficiaries. There is lack of awareness among rural illiterate about the process of homestead land distribution schemes. The patta distribution is being observed as ceremonies with involvement of Ministers, MPs and MLAs as guest who are using the events for their political propaganda but not to serve the purpose.

The Government of Odisha engaged in homestead land distribution of maximum 10 decimal of land since 1974-75 under the provision of Land settlement Act 1962 and subsequent rules and later through a scheme named Vasundhara since 2007. Almost 45 years have passed but the target remains unfinished. During the years, the number of landless households has increased with dividing of families.

A large number of landless rural poor migrate to cities and many families become migrant workers outside the State.

In last 70 years, projects like dams, mining, industry, railways, national highways, ports, other infrastructural projects and deforestation, loss of forest and agriculture based livelihoods have displaced lakhs of families who become further homeless without land and proper rehabilitation.

The continued natural calamities every year have been adding burden to the further impoverishment of the landlessness and homelessness of the poor.

The Government land policy is in support of allocation of huge land to the private companies on the plea of development. There is no assessment and monitoring body to see the proper use of the allocated land and their recovery in case of misuse. It is a fact that most of the companies have occupied more land beyond their requirement and many of them even violate the purpose of utilization. The state Government has reserved land for mining and other projects by denying land and housing rights of the people.

The historical limitations in the land revenue administration created by different rulers such as Hindu, Mogul, Maratha and British have diluted the process of emerging a comprehensive land rights provisions for all regions and citizens from diverse social and economic classes. Our village social structure and land ownership have not fundamentally changed to the desired extent.

This ongoing unequal practices need to be changed with rule of law for paving way for a more inclusive settlement of land.

The Government of Odisha needs to learn from the experience of States such as Kerala, AP and Telangana, TN, HP, Jammu and Kashmir who have well managed the homestead land rights of its people and used the advantage of land and housing schemes.

Poor must have right to homestead land

The National Rural Homestead Land Rights Bill 2013 was planned to serve this purpose but it was not approved by the Parliament. There is a need for a national law for right to homestead land and right to adequate housing for all.

# EQUAL ACCESS TO COMMON PROPERTIES STILL A FAR CRY

*Saturday, 15 July 2017*

Our villages must be rebuilt as a place of dignified living because along with material development, dignity of a human being is equally important. This can be possible by making our common resources inclusive of all our fellow citizens. While rebuilding our villages, as a step in this direction, the inclusion of the marginalised groups in use of Common Property Resources (CPR) and their access to basic amenities must be addressed by the State Government in the process of implementation of the programmes of rural development. The value of social democracy and human dignity must prevail in building an inclusive society as visualized in our constitution.

The CPR, such as grazing land for cattle population, village forest, temple land, cremation ground, playground, water bodies and other common space available in the village must be free for the use of all villagers without discrimination but experience shows still there are villages where the marginalized sections are being prevented by the dominant caste/class in having access to common resources. This leads to social conflict and dispute among different social groups and creates law and order situation that affects the normal peace and development of the village.

The law says that everyone has equal right over the CPR and she/he is entitled to use that without fear and discrimination. The PCR Act 1955 and the SCs and STs (POA) Amendment Act 2015 have such provisions but such provisions are not being enforced for the protection of the marginalized in rural villages. The Government and political parties must address these issues in the villages.

A recent survey of 200 hamlets in eight blocks of Dhenkanal, Jajpur, Cuttack, Khurda and Puri districts by a private social organization shows that still the marginalized sections, mostly Dalits and Adivasis, have very little access to the use of CPR and they are being prevented by the local dominant castes to easily use the resources even though they have all rights over it. It is violation of user rights over CPR. Another problem

with CPR is that in many villages, the CPR is in possession of Zamindars or Gountias or land owning families since generations. There are historical cases of a lion's share of the influential families on CPR at the cost of the poor and the marginalized.

It is found that customarily, the Dalit hamlets are located at the end part of the village or in segregated locations and not connected to the main road of the village. Out of 200 hamlets, predominantly inhabited by Dalit communities, 30 percent of the hamlets have no all-weather road. They face immense problem in everyday's life to reach the main road, especially in rainy season. There are hamlets in Khurda and Puri districts such as Chhatahara and Baniyasi in Nimapada block, Arapada in Balipatana block, where the people use a farmland divider (locally called as Hida) as a passage of walking path from their hamlet to the main road.

The people in ten hamlets out of 12 served of Dharmasala block in Jaipur districts have no cremation ground to cremate bodies. They have to carry the bodies to the nearest railway trackside, or roadside and forest area for cremation. It is unfortunate that people are deprived of dignity even after death. Out of 200 hamlets surveyed 60 percent of the hamlets have no cremation ground to cremate dead bodies. There are hamlets which have no access to the available cremation ground such as Badala sasan and Kalamati in Kurunjipur panchayat of Balipatana block of Khurda district.

It is found in the survey that 40 percent hamlets have no sources of drinking water near the habitation and the dwellers depend on water sources in upper caste habitation and have to face social humiliation with very restricted access to such water sources. Barring a few, almost all the inhabitants face discrimination in use of water sources in the villages such as village pond and tube well.

The water sources closer to village temple or inside the temple almost have restricted access for the socially excluded groups. The village ponds have caste wise separate use patches, bathing ghats, for caste Hindus and Dalits. The grazing land, playground and village forest are under the control of the caste Hindus. The Dalits and Adivasis have no access to such space. The survey found children are denied free access to play outdoor games. The inhabitants face social segregation while organizing their socio-cultural functions due to lack of common space or

community halls in their hamlets. It is found that the dominant castes have monopolized their authority over the CPR.

The survey found that whenever any collective decision happens on CPR, the marginalised sections are not usually consulted or asked for opinions and there has been almost none sharing of produces of CPR.

This has created a sense of alienation among the marginalised sections in matters of village CPR, its use and conservation and protection.

The survey report concluded that in our villages, caste-based social structure has not changed much to accommodate the lower caste people, Dalits and Adivasis in a dignified manner in recognizing their basic human rights over CPR and also in getting access to basic amenities under public schemes for a decent living.

Similar to the CPR issues, the basic amenities such as drinking water, electricity, linking road, housing and sanitation schemes being implemented out of Government fund in the villages are not inclusive of Dalit and Adivasi hamlets and it is observed that apart from corruption and political lobby for beneficiary selection, the marginalized sections have to fight a battle against local Government officials and dominant caste leaders controlling PRIs, to access such schemes. There are also legal and technical problems in getting such schemes implemented such as availability

of land. A number of households interested to construct toilet have no private land near their habitation. There are high and low-density hamlets.

And, in the high-density hamlets, the inhabitants have to undergo all troubles. They are not only unhygienic but degrading to live. The PMAY as per guideline includes toilet, bathroom, soak pit, compost pit, smokeless Chula, biogas, LPG connection, besides the house. But many beneficiaries are unable to avail those amenities due to land crunch.

Physical access to habitations is very important in day- to- day life but many Dalit hamlets in the end part of the village remain in segregation without an all-weather linking road. It has been the fault of the Revenue Department which is not doing timely survey and settlement of the village land to make fair distribution of land to all sections.

## DALITS, TRIBAL'S, POOR SHARECROPPERS MUST AVAIL CROP INSURANCE

*Saturday, 20 February 2016*

The distress condition of farmers continues in an agrarian country like ours where a majority of the population depends on agriculture for livelihood. There has been growing demand by political parties and farmers' organisations for protection in form of subsidy to overcome the crisis, especially growing farmer suicides.

The Prime Minister has declared a number of schemes relating to agriculture development such as Pradhanmantri Krishi Sinchai Yojana, Paramparagata Krishi Vikas Yojana, Grama Jyoti Yojana and Pradhan Mantri Fasal Bima Yojana (PMFBY).

All these schemes are aimed at improving agriculture through irrigation facility, by adopting organic farming, improving soil health, revival of fertilizer plants, ensuring power for agricultural activities and timely credit and above crop insurance so that the farmer suicide can be arrested along with risk management of agriculture.

Farm credit target has been raised to rs8.5 lakh crore in lower interest rate. The credit has been linked to insurance. It will increase production and change the life of the farmers.

Agriculture in India is has been beyond the control of farmers as increasingly it depends on nature, weather, and monsoon as impact of climate change and on market forces after liberalization for which the State's intervention is highly required to protect the farmers and by that ensure food security of the people and livelihood of millions of rural poor. The crop insurance is directly linked to the producer communities of the country.

The PMFBY, a new national agricultural crop insurance scheme, will be implemented from Kharif 2016. In the words of Prime Minister, the scheme is a festival gift to farmers of the country and it will boost agriculture. The Government will provide maximum subsidy on premium paid by the farmers much higher than earlier insurance schemes.

The plan is to double the current 23 percent coverage to 50 percent of farmers through the scheme in next two-three years. This scheme is primarily addressing the uncertainty and risk management in crop yielding faced by the farmers. The maximum insurance premium payable by the farmers is 2.0 percent for Kharif, 1.5 percent for Rabi and 5 percent for annual commercial and horticulture crops.

The insurance covers loss of standing crops, sowing risk, post-harvesting damage and other localized risks also. In order to ensure scientific estimation of crop loss and timely payment of insurance money to farmer, modern technology such as remote sensing and smartphone etc will be used.

The subsidy in insurance premium will be jointly borne by the Central and State Governments and the farmers have to pay a very nominal amount as their share. The State will have to provide matching contribution. The insurance will cover farmers of all categories including the loanee and non loanee farmers whereas earlier it was limited to only to loanee farmers. There will be one company for the whole State.

The scheme will be implemented by 11 general insurance companies which include ten private insurance companies and Agriculture Insurance Company of India Limited. The private insurance companies entering to agriculture insurance include The TATA -AIG , ICICI-Lombard, Bajaj Allianz, Future, Reliance, HDFC-ERGO etc.

The entry of private insurance companies in agriculture insurance sector will bring benefit to major insurance companies in expanding their business in the coming years with direct Government patronage. The Bajaj Allianz launches weather-based crop insurance scheme for orange farmers in Nagpur of Maharashtra. There has been increase in foreign direct investment in the country in different sectors becoming open up for more private players. It will have wider impact over the agriculture economy of our country in the long run.

The Rs 17,600 crore crop insurance scheme is primarily to cover crop loss due to natural calamities such as drought as it is reported that 207 districts in nine States have been badly hit by drought that affected about 90 lakh hectares of land last year. The affected States have demanded relief of about rs25,000 crore from the Center. The last year drought in Odisha affected 20,484 villages in 215 blocks in 26 districts and around



Dalits, tribal's, poor sharecroppers must avail crop insurance 8,82,000 hectares of land sustained crop loss of over 33 percent as reported by the State Government. In the Rabi crop of 2014-2015, as many as 1, 17, 582 farmers were covered with a sum assured of rs480 crore. The State Government has given the target to double the number of farmers to be covered under insurance during 2015-2016.

It is argued that crop failure is one the major reasons of farmer suicide that happened due to problem of drought, flood, water logging, cyclone, erratic rain, untimely rain, pest infestation, damaged seed, wild animals, failure of irrigation facilities, market fluctuations and many other local specific incidents.

Along with the traditional issues relating to agriculture such as land reform, dependence on traditional money lending, and irrigation, the issues of climate change and economic liberalization has posed a greater threat for the farmers of developing countries. Therefore the insurance coverage should include all kinds of risks involved in agriculture- not just the natural disaster. There has been demand for universal comprehensive crop and income insurance that covers both income and production risk of all crops and for farmers of all categories.

The issue of sharecroppers should be resolved and small and marginal farmers, Dalits and Adivasis and women farmers should be given subsidies with full State support. There have been reports of delay in getting insurance amount and unholy nexus of bank officials, insurance officials and farmers to syphon off the insurance money which needs to be checked by the Government so that genuine beneficiaries can be benefited out of the State fund for farmers.

There has been lack of awareness among rural poor farmers on various Government schemes including insurance schemes. The State Agriculture Department, farmer organisations and civil society bodies have not sufficiently motivated the farmers in accessing schemes and programmes, especially for the poor, Dalits, tribals and women farmers in the State. It is expected that and also the Central Government has guided the State to bring necessary changes in the State revenue laws to include all category of farmers especially the share crops and tribal farmers in the scheme .

About 70 percent of people of the State depend on agriculture for their livelihood and Dalits and Adivasis constitute about 40 percent of the population. So agriculture crop insurance is very vital.

There are a number of reasons of crop loss in Odisha including natural calamities. During last few years hundreds of farmers committed suicide in distress due crop loss. Agriculture Insurance Company of India Limited in Odisha has covered seven crops that include paddy, mustard, potato, groundnut, green gram, black gram and sugar cane during Rabi season.

But like the input subsidy and credit facilities, the insurance scheme has absolutely no implication for the sharecroppers who are not being recognized as farmers particularly for States such as Odisha. There are also tribal and Dalit farmers who are not officially recognized as farmers and thus not eligible for any Government subsidy including crop insurance.

Many absentee landowners are taking the advantage of all subsidies and other facilities without being a real farmer and the genuine ones are deprived of all such benefits.

The insurance scheme should have equity in ensuring benefits to the farmers of marginalized groups who are not aware of insurance schemes of Government for the farmers, though they face all kinds of problems that lead to crop failure.

The poor farmers are deprived of due share from State resources while the rich and landowning farmers are disproportionately benefiting out of State schemes. It is unfortunate that the Government of Odisha has been delaying the process of recognizing sharecroppers as farmers and by that depriving the poor genuine farmers of their right to get subsidy in schemes such as PMFBY.

## STATE LAND LEASING LAW MUST PROTECT SHARECROPPERS

*Saturday, 30 July 2016*

The NITI Aayog report on land leasing and proposed Model Agriculture Land Leasing Act, 2016 to permit and facilitate leasing of agricultural land is being followed by the States. While it is required to enact legislation to protect the interest of sharecroppers but the law is being seen as an attempt to liberalize lease system in the interest of the private companies interested in agriculture.

In case of Odisha, there has been continuous demand from all quarters to protect the sharecroppers in distress. Though nearly 70 percent of the cultivation is done by sharecropping through private verbal negotiations in Odisha, but officially this is not recorded by the Government because the Odisha Land Reforms Act 1960 and subsequent amendments restrict land leasing and encourages cultivation by landowners. It only allows the disable Raiyat and privileged Raiyat who cannot cultivate but lease their land out for cultivation. The landowners have been carrying the feeling of losing land ownership in case of official lease agreement with sharecroppers.

Land ownership has been affecting agriculture production due to lack of willingness of sharecroppers to invest in land and agriculture related expenses for short-term benefit and in an informal condition.

They are mostly landless and marginal farmers belonging to Dalit, Adivasi and socially and educationally backward communities with restricted access to formal credit system. Usually, there has been a tendency with landowners/absentee landlords to invest in land development and agriculture by leaving the whole burden to the sharecroppers. So, it is required to bring necessary change in the OLR Act to allow lease by landowners and ensure identification of sharecroppers through a legal process to create scope for availing all kinds of benefits provided by the Government to the farmers such as lower interest credit, agriculture input subsidy, support price, insurance and compensation due to crop loss. It is a fact that the sharecroppers have been denied their rights for a long time and in recent years

hundreds of sharecroppers committed suicide due to crop loss. The issues of drought in the absence of irrigation and debt in very higher rate of interest by private money lenders are the most important reasons of farmer distress. The myriad Government schemes available for farmers are inaccessible to the sharecroppers in the absence of their legal identity as farmers without land ownership. It has been demanded that without affecting the legal status of the landowners, the benefits for the farmers should reach to the sharecroppers which will prevent distress among sharecroppers and boost agricultural production. But the recent move of the Government of Odisha to facilitate land leasing for agricultural purpose is going to further weaken the position of small landholders and sharecroppers in the absence of protective clause for the sharecroppers and restriction on lease to private companies interested in agriculture. It is being apprehend that taking this legal advantage of unrestricted lease, the private companies will take the advantage by offering attractive return to landowners and the poor sharecroppers may get out of the agricultural land lease market in near future. Many people have seen this move of the Government is not to help the sharecroppers but in the plea of helping the sharecroppers it is actually to facilitate entry of private players in agriculture by making available land for corporate to do farming by availing all agriculture subsidies.

The non-availability of land for smallholders and sharecroppers will have an adverse impact on them as agriculture is their primary occupation. The withdrawal of large number of families from agriculture production will also impact rural food security as the dependency on food market will increase with joining of small producers as consumers. It will increase marginalization and pave the way towards distress migration from rural areas to slums in search of livelihood. It will encourage lease by smallholders to big landowners or towards disposal of small holdings.

It has been observed that the task of land reform, especially distribution of ceiling surplus land, Bhoodan land and other categories land demarcated for distribution among landless poor and SC and STs has remained an unfinished task and the State Government is not initiating any step in that direction; rather the available land for distribution has been given to the private mining and industry though the land was collected by payment of compensation and many people voluntarily contributed to Bhoodan for distribution. The State Government has dismantled the Bhoodan Jangya Samiti with its merger in Revenue

Department and the surplus land still remains without distribution. The record of rights of Adivasis, Dalits and other landless poor over the land they are in possession of since generations have not been settled under OGLS and OPLE Act. On the other hand, the Government has brought Odisha Land Grabbing Prohibition Law to evict the poor people occupying Government land for housing and agriculture purpose. This law is going to affect landless poor staying over the Government land for generations. Forest Rights Act (FRA) has not been implemented to the desired extent for individual and community rights over forest land. In order to make the land acquisition easier, the Revenue Department has given instruction for direct purchase of private land through bilateral negotiation for infrastructure and industrial projects. Private companies purchasing less than 50 acres in urban area and 200 acres in rural areas need not to follow RFCTLARR Act 2013. The Odisha Development Authorities Act 1982 has been amended in 2015 to allow land polling schemes for use of agricultural land for other purpose. The Government has been engaged in building land bank to reserve land for private companies. So, all these initiatives by the Government show a proactive role to facilitate land for private companies without any concern for poor using the land for generations. While the Government is denying land rights of landless poor and at the same time it is facilitating the land acquisition process for private companies by removing possible legal barriers. It is expected that the new law in the process may not serve much the interest of the landless sharecroppers.

Land being a State subject, the guideline by NITI Ayog should be used considering the Odisha specific situation because a vast majority of people depend on agriculture for survival. A majority of the farmers have small holdings and they are mostly engaged in sharecropping as dignified occupation. A majority of rural households are Adivasis and Dalits who are historically deprived of rights over land due to lack of political will. Administrative apathy has deliberately denied RoR and in the ongoing process there is no hope for land distribution. The ongoing development process has contributed to their marginalization by alienating land and forest with them. Land being a productive asset, a source of livelihood, employment and social security, there should be land bank at Panchayat level to make available land for sharecroppers, landless agricultural labourers, small and marginal farmers with priority to SCs and STs and women farmers for purely agricultural purpose. The cooperatives of

agricultural labourers and smallholder farmers and sharecroppers should be encouraged with all kinds of support for agricultural production. Therefore it is expected that the agricultural land lease act should have specific clauses that ensure availability of land for sharecroppers and the lease to private companies for agriculture purpose should be restricted. Or else, in the name of protection of sharecroppers, the interest of the private companies will be served.

## ST FARMERS IN SCHEDULED AREAS NEED SPECIAL FOCUS

*Saturday, 27 February 2016*

The sustained impact of agrarian crisis in Odisha is different from region to region and also very specific to different social groups.

There are ST farmers in scheduled areas of the State those who are in need of special attention because of their continued vulnerable condition not just only because of drought but for a number of other related reasons. Natural calamities such as drought have been an additional burden to their misery.

The Odisha drought report 2015 by the Special Relief Commissioner, State Revenue and Disaster Management Department, has given a list of drought-affected 173 blocks where farmers have sustained crop loss of 33 percent and above for Kharif paddy during Kharif 2015.

It is found that many of the blocks identified as drought-prone are scheduled areas inhabited by majority of ST farmers.

The drought affected areas such as 17 blocks in Maurbhanj, Nilagiri in Baleswar, R Udayagiri of Gajapati, Baliguda of Kandhamal, Telkoi and Champua of Keonjhar, Boriguma and Kotpada in Koraput, 10 blocks in Nabarangpur, four blocks in Rayagada, Kuchinda of Sambalpur, Lanjigada in Kalahandi and five blocks in Sundargarh are scheduled areas having more than 50 percent of its population belonging to the STs. As per 2011 census, the STs constitute 23.9 percent of the State's total population and 45 percent of the total geographical areas of the State is scheduled area.

The scheduled areas are home to a majority of tribal population that includes some of the most vulnerable tribal communities. There are individual ethnic groups and their synonymy subgroups have been identified as scheduled tribes in the State with modifications.

The Census 2011 says Odisha is home to 20, 62,068 ST households out of which only 0.65 percent are in salaried jobs that includes 0.48 percent in Government jobs ,0.05 percent in public sector and 0.12 percent in private sector. In spite of provisions of reservation in education and jobs,

and a host of schemes, the vast majority of ST households depend on agriculture and minor forest produce for livelihood. In the last census, it is reported that the percentage of cultivators for all social groups has declined and the percentage of agriculture labour has increased. This is proportionately higher in case of STs in comparison to other social groups. It shows that the dependency of STs on agriculture and forest has not changed much in spite of development of other sectors in the tribal areas and the State as a whole. But the agriculture sector has increasingly become more unfavourable for the ST farmers.

Many of the Government schemes such as irrigation, insurance, credit, compensation, input subsidy and MSP are disproportionately benefiting to the farmers because of its inherent gaps in formulation of criteria in identifying genuine beneficiaries which have not considered the local specific issues of a region and social groups in case of farmers.

Considering the situation in Odisha, the Government should have very specific package for the ST farmers in scheduled areas as the socio-economic background of the farmers and geographical condition as well as farming methodology are different from other areas of the State.

The State Government has to see the horizontal and vertical disparity among producing communities engaged in agriculture and ensure equity in allocation of State sponsored benefits in the protection of farmers and most vulnerable farmers of the State in a specific region for an inclusive growth.

The scheduled areas/tribal areas are also forest areas. During last few decades there have been huge ecological and environmental changes in the areas due to a number of reasons that include deforestation, industry and mining and such other related activities that have impacted in many ways over agriculture and forest-based livelihood of the locals. Mining and industrial activities have been cause of huge displacement, deforestation, soil erosion, soil pollution and water scarcity impacting ST farmers for last few decades.

A major patch of Keonjhar, Sundergarh, Maurbhanj and Koraput became wasteland and it is found that mostly the scheduled areas are bearing the brunt of industrial development without being a beneficiary of the ongoing development process. There has been no compensation



ST farmers in scheduled areas need special focus

to the farmers losing their crops due to mining and industrial pollution where mostly the ST farmers are getting affected.

Along with impact of climate change on agriculture, the ST farmers' dependency on market for agricultural inputs has also increased. Many studies have established that the local varieties of paddy were replaced with high yielding varieties and the genetic diversity has reduced with decrease of local species.

The dependency of ST farmers on Government and market has impacted agriculture production. There has been no major change in structural traditional issues such as land ownership, irrigation and credit system in tribal areas.

There has been no visible change in the credit delivery mechanism in tribal areas in the absence of adequate modern banking facilities. Majority of tribal households depend on informal credit system that includes traditional private money lenders and new microcredit groups for timely agricultural finance. The huge deforestation has drastically reduced the MFP collection which has been one of the important sources of livelihood.

Though there has been provision of minimum support price for 12 MFP, this has not been properly implemented to benefit the MFP collectors who are mostly STs. Many of the employment and income generating programmes such as NREGS have very minimal impact over the livelihood of STs. This has led to lack of food security, starvation death, distress migration and suicide by tribal farmers.

The ST farmers mostly do cultivation in uplands in traditional pattern and depend on rainwater in the absence of irrigation facilities. Surveys and settlements are not complete in the scheduled areas. As a result, many of the ST farmers have no record of right over the land they cultivate.

They mostly cultivate community land collectively without formal right over the land. Many of them are small and marginal farmers having smallholding with record of rights.

Land ownership in tribal areas is still continuing as unfinished task. Vast majority of tribal farmers are illiterate and lack awareness on subsidy and other benefits. They are also not part of the formal institutional and

organizational process for farmers and do not have direct access to Government offices. It has been depriving them of accessing Government support.

There are assured central funding from different sources for scheduled areas and STs with a dedicated ministry and department in the State both are headed by leaders from scheduled tribe communities.

The local governance in scheduled areas is also in the hands of representatives of STs as per provisions of PESA but why there has been no specific effort to address the vulnerability of ST farmers of the State.

The tribal sub-plan (TSP) which speaks of a share in Budget for STs as per their population which means 23 percent of the State Budget should be spent for STs, special grants under article 275(1) of constitution of India, Special Central assistance to TSP, special grants for VTGs and many others have not been properly implemented by the State Government.

The tribal advisory council headed by the Chief Minister as well as the tribal MLAs and MPs have very rarely discussed the specific issues of ST farmers in scheduled areas.

# SHARECROPPERS CONTINUE TO FACE INJUSTICE IN ODISHA

*Saturday, 17 December 2016*

The issues of sharecroppers and agricultural workers have been neglected in the State due to lack of serious political determination. Though all the sharecroppers have not been identified by the State Government, but privately, it is estimated that about 70 percent of the cultivation is being done by sharecroppers through verbal negotiations.

The State Government has no data about the population size of farmers. The most recent data shared by the Agriculture Minister in the State Assembly have revealed about the decrease in number of farmers during last five years. It is therefore clear that many of the farmer-centric initiatives of the Government have not been reaching to the real beneficiaries and have thus delivered no substantial change in the agrarian sector of the State.

A majority of the farmers those who committed suicide last year were from marginalized groups and about 70 percent of them were sharecroppers.

This year also there have been regular news of farmer suicide and distress condition in different parts of the State. The growing discontent among farmers, sharecroppers and agricultural workers has been reflected in many forums and it has wider ramification in the State economy and politics.

The most neglected section in agriculture sector is the sharecroppers and agricultural workers who are getting very least political attention in spite of their vulnerability and deteriorating condition. The Census 2011 says there were 67.40 lakh agricultural workers in the State which is more than 60 percent of the total workforce of the State. It is said in Odisha Economic Survey 2015 that out of total workforce about one in two males and two in three females were engaged in agricultural activities either as cultivator or agricultural worker. They have been lowly paid under the category of unskilled and sustain without secure employment throughout the year. In recent time, mechanisation of agriculture promoted through huge Government input subsidy, credit with lower

rate of interest, coupled with failure of MGNREGS, have pushed agricultural workers to further distress and forced them for seasonal migration. The potentialities of non-farm activities have not been developed as viable alternative for surplus rural agricultural workers. The food subsidy under PDS limited to rice and wheat provided to rural poor including agricultural workers is very minimal to meet the daily need of a family. It is difficult to meet the other basic needs such as housing, dress, healthcare, education of children and social functions in social life. In the absence of local employment, there has been uncontrolled distress migration from almost every part of the State by agricultural workers in search of livelihood just to manage the family.

When they are outside the State, the working condition at workplace, wage rate and protection from mental and physical exploitation of migrant workers have been a matter of concern. For a long time, there has been no State initiative to arrest such vulnerable conditions by promoting social security measures and employment for rural agricultural workers.

In spite of a hue and cry by the Government and others, the issue of distress sale has not been settled. While the land-owning farmers have identity cards but a majority of sharecroppers have been facing problem to sell their produces through Government agencies through online registration. Virtually in distress, they are forced to sell it to private parties at through away prices, even less than the production cost.

The rice mill owners and their agents in villages are enjoying an upper hand of negotiation with sharecroppers. The recent arrangement of Government to purchase paddy has not served the purpose and it has become a matter of public concern in the State. The Central Government extends MSP support to purchase through FCI and State agencies. The State also declared bonus over MSP and engaged societies which include primary agricultural society, women self-help groups, Panipanchayat to directly procure paddy from the farmers who have got registered online. The minimum support price of common grade paddy per quintal was Rs 580 with Rs 40 bonus in 2006 has increased to Rs 1,470 to Rs 1,510 in the year 2016-17 but considering the increase in prices of all other items and input costs, it is demanded that the MSP of paddy must be Rs 5,000 per quintal. Many of the farmer organisations are protesting the continued mismanagement by the State Government in dealing with

paddy procurement from the farmers. Particularly the sharecroppers are suffering in the process. The online registration system for farmers to sell the paddy has been a difficult process for the illiterate farmers.

For historical reason, there has been very weak political mobilization in the State to raise the issues of sharecroppers and agricultural workers who are the real backbone of rural agriculture. A majority of them belongs to the marginalized sections and socially vulnerable groups. The issues of land-owning farmers, who are mostly absentee landlords, have been focused with an insignificant passing remark on issues of these sections. Even the farmer leaders are very critical of social security programmes for agricultural workers in rural village. They argued that social security schemes are affecting the engagement of agricultural workers in farm activities; so they have to be less paid without social security to minimize the production cost. The issues of real farmers are always swept under the carpet and take a backseat of discussion in legislative forums and public debates. The demand for price and pension for farmers is a good idea but it will not help the sharecroppers and agricultural workers because many of the existing schemes already have excluded them in the absence of legal provisions of inclusion. The different kinds of people engaged in agriculture are not socially a homogeneous group and their economic interest also varies depending on the process and stake in engagement.

The tribals constitute almost one- fourth of the population of the State and a major chunk of the tribal population is engaged in agriculture and forest-related activities with both male and female participation. There are different agro-climatic zones and method of farming is different and area-specific which needs a micro attention. Particularly, the tribal farmers are facing more distress in the absence of land ownership and agricultural marketing infrastructure in their area.

There is absence of financial institutions, banks and cooperatives in their areas to transfer subsidy money directly to their accounts. So, it is very much essential to build necessary infrastructure to ensure the participation of tribal farmers. The issues of farmers in coastal area and tribal area are different in many respects and the tribals are not integrated to the larger social mobilization of farmers in the State.

It has been argued that huge subsidy money to agriculture sector by the Central Government and State Government must be proportionately

inclusive of farmers, sharecroppers and agriculture workers engaged in production in order to boost the production while taking care of the people engaged in production. But unfortunately, the most marginalised section of our State engaged in agriculture production are being neglected in the State policies and programmes.

The poor condition of agricultural workers has widely impacted agriculture production of the State and shows poor development of the whole production process. The State Government must bring the desired legislation to protect the sharecroppers and implement robust welfare schemes for agricultural workers to boost agriculture production and promote well-being of the people engaged in agriculture.

## STATE MUST PROTECT INTEREST OF SHARECROPPERS, FARM WORKERS

*Saturday, 17 June 2017*

In a small agrarian economy like ours, agricultural workers and sharecroppers are the real backbone of agriculture but the Government apathy continues for their welfare and development.

The allocation in agriculture sector by the State and the Centre out of public money must have non-discriminatory share of people engaged in agriculture. Bringing inclusiveness in benefit sharing of agriculture sector of the State is highly required to boost production. For last 65 years, the Government of Odisha has been neglecting rural producers, agriculture workers and sharecroppers without protective laws for them and also with poor sharing of benefits under the State policy.

The census 2011 says there were 67 lakh agricultural workers in the State and there has been no survey by the Government about the number of sharecroppers in the State though it has been officially told that nearly 85 percent of the land is being cultivated under sharecropping. Maurbhanj district alone has about six lakh agricultural workers. Such a huge manpower needs to be productively engaged for the development of the State by creating space for their creative engagement in agriculture and allied sector.

In comparison to other developed States, Odisha has lowest wage rate for agricultural workers and their cost of living is one of the lowest in the country. No protective laws for sharecroppers and special schemes or programme for their development out of agricultural budget have been made. As a result, the production in agriculture has not been improved to meet the State's domestic consumption.

Paddy continues to be the monsoon dependent principal crop with low productivity that still remains less than national average. Odisha is largely dependent on neighbouring States for agricultural products such as vegetables, fruits, potato, egg, meat, fish etc. The production as well as per capita consumption of vegetables, milk, egg, fish and meat in Odisha is less than the national average.

Agriculture still is seasonal in nature and mostly people in agriculture are seasonally employed. The NREGA is planned to employ rural people for minimum 100 days but it has been failed to meet the purpose in generating employment for the rural poor who are seasonally employed in agriculture.

Though the State is dependent on sharecroppers but officially it does not recognize their presence. It is fact that agricultural workers and sharecroppers are the actual strength of agriculture but unfortunately they have been historical denied justice. They don't get full-time employment, decent wage and dignified living condition.

The agricultural workers and sharecroppers constitute a major portion of the rural poor and they mostly belong to the socially marginalized sections, socially excluded in many ways, and remain resourceless, without land, education, skill and access to credit. For a long time, they have been excluded from State-sponsored social security measures in healthcare, maternity benefit, old age pension, housing etc. The traditional farmers and forest dwellers are not given title rights over their land they are cultivating for centuries.

It is unfortunate that for last 65 years, the State Government has failed to bring a legislation to protect the interest of the sharecroppers. Maybe, it is a fact that the leaders of the ruling parties of the State are mostly drawn from the rural landowning upper caste feudal families and urban middle-class intellectuals who have never paid adequate attention to the issues of socially marginalized section in rural areas. Various studies show that the rural landowning class is a major beneficiary of all kinds of Government subsidy for agriculture and the huge agricultural credit mostly goes to the use of non-agricultural propose. The MSP has been very well beneficial to private money lenders and rice millers and transporters because mostly poor producers and sharecroppers are prone to distress sale for timely financial need.

It has been proved again and again in last few years that the majority farmers those have committed suicide in Odisha were sharecroppers and under debt burden of private money leading with higher rate of interest from local moneylenders. The sharecroppers are not given membership in the State run agricultural cooperative societies for any loan facility. The financial organizations, banks and cooperatives enjoying State patronage are very casual about the financial need of agricultural workers and



State must protect interest of sharecroppers, farm workers sharecroppers in rural areas. A vast majority of people in agriculture in rural and interior parts are illiterate and without a bank account. Private money lending is still predominantly operational in rural and tribal parts.

It is found that many of the absentee landowners do not prefer to lease out their land for sharecropping; rather they are looking for commercial ventures for more rent-return from the land by leasing to companies and corporates for higher financial gain.

Therefore, the Government must ensure land for real farmers engaged in agriculture by creation of new land. The land distribution settlement provisions under OGLS Act, homestead schemes such as Basundhara, FRA and employment generating schemes such as NREGA must be linked to integrated agriculture development. The temple land, wasteland, mined out land and Bhoodan land must be distributed among landless agricultural workers and sharecroppers. It is time for the Government to change the land policy.

The issues of agricultural workers and sharecroppers of the State never feature in the political agenda and political economy of the State as there has been absence of powerful mobilization of agricultural workers and sharecroppers though very insignificant movements by political parties. In the absence of genuine farm leaders the few farmer outfits in the State highlight little about the condition of agricultural workers and sharecroppers in acknowledging their rights and linking their development to overall agricultural development of the State. Agricultural workers and sharecroppers are not socially homogeneous groups and socially divided with regional differences. There is a need of social mobilization and organizational work among agricultural workers and sharecroppers to place their agenda before public and the Government in the larger interest of the State and to bring inclusiveness in agriculture sector.

## NO EFFECTIVE STEPS YET TO ARREST RISING FARMERS' SUICIDE

*Saturday, 18 March 2017*

The Government of Odisha has introduced a separate Agriculture Budget for development of the farming sector. This year the Budget is close to Rs 15,000 crore which is just double the sum of money allocated for 2013-14 Budget of Rs 7,162 crore.

It is said that about 62 percent of the State population depends on agriculture and around 18 percent of the GSDP comes from agriculture. The Planning and Coordination Department has reported about the decrease of cultivation in agricultural land and also the number of farmers in the State.

The State continues its dependency on neighbouring States for vegetables, potato, onion, oil, fruits, pulses, eggs, fish and meat etc. and there has been seasonal migration due to non-availability of work in agricultural sector in the State. So, it is important to develop the agriculture sector for food security, employment and growth of the State economy. But it has been observed that there is no major change in agriculture sector in terms of land reform, irrigation, access to electricity, credit facility, marketing, insurance and modernization of agriculture technology. The slow progress is contributing to the distress of landless sharecroppers who are more vulnerable to different hardships in the agriculture sector.

It is said that during the last ten years from 2005 to 2014, on an average about 20 farmers committed suicide every month for various reasons in Odisha. Payment of compensation is not the solution to the problem of agrarian distress and farmer suicide; rather it requires structural change in agricultural sector through change in policy and laws for more realistic intervention to change the distress condition. In spite of the budgetary allocation, why the condition of small and marginal farmers and sharecroppers in the State has not been changing to the desired extent and the poor farmer hopelessly continue to suffer in debt bondage and seasonal crop loss is a matter that requires serious attention. Natural

calamities and distress sale in the absence of MSP and marketing facilities have added to the woes of the hapless farmers.

Sudama Khatua (40) of Pakharabada in Baincha Panchayat under Sadar police station of Baleswar district was a landless sharecropper. He was a vegetable cultivator and had taken credit from a village moneylender. Distress sale and debt burden were major causes of his suicide.

T Bulu Reddy (33) of Tikarada under Rangeilunda block in Ganjam district lost his crop due to untimely rain. He was a small farmer and sharecropper and had engaged in vegetable cultivation with credit from a village moneylender. His son in eighth standard was not well because of health problem. Finally he committed suicide.

Hadu Bagarti (55) of Kendupali in Baragada district was a vegetable cultivator and he lost paddy and vegetable crop due to lack of irrigation facility. Though he has deep bore wells but there was no electricity to irrigate the crop. He had also taken credit from the village moneylender. So out of utter distress, he committed suicide.

Sibaprasad Bhatra (46) of Sanamasig in Nabarangpur district was into vegetable cultivation but he suffered huge crop loss. He had also taken loan from banks and his final decision was to end life.

Jhakar Sabar (65) and his wife Jamuna Sabar (60) of Simelpali village under Thikapali panchayat in Nuapada block committed suicide and two of his sons left for an outside State as distressed migrant workers. They had been in distress due to crop failure and debt bondage with credit of a local money lender. Hence the causes for these people taking the extreme steps were more or less the same— crop loss, distress sale and loan burden etc.

The Government officials investigating the suicide cases do not maintain transparency in reporting the cases which leads to resentment among the villagers of the deceased farmers. The Government officials are motivated with ruling party interest rather than reporting in a neutral manner. This leads to denial of facts and ground reality which ultimately affect the timely intervention. This has also forced people to take law into their own hand to register their protest.

The Central Government has allocated agricultural credit of Rs 10 lakh crore along with other agricultural development schemes which include

interest waiver, irrigation, insurance against natural calamities and support price and marketing facilities. This year, the State Government budget allocation for irrigation and flood control is Rs 9,200 crore. The budget under agriculture credit for interest subvention to cooperative and commercial banks is Rs 435 crore along with Rs 35 crore to the State cooperative banks and Rs 7 crore to the primary agriculture cooperative societies (PACS). Credit is available for farmers at an interest rate of 1 percent up to Rs 50, 000 and 2 percent for loans above Rs 50, 000. The State Government has allocated its own share of Rs 265 crore to the Pradhan Mantri Fasal Bima Yojana to provide quick relief and adequate compensation to the farmers. The Biju Krushak Kalyana Yojana has been implemented through a network of 100 hospitals to take care of the health need of the 57 lakh farmer families and Rs 88 crore has been allocated for the purpose. But these allocations are not reaching to the real farmers.

There has been denial of land reform, land distribution and consolidation of holdings, to make available land for agricultural workers and sharecroppers. Tenancy reform has not been done to protect the interest of the sharecroppers. The Government of Odisha has not passed any legislation to protect the sharecroppers and recognize them as real farmers to avail the host of benefits for the farmers. The Odisha State Assembly Standing Committee on farmers has recommended for welfare of sharecroppers and tenant farmers to access agricultural credit, subsidy, and compensation and welfare schemes by making necessary amendment in revenue laws as early as possible. It is unfortunate that all the agricultural schemes, subsidy, loan waiver, insurance and MSP benefits primarily go to the land-owning farmers and a major chunk of land-owning farmers is absentee landlords. The commercial banks, insurance companies and rural landowners are the beneficiaries of Government spending on agriculture but the real farmers are very insignificantly covered.

The State Government is not adequately investing on marketing network and marketing infrastructure to timely support the farmers. The vegetable farmers of the State have no cold storage facilities. In the absence of post-harvest storage facilities, the farmers are being forced for distress sale to the private traders.

The Collector of Keonjhar has made a good plan for the tomato farmers for seasonal disbursement of the produce to the local consumers of residential schools run by the ST and SC Development Department. Recently, the Government of West Bengal has decided to buy potatoes directly from the farmers to supply to the Anganwadi centres and mid-day meal programmes. This is an attempt to counter the distress condition of the potato farmers when there are reports of farmer suicide due to heavy losses and debt. But unfortunately, the Government of Odisha has no such proactive step to arrest the distress sale of vegetables by the farmers.

Though there is a huge scope of supply of vegetables to Aganwadies, mid-day meal, residential schools and Ahara Kendras, it is not tapped. The direct purchase of vegetables such as potato, onion, tomato, cabbage, etc from small and marginal farmers and sharecroppers by the Government with minimum support price will be helpful to lakhs of seasonal vegetable growers who thereby can have an assured income. It will add to the income of farmers and change their quality of life. On the other side, the consumers can have quality vegetables in standard price, particularly it will be much helpful to consumers those who are getting exploited by the middlemen and traders in between farmer and consumers.

# LAND REFORMS CAN AMELIORATE DISTRESSED FARMERS' LOT

*Saturday, 16 December 2017*

The land reforms started in the early 60s in Odisha have not been implemented properly and largely remain unfinished.

The makers of modern India have visualized a socialist pattern by ensuring equal opportunity for all in ownership of productive assets, especially land, for those who are engaged in agriculture. The ownership and management of land is closely related to production.

The land reforms aim at abolition of estate and all kinds of intermediaries, enforcing ceiling, distribution of land, consolidation of fragmented holdings, reform in tenancy, recognizing rights of agriculture workers and sharecroppers, completion of survey and settlement, preparation of land records, protection of SCs and STs from land alienation and reform in land revenue administration. In order to fulfil these series of objectives, laws have been enacted by the State Government as land is under the State list.

The laws include, the Estate Abolition Act, the Land Reforms Act, the Survey and Settlement Act, the Odisha Government Land Settlement Act, the Odisha Prevention of Land Encroachment Act, the Consolidation of Fragmented Holdings Act and the Bonded Labour Abolition Act etc.

It is extremely important to revisit the objectives of these legislations and their impact over the agriculture sector of the State in the context of continued crisis faced by the people engaged in agriculture and the overall production situation.

It is revealed that the Estate Abolition Act and the Land Reforms Act have not been implemented for last 25 years because of cases in courts by the then land owning king, Zamindars and feudal lords against the Government challenging the implementations of various provisions of the laws.

Finally, these Acts got a place in the Ninth Scheduled of the Constitution of India.

So, almost 25 years have wasted in enforcing the important provisions of land reforms, especially in the abolition of estate, enforcement ceiling laws and distribution of ceiling surplus land.

The landowning feudal classes in the State have benefited with compensation for abolition of estate and managed to hold huge land by cunningly avoiding the ceiling laws. But on the contrary, the real farmers have been deprived of record of rights over the land they have been cultivating since generations.

In the absence of survey and settlement and distribution of land, a vast majority of farmers, sharecroppers and landless agricultural workers, have been deprived of land ownership.

The huge land available with temples and mutts has been taken over by the Government under the Odisha Hindu Religion Endowment Act, but they have been left to its trustees for management whereas it was expected to distribute this to the cultivators.

As a result of which there has been continual existence of a large number of absentee land owners who are not engaged in agriculture but they do cultivate either by informal sharecropping arrangement or left the land unused. The post 90s experience shows the move of the Government in allocating land to the corporates, companies for various commercial and non-agriculture purpose but not to the landless farmers for cultivation and also it is unfortunate that the different categories of assigned land for distribution such as ceiling surplus land, wasteland, Bhoodan land and Anabadi land are being given to the companies but not to the farmers. The shift in non –agricultural use of land and non-availability of private land for agriculture has led to deprivation and penury of agricultural workers and sharecroppers of the State.

This has led to huge distress migration in rural villages. The migrant workers are accompanied by their children to the workplace and leave their family elders in distress. There is no future of these children migrant workers because they are being deprived of childhood care and education.

There are thousands of such families in the State, especially in the western Odisha, who have been living in subhuman condition but they can be engaged throughout the year in agriculture, provided land and all

other opportunities for cultivation such as irrigation and input assistance are available.

These wage labourers can be easily converted to producers.

The plight of landless sharecroppers has not been mitigated in the absence of protective laws even as about 70 percent of the cultivation is done by the sharecroppers.

They are the real farmers, but the Government support often eludes them. They have been facing difficulties in getting input subsidy, credit and also in vending their produces.

There has been distress sale much below the declared price of the Government, but unfortunately, the State Government is silent over the issue and is continuously avoiding in bringing any Government order to protect the sharecroppers. It is revealed that mostly the sharecroppers in distress are committing suicide due to lack of social support and protection of the Government.

These sharecroppers are the real producers and they boost the State agriculture production in many ways but the land reform laws in the State have failed to protect their interest even after 65 years of constitutional governance.

It is also fact that these agricultural workers and sharecroppers are largely from the marginalized sections who are historically denied land, education and power and continue to face social and educational backwardness and deprivation in many forms in the hegemonic social structure. But the constitutional governance also has not contributed much to change their socio-economic condition because of lack of political will and administrative aloofness to their cause.

The political mobilization of agricultural workers and sharecroppers has been weak. The response of the civil society organizations and media in raising the issues of these sections is lukewarm. This one of the reasons for the non-implementation of the land reform laws in the State.

In a State like Odisha with huge land, water and forest resources, it is unfortunate that people are migrating in search of livelihood. It speaks volume about failure of the Government in planning and management of resource utilization and in engaging the working force in production.



Land reforms can ameliorate distressed farmers' lot

Therefore, in order to bring the desired change in the agrarian distress condition, it is highly desired to implement progressive land reforms by taking forward the unfinished task, mostly focusing land distribution and tenancy protection for growth, employment and raising the stranded of living of the people of the State.

# LET MAHANADI ROW BE RESOLVED IN TRUE FEDERAL SPIRIT

*Saturday, 02 December 2017*

The natural flow of quality water with adequate quantity is important in the life of a river as it is told that rivers must be without borders. The Mahanadi river water sharing issue between Odisha and Chhattisgarh is waiting for a trial before a tribunal. This would ensure natural flow of the river water in quantity and quality in the downstream under true spirit of resource federalism and in consonance with international laws over right to water.

The Constitution of India under entry 56 of list 1 of 7th schedule says about the regulation and development of inter-State rivers and river valleys in public interest. The Constitution under Article 262 has made provision to resolve the inter-State river water dispute (ISRWD) and a Central legislation, such as Interstate River Water Disputes Act 1956, has been enacted to that effect. The Union Ministry of Water Resources sources say so far eight tribunals have been set up to settle water disputes among States under the Act.

In case of the Mahanadi river through a draft cabinet note has been prepared by Centre to set up a tribunal to resolve the dispute among Odisha and Chhattisgarh over the water sharing but till date, it has not materialized. The delay in decision has been seen as detrimental to the interest of Odisha who filed a complaint as an affected party under Section 3 of the ISRWD Act (complain by state Government as to water disputes). The Central Government has moved for tribunal after the failure of the negotiation committee constituted by the Central Government in arriving at a resolution of the dispute through consensus by both the States.

There has been growing disputes over river water sharing by States such as Tamil Nadu, Karnataka, AP, UP, Bihar, Odisha and Chhattisgarh and it has been questioning the existing inter-State water sharing arrangements under provision of law and it is also observed that many of the tribunals are being engaged for a long time in adjudication.

Considering the inadequacy of the ISRWD Act, amendment has been made in 2002 and it has been further proposed for a major amendment by the Parliament. The Interstate River Water Disputes (Amendment) Bill 2017 introduced in March 2017 in Lok Sabha proposes single permanent tribunal with multiple benches. The tribunal will have one Chairperson, one Vice Chairperson, and not more than six other members. The bill provides appointment of assessors to provide technical support to the tribunal from among experts not below the rank of Chief Engineers serving in the Central Water Engineering Service. There will be fixed time limit up to four and a half years as total time period for adjudication of a dispute. The decision of the tribunal shall be final and binding with no requirement of publication in the official gazette which is a provision with existing Act. The bill proposes provision of resolve of dispute amicably by negotiations through a dispute resolution committee before appearing to the tribunal. It puts emphasis on availability of all related data of the river basin at national level by an agency appointed by the Central Government in order to facilitate the decision.

However, the proposed legislation has been referred to the Parliamentary Standing Committee on water resources and still is in the process to become an Act.

In the context of the ongoing conflict over Mahanadi river water, it is important to look back at the history of the Hirakud dam in early 50s when Dr BR Ambedkar as Cabinet Minister from 1942 to 46 in Viceroy's Council in charge of Labour, Irrigation and Electricity had played a major role in formulation of national policy relating to water and hydropower. He was instrumental in setting up laws and national institutions to address the issues of water sharing dispute by States under a Federal Government.

Dr Ambedkar visited Cuttack in the year 1945 to attend the conference on water management of eastern States. He was the leading architect of Damodar River valley and Hirakud dam project over the Mahanadi, the longest earthen dam in independent India. The dam has been contributing to our economy in many ways. In his presidential speech at Cuttack, he gave stress on water management through building reservoirs, developing canal irrigation, and small hydropower projects for development of agriculture and industry in Odisha. He told that just

building embankments to control flood is not enough while he was critical about the Odisha flood inquiry committee report of 1928 and subsequent report of 1937 and 1939 with involvement of eminent engineers such as Adams William and M Visvesvarayya. He was more concerned about the utilization of excess water flows into the sea. He proposed construction of three dams over Mahanadi at Naraj, Tikarpada and Sambalpur although he was concerned too over the submergence of land and its impact. Many of the plans proposed by Ambedkar during those days are still relevant in the context of water management of Odisha considering its huge utilization of surface water in the absence of proper irrigation system in the State.

The natural flow of river from the upstream State to the downstream is important in the context of climate change and many more growing environmental challenges of today. The unplanned and non-transparent way of constructions developed by the upstream State such as dam, barrage, reservoir, water harvesting structures and other actions would surely have an impact on the natural flow of water to its destination. It is told that this action by the upstream State is driven by commercial motive to serve the corporate houses for profit and depriving common people of their natural right to water. It is argued that the construction activities of Chhatisgarh have not been discussed for consent with the Centre and the affected State of Odisha in downstream violating the national laws and international conventions. The mining and industrial companies operating in the region are looking for maximum use of surface water sources and the State Governments have been more concerned about the corporates than the need of the common people.

The change in the flow has been seriously affecting the biodiversity conservation and sustainable water use.

Surface river water pollution has emerged as a major issue with almost all rivers of the State such as Brahmani, Daya, Mahanadi, and Kuakhai and many more. The groundwater level has gone down in mining areas with loss of perennial stream and excess tapping of ground water by industries in industrial areas such as Kalinganagar where the Brahmani river water has been supplied to the mineral based industries there. The chromite mining companies have been polluting both surface and ground water in the Brahmanai river valley by discharging hexavalent chromium. So it is not just quantity of flow of river water but the quality of river water is

Let Mahanadi row be resolved in true federal spirit equally important. The concern over Mahanadi must broaden to other di0plorable conditions of other rivers of the State.

# EDUCATION

# FIGHT UNTOUCHABILITY TO ALLOW DALITS LEVEL PLAYING FIELD

*Saturday, 09 April 2016*

As per 2011 Census, Scheduled Caste population of Odisha is 72 lakh covering about 16 lakh households mostly inhabited in rural parts of the State. There are 94 sub-caste groups identified as Scheduled Caste who are practising Hinduism as their religion and a very insignificant number belongs to Sikhism and Buddhism. About 2.77 percent of the total population of the State embraced Christianity, as the second major religion of the State and a major chunk of Christian population belongs to Dalit communities.

Caste continues as a social reality in India irrespective religious identity and Dalits remain socially discriminated everywhere. The worst sufferers in the caste system are the lowest in the ladder, SCs, STs and Dalits.

Historically they are forced to provide service to the rest of the castes in the upper ladder of the structure. Untouchability and discrimination based on caste is the main problem of SCs along with a host of other related economic and political issues. Untouchability practice still continues unabated in rural villages, in spite of constitutional provision under Article-17, Protection of Civil Rights Act 1955, SCs and STs (PoA) Amendment Act 2015, etc.

There are various forms of untouchable practices persistent in villages even in most inhuman and vulgar form such as manual scavenging that disrespects human dignity. The most condemned cases are atrocities against Dalit communities that range from rape, murder, house burning, social boycott, destruction of house, property and crops, physical and mental assault to organized mass violence against innocent women, children and elders in community. The Home Department of the Government of Odisha annual reports speaks of district wise and crime wise figure of about 1,500 cases registered in different police stations. The real figure is about ten times more as it is fact that many of the cases do not get a place in police record and there are a good number of cases which end up with amicable settlements in police stations with pressure against poor and illiterate victims of caste-based atrocities.

The State Government never bothers to follow the constitutional mandate, Acts and Rules and programmes that are targeted to protect the SCs and STs and ensure justice as per law of the land. It is not the caste society rather elected democratic Government, its wings like legislative, executive and judiciary, media, civil society remain largely insensitive to the centuries old inhuman social suffering of communities that reflect in non-registration of FIR, non-payment of compensation, delay in trial, and long delay in justice delivery. The police, local Government officials, advocate, media, NGOs mostly from upper caste remain unaccountable to the victims and to the whole criminal justice administration.

Our educational institutions discriminate against Dalit children. The Anganwadi centres, classrooms, hostels, playgrounds are not a pleasant place for Dalits. The most progressive teachers' associations have not built any impact over the social discrimination in our educational institutions; rather many of the teachers are shamelessly arguing in favour of social customs. The most glorified villages are not a place of equality for all, especially Dalits, who are denied a dignified access to place of worship, cremation ground, water bodies and place of commons at par with other fellow villagers. Dalits are not being part of our great socio-religious celebrations; rather these celebrations are as being celebrated as symbols of their age-old oppression. There has been lack of constitutional morality which should rule over our social life. Oppressive traditions and religion based customs deprive people of human rights and dignity.

The social issues contribute to economic deprivation and exploitation as it is the socio-religious sanctions that prevent Dalits to hold land, get quality education and engage in business in their own locality. The land distribution programme of the Government has remained an unfinished task and about three lakh Dalits have no homestead land and a vast majority of Dalit households are working as agricultural labourers and sharecroppers with small and marginal holdings. They are the worst sufferers of continuous agrarian crisis of the State that has been prone to natural calamities, drought, flood, waterlogging, and cyclone. The huge subsidized schemes for agriculture are largely for land-owning farmers and not for the real farmers struggling to feed others with empty stomach.



This historical injustice remains unaddressed in spite of protest by many. The minimum wage rate and living condition of agricultural workers in Odisha is one of the lowest in the country. The Dalit communities mostly in the unorganised sector get very lesser amount of attention of trade unions and denial of social security measures in spite of Social Security Act for the unorganized sector workers. The political parties, trade unions and farmer movements of the State do not identify the issues of agricultural workers and sharecroppers as equally important for production and rural employment and complimentary to agriculture growth. There has been lack of employment throughout the year as agriculture is seasonal in nature and MGNREGA is a failure in providing employment that leads to huge distress migration to outside State and urban locations in search of livelihood. The land distribution to the agriculture workers and sharecroppers with bank loan and other facilities can boost the agricultural production, employment and income of the State and play a major role in reducing dependency over neighbouring States for food as well as in ensuring food security for rural poor. The rural credit delivery mechanism is almost inaccessible for Dalits and there has been violation of RBI guidelines while dealing with SCs and STs in rural areas.

Education is one of the important means to bring larger change in life of Dalits but quality education and especially higher and technical education remain a distant dream for Dalits with increasing privatisation and failure of Government schools in providing quality education at primary level. This has been affecting majority of Dalits who are not only poor but are first generation of learners who are hoping for a future.

As per Socio-Economic and Caste Census (SECC) 2011 on rural household with salaried jobs, only 0.80 percent of SC and 0.70 percent of ST households out of total 37 lakh household are in salaried jobs that includes Government, PSU and private sector. The growing private sector in the State has been denied employment to the Dalits due to lack of reservation in private sector and Dalits are not visible in courtrooms, newsrooms, CSOs offices, party offices, literary and cultural festivals, academic discussions, business and industry and policy-making bodies in spite of their sizable presence in the State population. They are mostly casual workers under contractors for all unskilled and odd jobs that have no social recognition and mostly underpaid without following any social security and labour legislations.

Abolition of untouchability and annihilation of caste should be a national agenda to promote equality among all. Dalits as citizens of the country deserve realisation of their fundamental rights guaranteed in constitution for all its citizens. Dalits should have a fair share in the resources, land, education and Budget of the country for its best productive utilisation and participation in every sphere of socio-political and socio-economic life as fellow citizens without fear and discrimination with equal responsibility in nation building.

# STOP DISCRIMINATION AGAINST DALIT IN SCHOOLS.

*Saturday, 15 April 2017*

The scope of quality primary education for children of the marginalised section in the State has not changed to the desired extent due to low budgetary allocation and inadequate steps to curb institutional discrimination against them.

The different varieties of educational initiatives of the State Government are only limited to micro schemes that benefit very few without bringing any qualitative structural change in the education system for all the marginalised poor children. The populist schemes such as Anwasha very insignificantly benefit a few and suffer limitations of improper monitoring and negligence in addressing inherent issues of institutional discrimination that defeats the very purpose of education.

The SC and ST Development Department of the State Government has introduced the Anewsha scheme to provide free quality education to the SC and ST children in private English medium schools of urban areas in the State. It was introduced from the academic session 2015-16 in 17 districts such as Angul, Bargarh, Balangir, Deogarh, Ganjam, Gajapati, Kalahandi, Koraput, Keonjhar, Kandhamal, Malkangiri, Mayurbhanj, Nabarangpur, Nuapada, Rayagada, Sambalpur and Sundargada. The ratio of ST and SC students is 70: 30. A district-level committee under the chairmanship of the district Collector has been formed to select students.

It is told that all expenses such as hostel fee, boarding, school fee, books, uniform, school bus and other miscellaneous charges towards education of selected children from Standard 1 to XII in private, aided and Government schools will be borne by the State Government. The annual school fee with maximum ceiling of Rs 25, 000 per student has been allocated for about 5,000 students per year. It is targeted to cover 23,000 students during next five years. It is reported that only 2,684 students of SC and ST communities have been enrolled under the scheme in the year 2015-2016. The schools are chosen based on the criteria of academic performances, infrastructure, trained teachers and student-teacher ratio etc.

A recent surprise visit by the SC and ST Development Minister in the current month to two private English medium schools in Rayagada district revealed that the SC and ST children, who get admission under Aneshwa scheme, are being discriminated in the school with separate seating arrangement. It is most unfortunate that schools are not a discrimination-free place and all students are not being treated equally by the school administration and teachers. There are similar complaints from other districts also where SC and ST children are facing difficulties and there is no proper monitoring and complaint resolving mechanism to address these issues of institutional discrimination. The poor students coming to the English medium schools are the first generation of the learners of the family and a majority of the parents are illiterate and not aware about the standard and procedure of the schools usually reserved for the upper caste and rich class people. The literacy rate of SCs and STs in 2011 census was 69 and 52 percent respectively which is less than the State and national averages. There was only 15 percent increase in the literacy level of both the communities during last ten years from census 2001 to 2011. Therefore, they need handholding support and proper counselling while sending their children to such schools. The State Government must have a mechanism in place to ensure that there is no caste, gender and ethnic-based discrimination in urban schools against poor SC and ST children. It is fact that the amount of financial support and other facilities provided to the students is not enough to meet the expenses and the social environment in schools and hostels is also not socially and economically inclusive to accommodate the poor SC and ST students which needs special care and protection.

The important aspect must be taken care of by the school authorities. The elected peoples representatives, MLAs and MPs and the departmental officials like DEO, DWO and WOs at the district and block levels have equal responsibility to intervene in the issues by regularly visiting educational institutions. The SC and ST Development Department sources revealed that as part of a comprehensive monitoring, the WEOs have to visit all residential schools once every month and the DWO, the PA ITDA, the DI, the SI and the ADWO have to visit minimum five schools every month and share the report with State level monitoring officials.

Along with officials, there is absence of involvement of parents of SC and ST children in school education matter. Even they have very less

scope to inquire about their children's performances, mostly in private schools. There has been mushrooming of private schools with support of Government. Many of them are not following RTE Act provisions for weaker section and anti-discriminatory provisions for children of marginal sections due to lack of proper monitoring by the Government.

The State Government is also running Eklavya model residential schools (EMRS) for tribal students. It is suggested that English language lab setup in 13 EMRS in the State to improve the language skill of students must be extended to all residential schools.

The student enrolment in the ST and SC Development Department schools during 2014-2015 was about 4.5 lakh. Currently, the department has about 1,670 residential educational institutions. The students from the tribal-dominated backward regions such as Mayurbhanj, Rayagada, Koraput, Nuapada and Sundargarh have more number of students in residential schools.

At primary level in the year 2014-2015, 11.32 lakh SC and ST students were covered under pre-matric scholarship out of which 7.31 lakh were ST and 4.18 lakh were SCs. The pre-matric scholarship provided to SC and ST students of class 6th and 7th is Rs 15 per month and for high school it is Rs 150 per month for ten months. The students in hostels get only Rs 600 per month for ten months with an additional yearly grant of Rs 750. The paltry amount itself speaks about the Government investment on education for the SC and ST children in schools and hostels. The students in the residential schools do not have a decent and dignified life in the absence of basic infrastructure and the very caste attitude of the teaching and non-teaching staff. A majority of the staff belongs to non-SC and ST communities who are socially and culturally not close to students. The minimum amount supported by the Government is not enough to live decently as it is average Rs 20 per day but students have to manage within that stipend amount which is very difficult for them. Even there has been report of mismanagement by non-teaching staff managing the hostel mess.

Here a question arises is how we are going to bring social equality when our educational institutions follow practices of discrimination against poor Dalit children and Government spending on their education is abysmally low?

# LET EDUCATION SYSTEM BE UNIFORM, QUALITATIVE, INCLUSIVE

*Saturday, 08 April 2017*

Quality mass education through common school system and promoting good citizenship and morality among students should be the top priority of the Government.

Education is one of the most powerful means of social and economic transformation but unfortunately there has been huge inequality to access quality education in the prevailing education system. Education reduces disparity and there must be non-discrimination in education. But in Odisha with a sizable poor and marginalized group, the education system of the State has not been contributing much to the transformation of their socio-educational backwardness since last 65 years.

All most in all democratic countries of the world, mass education is free, universal and accessible to all as an equal opportunity without discrimination irrespective of their social identity, faith and economic status. But still there is continued inequality in many forms being allowed by the State which are against the very spirit of our Constitution and especially the Right to Education Act. It violates Article 21A, 29 (2), 15 and 46 of the Constitution and RTE Act 2009. The Government has to ensure discrimination free quality education for all.

Considering the present state of affairs, the public perception about mass education system in Odisha is highly discouraging and hopeless and many of educationists say it is completely in a mess without vision and purpose. There are varieties of schools with different syllabus and medium of instruction and different ranges of teachers in the absence of a common school system. The syllabi, language, quality of teaching and infrastructural facilities are not uniform. There are high paid English medium schools run by corporates and there are schools in local and regional vernacular medium without basic minimum infrastructure and qualified teaching staff. There are hundreds of schools with single teacher, without classroom and drinking water facility. Many of the teachers are low paid, even less than the minimum wage declared for unskilled workers of the State. There has been no social security benefit

and mostly the Government encourages contractual appointment to avoid all protective regulations of employment. The standard of teachers and their salaries also vary without any common standard. The very discriminatory practice of Government in dealing with mass education has wider ramification over social life and economic well-being of the State. The poor and marginalized in rural and tribal areas are innocent victims of such education system of the Government. This is perpetuating inequality and also very well maintaining the age-old social and economic gaps. There has been no attempt to bring uniformity in mass education system of the State in spite of continued debates and demands by teachers, educationists and political parties.

It is observed that a class of urban elites with secured salaried income have been able to access quality education of national standard for their children and a vast majority of common people are left without option but to follow the prevailing Government system. The illiterate mass and poor are generally unaware about the future of their children and about the education system.

The educated and rich class does not worry about the education of the masses even though it is a constitutional mandate before the Government. There has been teachers strike every month and thousands of teachers are being demonstrating before the Government but unfortunately there has been no change in the mass education system of the Government; rather the situation is getting worse.

The Annual Status of Education Report 2016 by NGO Pratham is alarming which says that among rural children in standard three, 9.7 percent cannot read letters and near 20 percent cannot read words. It is told that reading is a foundational skill of a child without which he/she cannot make any progress. The basic reading, writing and arithmetic calculation skills are very poor among Government run rural school children.

The National University for Education and Planning and Administration Report 2014 raised concern over quality and equity for achieving quality education for all. The national achievement survey for class three by NCERT found that performance of students of Odisha was significantly below national average in both language and mathematics. The most recent ranking of colleges based on quality by national institutional ranking framework 2017 under MHRD, Government of India, in the

country have not found any college of the State among best one hundred colleges of the country.

The poor quality of mass education has been influencing the quality of secondary and higher education of the State. The mental and physical development of a child at primary level is very important for his/her future development but unfortunately, the Government run schools in rural areas have not adequate infrastructure and conducive learning environment for the growth of the children. Studies have found that along with poor student-teacher ratio and inadequate infrastructure, the teachers' absenteeism is one of the major reasons for the poor quality of learning outcome. It is estimated that about 25 percent of teachers were absent every day which affects the learning process in schools. In order to improve the quality of education in Government run schools, the Allahabad High Court in a directive ordered all Government servants of the State to send their children to schools run by State Basic Education Board of UP. The poor spending of Government on education has not improved though it has been recommended that minimum six percent of the GDP must be spent on education.

The CAG report of Odisha says in spite of huge resources being spent in the primary education system of the State, it has not qualitatively improved. So it is not just resources but the political and administrative will of the Government which is equally important to improve the quality of primary education.

It is found that the Government schools are slowly getting deserted without students. The corporates are coming up with highly paid schools to meet the interest of children of a very specific class of people. This is perpetuating graded inequality in access to education and further dividing our society by promoting a privileged few. Education business in the State encourages all kinds of discrimination against the poor and socially marginalized groups and discouraging their entry to knowledge and information for a dignified life. It is systematically excluding the poor and marginalized while promoting a class of people.



# ENHANCE EDUCATION STANDARD OF RURAL GOVT. SCHOOL

*Saturday, 28 January 2017*

Even though the enrolment of children has improved in schools across Odisha, the children are not learning well. As such, the quality of education and equity in access has been a matter of concern.

The National Achievement Survey for Class-III by the NCERT covering 12 districts, 248 schools and 3,471 students found that the performances of both boys and girl students of Odisha are significantly below the national average in both language and mathematics but students of non-SC, ST and OBC groups have secured higher than the national average.

The Annual Status of Education Report-2016 shows that among rural children in standard three, 9.7 percent cannot even read letters, 19.9 percent can read letters but not words. 7.7 percent cannot recognise numbers up to 99, 32 percent can recognize numbers but cannot do subtraction. 20.5 percent cannot even read capital letters, 19.8 percent can read capital letters but not small letters, only 9.9 percent can read sentences.

The National University of Education Planning and Administration, New Delhi report 2014 has raised concern over quality and equity for achieving education for all in the country.

The Chairperson of NHRC in its remark on status of education in the State, on hearing of cases at camp court at Bhubaneswar relating to primary education, said that the State has failed to ensure basic infrastructure in schools. He cited the example of Malkangiri district where about 72 schools have no infrastructure. The marginalised sections in interior parts have very limited access to education.

There have been regular media reports on poor infrastructure and vulnerable condition of students and teachers in schools, residential schools in rural and tribal areas where mostly the poor, SCs and STs are enrolled for education. It is a fact that more than 90 percent of children are in Government schools and less than ten percent are in private and religious schools. The recent trend shows fastest growth of private

schools, mostly in urban and semi-urban areas, and the enrolment in Government schools has been decreasing. The quality of education in private schools as well as infrastructural facilities and student-teacher ratio is comparatively better than the Government run schools. Most of the parents nowadays prefer to send their children to private schools but private schools are paid schools and many of them are running like teaching shops. Moreover, the availability of private schools is mostly in urban areas. The people having money in urban areas are major beneficiaries of private schools.

The student enrolment in primary schools of urban areas from 2015 to 2016 has become almost equal between Government and private schools.

Even a few urban areas have more children in private schools than Government schools. So a vast majority of rural poor and people of marginalized communities mostly depend on Government schools to educate their children but the State Government has not yet fulfilled the basic requirement. Even 65 years of planned spending with dedicated departments have not improved much the education system in the context of access and quality.

The condition of Government run residential schools in rural and tribal areas, especially for STs and SCs children, is no better as the quality of education and overall learning environment in these institutions have not been improving to the desired extent due to largely the apathy of the State Government in allocating State share and in recruitment of quality teaching and non-teaching staff. The elected people's representatives of SC and ST communities never visit such institutions and raise concern in any of the statutory forums.

The allocation of financial resources for required infrastructure from various sources must be available for the education of the children of these communities. The MP and MLA LAD, SCSP and TSP funds and a host of such other provisions must be used to ensure quality education for the poor and marginalized.

A majority of the parents of rural poor and marginalized sections children are illiterate and economically weak. They are mostly wage labourers with low income, lack of awareness about educational system and provisions about their rights and entitlements. They are unable to take decision about the future of their children and mostly succumb to

the situation without exploring alternatives because of their vulnerability. It is the Government who has been responsible for building qualitative and ensuring barrier-free access of the poor and marginalized to education. But the role of Government has been limited to routine work while it is doing little in maintaining equity and quality to protect the interest of the poor and marginalized section.

The Constitution of India says that the State shall promote with special care the educational and economic interest of the weaker section, particularly the SCs and STs and shall protect to ensure social justice. The Rights of Children to Free and Compulsory Education Act, 2009 has been implemented since 2010 which lays down principles and norms but the implementing agencies have been taking time to following constitutional mandate and laws to ensure rights of the children. The delay in implementation process and negligence in ensuring basic minimum for primary education have an adverse impact on the poor and marginalized sections. The quality of education matters for growth of personality, access to skill, employment, income and quality of life. The poor quality of education in Government schools has been the main cause of dropout and child labour, distress migration and also low skill level among youths in rural areas.

Education is most important and key means to achieve change and progress but unfortunately this important area has been persistently neglected by the Government. The Government must spend on rural educational infrastructure, appoint quality teacher and promote quality teachers training institutions, encourage research in teaching and learning methodology with good payment for the people engaged in teaching profession.

# LET MARGINALISED BE SAVED FROM INSTITUTIONAL BIAS

*Saturday, 07 October 2017*

Though there has been growing awareness over issues of children worldwide with international support, the structural issues such as institutional social discrimination against children remain unaddressed in States like Odisha where a large section of children of marginalized section depends on Government schemes for survival and development.

The age old structured social issues has been excluding a vast section of children from realization of their childhood rights.

It is being observed that the child rights proponents in the State very seldom discuss issues of untouchability and caste-based discrimination that persist in Government-run institutions concerning lakhs of children every day. Social inequality and discrimination has been in practice everywhere in village Anganwadi centres, primary schools, hostels, playgrounds and many such common places for children where children of marginalized sections are being treated discriminately because of their social identity.

The socio-psychological damages caused to them at such tender age are not being seen seriously as a violence and violation of rights of child standardized by the international convention on rights of the child. The existence of international conventions, State laws and programmes are primarily targeting the marginalized and underprivileged sections but the very implementation process by the State Government miss the focus and do not reach the children in the grassroots. Eradication of social barrier in child-centered institutions run by public and private bodies must be addressed urgently to build a discrimination-free environment conducive for mental and physical growth of every child, especially children of marginalized sections who are in need of protection against discrimination.

The condition of the marginalized children is the reflection of the prevailing economic condition and social status of the society they belong to. The most vulnerable defenceless children are easy targets of all kinds of exploitation and oppression in our prevailing social structure.

The child protection and defence mechanism must be built in our family and social life but unfortunately our value systems are historically based on caste orientation, which do not educate us to treat every child equally with dignity.

Every day we hear the occurrences of cases of discrimination from different parts of the State and especially from districts of Ganjam, Puri and Dhenkanal where the worst form of untouchability practice is going on. Private survey and media reports say there are practices of two glass system in tea shops of the village.

The village saloons are restricted to the untouchable communities such as Pana, Hadi, Dandasi, Dom and Khadal who are being socially treated very badly in the village. Even there are communities enjoying all kinds of benefits as Scheduled Caste but get into practice of untouchability against fellow Scheduled Caste communities.

Many of the studies on atrocities against SCs show that the backward classes are the immediate oppressor as in majority of the cases they are found as perpetrator. The traditional service provider castes belong to SCs and OBCs such as Dhobi and Barik also usually do not serve the untouchable communities.

Majority of the untouchable families have no homestead land as they are living in segregation at the end part of the village without record of rights over the land they have been in possession for generations.

The children have no playground facilities at their premises and are also not allowed to play with caste Hindu children in the village playground. This situation shows the violation of rights of child, right to play, right to leisure and recreation.

The Anganwadi centres and primary schools are two most important public institutions in the life of the children in rural areas that shape their future. It is a fact that barring a few exceptions, almost in every village the marginalized children are being treated discriminately by the service providers who are mostly drawn from socially dominant caste Hindu families. In spite of guideline of the Ministry of Women and Child Development, the women of socially marginalized communities are not getting scope to get appointed as service providers. Children are being forced to sit separately and being served MDM separately.

Lakhs of pregnant women, mother and children are facing social discrimination by service providers appointed under the Government schemes for the poor and the marginalized. Though ICDS has been started since 1975 but during last 40 years, no major change has taken place in its social composition of service providers. The Right to Education Act prohibits all forms of discrimination in schools and the World Education Forum on its education agenda says equitable and inclusive quality education should be ensured. But it is a fact that the children of the marginalized communities in villages are treated as inferior by their own teachers and service providers to others. It is estimated that more than 90 percent of the children out of school belong to the marginalized sections and social discrimination has been identified as one of the major reasons of their absenteeism. Though the enrolment has improved in records but these sections of children are out of school and only their names are found in school register.

The children are often forced in many places to sit separately, eat separately during mid-day meal and stay outside the kitchen and prevented to touch utensils and water pots. During pujas in schools, they are not allowed to break coconut and offer prayers while their fellow students can do everything freely without restrictions.

In many of the events of social interactions with teachers and friends and others in schools, they face undeclared constraint because of their social identity. Sometimes teachers identify them by announcing their names in the class as SCs and STs to receive scholarship in a very humiliating manner before fellow classmates.

These kinds of child rights violation issues in the State are not sufficiently documented and discussed in proper forums and there is also lack of data of such cases with the Government or the child rights bodies of the State.

The child right conventions need to be translated into action at the village level and the protection of the most vulnerable section must be prioritized.

Our traditional caste-based mindset and many of the anti-human obscurantist practices in the name of religion, tradition, customs and cultures must be changed towards realization of social democracy, human dignity and brotherhood among fellow children of the village.

## ICDS FEW DALIT WOMEN WORK AS SERVICE PROVIDERS

*Saturday, 21 October 2017*

The recently-released National Family Health Survey, NFHS -4 report's key findings about Odisha shows a sign of improvement in areas of immunization coverage, fertility rate, decrease in infant mortality, increase in institutional delivery and financial benefits under maternity benefit schemes which are higher than the national average.

But still, there are specific backward locations and marginalised social groups whose conditions are matter of concern. The national and State average development in condition of health must be inclusive of backward areas and marginalized groups. There has been a felt need of more data on health of women and children for comparison of status across social groups and regions.

The fundamental areas of improvement in health depend on availability of decent house, safe drinking water, better sanitation and hygienic condition and access to nutritious food for all poor households. It is a fact that due to continued income and assets inequality there is a need for improvement of basic infrastructure and amenities for the poor and socially excluded groups who have no access to such opportunities for generations but in spite of dedicated schemes in mission mode for a long time, the achievement is far from target due to very slow progress. The children and women of SCs and STs in interior parts, Particularly Vulnerable Tribal Groups (PVTG), scavengers, landless agricultural workers and wage earners in rural villages are suffering from extremely serious malnutrition problem.

The benefits of schemes are getting diverted while poor quality of food is served in the absence of strong supervision and monitoring systems under the control of beneficiaries. The IMR, CMR and UFMR of SCs and STs in the State show relatively much higher level compared to other social groups and the State and national average. The SC and ST women suffer from iron deficiency anaemia and sickle cell anaemia. The immunization coverage of BCG, polio and measles is yet to reach to all children as SCs and STs have relatively less access to quality health

service because of their dependence on Government healthcare service providers in rural areas.

It is found that a majority of the hamlets inhabited by SCs and STs and other poor have no basic amenities such as adequate house, sufficient safe drinking water, toilet and other sanitary facilities. Almost all family members visit outside for open defecation and no personal hygiene is being maintained. Low income, social discrimination and lack of productive assets at family level lead to minimal access to nutritious food and practice of hygienic food habits. The uneducated mothers are in practice of inhuman traditional treatment and blind beliefs such as Chenka or branding a hot iron rod on child's body to cure it. The majority of households have no homestead land to produce crops, vegetables and other nutritional food for family consumption at their backyard and they have also restricted access to village commons such as pond and forest to collect food.

A vast majority of them has no agricultural land to grow crops as a result of which the marginalized poor mostly depend on State-sponsored nutritional supplement to meet the need of the children and women in family. The community members have very less awareness on nutrition, personal health, hygiene, hand wash and cleanliness due to illiteracy and lack of exposure and above all lack of access to required facilities provided by the Government.

These days the focus of the Government is more visible to improve fair share of women in all spheres of social life and bring desirable change in life of children by including their concerns in budget with introduction of child and women budgeting.

There has been a whole host of national schemes by the Central Government such as the National Health Mission, the Integrated Child Development Services (ICDS), the Mid-Day Meal (MDM), the National Rural Drinking Water Mission, the Swachha Bharat, various maternity benefit schemes and the Prime Minister Awas Yojana (PMAY) to improve the quality of life of women and children which must reach to the inaccessible areas and excluded groups those who actually deserve such assistance. Evidence shows though these schemes have continuous flow of funds. There has been lack of public awareness and most significant involvement of women of majority of beneficiaries groups in the implementation process as service providers. Any development



intervention requires participation of the people for whom the scheme is being targeted. In this context, the participation of SC and ST women in most important schemes such as ICDS is quite discouraging in Odisha.

The ICDS is the world's largest supplementary nutritional programme, which includes morning snacks, hot cooked meal and takehome rations ready to eat for 300 days in a year for the poor. It is operational since 1975 with a budget sharing arrangement ratio of 60:40 between the Centre and the State. AWCs are village level common space of children for health, nutrition and early learning and AWWs and helpers are social change agents. The AWCs take care of the most important period that is 0 to 6 years that shapes the physical and mental growth and early socialization process of a child. The scheme has roped international agencies such as UNICEF, DFID and FAO and corporates such as Vedanta in various roles for larger coverage and to meet the emerging resource needs. It also has made convergence of many rural schemes such as MGNREGS for construction of AWCs.

Currently, there are about 14 lakh Anganwadi centres in the country with an annual expenditure of Rs 16 lakh crore in the year 2015-16 which primarily serve the children and women. It is told in the guideline of the scheme drafted by the Ministry of Women and Child Development that the population is the norm for setting up AWCs and mini AWCs to cover all habitations and particularly those inhabited by SCs, STs and minorities. There is provision of AWCs on demand where at least 40 children under six years are available. The tribal areas have relaxation with provision of one AWC having population of 300-800 and mini AWC having 150 to 400 population. Odisha has 74,154 approved AWCs and the Centre has released Rs 69,173.49 lakh during the year 2016-17. The AWWs and helpers have regular salary and social security benefits, free dress and insurance, along with 50 percent reservation of vacant posts of supervisor for experienced AWWs.

Ideally, 40 percent of service providers, like AWW and helper, in ICDS projects must belong to SCs and STs in Odisha but unfortunately, women of these communities have very insignificant representation in the ICDS activities.

It is observed that SC and ST women and their SHGs are not being preferred as service provider like cook or supplier of food and also not as members of supervising and mother committee because of their social

identity based on caste and ethnicity. The fact is mostly the dominant upper caste women have the chance to get employment and income. The State Government has not made any effort to see the caste balance in ICDS projects in Odisha where SCs and STs do not have a reasonable share in public employment. It is suggested in policy that the SC and ST dominated hamlets must have AWCs on priority basis but in reality, the AWCs are being set up mostly in caste Hindu hamlets where SC and ST children face discrimination. The issues of social discrimination in access to nutritional food out of public fund must be taken seriously.

The scope of social benefit sharing must be socially inclusive which will not only bring nutritional improvement but also bring radical change in our age old discriminatory social systems and the ICDS and such other schemes can be used purposefully by the Government to bring larger social change in our caste-ridden society.

## PROMOTE ENGLISH MEDIUM EDUCATION AMONG DALIT STUDENTS

*Saturday, 19 March*

Odisha's changing economic environment demands expansion of the widest scope of employment for the marginalised communities with equal opportunity to quality education for more employability. It will not only arrest unemployment among the marginalised but also increase their representation in private sphere.

As a step in creating quality opportunity, the residential schools run by the ST and SC Development Department should improve the quality of education by introducing English medium from primary level in order to improve the standard of poor SC and ST students for higher and technical education such as medical, engineering and management. The Navodaya Vidyalaya in each district have provisions of reservation for the SCs and STs as per their population in the respective district and the Ekalavya model residential schools for STs, Kasturba Gandhi Balika Vidyalayas, Kendriya Vidyalayas and Sainik Schools also have reservation for SCs and STs and BPL families.

A recent decision of the State Government with 'Anwasha' scheme to support the educational expenses of poor SC and ST students in private English medium schools is welcoming but it can only cater to very limited number of students. There have been efforts by Government in backward districts such as Malkanagiri, Mayurbhanj and Sundergarh for English medium education and urban complexes are being built for ST students at Bhubaneswar, Brahmapur and Rourkela to assist the students for pursuing medical, engineering and business administration but all the efforts cover only a very small fraction of students of the marginalized section leaving the majority in distress condition. The condition of Government run schools where majority of rural poor and marginalized students depend for education are weakening in quality. The percentage of SC and ST students in English medium schools in the State is very insignificant in comparison to other social groups. As the English language become the passport to business, administration, legal profession, information technology, higher research which are now a major source of employment and social prestige, these students need to

get quality education in schools to get equipped. The marginalized communities are being largely underrepresented in different sectors of our economy and governance due restricted access to higher and technical education in the State.

Odisha has been progressing with educational institutions owned by Government, private and joint ventures which is very much encouraging for the overall development of the State. For a number of reasons, Bhubaneswar, Khurda and Puri region is emerging as a major educational hub in eastern India. The education policy of the State Government has been openly encouraging private universities and public-private partnership in building quality educational institutions. The State Government has brought legislation in favour of private university such as Vedanta, Sri Sri Ravisankar University, KIIT, XIMB, Centurion, and Siskhya O Anusandahan, ICFAI and many more. The public and private sector mining and industrial companies are partnering for the development of medical, engineering and business schools in different parts of the State with active State patronage. The State Government has been ensuring land and other related facilities for setting up educational institutions. Along with private and joint ventures, there are about 25 national institutions such as NISER, AIMS, IIIT and IIM which are imparting higher and technical education in the State. It has also become a destination for students from neighbouring States to pursue higher education. The south and north-west parts of Odisha, i.e. Brahmapur, Rourkela, Jharasuguda, Sambalpur, Bhadrak-Baleswar are also emerging as important educational hubs. While the State is providing all kinds of support, these institutions need to be helpful to the students. The opportunity of higher and technical education should be inclusive of all-region encompassing all social groups especially the marginalized sections. In order to prepare the students of the marginalized communities to access the emerging opportunities there should be English medium education from primary level which is highly required to shape the socio-cultural and intellectual capacity of the students to cope with the emerging highly aggressive environment.

In the backward areas education is a big challenge. The students of these regions and marginalized communities are the change agents of their family, community and society at large. The present educational status of the marginalized is highly discouraging while preparing for the future. The literacy rate of Odisha is 73.5 percent as per census 2011 which is

less than national average that is 74.04 percent. The female literacy is less than male literacy.

The literacy rate among the STs is 52.24 percent and the male-female literacy rate is 63.70 percent and 41.20 percent respectively. The literacy rate of SCs is marginally higher than STs that is 79.21 percent for male and 58.76 percent for female. The literacy rate of religious minorities such as Christian and Muslims in the State is less than the State average. The ST and SC Development Department in its annual report for 2014-2015 says that 8, 63,114 ST students and 6, 25,590 SC students have availed pre-matric scholarship and only 37,848 ST and 47,992 SC students have got post-matric scholarship. The students of the marginalised communities have a higher percentage of dropout at primary and secondary level and very few join the higher education. The higher and technical education has become expensive.

The existence of huge gap in literacy rate among people of different regions, social groups and genders shows continuation of disparity and deprivation. The scheduled areas, KBK region and north-west districts are extremely backward in terms of basic educational infrastructure. There is lack of teacher, school building, books, dress, learning materials for students. The parents are in abject poverty and seasonally migrate in search of work, which discourages students to concentrate on classroom resulting in higher dropout. The condition of residential schools is also qualitatively poor in service and not being improved to meet the emerging need of the students. These hostels are injecting social segregation and inferiority among students because of poor quality of food, accommodation and also quality teaching. He/she has to struggle at each stage of learning with language problem. It has been found that many of the students of marginalised section are suffering from inferiority of communication due to language problem at higher education stage. The primary education level should have English medium which can pave the way for higher education. The tribal language and regional language has not been helpful to the marginalized section to improve their socio-economic status by accessing employment and source of income. Experience shows the students of marginalized communities having English medium education have produced better result enabling them to access better opportunities. The result of students of Ekalavya Model School is much better than the other schools for STs.

The English medium schools are mostly located in urban areas and run by private bodies, missionaries and other religious bodies which are almost inaccessible for the marginalised sections. Therefore it is the Government who is the only protector of quality education of the marginalized poor in rural and backward areas of the State. So it will be extremely good if all the SC and ST residential schools can be introduced with English medium education which will be a revolutionary step to change the socio-economic condition of the marginalised as well as of the State. It will open up more opportunities in a wider way and facilitate their entries to different spear of social life of the state.

# UNIVERSAL QUALITY EDUCATION STILL A DAYDREAM

*Saturday, 09 July 2016*

The Government of Odisha has closed down 191 primary schools, including eight upper primary schools, on the plea of non-availability of students in backward districts, such as Kandhamal, Gajapati, Ganjam, Subarnapur, Rayagada and Sundaragarh etc. There were no students in 37 schools in these districts.

The Government is also in the process to include more such schools in coming days along with bringing drastic reduction in educational expenses for the poor. There has been a continued uncontrolled dropout rate with higher percentage among SCs and STs and girl children. The areas which are vulnerable to child trafficking and distress migration need more schools. These areas are also home to a vast majority of marginalized communities which primarily depend on the Government for education. Right to education is a fundamental right guaranteed by Article 45 of the Constitution of India and the RTE Act. It is the primary duty of the State Government to see the implementation of the RTE Act in letter and spirit and the Center has to support the State in this mission of the nation.

A recent trend in education shows that the State Government is showing great deal of interest in opening new English medium model schools which will cater to the need of very insignificant few under Central assistance and encourage mushrooming of private run English medium schools in urban and semi-urban areas by helping them under different schemes. The dismantling of Government schools and encouragement to private schools is reflection of an apathetic attitude of the Government towards education system of the State.

The discriminatory education policy through various categories of schools without uniformity has been reinforcing inequality in the society. It will encourage disparity and discrimination among people of the State and will have damaging impact on social life. Ideally, education should be used as an instrument to reduce inequality by creating scope of equal opportunity and promote equity and dignity. The State should adopt

common school system for all its citizens irrespective of their economic status and social identity and place of birth.

The State Government has not yet streamlined the basic requirements of quality primary education in terms of student-teacher ratio as per RTE norms, inadequate school infrastructure, poor learning environment, periodical review of curriculum, teaching methodology and desired improvement in quality of education. The All India School Education Survey Report 2015 and the tenth annual status of education report ASER 2014 by NGO Pratham reminds all of us about the deteriorating quality of primary education in the country including in Odisha. The report says 25 percent of class 8th students cannot read a class two level text. Only one-fourth of children in class three can read a class two text fluently. The report is based on survey in 577 districts covering more than five lakh children.

The most recent cases of Bihar on examination has put a question mark on our exam systems and so-called merit lists which strongly demand reform in ongoing examination system. The education budget of the State has to be increased to meet the growing needs of the challenges of primary education which has been neglected by the successive Governments. The total budget amount of Government of Odisha for the year 2016-17 is Rs 94,052.65 crore out of which Rs 13,396 crore is allocated for mass education. With very insignificant involvement of educationists and academicians of the State in educational administration, the whole education administration is in the hands of bureaucrats and politicians who run it without concern and care for the future of the children. There are varieties of teachers in the same school without uniformity in service and even many of them are not adequately trained to be a teacher. In the name of special effort, there are schools and hostels for poor SCs and STs, but these children are learning in segregation and isolation. These Government run institutions are managed without making available basic minimum needs for a dignified life. There are private organizations that are using ST children for earning money and social image by building huge hostels in capital city with active Government support.

The children of Dalit communities who have over presence in Government schools and Government run residential schools in many places face social discrimination and there has been no effort by



Government to protect the Dalit children from discrimination in schools and making school environment inclusive of all social groups. It is being questioned by the parents as to why the Government thinks to introduce the provision of skill development education in only Government run schools but not introducing the same in private English medium schools. Is it because the Government school students have to join block level ITIs and private English medium students have to join engineering colleges and IITs and IIMs. Unfortunately, as a matter of State policy, the students of poor economic and social background are given a poor proclivity and rich students are given more affluent preference by Government education policy-an attitude which has further widened the rich-poor gap and paved the way for social disparity.

The Government run schools with free education has been the only available source of educating the children of the poorer sections and marginalized groups. It will be much difficult for the poor to send their children to private run English medium schools where the privileged elites are exclusively entertained. The number of private schools has been increasing in the State as parents prefer quality English medium education for their children and the quality of education in Government run schools has been deteriorating due to lack of political will and bureaucratic apathy. English education is the gateway to all kinds of opportunities, especially to face all India examinations for employment and ensure dignified income for a decent life.

The private English medium schools are not coming under any Government regulation and revealing monopoly over exploiting helpless parents having low income who prefer English medium schools for their children. There are schools charging very high fees and by that allowing a class of people while others are becoming ineligible automatically. The situation has compelled the parents associations to demand a Central legislation to regulate the fee structure of private schools. In a few cities, parent associations have approached courts for redressal.

The Bombay High Court in a recent judgment told that schools now have become a money-spinning rackets. The court took cognizance of a letter written by a father of a 12-year-old boy of a private school in Mumbai who was expelled for failing to pay Rs 50,000 in cash to the school for purchase of school uniforms and other stationery items. Virtually, the Government has no control over private schools run by

private bodies with profit and ulterior motive. It is being demanded by people that the Government should not leave the responsibility of education to the hands of the market forces who are primarily engaged in making profit. It is argued that the children of the Government servants, elected people's representatives and others do not prefer Government run schools as a result of which they pay very little attention to the conditions of these schools.

# 100 % ACHIEVEMENT IN ODISHA LOOKS DAYDREAM

*Saturday, 14 May 2016*

Primary education is the foundation of development of a State in building human resources and ensuring social progress. Kerala in January 2016 became the first State in the country to achieve 100 percent primary education and it is also ahead of many social development indicators vis-a-vis other developed States.

Against this backdrop, the most recent reply of the Odisha School and Mass Education Minister in State Assembly over status of primary education, the CAG report of 2015, the Child Census of the State, NCERT's All India School Education Survey (AISES) report, 2015, and ST and SC Development Department Minister's report in the Assembly in 2015 have been a matter of concern.

The State Government has not been properly implementing the SSA and the RTE Act, 2009 in spite of huge resources being spent. The primary education of the State has been worsening both qualitatively and quantitatively. The negligence of primary education in the State will have wider ramification over the educational development of the State.

It is reported that the enrolment in Government schools has been consistently decreasing whereas the number of private schools and student enrolment ratio has been increasing in the State. Though the Government has been providing Mid Day Meal (MDM), free uniform and textbooks, the dropout rate has not been controlled. Under the Rights of Children to Free and Compulsory Education Act 2009, education up to 8th standard is made free by the Government. The huge planned investment in primary education sector has not undergone the required changes.

Still, there are thousands of schools with single teacher and single classroom. There are over a thousand of rural habitations without primary school within one km and hundreds of villages have no upper primary school within three km. It is mostly the SC and ST dominated habitations which have schools in distance places. There are under qualified teachers, even under matriculates without any professional

qualification on teaching. Thousands of posts of teacher are vacant in different schools with high teacher-student ratio. It is said by the School and Mass Education Minister that in order to follow the RTE norms, the State needs more than one lakh teachers. Many of the schools in interior parts lack basic infrastructure, classroom, library, drinking water, sanitation facility and it is reported that about 80 percent schools have no playground.

Though the State Government has relaxed the criteria of opening of new schools in KBK area and tribal sub-plan area, the backward districts such as Rayagada, Koraput, Kalahandi, Malkanagiri, Balangir and Keonjhar have hundreds of primary schools having single teacher and also lack of basic set-up. The State Government has decided to close many schools in an attempt to streamline the expenditure. It is fact that the interior pockets, tribal areas, backward districts and marginalised poor are the worst sufferers of the Government inaction because of their dependency on Government schools for primary education. As the Government is the largest provider of primary education, the privatisation of education is not going to solve the problem of the majority of the marginalised poor in the State.

The most atrocious miseries are being faced by the poor students of SCs and STs who are residents of Ashram schools run by the State SC/ST Development (SSD) Department. The State has reported a high number of deaths of children in residential schools and atrocities against girl children. There are cases of pregnancy and unwed motherhood reported in these schools. The SC/ST Development Minister admitted the grim reality in the State Assembly last year. During last five years, about 150 students died and hundreds of girls faced rape, molestation, physical and mental torture, besides harassment. The conditions of some of ashram schools are no way less than jails in terms of quality of food, accommodation, living condition and above all security of children. There have been complaints of snakebite, insecurity due to lack of boundary wall, lack of sanitation, proper drinking water and electricity. In some cases, the hostel buildings are unsafe to stay. There are hostels where children sleep on the floor without bed and mosquito net. These hostels are in remote areas and mostly children from poor SC and ST families are forced to stay in these hostels run by the State Government with grant-in-aid from the Central Government. During last five years, 16 girls faced sexual assault out of which eight were by teachers and the rest

by other persons and employees as reported by SSD Minister in the Assembly in April 2015. The State Government has issued guidelines for safety and security, mess management and school and hostel monitoring. The district level officials, including DM, PD DRDA, PA ITDA, Sub Collector, DWO and SI of Schools are supposed to pay monitoring visits but the guidelines are just thrown to the winds. There has been lack of regular communication among parents, teachers and Government officials about the students' performances and living conditions in the hostel. The elected people's representatives of the SC and ST communities, MPs, MLAs and PRI members, educationists, media, human rights bodies and civil society organisations (CSOs) should visit the schools and hostels and must have interaction with students and teachers for overall qualitative improvement.

Both the School and Mass Education and the SSD departments at higher level should undertake overall periodic review of the condition of the schools and the progress of the students.

The social situation of SC/ Dalit students in day schools and hostels has not changed, especially in rural and interior parts, as the practices of untouchability and caste-based discrimination continue during midday meal, functions and pujas. The Dalit students face mental torture, social humiliation and abuse by fellow upper caste students, teachers and non-teaching staff. The pre-primary institutions such as Balbadi and Anganwadi have reported discrimination by service providers against small kids of poor and marginalised groups in rural areas.

These issues are not being discussed in forums such as Odisha State Council for Protection of Child Rights (OSCPCR) and other related bodies, largely left to the marginalised communities as their internal issues. The international organisations, NGOs, CSOs, and child rights organisations in the State should focus the issues of the marginalised children. Poverty and caste-based discrimination restricts access of the poor and marginalised to quality education and the realisation of rights depends more on the State intervention.

The children of migrant workers are deprived of primary education because of seasonal interstate migration. The OSCPCR in its report on migration mentioned that huge numbers of children from western Odisha are migrating every year to various parts of the country with their parents and the commission has recommended for seasonal hostels for

the migrant children. The rural poor landless agricultural workers, sharecroppers, construction workers and job card holders of MGNREGA are unable to support their children due to lack of employment and persistent income throughout the year. The children of these poor families become school dropouts and child labourers. In spite of the child labour prohibition law and interstate migration control provisions, there has been no substantial development on eradication of child labour and interstate migration. In this way, thousands of children of the vulnerable families are deprived of primary education which is a fundamental right of every child.

# EMPLOYMENT

## LABOUR CODE CAN EXPAND SOCIAL SECURITY BASE IN COUNTRY

*Saturday, 22 July 2017*

The Government of India as part of labour reform initiative has drafted four Labour codes on functional basis, viz., on wages, on industrial relation, on occupational safety, health and working condition and on social security and welfare. It is in line with recommendation of the second National Commission on Labour and aims to simplify, rationalize, amalgamate and consolidate around 44 existing Central laws relating to labour and replacing them with labour codes.

The Labour Code on Social Security Bill, 2017 has been placed in public domain by the Union Ministry of Labour and Employment for discussion since March 2017. The code on social security has included to amalgamate 15 Central labour laws relating to social security which includes Employees Provident Fund Act, Employees State Insurance Act, Maternity Benefit Act, Payment of Gratuity Act, Employees Compensation Act, Unorganized Workers Social Security Act and various Welfare Cess and Funds Acts for mines, Beedi, cine workers and building and construction workers.

It is a fact that our labour legislation are not inclusive of all kinds of workers in the absence of provisions of universal workers' rights. Mostly they protect organized sector and vulnerable section of workers such as women. Internationally and within the country, there has been demand for universal social security for all workers, including the workers of unorganised sector and more protection to women and other marginalised section of workers.

Already the Government has brought amendment in the Maternity Benefit Amendment Act, 2017 to increase the paid maternity leave from 12 weeks to 26 weeks. There were 59.54 lakh women workers, employed in the organised public and private sector out of 149.8 million female workers in India as per 2011 census. Women workers are protected under provisions of various labour laws which prohibit night work after 7pm and do not allow working in mines below the ground. There are also provisions of separate washing facilities, latrine and urinals for female



workers along with crèches for children. The Sexual Harassment of Women at Workplace (prevention, prohibition and redressal) Act 2103 has mandatory provision of complaint committee on sexual harassment at workplace and mechanism of redressal of complaints. The Equal Remuneration Act 1976 has been monitored by both the Central and State Governments to ensure employment and equal wage for both men and women workers. There are national and regional vocational training institutes for women all over the country. Along with maternity benefit, the Central Government also has made amendments to increase in payment of bonus and formalize payment of wage, compensation and also restriction on work of children below 14 years of age.

But such protective labour legislations are not being administered for unorganised sector employees who constitute about 94 percent of the total workers. The trade unions are limited only to about 10 percent of the total workers and a vast majority of workers are left out under the purview of labour legislation, which includes social security.

However, the new Labour Code Bill proposed by the Central Government applies to workers in formal as well as informal sectors and paves the way for formulation of universal new social security schemes, which include pension, provident fund, maternity benefit, medical, sickness, disablement, invalidity and unemployment benefits. In the Labour code, the unorganised sector includes establishments which employ workers and the number of workers is less than the threshold, self-employed units, households that employ domestic workers for carrying out activities of the household. Unorganised workers means home-based workers, self-employed workers, owners cum workers, wage workers in the unorganised sector and any person who performs a work for an entity or provides service whether regularly or part-time and workplace means any location where a worker works that includes residential place.

The code has proposed social security organisations at the national and State level as the National Social Security Council, the Central Board of Social Security and the State Board of Social Security. The national council shall be headed by the Prime Minister as its Chairperson. The national council will review and monitor the implementation of the code and maintain coordination between the Central and State Governments. The Central Government will constitute an executive committee to assist

the national council in performance of its function. There shall be a Regulator General of Social Security of India to be appointed by the Central Government who will be a member secretary of the national council as executive head of the social security organisation.

The Central Board will be headed by the Union Minister of Labour and Employment as its Chairperson. The board will administer schemes and centrally manage registration of workers and entities and maintain database. There shall be a Director General of the Central Board as its Member Secretary to do the executive work. The State Board will be headed by the Chief Minister as its Chairperson and State Minister of Labour as its Vice-Chairperson. The State Government will constitute a standing committee to assist the State Board. It will be the duty of the Board to implement and administer the schemes of social security in the respective State. The Board will manage the registration of workers to enforce the code and ensure compliance.

Added to this, there will be an advisory committee at the Central and State level to advice, promote and facilitate the process.

The State Board in coordination with the Central Board shall provide a unique Aadhar linked registration service for registration of workers and make available a social security account number –Vishwakarma Karmik Surakshya Khata (VIKAS). The social security account is portable if the worker migrates to other State. The local body of the area shall be the registering authority for the workers in the locality. The worker engaged in part-time work in two or more units has to choose the employer of his choice for registration. The State Board will set up facilitation centres through local bodies or any intermediate agencies to disseminate information on available social security schemes for workers and facilitate filling, processing and forwarding of applications forms for registration of workers. The facilitation centres will disburse benefits under the schemes for the workers and also collect contributions and deposit to the State Social Security Fund while facilitating employers and workers to file returns.

There shall be Social Security Fund in each State as state social security fund and state gratuity fund to be administered by the State Board out of contribution paid by the employers and workers. The Central or the State Government will set up welfare funds which will be administered by the State Government. There will also be social security reserve fund under

State control to ensure compensation awarded to the workers. The funds will be collected through levy of cess on buildings and other construction, manufacture of Beedis, audiovisual production and ores and minerals. There will be collection of the duties of Excise and its remittance.

The Central Government will prescribe schemes for social security and the State Government will make supplementary schemes which include pension schemes to provide superannuation pension, retirement pension or permanent disablement pension. It also includes sickness benefit schemes providing for periodical cash payment to workers in cash in case of his/her sickness, maternity benefit schemes, disablement benefit schemes, invalidity benefit schemes who meets with accident during work, dependent benefit schemes who dies during the service, medical benefit schemes to the worker and family members and group insurance covering natural and accidental death, unemployment benefit schemes for providing unemployment allowances in case of loss of job or earning, provident fund scheme and international workers' pension schemes for international workers.

The worker is entitled to receive only one benefit for the same period. The violation of code attracts penal provisions. Meanwhile, the proposed labour code has been criticized by trade unions on the ground of undermining workers' rights and seen as a process of privatization of existing social security provision by involvement of private players as intermediaries in administering social security schemes while limiting the role of trade unions.

## LABOUR CODE TO ENSURE FAIR, UNIVERSAL WAGE IN COUNTRY

*Saturday, 29 July 2017*

As part of labour reform initiative of the Central Government, the new Labour Code on Wage Bill has been approved by the Cabinet on July 26. It aims to consolidate and amend the law relating to wage and bonus. The proposed bill is expected to be placed in the Parliament during this Monsoon Session.

The Union Ministry of Labour has proposed four labour codes on functional basis, such as a code on wage, a code on industrial relation, a code social security and welfare and a code safety and working condition. The code on industrial relation includes consolidation and amendment in existing laws relating to trade union registration, condition of employment and investigation and settlement of disputes. The code on social security addresses social security and welfare of the workforce of all sectors in the country. The new codes have integrated and universalized minimum wage and social security benefits for the workers which will bring more inclusion in the labour market of the country and pave the way for inclusive development.

This effort is continuation of the process of recommendation for reform made by second National Commission on Labour under the Chairmanship of Ravindra Varma who was a Gandhian politician and Labour and Parliamentary Affairs Minister in the Morarji Desai Government. The commission submitted its report in 2002 to the then Prime Minister Atal Bihari Vajpayee and Sharad Yadav was the Labour Minister. The Government of India has initiated major economic reforms that include reform in labour legislation in line of liberalization, privatization and globalization process. India has rectified major international conventions related to labour reform such as six core international labour organization conventions out of eight and the recent conference of Labour Ministers of BRICS countries held in China has laid focus more on various labour related issues and its standardization on the context of “Governance in future of work”.

The proposed Labour Code on Wage bill has brought together four major acts -The Minimum Wage Act 1948, the Payment of Wage Act 1936, the Payment of Bonus Act 1965, and the Equal Remuneration Act 1976. The code on wage will ensure universal minimum wage for all sections of workers in the country and go beyond the industry and establishments not being covered under the existing law. It will bring uniformity in Central and State domain and among different States relating to minimum wage in providing a more democratic and scientific basis to the exercise in fixation of minimum wage. The national minimum wage rate in a centralized minimum wage structure will be the threshold for the State to be followed and maintained; even the States can go on adding more to it.

In the code on wage Section 3 has a provision that there shall be no discrimination among male, female and transgender employees on the ground of sex in the matter of wage for work of similar nature under the same employer and no employer shall be allowed to pay less than minimum wages for time work or piecework fixed by the State Government and to be revised from time to time. While doing so the State Government has to follow the guidelines made by the Minimum Advisory Board constituted by the Central Government. As labour is a subject in concurrent list so both the Centre and the State have equal stake over it. The States have also to consider the cost of living of the workers and its geographical location along with skill of the workers and arduousness of the work while fixing the wage. In order to make the process more democratic and scientific for the fixation and revision of minimum wage under this code, the State Government shall appoint committees and subcommittees to advice the Government. The determination of disputes with regard to similar nature of work shall be decided by the authority notified by the Government.

The State Government shall constitute the Minimum Wages Advisory Board for advising the State Government in fixation or revision of minimum wage which shall consist of persons nominated by the State Government representing employers and employees in the employment, and independent members not exceeding one third of its total number of members and one independent member will be the Chairman of the board. The Central Government shall constitute Minimum Wage Advisory Board with a Chairman and such number of members as to be

prescribed which will advise it and issue directions to the State Governments from time to time on matter relating to minimum wage.

For the purpose of the code, the bill make definition of employee which means any person other than an apprentice employed directly or indirectly on wages in any establishment to do any skilled, semi-skilled or unskilled manual, supervisory, managerial, administrative, technical or clerical work for hire or reward. The employer is a person who employs directly or indirectly employees in his establishment. This is to expand the scope of identifying left-out employee and employer in the existing laws and to make it more inclusive.

The bill says that the payment of wage shall be paid by depositing the same in the bank account of the employees by cheque or electronically. The fixation of wage period and time limit for payment of wage will be decided by the employer. The bonus payment will be made to every employees drawing wage less than the amount as notified by the Central Government from time to time.

While fixing hours of work for normal working day and interval the State Government will fix the number of hours of work and provide for a day of rest in every period of seven days which shall be allowed to all employees and payment of wage in respect of such days of rest but the payment for work on a day of rest not less than the overtime rate. However, there will be conditions for employees engaged on urgent work or complementary nature of work.

Every employer of an establishment to which the wage code applies shall maintain a register containing the details with regard to person employed, muster roll, wages and other details as prescribed by the Government. The employer has to display a notice at a prominent place containing the abstract of the code, category wise rate, wage period day and date and time of payment of wages and the name of the person responsible for payment of wage. Every employer has to send an annual return in a prescribed form electronically to the authority. The Government will appoint facilitators as public servant with power and geographical limit for resolve of disputes. The facilitator will supply information and advise the employers and workers concerning complying with provisions of the wage code.

The cognizance of fault committed under this code shall be taken on the complaint filed by an employee or a registered trade union or a recognized welfare institution or a facilitator appointed under the code. Magistrate of first class shall trial the offence. Any violation of payment of minimum wage or discrimination in payment attracts fine of Rs 50,000 against the employer. The employers who are featured as defaulters will be punishable with an imprisonment for three months or with fine of Rs 1lakh. The code has provision of bar on suits that no court shall entertain any suit for the recovery of minimum wage, any deduction from wage, discrimination in payment of wage and bonus. The burden of proof in case of claim cases for non-payment of wage or less payment shall be on the employer.

It is told that the new labour code along with social security code will expand the scope of inclusion and pave the way towards higher side of wage, bonus and social security that will ensure the genuine rights of the working class of our country. But it is apprehended that the move may encourage mechanization and affect employment. Besides, the small units may face difficulty in complying with the new legislation.

# NEW LABOUR CODE SQUEEZES TRADE UNIONS' BARGAINING POWERS

*Saturday, 05 August 2017*

The Labour Code on Industrial Relations Bill proposed by the Union Ministry of Labour has included three core areas of industrial relation that includes laws relating to registration of trade union, conditions of employment, investigation and settlement of disputes and other related matters.

The new code will replace three major Acts, such as the Trade Union Act 1926, the Industrial Employment (standing order) Act 1946, and the Industrial Dispute Act 1947. Since its inception in 2015, the proposed labour code has been opposed by all trade unions which triggered a debate over industrial relation laws of the country. Though there have been demands and recommendations for change in the scope of trade unionism in both organised and unorganised sector, but the proposed amendment has been not acceptable on many grounds, especially in the context of trade union rights.

The new labour code has changed many of the existing important provisions relating to trade union registration, its rules, office bearers and adjudication of trade union disputes. The requirement for registration has been changed in the new code (Section 5) and it is proposed that for registration of trade union, minimum 10 percent of the workers employed or 100 workers are required for making an application for registration. Where 10 percent of the workers of an establishment or undertaking or an industry is less than seven workers, a minimum seven workers shall be required to make an application for registration. In case of union or association of workers of unorganized sector in the absence of clarity over employer-employee relationship, the 10 percent criterion is not applicable and in case of trade union of employers not less than seven, employers shall be required for making an application for registration.

The Section 7 of the code says the State Government by notification can appoint a person to be Registrar of trade unions and other person as Additional Registrar of trade union, Joint Registrar and Deputy Registrar



of trade unions. The Registrar has power to call for further information or alternation of name. The trade unions shall not get registration under the code if it does not constitute its executive body as per the provisions of the code. The registration of the trade union may be cancelled by the Registrar if the union has obtained the registration by misrepresentation or fraud or mistake and failed to maintain the accounts, submit the annual returns and not conducted elections in the prescribed manner and within prescribed period. There is provision of appeal against non-registration and cancellation of registration, if the Registrar has not acted within sixty days, before the industrial tribunal whose decision shall be final.

The code imposes restriction on the spending of the general funds of the trade union and makes provision of a separate funds of trade unions for political purpose for promotion of civic and political interest of the members of the union, but no member shall be compelled to contribute to this fund and the status of non-contribution shall not affect the benefits of a member of the union. The account books of a registered trade union and the list of members shall be open to inspection by an office-bearer or member of the union.

A person shall be disqualified for being chosen as a member of the executive or any other office bearer of a registered trade union if he has been convicted by a court in India or any offence involving moral turpitude and sentenced to imprisonment unless a period of five years has passed since his release after undergoing such imprisonment.

The code says a person cannot be an office bearer in more than ten trade unions. The office bearer of the union will be elected for two years. The proportion of office bearers who are not engaged in the establishment or industry shall be not more than two in the trade union in an unorganised sector. The member of Council of Ministers or a person holding an office of profit in the Centre or a State shall not be the executive or another office bearer of a trade union. The industrial tribunal having jurisdiction over the area where the trade union is located will adjudicate the disputes of trade unions.

While considering the labour code from the point of view of the restrictions over trade union registration and its functioning to its activities for bargaining where worker and trade union of workers and political activities are restricted under schedule of unfair labour practices,

it can be stated that the new code has restricted the basic rights of trade unions to operate easily in the interest of the labourers.

It is fact that the workers need the support of outsiders as expert adviser for collective bargaining and advocacy support for their cause but this labour code with drastic reduction of earlier permitted number for formation of union and leadership has limited the autonomy of trade union and is going to seriously affect the collective bargaining power of the workers which is presently one of the most important instruments in the hands of the workers to ensure their genuine rights under the provisions of the labour laws. The provisions of minimum wage and social security and all other benefits of workers only can be ensured through organised efforts of trade unions. The organised efforts of trade unions has been promoting political education among workers while protecting rights and providing safeguard from economic exploitation along with strengthening democratic process among the poor and marginalised sections who constitute a major segment of the unorganised sector workers. Constitutionally, it is understood that a trade union is a basic human right of a worker. The Constitution of India and International Labour Organisation have ensured this through enactment of conventions and laws. India as a founder member of ILO till date has ratified major conventions including four core conventions. The Constitution of India speaks about right to form association, free speech and democratic protest as fundamental rights assured to every citizen of the country. Right to trade union is essential for implementation of rights of the workers for wage and social security and other rights through collective bargaining and protest against injustice and exploitation. So it is argued that any progressive labour reform should ensure adequate space for democratic association of workers and protect their genuine interest in order to boost production and healthy work environment and dignified quality life of the workers. But major Central trade unions opine that there has been an attempt to pursue the practice of hire and fire and unfair labour practices, privatization of public sector, by the pressure of domestic capitalists and multinational corporate houses.

During the British rule in India, the Trade Union Act was enacted for regulation and monitoring of trade unions but later in 1943 Dr B R Ambedkar, the then Labour Minister, made provision of compulsory approval of Government for recognition of trade union and that amendment also compelled the employer to recognize.

Dr Ambedkar was labour portfolio member in Viceroy's Executive Council during 1942-46. He had argued for the promotion of uniformity in labour legislation and reasonable procedure for settlement of industrial disputes.

The Government of India must follow Constitutional mandate and international standards relating to labour laws and the Central trade unions must be taken into confidence by incorporating their recommendations to make the labour code more workers-friendly.

# BOOST DALIT ENTREPRENEURS BY ALLOWING FAIR SHARE IN BUSINESS

*Saturday, 02 April 2016*

Economic liberalisation and globalisation have set a trend of privatization in the country with international capital by private corporates increasingly flowing to India. Many of the public sector units are in the process of disinvestment.

The advantage of mineral deposits, sea route and favourable administrative environment attracts private companies to Odisha. The Government of Odisha has signed MoU for setting up mineral based industries, steel, cement, alumina, power, auto ancillary, food processing, tourism, crude oil processing, titanium complex and downstream industrial parks in the State. The private sector has been largely patronised with sops of land, infrastructure facilities, subsidies, special tax holidays, mineral concession and all other administrative support with single window system for quick and hassle-free clearance. There has been relaxation in environmental clearance and business-friendly labour legislation with protection for law and order by special dedicated paramilitary forces to protect industry and business.

The Government of Odisha has adopted the Odisha Industries Facilitation Act 2004 which has made provision of high-level clearance authority under the chairmanship of the Chief Minister for investment of Rs 50 crore or more to issue required clearance within specified time limit. The Odisha Industrial Infrastructure Development Corporation is dedicated to infrastructure development for private business and companies with facilities of developing SEZ, acquiring land, communication, electricity and water and other requirements. The State has to manage the resources for the best use of its people without concentration of wealth and money power in the hands of a few in the name of business and industry which has wider ramification over the economy, social life and governance and ultimately on growth. The industrial policy of the Government gives priority to the districts having more number of SC and ST population and the very basic objectives of business and industry are to generate employment and income leading to growth. But it is unfortunate that the business and industry sector have

very insignificant role in promoting the lot of the marginalised, poor, SCs and STs who constitute 40 percent of the total population of the State.

It is a fact that for last 65 years, SCs and STs have been the worst sufferer of displacement due to mines and industry by way of losing habitation and livelihood. The land once demarcated for distribution among landless SCs and STs such as ceiling surplus land, Bhoodan land, wasteland and other category of Government land has not been distributed to them; rather this category of land was given to business and industry houses. The forest and agriculture based livelihood of SCs and STs have been destroyed without developing alternative livelihood for them. The lopsided development resulted in growing resourcelessness among SCs and STs, besides distress migration, unemployment and chronic poverty.

The business, mines and industry have created jobless growth and whatever employment opportunity has been created, it is being monopolized by the upper class without having a fair share for the marginalized.

The 2011 census on household with salaried jobs says only 0.20 percent of SC and 0.12 percent of ST households in the State have salaried jobs in private sector. The private sector employment policy does not follow affirmative action to make the business and industry inclusive of all social groups especially SCs and STs who have very insignificant representation in private sector. The corporate boards of the country are largely owned, controlled and managed by upper castes without caste and gender diversity. The mining and industry sectors have very poorly employed SCs and STs. They got the most ordinary jobs such as contract labourers under private contractors. The labourers are very less paid and work without any social security benefits under hire and fire principles. There have been no labour legislation being followed for such workers.

SCs and STs are not visible in senior manager or middle management official level as technical and administrative or managerial staff due to lack of affirmative action in recruitment policy. There has been no promotional work by industry to promote SC and ST employability in the State through providing technical and higher education and skill development initiatives.

The corporate social responsibility policy for private sector business and industry lacks transparency and especially the provisions for SC and ST development are not being monitored to ensure the implementation of guideline. The periphery villages/mining huts/slums in mining and industrial towns largely inhabited by poor SCs and STs are without basic minimum for facilities such as safe drinking water, healthcare, education, housing and quality food and environment. The condition of children and women is worst and deteriorating with increasing distress, mental and physical abuse and large vulnerability. The provisions for concern for human rights, care and protection, social development focusing education, health and nutrition, employment and environment, water, air and soil, have not been properly taken care up by the business and industrial houses who are mostly attending the requirements of ruling party representatives and local bureaucrats with vested interest. The mandatory obligations of the companies towards the local people and local environment have been overlooked by the monitoring authorities mostly Government officials and most of the monitoring committees are headed by the local people's representatives. The earmarked fund for local social development is diverted for non-priority, unproductive activities outside the local area and very cunningly shown as developmental work.

The social development of the marginalized is sidelined as well as the involvement of SC and ST organizations and issues raised by people's movements is deliberately undermined.

The private sector leaders ASOCHAM, FICCI, FIMI and CII are asked by Government to work out strategies for affirmative action. The Companies Act in 2013 with introduction of CSR has legalized private companies' obligation to SCs and STs. The Government of India has introduced procurement policy in 2012 for SCs and STs and created a hub in the Ministry of Small and Medium Enterprise along with Dalit Indian Chamber of Commerce and Industry (DICCI) to facilitate the involvement of SCs and STs in business. The provision says that four percent of the order to be sourced from SCs and STs along with standup India scheme with `500 crores to promote SC and ST entrepreneurs, but without the active involvement of private sector it will not be effectively grounded. The procurement policy of industry has provisions of promoting SC and ST entrepreneurs by allowing them a minimum

Boost Dalit entrepreneurs by allowing fair share in business percentage of representation in business but this is not followed in letter and spirit.

The Government of Odisha should provide handholding support to upcoming SC and ST entrepreneurs and the SCs and STs Development Finance Cooperative Corporation Ltd should take a lead in this process to tap the available resources from Government sources for inclusion of SCs and STs in business and industry.

However, promoting negligible few SC and ST households by Government is not enough if the share of development will not reach to the poorest of poor. The private sector should voluntarily give space for employee participation and support them for promoting education and skill development.

Therefore it is highly required that the State Government should ensure implementation of affirmative action policy for private sector business and industry through legislation and make all necessary efforts for its application in the interest of the marginalized sections, especially SCs and STs in the State for inclusive growth.

# PRIVATE SECTOR TOO NEEDS TO IMPLEMENT JOB QUOTA

*Saturday, 07 May 2016*

The economic growth of a country must be equally shared by all citizens without disparity and the Government has to ensure it through its economic policy that includes an effective employment policy.

The employment policy must be inclusive and ensure equity in scope of employment. In a country like India with so much of diversity based on region, ethnicity, caste, religion and gender etc. diversity in workplace should be used as an opportunity to bring different communities and groups together.

This would help build fraternity by sharing opportunity and responsibility of nation-building. This understanding needs to be reflected in our employment policy. The Constitution of India says the State shall promote equal scope of employment for all its citizens with protection against discrimination in employment. But with increasing privatization and disinvestment in the country, the scope of employment in Government and public sector has been decreasing day by day.

Private sector continues to be the largest source of employment in the country but it is not following any affirmative action in its employment policy. It has been observed that women, Dalits, tribals and religious minorities have been underrepresented in private sector. It is also a fact that in the private sector, the marginalized groups do not play any role in decision making such as representation in corporate boards and top management bodies. There are a number of studies which have established various forms of discrimination based on caste, gender, ethnic and minority identity in private sector, which need to be addressed for a fair employment opportunity.

The recruitment procedure mostly followed in private sector is nontransparent. It has failed to tap the human potentialities of the marginalized section and make them employable like fellow citizens. The discrimination in employment market has wider bearing overproduction and growth of the country as it excludes a large section of people from production process. Internationally, it is accepted that the policy of



employment should be inclusive of all and there must be equal opportunity in employment available in the country. While the private sector has been enjoying all the benefits of State patronage for employment generation, it is obviously expected that the private sector should follow the principles of the Constitution of the country. It is also required that the historical injustice done to the marginalized communities and women needs reparation through inclusive employment policy. It will affirmatively contribute to the inclusive economic development and reduce disparity, deprivation and discrimination. It will pave the way for desired social transformation and qualitative change in human capital formation of the country.

The planned efforts of last 65 years have not impacted much due ineffective economic policy and legislation and many of our well-meaning policies have not been grounded due to lack of political and administrative willingness of the ruling elites of the country. The intervention of the Government has been limited to public sector leaving bigger employment market to the free play of private sector without any restriction. The ongoing liberalization process and change in labour legislation will further affect the employment market and make the marginalized section more vulnerable. The Dalits constitute about one-fifth of the total population but they are the worst sufferers because of their social identity by birth. They are historically denied basic human rights and even today they continue to face untouchability and caste-based discrimination. A large majority of them have no land and access to quality education. A very insignificant few have managed to get low-grade jobs in Government and public sector only due to reservation. Even after 65 years of implementation of reservation, there have been backlog vacancies. The other most marginalized groups are the tribals who are largely underrepresented in every spheres of social life due to lack of quality education and discriminatory employment policy. Along with other marginalized, they are the major losers of ongoing development model of the Government which mostly evict them from forest and agricultural land. But the industry and mines which de-home them from their home and rob them of their livelihood have not made any such provision of employment for them. Once the industry is set up they have to migrate from place to place in search of employment. The Right to Fair Compensation and Rehabilitation and Transparency in

Land Acquisition, Rehabilitation and Resettlement Act 2013 is silent about employment policy for the displaced and marginalized groups.

The Muslims are largely underrepresented in the Government and public sector jobs as well. The reports of Justice R Sachar and Justice Ranganath Mishra have established the fact. It is necessary to include them in all spheres of national life by ensuring employment for a dignified life.

Women constitute half of our population but they are not enjoying equal employment opportunity due to our rigid socio-economic structure.

Odisha where close to half of the population belongs to SCs (17percent), STs (23 percent) and religious minority (6 percent) has failed to provide proportionate share in salaried jobs to these segments. These sections of people are featured in sizable number in the list of below poverty line household, distress migrant workers and resourceless population and continue to face all forms of social oppression and atrocities. It is required to recognize their due share in resources of the country to bring economic democracy.

Worldwide in countries such as USA, Indonesia, South Africa, the principles of affirmative action have been followed as reparation against historical injustice done to the marginalized community. In India, it is understood that social justice in form of reservation is a means for achieving social democracy which is linked to economic and political democracy. Therefore, the Central and State Governments should bring legislation for making it mandatory for the private sector to follow affirmative action in their employment policy by providing reservation to the women, Dalit, tribals, religious minorities and other marginalized sections whose potentialities need to be used for nation building.

# STAND UP INDIA : SC, ST ENTREPRENEURS TO BE PROMOTED

*Saturday, 29 October 2016*

There has been distress migration in Odisha, especially among educated youths in rural areas, due to lack of self-employment and employment opportunities in organised sector. The liberalisation and privatisation have seriously squeezed scope of employment in Government and public sector. Mostly, this job scarcity has affected the marginalised sections which have been enjoying State protection in form of reservation.

The historically marginalised communities in Odisha like the SCs and STs are systematically denied land, education, skill and access to financial capital due to continuous State apathy. The SCs and STs are largely excluded in business due to a number of socio, economic and political reasons. The State protection is highly required to ensure their meaningful participation in generating production and employment.

In this context along with startup, the standup India scheme launched by the Prime Minister is there to encourage upcoming entrepreneurs from among SCs, STs and women who have formed private limited companies or partnership firms with 51 percent ownership in the areas of manufacturing, trading and services, consumer goods and innovative consumer products. It aims to generate employment and promote entrepreneurship of the marginalized sections having very insignificant presence in business and related activities. The scheme has provision of loan facility from Rs 10 lakh to Rs 1 crore to the beginners of last five years with annual turnover of less than Rs 25 crore.

The borrowers have to bear 10 to 25 percent of the margin money of the project cost as own contribution. The Central Government has set up Rs 10,000 crore venture capital for this purpose and aims to target 2.5 lakh prospective entrepreneur within three years. The repayment plan includes a lower interest rate with monthly instalments for seven years. There is three years income tax holiday and other relaxation for labour and environmental certification to benefit the entrepreneur. The standup India scheme has scope of linkage with other subsidy based schemes in the areas of technology upgradation, food processing and storage,

leather, brown fiber, sanitary work etc provided by Ministry of Textile, Ministry of Food Processing, Ministry of Industry and Commerce, Ministry of Small and Medium Enterprises, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs where the entrepreneurs can choose the schemes to get additional benefit while setting up business. There are also subsidy schemes, especially for SCs, STs and women under different provisions.

In order to promote this there are a number of connect centers such as State SC Finance Corporation, the Khadi and Village Industry Commission (KVIC), Dalit Indian Chamber of Commerce and Industry (DICCI), Women Entrepreneur Association, DICs, rural self-employment training institutions, skill centers, banks and NGOs which can properly guide and share the relevant information with the entrepreneurs.

In the whole process, the bank has a major role in grounding the plan from loan processing to execution. The scheme has fixed to complete the process within three months. The SIDBI and Nabard have set up standup India connect centres to promote financial literacy and hand holding support so that the new entrepreneurs can have hassle-free access to credit facility. It is said that at least one SC or ST borrower and at least one women borrower per bank branch will have to be covered to reach the target. At the district level, there is district level credit committee with Collector as chairperson with responsibility of periodical review through quarterly meetings involving SIDBI and Nabard and monitor the grievance redress at bank level. The banks have to organise events at district level for sharing of good practices to encourage the entrepreneurs and discuss issues relevant to take forward the process.

There are dedicated institutions such as National Scheduled Caste Financial Development Corporation and National Scheduled Tribe Financial Development Corporation and National Safai Karmachari Financial Development Corporation, specially set up to promote self-employment among SCs, STs and the most vulnerable scavenger community and all these national institutions have State branch offices but due to lack of interest of the State Government, these institutions have failed to create desired impact in the economic development of the SCs and STs. The Odisha SC and ST Finance Development Cooperative Corporation Limited functions under Department of ST and SC

Development Department, the Government of Odisha. It has been almost non-functional without adequate budget, staff and dedicated leadership to carry forward the mission of the institute.

The departmental officials going there in deputation with additional responsibility have no role and functioning most ineffectively without accountability. The performances of the institution have not been reviewed regularly.

Many of the Central sponsored schemes and programmes for SCs and STs are not very effectively implemented by the State Government without any accountability to the public. Take the example of Swachha Udyami Yojana for construction, operation and maintenance of pay- and-use community toilet in public-private partnership mode.

The scheme has been introduced by the Union Ministry of Social Justice and Empowerment under Swachha Bharat Yojana to liberate manual scavengers with a subsidy of Rs 3.25 lakh as self-employment scheme for rehabilitation. But the Government of Odisha has no initiative to bring change in the life of scavenger communities in the State who are working since generations without any visible change in their life and livelihood. There are schemes but not implemented due to lack of political will and bureaucratic hurdles and above all, lack of awareness among people and beneficiaries of schemes.

In order to encourage SCs and STs in business, the Central Government has made provision of reservation in public contract, departmental purchase, dealer and distributorship but this has not been implemented in the State. The Biju Atma Nijukti Yojana has made provision of only four percent of purchase of products from small and medium enterprise owned by SC and STs.

Along with Government officials, the banks in the State have a major role in creating opportunities of self-employment to arrest distress migration and unemployment by liberating restrictions and creating an enabling social and economic environment that encourages the marginalized to demonstrate their entrepreneurial ability in business and production growth.

Access to credit is an important economic right of every individual without which economic development especially self-employment and entrepreneurial promotion is not possible. In terms of financial service,

Odisha is very poor with less number of bank branches in providing banking service to all in interior parts.

There has been no effort by the State to promote financial literacy among SCs and STs by the Government. Even banks are violating Reserve Bank guidelines while dealing with poor borrowers. Bank officials are discriminately dealing with the marginalised communities. The subsidy money provided by the Government through banks is not reaching to the beneficiaries on time without any difficulties. For successful implementation of any schemes that target the poor and marginalised, political and administrative commitment of the Government is needed.

The private sector and scheduled commercial banks, cooperative banks and skill development institutions and dedicated specialised organisations of Government and private entity and all other stakeholders need to work together for building social inclusiveness in business by promoting SCs and STs and ensuring their role in nation building.

# LOCAL JOBLESSNESS ACUTE IN ODISHA IN MINING , INDUSTRIAL HUBS

*Saturday, 28 May 2016*

Odisha has been facing a big unemployment problem. Especially unskilled and semi-skilled rural educated youths have been migrating in distress to different parts of the country and even outside in search of income and employment. Their vulnerable condition and inhuman exploitation is a matter of concern.

It is found that the existing employment opportunities being created in different upcoming locations of the State due to mining, industry, business and other economic activities have not been beneficial to the locals. The local MLAs very often are making complaints in the State Assembly that whether the industrial setups are giving jobs to the locals as per the conditions in the Memorandum of Understanding (MOU) is hardly monitored properly. As a result, a negligible representation of local people in employment is noticed.

The mining, industrial belt, business hubs, and seaport areas of the State such as Angul, Kalinganagar, Jharsuguda, Sundargarh, Jaypur, Similigda, Paradip and Gopalpur have a growing presence of people outside the State for employment and business activities.

Take for the example of Kalinganagar in Jajpur district. It is the steel hub of Asia with a number of private sector steel industries. Here, there have been regular complaints by the locals relating to employment. The local inhabitants' contention is that in spite of their sacrifice of land and cooperation with Government and industry in various ways, a large number of outsiders in the area have been employed in the steel companies while the local youths are migrating to Kerala, Tamil Nadu, Karnataka, Delhi and other places in search of employment. Even the State Government companies have not created any quality permanent infrastructure such as IIT or engineering college for skill development of the local youths. The land cost in the area has gone high along with water scarcity and there has been no support for self-employment or expansion of downstream industries. The State Government has provided thousand acres of land, water, electricity, mineral, coal, limestone, iron ore, chrome

from nearby mines, railway line, road and port facility to big companies like Tata but what has been the output in terms of local employment or social development?

The health and education system in these areas have not improved by becoming an industrial hub as the local people's social condition and quality of life has not improved as thought of before the industry come into the area. The condition of the tribals and SCs of the area who are primarily depending on agriculture and casual labour for survival has not improved to the desired extent. The people in the adjacent villages face serious drinking water crisis and drought hitting agricultural activities, though there is plenty of surface and groundwater in their locality. It is told by the locals that the State Government helps much to the industries rather than the poor and the farmers in ensuring land, water and electricity and whatever promises were given in the initial stage of setting of industries have been forgotten by the industries and the Government. The conditions in the MoUs between the Government of Odisha and industries for the wellbeing of the locals have never been implemented. Especially the employment and social development part of it should be revisited by the Government in the interest of the locals.

There has been growing discontent and resistance by local people demanding employment and other income-earning opportunities. The local people are also facing all the burden of development in form of pollution of local air, water, forest and land. It has been impacting over their health, life and sustainable livelihood. They argue that as losers of homestead land and land-based livelihood, forest and agriculture, water source, they should be adequately compensated with alternative employment.

It is being observed that the industrial, mining and business hubs coming up in different areas of the State have uprooted the locals, poor and marginalised sections and further pushed them to penury. It is mostly in the tribal areas of the State which are also mining and industrial areas where the tribal and other marginalised poor who are mostly dependent on land and forest-based economy have been driven away from their homeland. The outsiders have taken over their land and are controlling their economy and social life. There has been huge distress migration and unemployment of these marginalised groups in the absence of viable local employment and productive activities. It has resulted in chronic



unemployment, lack of food security leading to distress migration and extreme poverty. The economic distress has encouraged child labour, trafficking of women and distress trade of human labour. Their educational status, skill level and business exposure and overall social setting limit them to a highly competitive environment. The decrease in tribal population in these areas has brought new socio-legal issues such as scheduled status of the area and tribal participation in local Government and other socio-cultural and religious issues linking to the local economy, land status, employment and business. The districts such as Sundargarh and Koraput have faced such issues and witnessed protest movement by the tribals of the areas.

It is very often told by the State Industry Minister in the Assembly that the conditions put forth in the MoUs with private companies should be monitored by the respective district Collector and RDC while the Department of Industry and Employment should take up joint exercise of identifying the locals in employment and ensure that the minimum level has been maintained by the employers in the district. It is further argued that within the local the participation of marginalized sections should be ensured as per their percentage in the districts otherwise they will be left out without a fair representation because of their vulnerability.

Where ever the industry and business is coming up the local youths including the marginalized sections should be provided with adequate education and skill development by the Government to make them employable in the industry and business. But the companies are not following this in the absence of adequate monitoring by the concerned authorities.

There must be reservation in employment and self-employment for the local people, the affected people in the periphery, adjacent blocks within the district with provision of representation of women and marginalized sections, SCs and STs and minorities and backward classes. In a State like Odisha with large presence of SCs and STs and diversity in culture and language, we need social diversity in our workplaces to build an inclusive economy and society in order to accommodate our diverse social identities and arrest discrimination.

The State Government should bring legislation to implement these provisions as mandatory by the industry and business houses operating in the State. The expansion of industry and business should be used as an

opportunity to rebuild the State economy by generating more employment and scope of income for people of all sections for an inclusive growth. The people who have been paying everything for the ongoing development should not be further marginalised. The State Government has to not only create scope of employment but also build equal opportunities for its people across region, gender and social groups to ensure diversity in workplace and social justice through inclusive employment policy. The employment policy should counter regional imbalance, social segregation and inequality in access to employment in order to bring equity in overall development of the State.

# LET DALITS, TRIBALS GET FAIR SHARE IN JOBS

*Saturday, 11 November 2017*

The onus is on the State Government to ensure judicious distribution of available community resources for livelihood and allocation of public opportunities, including employment to all its citizens.

The Government has to not only make policies and laws in this regard, but also to see its enforcement while ensuring protection of the excluded. In recent times, with enforcement of the policy of privatization and public-private partnership, the nature of public employment has changed through introduction of contractual appointment, employment of short-term nature, project-based jobs and outsourcing of recruitment from private sources hired by the Government and the semi-Government bodies.

As principle, the Government jobs, contracts, projects and all kinds of employment opportunities being created out of public funds must follow an inclusive employment policy which will not only reduce our persistent caste and gender-based inequality but also contribute to strengthen an all-encompassing public participation in nation-building. But lack of clear-cut rules about inclusion of SCs and STs in public employment and absence of institutional monitoring to ensure their participation have deprived them of their constitutional rights to employment. The modern democratic State came to existence with aspiration of equality and rule of law to end all forms of discrimination and exploitation in society through principles of equity and democracy. Employment is one of the major areas where the focus of the Government should be on building inclusion in employment opportunities.

But unfortunately, the contractual appointments and recruitment through outsourcing, project-based appointments and many of the Government schemes and programmes run by the Government and private bodies, NGOs and public and private partnership do not follow the policy of reservation in ensuring employment of SCs and STs of the State.

There are lakhs of jobs under category of service providers created under different Government schemes of nutrition, health, education, employment, public distribution system and sanitation to serve the poor

and marginalized, women and children in rural areas, such as cook and helper of mid-day meal in all Government run private schools, ASHAs, Anganwadi workers and helpers, Gaon Sathi, information and communication technology personnel in panchayat, block, tehsil and district offices and many more whose recruitments are done locally but no policy of reservation is being followed to ensure the employment of SCs and STs in rural areas in these posts and services. On the other hand, these schemes are primarily targeted to serve the rural poor SCs and STs. The schemes, guidelines and a number of court interpretations have conformed building an affirmative employment policy favouring SCs, STs and women in rural areas but it is not being enforced.

The international agencies, corporate foundations, private trusts, private universities and NGOs operating with direct support from Government and in partnership with Government in the State have not been following any inclusive employment policy while enjoying all kinds of benefits and State patronage on the pretext of serving the rural poor, SCs and STs. It is fact that providing service to SCs and STs has become a vital source of employment for employees belonging to non SCs and STs in rural and tribal areas of the State whereas potential SCs and STs educated youths and women are not being given scope to serve their own community under Government projects.

The leaders of these implementing organizations, mostly drawn from upper caste, are avoiding field level social realities to cope with continued caste-based discriminatory social dimension of rural areas.

The appointment of SCs and STs in field level as workers has been seen as a social challenge and risk factor with the organization. It has been told that the development work in the State such as Odisha having sizable SC and ST population must have social dimension in its approach to development, especially in the context of employment but, however, when it comes to implementation, the purpose is missing.

Therefore, it is suggested that the charity work out of State fund must be converted to social investment over building social capital among the poor and marginalized sections which will contribute to social transformation.

There are regular complains from different parts of the State that most eligible youths of SCs and STs are not being preferred as service provider

under different Government schemes implemented in rural areas. The selection process is largely under the influence of local dominant groups, land-owning upper castes, corrupt bureaucrats, ruling party leaders, having caste and gender bias and corruption in recruitment procedure. The decision of the dominant people is binding on the poor and marginalized in the village by use of physical violence, false court cases and social harassment and atrocities by using the local policy and goons.

The social activist challenging corruption and procedural violation are also facing harassment in many ways in the absence of protection mechanism. In a recent move, the Govt of Bihar has introduced reservation in outsource services for SCs, STs, OBCs, MBCs and women of the State because it is found that the outsourcing agencies are not following social inclusiveness in their recruitment.

It was reported that mostly in IT based operation, there is nominal participation of marginalized groups and it is monopolized by people belonging to a few dominant caste groups. It is demanded by a number of political parties to extend the ambit of reservation to private sector also to bring inclusion in private workplaces and democratize large employment market.

The Government of Odisha must adopt reservation policy for its majority of the population like the SCs, STs, OBCs, SEBCs and women in rural and tribal areas in recruitment for implementation of all types of Government schemes and programmes.

The private agencies, international organizations, UNO bodies operating in Odisha, donor agencies, NGOs and corporate foundation operating in rural and tribal areas and directly involved in development of the poor and marginalized must be instructed to adopt socially inclusive recruitment policy in their agencies.

The State SCs and STs, OBCs and minority development department should monitor this to ensure the implementation of provision of reservation and the all private agencies must comply with such norms under the provision of law.

# LET STATE GOVT PROMOTE DALIT CONTRACTORS WITH SOPS

*Saturday, 14 October 2017*

Dr BR Ambedkar, one of the architects of modern India, had submitted a memorandum to the then Governor General of India on October 29, 1942, on grievances of the Scheduled Castes (SC) where one of the points was about awarding Government contracts to the Dalits.

He had said out of 1,171 approved contractors of Central Public Works Department, there was only one contractor belonging to the SC. It was suggested to make the public contract open for members of all communities without communal prejudice.

Post independent India witnessed huge increase in number of private contracts by almost all Ministries and Departments of the Centre and the State Governments and with changing policy of privatization of more and more projects, the number has been multiplied in recent times. But it is observed that the SCs and STs are not proportionately represented as contractors of public work and there has been inadequate representation of SC and ST contractors in all kinds of public contracts

by the Government. In order to bring inclusion in the areas of public procurement to make it an open process for excluded social groups, the inclusion of SCs and STs has been necessary.

As a result of which the Central Government and the State Government of number of States have been making attempt in many ways to bridge the gaps by inclusion of SC and ST contractors.

However, it has so far a very minimal impact due to a number of administrative, social, political and economic reasons and also historical limitations with the SC and ST communities to emerge as contractors.

But above all, political commitment is required for success of any scheme that changes the basic social structure.

These marginalised communities are being historically deprived of access to meaningful employment and most profitable income opportunities because of their social identity and finance position. In order to bring

Let state govt promote Dalit Contractors with sops equality in our social life, it is required that our Government sponsor public opportunities as a must for the marginalised groups.

The business and trade in India has been monopolized by a few castes and in order to break the traditional hegemony, it is highly required to implement affirmative action in all major economic activities by the Government. The SCs and STs are also left behind in business sector. The reservation in education, Government job and political positions are not enough to bring the community at par with other social groups. Therefore it is important to introduce policy of affirmative action in all types of Government work being done by private sector.

In a move for affirmative action in business, the Central Government has set up the national SCs and STs Hub with an initial allocation of Rs 490 crore for the period 2016-2020 to provide professional support in order to enable the SC and ST entrepreneurs to participate in all public contracts.

The Government has approved a scheme for SC and ST entrepreneurs to provide 25 percent capital subsidy up to Rs 25 lakh through banks for purchase of machinery.

The Director-General of Works of CPWD has also made provisions of few exemption of working capital or banker certificate for lesser amount of registration so far as Class-V contractor is concerned.

There have been also attempts by States such as UP, Bihar, Karnataka, AP and Telangana for following a policy of affirmative action in awarding contract and by that way protecting the SC and ST entrepreneurs' entry into trade, business and other public works as contractors. Most recently, the Sidharamaiya Government of Karnataka has made a legislation, namely, The Karnataka Transparency in Public Procurement (Amendment) Act, 2016, which reserves 24.1 percent for SC and ST contractors in all Government works, public contracts up to Rs 50 lakh. The law aims to ensure the presence of SC and ST contractors and to get the award of Government work without rigid tender process.

The Government of Telangana has made attempt to promote SC and ST engineers as contractors and recently organized a three months' training for 80 contractors at the National Academy of Construction. In a proposal to lunch development of SCs, the Government of Andhra

Pradesh has identified contractor development as one of the schemes out of major six schemes.

It is suggested to award all works under the SCSP and the TSP to the SC and ST contractors of the State. The Dalit Indian Chamber of Commerce and Industry (DICCI), a national platform of Dalit entrepreneurs, business and industry, has been proposing for fixing a mandatory 22 percent reservation in procurement from SC and ST entrepreneurs and credit guaranty schemes to support the entrepreneurs that include contractors also. With the slogan of 'Be a job givers not job seekers,' the DICCI has proposed before the Government of AP to set up a Dalit Credit Guarantee Trust exclusively for SC and ST entrepreneurs.

Way back in 2009, former Chief Minister of UP Mayawati made provision of reservation of 21 percent for SCs and 2 percent for STs in all Government and semi-Government contracts up to Rs 5 lakh. The Government order was challenged in court but the Allahabad High Court had upheld the decision. However, later it was withdrawn by the Mulayam Singh Government.

Former Chief Minister of Bihar Jiten Ram Manjhi made a provision of reservation for SC and ST contractors in award of contract up to Rs 1 crore in 2015 but it was changed by the Nitish Kumar Government though later the Nitish Kumar Government made 50 percent reservation of SC, ST and OBC and extremely backward classes contractors in all Government contracts up to Rs 15 lakh with preference in bids for SC contractors. Odisha being a State of SCs and STs with 40 percent of population ideally must have equal percentage of contractors but unfortunately, their participation as contractors has been very less due to lack of awareness among the communities and willful absence of proactive promotional role of the State Government.

The public work in tribal-dominated areas are being mostly done by non-tribals. The local tribals on the other hand are employed as labourers. The Government of Odisha has not made any specific policy to promote SC and ST contractors in the State. The SC and ST contractors seeking price preference will have to submit an application with the tender.

The engineer contractors are getting exemption of EMD for more than three works but SC and ST contractors having degree and diploma in engineering are not allowed to avail both the benefits. The ST MLAs



Let state govt promote Dalit Contractors with sops

have raised the issue and demanded to give preference to the local ST contractors in execution of works under SCSP and TSP in the Tribal Advisory Council (TAC) meeting in 2012, but in vain. This year the State Government has made budgetary allocation of about Rs 20,000 crore under the SCSP and the TSP for the development of the SCs and STs. So it is expected that the State Government must make provision and extend all other possible support for inclusion of the SC and ST contractors as it is a mass economic activities by the State out of public finance.

The State Government must reserve all kinds of Government and semi-Government work at Panchayat, block and district level tenders up to certain limit for the SC and ST contractors in proportion to their population in the district and also provide short-term bank loan to them for the execution of the work.

This initiative of the State Government will help in promoting entrepreneurship among SCs and STs and definitely contribute to change their socio-economic status in the State.

# NO END TO PLIGHT OF MIGRANT WORKERS FROM ODISHA

*Saturday, 16 September 2017*

The number of distressed inter-State migrant workers from Odisha has been increasing alarmingly. There are horrible cases of labour trafficking, harassment, cheating, chopping off hands, rape, murder, missing, underpayment and exploitation, but there is no change in the pathetic situation because of poor implementation of laws and programmes.

The State Labour Minister in the Assembly reported about death of 112 migrant workers during the last three years from 2014 to 2017. It is told that more than half of the death has occurred in Tamil Nadu, Kerala, Andhra Pradesh and Maharashtra. But it is fact that many such death cases have gone unnoticed without record by the Labour Department and the police. The workers are migrating in search of employment and exploited at workplace; many of them have to lose their lives every day. The number of inter-State migrant workers as estimated by the State Government was about 92,000 in 2011 and it has increased to 1.5 lakh in 2015. The number has been increasing every year without control. There are about 3,000 registered labour contractors who are officially engaged in the business. Historically, Odisha is a State of low paid distress labourers where they can be easily cheated, exploited and also there are identified migration prone districts such as Balangir, Baragarh, Kalahandi, Subarnapur, Nuapada, Ganjam, Gajapati, Koraput, Nabarangapur, Rayagada and Khurda known for availability of migrant workers. It is unofficially estimated that around 20 lakh people from Odisha, including women and children, are working as migrant workers outside the State. The Odisha Government has neither district wise data about the correct figure of migrant workers, nor records on plight of workers and their suffering.

Bibeka Chhinda, a migrant worker from Boudh district, died in a Balangir hospital in 2014 due to severe burns and in his statement before police and doctors, he told that the cause of his suicide was out of depression after watching the gang rape of his wife and killing of his son by the owner of the brick kiln and his associates. The hands of Dialu Niala and Nilambar Dhangada Majhi, two migrant workers, were chopped and they

were not properly rehabilitated by the Government. Nilambar Dhangada Majhi died in serious fever without proper treatment in 2016. Arjun Durua of Koraput, a child labour, lost his one eye in Hyderabad while serving in a bore well company and there are hundreds of such stories that very well exhibit the plight of migrant workers every day but action of the Labor Department is few and far between.

Data shows that a major chunk of these migrant workers is from the marginalised communities, Dalits, Adivasis and OBCs, mostly landless, illiterate and seasonally employed, in agricultural activities. They work in land of upper caste landlords/ Gountias those who not only own huge land but also have socio-economic power, money lending business, trade, transport and political influence. They control the development programmes of the villages. The minimum wage rate in rural Odisha is one of the lowest in the country and agriculture is seasonally fully dependent on monsoon. The non-implementation of land reform has helped the traditional landowning communities to continue as big farmers with all kinds of State patronage for agriculture development and the condition of agricultural workers and sharecroppers has not changed as they remain landless wage labourers without work throughout the year.

The biggest rural employment scheme MGNREGS goes ineffective in ensuring 100 days labour for the landless wage earners. Studies have exposed that about one-third of the job cardholders are employed whereas only one-third of them only availed 100 days of work which is the story in almost every parts of the State. The wage rate paid under MGNREGA is the lowest even in comparison to local rate and this also is not being paid on time with untimely delay along with huge corruption. So the ultimate losers are the poor innocent labourers on whose behalf the programme is running. Added to this scheme of employment, there are a number of anti-poverty schemes and social security measures for the poor which are not being implemented properly. The marginalized poor, mostly the Dalits and Adivasis, have been facing social discrimination practice of untouchability in the village where they are not socially allowed to do petty business and such other service delivery activities because of their caste identity and social exclusion. They are not inclusive of institutional financial sources to access credit because of limited banking facilities in rural areas; so they remain outside of the opportunity of banking. So the scope of local self-employment is restricted for them. The constitutional governance of last 60 years has

not brought any structural change in the production relation in rural economy in elevating the condition of landless marginalised sections. The mere charity and welfare programmes of the Government such as Re 1 per kg rice etc. has not contributed to create assets such as land, water source, electricity, house, capital assets, skill and education.

A major part of their income goes as healthcare expenses, on children's education and social customs and cultural practices. The local landowning families are also local money lenders who are playing a major role in further distressing the condition of migrant workers by exploiting the vulnerable condition of the poor.

Though there is legislation such as the Inter-State Migrant Workmen (Regulation of Employment and Service condition) Act, 1979, but it has been very poorly implemented in the State due to a corrupt bureaucracy and lack of political will of the ruling political party. The human rights bodies are only monitoring specific cases of complaint whereas the issue is largely affecting thousands of landless poor in backward areas of the State. The Labour officials, police, contractors and local elected people's representatives have a nexus which is the main reason of lawlessness. It is fact that the Sarpanch, local police and Labour officials collectively have to monitor the situation and maintain a database of the workers, but unfortunately, there has been no action at the panchayat level. On the other side, the landless poor are not organised socially and politically to counter the situation. There are lakhs of migrant workers who remain untouched by trade unions who are still mostly engaged with organised sector employees.

As per the Economic Survey report in 2016-2017, inter-State migration in our country has increased to about 90 lakh annually. It is said that the workers of backward States and backward districts are migrating to rich metropolis and hubs of industry, mining, SEZ, textile, construction and infrastructural work. Gujarat, Maharashtra, Delhi, Kolkata, Tamil Nadu, Karnataka and Kerala are major destinations of migrant workers.

## DISTRIBUTE LAND, END CASTE BARRIER, PROMOTE UNIONISM

*Saturday, 04 November 2017*

The distress migration of workers from rural areas has been on the rise in Odisha and the condition of these workers is most horrible without any visible change. The issues of distress migration of rural workers mostly from among marginalized social groups in backward regions of the State have direct link with land ownership, caste-based discrimination and political power.

The migrant workers are mostly landless, socially excluded in village and politically powerless as they are not getting unionized to bargain and get protected from exploitation by money lenders, labour contractors and middlemen. There has been no institutional intervention to address the structural issues to bring desired change in the life of these workers. The continued inequality in social status, skewed productive assets ownership and limited access to public employment and other opportunities need to be changed through direct State intervention in favour of the hapless lot.

It is fact that the vast majority of migrant workers are landless, seasonal agricultural workers and sharecroppers who are seasonally employed in agriculture sector. Therefore, they must be provided with homestead and agricultural land by which they get employed in their own land throughout the year. There are enough Government land, such as wasteland, ceiling surplus land, Bhoodan land, forest land and temple land which are available in all backward areas of the State and can be productively utilized by transferring ownership through lease to landless poor engaged in agriculture. This will not only boost agriculture production but also generate huge employment for the rural workers. But in spite of law after independence, the landowning classes in backward areas have been opposing the progressive land reform in form of distribution of land to the landless agricultural workers and rights of sharecroppers because of fear of losing low paid wage labour for their firms and sharing of benefits of production and subsidy of Government with sharecroppers. This continued middle age exploitation must come to an end with reasonable distribution of available Government land. Many developed States such as Kerala, Andhra Pradesh, Telangana and

Tamil Nadu have done model work by distributing land and ensuring rights of the sharecroppers. Experience shows the States having fair land distribution have affirmatively contributed in changing the rural socio-economic setting and production relation by which the standard of workers of the marginalized sections has improved in many ways.

The State Government must make use of all Central schemes such as MGNREGS and watershed projects by linking it to land development along with irrigation and electricity for the productive use of land where the whole family members can be employed in production activities throughout the year. The non-official use of machine in MGNREGS must be stopped to ensure more working days for the job card holders. This will bring food security and improve the nutrition level of the family members, especially women and children. The scope of agriculture should not be limited to only one-time paddy cultivation but it must include production of fruits, vegetables, pulses, dairy, poultry, and cash crops suitable to the soil condition of that particular agro-climatic zone. The ownership over homestead land in the village will change the social status of the marginalized sections by construction of decent house of their own and near the house there needs to be backyard cultivation. The house must have source of safe drinking water, toilet and electricity facilities under respective Government schemes for a standard living. Added to increase in varieties of agriculture produces, the availability of land, water and electricity in every rural household will boost scope for manufacturing sector.

The manufacturing sector of the State has a very insignificant share in the GDP though there is enough scope of expansion by involving surplus agriculture workers.

Along with productive assets and basic infrastructure, our social environment needs to be conducive for growth. In the current social setting of villages, the issues of caste-based discrimination , untouchability practice and atrocities are major cause of social segregation of the marginalized communities. It has a direct bearing on local employment, self-employment, business and service delivery activities of the village. Dalits, Adivasis and most backward communities face discrimination in local employment market because of their social identity based on birth. They face social, cultural and language barrier in a multi-caste, multi-culture and multi-language regions where the dominant

caste people usually do not allow these marginal groups to have a free access to available employment opportunities. Their low social status prevents them from entering into any productive engagement with different social groups of the village and locality.

Youths of the Dalit communities are not allowed to do business in market areas even there are places where they have no free access to service centres, tea shops and saloons. The produce such as milk, rice, food items etc. are not directly sold out by Dalit communities in the village. They are not only allowed to open tea stalls, food item stores, hotels, eateries and tiffin shops in the village but also prevented to be employed in such shops of the village/localities. The Dalit women are not preferred as cook mid-day meal in school or work as Anganwadi workers and helpers or other such service providers under various schemes.

Social discrimination encourages migration because of continued social subjugation, domination, discrimination and atrocities by dominant castes. Studies have found that many Dalit families do not enjoy a dignified living in the village and prefer to stay away from the village. However, socially inclusive discrimination-free social environment definitely is a very strong factor that can discourage distress condition in the village and promote fellow feeling, cooperation and cooperative actions among the fellow villagers. Social factors have direct impact overproduction, income and employment in rural areas. Therefore, enforcement of anti-discriminatory laws and social reform activities for infusing progressive culture and non-discriminatory values is highly recommended by social movements to arrest distress migration.

The third most important area is unionization of rural workers which will promote political will and fight bureaucratic apathy to protect them from exploitation in form of low wage, debt bondage and physical abuse of women and children. The union would make the workers aware about their rights and entitlements and above all about implementation of schemes and programme that are primarily targeted for assets creation, income and employment generation. It is being observed that there has been an absence of social entrepreneurs and activist for social, political and economic mobilization among landless rural workers, agricultural workers and sharecroppers to raise their issues and to represent their collective bargaining power before the Government. The civil society

groups, trade unions, independent trade unions, social movements and community organizations have a major role in the mobilization process of rural workers at Panchayat, block, district and State levels. The landless migrant workers can be mobilized to producer cooperatives for meaningful productive activities to meet the demand of the market and their unions can negotiate with Government, banks, NGOs and corporates for financing their developmental activities. The union will play an effective role in monitoring the labour trafficking by middlemen and contractors to check distress migration and exploitation at workplace.

The Labour Department should send its officials to the destination of migrant workers in different States and negotiate with the local authority there to check exploitation and bring them back with a plan of realistic rehabilitation in the village.

The Panchayats must have a database of all workers and about their movements so that it would be monitored locally under the provisions of the Interstate Migrant Workmen (regulation of employment and service condition) Act 1979.



# SOCIAL SECURITY

# VISION 2036: ODISHA MUST ENSURE FOOD SECURITY FOR ALL

*Saturday, 15 October 2016*

The Government of Odisha is engaged in the process of preparing a Vision Document for 2036 as its completion of 100 years of formation of a separate State. It is expected that the vision should be based on principles of growth with equity because Odisha has completed 80 years of its existence and made progress in many fields but this growth has not been shared with all its population across region and among different social groups. Consequently, the overall status of the State has not changed in terms of minimizing regional disparity and gaps among different social groups.

The makers of modern Odisha had dreamed of a hunger- and- disease-free State but that remains a daydream now sans any desired change. In the 1866 Odisha famine, about 10 lakh people died of hunger and diseases and even today the old issues like drought, flood, diarrhoea, malaria, malnutrition and hunger are still predominantly visible. In 1984 the case of sale of Banita by Phanas Punji of Kalahandi had drawn national attention and recently the eating of mango kernel by tribals of Kashipur in Rayagada hugged headlines. The hunger death has been continuing nonstop in south-west and KBK region. Every day poor and distress women, children and old people are dying as they are deprived of food and medicine in different parts of the State.

It is fact that the economic progress has made affluent some sections of people, but the distress and deprivation of a majority of its population get reflected in chronic unemployment, distress migration, food and nutritional insecurity, diseases and low quality of living. Every day media reports on miserable condition of people in different parts of the State shows a very poor progress in improving the standard of living.

In spite of efforts on many fronts by the State and non-State actors, Odisha remains as before in the poverty chart. It is below national average in social development indicators, such as health, education and rural social infrastructure etc. India ranks 130th out of 188 countries in the 2015 UNDP Human Development Index (HDI) and 97th among

118 countries on Global Hunger Index (GHI) in 2016 under the category of 'serious'. India is home to largest malnourished and hungry population of the world due to lack of access to food. It has been reported that the level of inequality is very high between the rich and the poor and among different social groups. The reduction of poverty in Odisha has been consistently slow in comparison to other States. It is mostly the vulnerable poor people in rural hamlets, slums, landless wage earners, migrant workers, scavengers, PVTG, single women, children of poor parents, PWD and elderly people who are in most distress condition without sufficient nutritious food to survive. A vast majority of them belongs to socially excluded communities who are experiencing social issues along with poverty. A number of social issues have been affecting the overall social environment, culture and mindset of the people of the region and making the inhabitants more vulnerable. The backward social and educational status has been limiting access to rights and entitlements and all other State sponsored opportunities.

The extreme poverty leads to cases of starvation death, sale of children, organ sale, trafficking of women and children, forced labour and low paid wage, eating of mango kernel, roots, distress migration, diseases, malaria, diarrhoea, malnutrition and food scarcity, mostly among the marginalised sections and social groups in backward regions with poor communication and connectivity. This shows failure of State protection against exploitation and vulnerability.

Poverty along with lack of education and health service allows prevalence of middle age social customs and practices such as unscientific old method of treatment, brand torture, animal sacrifice before God and deity, witchcraft and witch hunting, alcoholism, female feticide, untouchability, casteism, honor killing , inhuman and cruel treatment against women and children and child labour. These practices have been affecting the social environment to build a progressive society with sense of decency and dignity and improved quality of life. These socio-religious factors are equally responsible for poor economic progress but these non-economic issues are not being sufficiently addressed by the Government to bring desired social change in the State. Though the spread of education and health service is the primary requirement to facilitate a forward social change, but unfortunately, primary education and primary healthcare services in the State have not covered all social groups in remote and inaccessible areas. There are hamlets without

school, access to hospital, safe drinking water and electricity, communication and connectivity. There has been very little social awareness among the people, especially the marginalised sections, as a vast majority of them is illiterate and has very little exposure to improved quality of living.

The eradication of hunger and extreme poverty through State-sponsored food distribution programme is holding the State accountable under National Food Security Act and food-based interventions such as targeted PDS, ICDS, MDM etc but last few years of experience shows that in spite of its wider reach to many deserving poor, this has been subject to a number of issues. It is limited to minimum cereals only. The food market is largely privatised and people have to depend on market for survival. The poor people with limited purchasing power are being affected even if food availability and production has improved.

It has been demanded for a long time that in order to bring household food security, the small holding production in rural areas needs to be encouraged with distribution of productive asset such as land and other related facilities for integrated farming. This will not only increase the food production but also ensure food security. The households having access to productive assets such as land, credit, irrigation, electricity, communication and connectivity are relatively more developed than others who do not have such facilities. The people's access to common land, forests, mountains and water bodies have been getting restricted with increasing privatization of State resources for market-driven forces. So, it is highly required to give land ownership to all rural households engaged in production, especially the landless SCs and STs, agricultural workers, small and marginal farmers and sharecroppers. For the productive use of land, it should be supported with irrigation, electricity and all other required facilities. The cooperative of smallholders to enhance production should be encouraged in all respects by the State. The productive engagement of the rural poor in improving the food production will bring change in their life. This will reduce the dependency of the State on neighbouring States for vegetables, fruits, fish, meat, egg, milk, cereals, pulses, oilseeds and spices.

Only insufficient targeted distribution of rice and wheat will not bring food security; rather it has been increasing dependency of the poor over State for survival and affecting the local production process. The

Vision 2036: Odisha must ensure food security for all

resources of Odisha should be utilized for its people and by the people. In the coming 20 years, Odisha must focus on building an inclusive society with ownership over all productive assets and sources of livelihood equally distributed. The historical injustice done to the producing communities needs to be changed by breaking structural barriers of inequality to arrest continued marginalisation and exploitation process.

# LET POVERTY ERADICATION GET TOP PRIORITY IN ODISHA

*Saturday, 25 June 2016*

The Government of Odisha is engaged in the process of preparing a vision document for 2030 in line with Sustainable Development Goal (SDG) of the United Nations. The NITI Aayog as a nodal body has asked the States to prepare this document as part of global commitment agreed upon by 193 countries including India in September 2015 to 17 goals to transform the world.

The goals adopted in 2015 by the UN summit officially came into force in January 2016. The NITI Aayog has to monitor, coordinate and ensure the implementation of the globally accepted SDG in India. The earlier millennium development goal (MDG) till 2015 was successful in many ways and inspired the global community to take forward the concept further in a wider way.

The 17 SDGs include no poverty ,zero hunger , good health and wellbeing , quality education , gender equality , clean water and sanitation, affordable and clean energy, decent work and economic growth, industry, innovation and infrastructure , reduced inequality , sustainable cities and communities, responsible consumption and production, climate action, life below water , life on land , peace ,justice and strong institutions and partnership for the goals. These have substantially attracted attention of all as a global action to build a world of common concern for people, planet and peace.

The most priority agenda is eradication of poverty and hunger from the world by 2030. The UN data shows that southern Asia and sub-Saharan Africa are home to extremely poor people who account for about 70 percent of the global total poor. South Asia is home to half of the world's poor and India is having the largest number of poor people of the world.

Coming home, we have BIMARU States and Odisha ranked lowest on many development indicators such as poverty rate followed by Bihar, MP, Rajasthan and Uttar Pradesh. Within Odisha, it is the southern and western part of Odisha and KBK districts which are home to a majority of extremely poor people. Evidence shows that the incidence of poverty

is higher among rural population and extremely higher among the marginalised communities such as Dalits, Adivasis, women-headed households and religious minorities. The SCs and STs and religious minority constitute almost nearly half of the total population of the State as per census 2011.

There is serious regional imbalance within the State, the backward regions even lag behind basic amenities for life and livelihood and the poverty level is much higher in comparison to other parts of the State. In this context, the vision of Government of Odisha must have to give top priority to the eradication of poverty in all levels both vertically and horizontally. The history of hunger death shows Odisha recorded one of the worst scenarios when 10 lakh people died without food due to the famine of 1866. Odisha as a language based province came into existence in 1936 with six districts initially and is going to celebrate the 100th year of its formation in 2036. It should be the commitment of the State to make Odisha free from hunger death and extreme poverty in the coming 15 years in line with the SDGs.

The current situation in the State witnesses huge distress migration to urban locations within and outside the State due to lack of employment in rural areas. The scope of local employment has not been expanded and income inequality has also been increasing as well as the vulnerability of the marginalised sections who were traditionally depending on agriculture, forest and water resources for their livelihood. There has been huge environmental degradation due to deforestation, desertification and pollution of water resources and all these have in many ways been impacting the life and livelihood of the rural poor. The mining activities in the State have impacted local ecosystem and livelihood of the poor without proper alternative sources. In order to end poverty and hunger among the marginalised communities in rural areas, the focus must be on agriculture and forest to ensure food security and improved nutrition. It is being told that agriculture sector is the single largest source of employment in the world providing livelihood for 40 percent of the global population. It is also the largest source of income and employment for rural poor household. About 70 percent of the people of the State depend on agriculture for survival, but unfortunately the agriculture scenario has not improved to the desired extent due to inadequate investment and lack of political and administrative will. The State has very poorly invested on rural and agriculture-related

infrastructure development and left the farmers in the lurch. The continuous visits of flood or drought have been worsening the condition of people depending on agriculture. It has been always suggested by many that the State investment should be more on water management, irrigation, rural communication and connectivity along with adequate electricity supply to boost production.

The agriculture in Odisha is largely managed by small and marginal farmers and sharecroppers having small and marginal holdings and landless agricultural labourers who constitute the main force of production. The socially excluded groups such as Dalits, Adivasis and women, mostly illiterate with traditional skill, have over presence in agriculture. They need to be recognised as farmers and provided land entitlement and record of rights over the land they have been cultivating since generations especially in the tribal areas. Dalits constitute a large majority of landless poor and a majority of them depend on agriculture for survival.

The State investment should be more focused on small farmers who are the real force to ensure food security locally. The State Government has not completed progressive, integrated land reforms, including survey and settlement and consolidation of holdings and uneven land ownership continues which has been affecting the agriculture production. It has been demanded that all categories of unused, waste and temple land should be distributed among the landless agricultural workers for its productive use to improve agriculture production and curb the food dependency on neighbour States. They should be encouraged with integrated farming to produce in varieties to meet the food consumption need of the family and supply to market.

Along with food security, the basic amenities such as drinking water, sanitation facility, housing, electricity, linking road and social development measures, education and healthcare should reach the rural poor and marginalised as inseparable part of poverty reduction programme integrating different schemes for rural poor. The economic development schemes should be inclusively accessible to all excluded groups without discrimination through enforcement of anti-discriminatory legislation and social change movements. The beneficiaries of anti-poverty programme should be allowed to play a role



Let poverty eradication get top priority in Odisha as equal partners. All these collective efforts will contribute to eradication of poverty.

While making the vision document, the people of the State must take the centre stage and the strategy should be more focused on getting reliable data and build up a process of inclusive partnership across region and social groups as well as covering all sectors. The non-availability of data has been affecting the planning. The State Government should make available disaggregated data on various socio-economic status of people across social groups and locally to help the planners and policymakers to make informed decisions based on the ground realities supported by data. The academics, research centres, universities and CSOs of the State need to be engaged in this task.

The local variations and diversities exist within the State must be recognised in planning and the involvement of the people for whom the programme is meant must be included in a dignified manner as equal partners in development without discrimination and dominance based on continued traditional, feudal hegemony. In order to ensure effective and transparent implementation of the vision 2030, the inclusive and integrated partnership must be encouraged at all levels.

## GRASSROOTS OFFICIALS MUST KNOW SCHEMES PROPERLY BEFORE EXECUTION

*Saturday, 22 October 2016*

The sustained backwardness of Odisha within adequate outreach of the Government schemes for the poor and marginalized is due to lack of awareness among a majority of the grassroots functionaries of Government who are in responsibility of the implementation process.

In most of the villages, during interaction with the beneficiaries, it is mostly found that the local officials who are in charge of the schemes and programmes are unaware and ineffective in carrying the mission to the deserving poor masses. Rather they sway with vested interest and lack transparency in the whole execution process. Their techno-managerial knowledge and financial and administrative accountability are limited to the formal job obligation and not inspired by the spirit of nationality and public service.

The Government jobs are seen as opportunities for personal benefit and security rather than scope of serving the poor masses and fellow countrymen and women. The bureaucracy continues to follow an outdated and colonial model developed by the then ruling elites which needs to be transferred to a democratic one through administrative and governance reform in the spirit of constitutional values and morality at par with global standards.

In order to bring desired change in socio-economic condition of the poor in village it is equally important to change our executive in the proper perspective. Take the example of functioning of three most important grassroots public institutions delivering service, Tehsil, block development office, and police station which matter in the development and protection of the poor and marginalised communities.

It is one of the important duties of the Tehsil office to ensure land for the poor for housing, livelihood and habitation purpose but to a large extent these revenue offices are very rarely serving the landless poor who are in need of the support of this important office which matter in their life. It has been observed that many of the letters, circulars and

Grassroots Officials must know schemes properly before execution

Government orders from the Secretariat and Heads of the department are not being carried out by local level officials.

Take the case of Government land distribution programme. Letters from the Chief Secretary and the Revenue Secretary on important matters such as homestead land to landless, village linking road and use of commons are being pending in Collector and Tehsil offices with inordinate delay, even without execution for many years.

As a matter of personal experience of this writer, a letter from Revenue Department addressed to district administration for providing a linking road to Sukida Dalit hamlet in Machhagaon block of Jagatsinghpur district was not carried out. Inhabited by 20 families of bamboo workers for last three generations, the village has no all-weather road. The villagers are facing serious difficulties in daily travel. The matter has not taken seriously for urgent action considering the problems of the poor Dalits. There are a number of such cases in districts of Jajpur, Dhenkanal, Khurda, Puri and Cuttack in which the letters and orders are lying for years without any action.

The homestead land distribution programme “Vasundhara” has been continuing since last ten years but thousands of prospective beneficiaries have not been yet covered under the scheme to construct house. Many Dalit and tribal hamlets in rural village have no linking road and commons such as water bodies, cremation ground, playground and community land and other infrastructure that deprived them of their rights to commons land.

There are also issues of half-implementation with distribution of Patta without land demarcation and lack of other ancillary facilities to make productive use of land.

Many schemes are interrelated such as people having Patta are only eligible to avail housing schemes for poor but these poor landless beneficiaries are getting deprived of house, sanitation and other schemes due to lack of Patta land.

There has been no reform in police administration. The police stations are still cast in the British mould and the police personnel are no better in their behaviour and body language in dealing with public, especially the poor and marginalised SCs and STs who are often visiting police station to register cases of atrocities against them by the dominant caste and

class in the village. The power of police very rarely is used to protect the poor and low caste Dalit, Adivasis and women in rural areas. There are a few police officials who sometimes show caste affinity and religious bias towards the victims which affects the investigation and thus fair trial under criminal justice administration. There are reports of forced settlement with influence of police officials in favours of the perpetrator.

The public-spirited role of police and respect for human rights laws has been missing in police stations. Experience of the rights activists shows that the police officials are not regularly updating themselves on protective laws and its amendments.

The block development offices in existing development administration process have a major role in ensuring social security, food and nutritional security, education and sanitation, healthcare, drinking water, communication and infrastructure development of the rural area and people with focus on the poor and marginalised. Most of the welfare schemes and development programmes are being executed by the block office but there are complaints about transparency in beneficiary selection and timely release of benefits to the beneficiaries. The most popular housing scheme for the poor has not been implemented properly and a large percentage of houses remain half-made while beneficiaries are routinely visiting block offices for instalments. There are fake beneficiaries and many genuine beneficiaries are deprived of their due. The poor, elderly men and women, widows, PWD and children and women are the worst sufferers.

It has been told that there must be convergence of Government schemes for its maximum benefit to the poor by linking land with livelihood, employment, income generation, increase in production, housing, sanitation and infrastructure development for an overall sustainable impact but such process has been neglected due to lack of inter-departmental coordination and rigid official procedure. The poor and marginalized are linked to so many process and they are getting harassed while dealing with a number of officials.

The elected people's representatives, MPs, MLAs and PRI members are mostly involved in the functioning of these block level offices and head various committees and bodies with responsibility of planning, monitoring and execution of various Government schemes and programmes.

Grassroots Officials must know schemes properly before execution

They customarily belong to various political parties and sometimes are guided by vested interest in favour of their supporters by influencing local Government officials which affects the normal function of officials. Therefore it is highly needed that the Government must provide training, awareness and orientation in regular interval to grassroots officials on constitution, laws, policies and schemes and programmes. The grassroots officials must be given protection while discharging their duty in dealing with anti-social elements. It is also required to bring social diversity in local Government offices by recruiting people across social groups. The social diversity must be ensured in recruitment of grassroots service providers and social inclusion of members of SC, ST and women in various committees with their orientation. The special projects and macro projects and provisions such as TSP and SCSP for the marginalized groups must be properly looked into with special care. The convergence of various Government programmes and schemes is needed by promoting interdepartmental coordination and collective efforts of various stakeholders. Above all political will is needed to compliment the practice.

## LET MARGINALISED ALSO BENEFIT FROM WINDFALL FOR RURAL INFRA

*Saturday, 12 March 2016*

The Union Budget 2016-2017 has made substantial allocation of funds for village infrastructure development that includes basic amenities such as village linking road, electricity, drinking water, sanitation, housing, gas connection to BPL families, telephone connectivity, digital literacy scheme and MGNREGS for employment to change the quality of living in village and to minimize gaps in availability of basic amenities.

The total allocation for rural sector is Rs 87, 765 crores and as per 14th Finance Commission recommendation, Rs 2.87 lakh crore grant in aid will be available for rural and urban local bodies in an average of Rs 80 lakh per Panchayat. There will be Rashtriya Grama Swarajya Abhiyan to strengthen the Panchayati Raj institutions with a budgetary allocation of Rs 655 crore. There are 6,234 Panchayats and more than 60 percent of the BPL population of the State is in rural area.

The backward States such as Odisha with presence of Left Wing Extremism (LWE), extremely backward districts, vulnerable tribal groups, scheduled area, BPL families and SC and ST population and rural areas, have additional benefits of provisions of special allocations of funds under the Budget.

This is expected to have positive impact on the backward States such as Odisha and especially over the marginalised sections if implemented properly. The implementation of all Central schemes fully depends on the State that includes its bureaucracy and Panchayatiraj institutions and above all the political will of the ruling party leaders. It is proposed to have a district level committee under the chairmanship of senior MP of Lok Sabha to monitor and implement designated central sector sponsored schemes.

It has been observed that the rural infrastructure schemes of the Central Government have been poorly implemented in Odisha in comparison to other developed States and not covering the genuine target groups, especially the marginalised sections who are being excluded in accessing all the benefits due to inherent structural issues and continued socially

Let marginalised also benefit from windfall for rural infra

discriminatory practices. The State has to follow the Central guideline while implementing the schemes with focus on the marginalised in rural villages. The slogan for transformation of village must be inclusive of all social groups in the village. The interior parts especially hilly and tribal areas of the State should be adequately covered as per the guidelines of the schemes.

There are important schemes such as Prime Minister Gram Sadak Yojana (PMGSY), Indira Awas Yojana (IAY), MGNREGS, Deendayal Upadhyaya Gram Jyoti Yojana, Swachha Bharat Mission, drinking water and LPG connection for BPL families which are supported with major Central assistance and being implemented by the State with matching grants. These schemes are dedicated public investments primarily aimed to develop infrastructure in rural area and focus the poor and marginalised to bring change in quality of life towards a dignified living. As per Census 2011, about 84 percent of people of the State live in rural areas. The people in rural villages belong to different social groups without homogeneousness. The marginalised sections are mostly located at the end part of the main village and social segregation has been very much prevalent with dominance of upper caste over the marginalised. Women are not being part of the decision making process in the village as well as the marginalised sections. Even many of the elected women representatives are being represented by their husbands in proxy role. There are villages where Dalits are not allowed to seat in Gram Sabha meetings with upper caste people on the same carpet.

The PMGSY aims to develop all-weather access to unconnected habitations, hamlets, through all-weather roads, culverts and cross-drainage structure. The allocation of PMGSY has been increased to Rs 19,000 crore. The habitations are not revenue village or Panchayats but hamlets. It has been identified that in most of the rural village the poor and marginalized section hamlets such as Dalit sahi/pada are inaccessible without proper linking road to the main road of the village. It is being complained that the road under PMGSY ends where the Dalit hamlet begins. The primary requirement for any linking road is land but most of the Dalit hamlets are not having linking road in revenue record. Usually it is the look after of the local revenue authority to identify linking road but unfortunately the local revenue authorities have not conducted survey and settlement of the revenue village specially the Dalit hamlets. The landless families are not given record of rights over the land they have

been in possession since generations. Therefore to ensure linking road for Dalit hamlets, the State Government should ensure land for the landless and declare habitations as revenue hamlets in revenue records otherwise the PMGSY will never reach to the habitations of the marginalized sections.

The IAY is the most popular rural housing scheme for the rural poor and marginalised, SCs, STs and BPL, bonded labourers, FRA beneficiaries, women in distress, families affected by natural calamities and PWDs. Homestead land is the precondition for this housing scheme.

But the State Government has not ensured land for thousands of prospective beneficiaries. As a result, many rural poor of the marginalized sections are getting deprived of Central Government housing schemes. There are a lot more other schemes which are linked to housing such as electricity, sanitation and drinking water and land development under MGNREGS. There is also provision of loan from nationalized banks with subsidised interest rate for construction of house and other development work. The IAY as per guideline of the ministry include toilet, bathroom, soak pit, compost pit, smokeless Chula, biogas /LPG connection covered under other Central schemes. There is scope of convergence of a host of schemes to bring a holistic change in the life of the BPL families in rural areas. While generating employment for the poor, the MGNREGS can be used to develop rural basic infrastructure for both the community as well as for individual household and can be linked to provide additional incentive to the beneficiaries of different schemes such as IAY.

The Union Finance Minister has allocated Rs 8,500 crore to cover the target of 100 percent village electrification by May 1, 2018 under Deendayal Upadhyaya Garama Jyoti Yojana. Electricity is required for improving quality of life as well as production of agriculture and small and cottage industries in village. Many of the interior parts and tribal areas of Odisha have not been covered under rural electrification. The hamlets of the marginalised sections need special attention for electricity connection within the scheme. Odisha is one of the States having maximum people used to open defecation. The Rs 9,000 crore Swachha Bharat Abhiyan will mostly cover the rural areas.

Drinking water source is one of the most essential infrastructure required for every household but a majority of the household of the marginalised



Let marginalised also benefit from windfall for rural infra remain without quality drinking water sources at their premises. The State Government should make all possible efforts to reach out to the interior parts inhabited by SCs and STs to ensure safe drinking water and discrimination-free access. This year Budget has made provision of Rs 2,000 crore for LPG gas connection for BPL families in the name of women in rural areas. It will have wider impact over poor women in family. It will contribute to save time and control pollution leading to good health of women who are mostly engaged in food preparation for their families.

The State has to ensure land and matching contribution for the successful implementation of each scheme for the poor and marginalised. It should use SCSP and TSP fund as matching grant to the schemes for SCs and STs, but there has been notional allocation without proper implementation. The State Government has been using resources under Central sponsored schemes to make payment of the salaries and administrative expenses of the State Government employees but there has been very poor implementation of all Central sponsored schemes. While the State is facing paucity of funds, it is very much required to take advantage of all Central sponsored schemes for the rural poor in building basic amenities related infrastructure which will not only be helpful to the marginalised sections but also ensure inclusive development of the State.

# SAFE DRINKING WATER FOR POOR SHOULD BE GOVT'S TOP PRIORITY

*Saturday, 23 April 2016*

The ongoing heat wave in Odisha is adding to the misery of the people who are struggling to get safe drinking water in this burning summer.

Every person in the country should have water of 70 litres per capita per day within his/her household premises. Every person has right to demand for drinking water as it is vital to health and wellbeing. But it is most unfortunate that the primary basic human necessity for life such as safe drinking water has not been ensured for all in the State having plenty of water resources.

The women of the poor and marginalised sections are travelling every day a long distance with water pots to collect water as mostly it has been the duty of women in family to ensure drinking water for all family members, especially for children and elders. It is the poor and marginalised people and those residing in hilly and mines areas, who are mostly depending on public water sources such as river, canal, stream, tube well, well and pond and about 90 percent of such source became dried up in summer and tube wells become defunct as the groundwater level has gone down. The people in rural areas have to spend time, labour and money to get drinking water whose cost has been increasing day by day.

Public water sources have been getting polluted for a number of reasons and with increasing commercialisation of drinking water, the sources of safe drinking water for poor have been getting limited. Water contamination has increased, especially arsenic and fluoride content in drinking water has been a major concern in the State. The struggle to get safe drinking water takes a major time in collection and storage and the inadequate availability of safe drinking water has got an adverse impact over health and wellbeing of the family. World Bank estimates that 21 percent of the communicable diseases in India are related to unsafe water. Diarrhoea alone causes hundreds of death of children and women in rural area due to non-availability of safe drinking water.

It is the prime duty of the State to ensure basic human need, especially safe drinking water, for those who are not in a position to invest on developing private water sources near their house but, unfortunately, our priority public spending has not been focused on drinking water need of the poor and marginalized. There has been no plan by the State Government to ensure safe drinking water and the State Government has failed to utilize the Central grant under the National Rural Drinking Water Programme besides a host of other schemes such as MGNREGS and RKVY where drinking water has been identified as a most urgent priority. Why a backward State like Odisha with plenty of surface and groundwater has not been able to solve the basic human need since last 65 years of planned development is a billion dollar question. It is fact that the majority of households in the State are poor who cannot invest on drinking water. So, needless to say, it is only the State investment that can ensure safe drinking water for the poor people. Water being the most precious natural wealth should be owned and managed and distributed by the State for public utility.

The Rural Development Department data says till February, 2016 only one-fourth of the total habitation of the State are covered by piped water but this figure is far from reality. The 2011 census says more than one-third of the total household in the State were travelling more than 500 meters from their house to collect drinking water. This number has been increasing in acute distress condition in districts such as Kandhamal, Deogarh, Subarnapur, Dhenkanal, Angul, Keonjhar, Jharasuguda, Sundargarh, Mayurabhanj, Bolangiri and Kalahandi. In most of the mines and industrial areas, the groundwater level has gone down and perennial water streams have dried up as well as water pollution of existing water bodies is very high which has been a major cause of drinking water scarcity.

Water is a free gift of nature and public good which should not be a denied to anyone on any ground at any cost. The State Government should distribute water on the principles of economic and social equity and ecological efficiency but water has been denied on economic and social background to the poor and marginalised, especially SCs, STs and other marginalised poor.

The Union Ministry of Drinking Water and Sanitation in its letter dated April 18 to all Principal Secretaries of 13 States including Odisha has

asked for a detailed report of measures taken by the State Government to mitigate drinking water scarcity situation. The Ministry has made available financial resources to immediately repair and maintain all water supply systems, hand pumps and bore wells and use sufficient number of pumps along with new borewells to be set up in areas having good aquifer. The State Government must set up drinking water monitoring cell at State, district and block levels to monitor such activities. The funds spent under drinking water must have priority for coverage of SCs and STs concentrated habitations in the rural areas. At the central level, 22 percent of drinking water programme funds are earmarked for scheduled caste sub plan and 10 percent for tribal sub-plan to be utilized for provision of drinking water supply to poor SC and ST concentrated habitations in rural areas. Habitations in inaccessible areas and with more than 40 percent of SC population should get top priority.

It is found that in many rural villages, Dalit people face untouchability while accessing water from public tube well, bore well and tanks in the commonplace of multi-caste village. There have been cases of caste conflict over water issue among rural poor and women are the worst sufferer in such cases in everyday life. A majority of the Dalit habitations lack land and electricity for installing tube well or bore wells. As per guidelines of Government, the women of SCs, STs and OBCs should constitute more than 50 percent of the members of village water and sanitation committee. The schemes such as MGNREGS resources should be used to build water sources for the poor and marginalized in rural areas. There should be drinking water testing laboratories at district, sub-division and block level to ensure water quality and avoid water contamination and pollution of drinking water.

It is being told by the Rural Development Department that they have supplied field test kits to Panchayats to access the quality of drinking water but the real implementation has yet to happen. The public institutions such as school and Anganwadi centres in rural areas must have linked to safe drinking water without barriers of social discrimination. But it is unfortunate that the State Government has not been following any policy guideline while implementing schemes of central assistance to ensure quality water supply.

The Rural Development Department should be proactively lead the programmes in mobilising resources from various sources that includes

Safe drinking water for poor should be Govt's top priority

central assistance, public sector, State budget and private bodies and also by converging different rural development schemes to build water bodies and water distribution infrastructures in rural areas for public use. The funds under district mineral foundation, SCSP, TSP, MGNREGS, PMKKY, and PRI should be collectively utilised for providing drinking water in war footing basis and all the projects must be completed during a definite time frame.

Drinking water projects should not be getting delayed for reason of financial or administrative ground. It is also equally important to manage, store and control rainwater, surface water and its pollution and check the misuse of groundwater by regulation, control, and management and to provide equal attention for sustainability of water sources in the State.

# DRINKING WATER SCHEMES NOT REACHING ODISHA POOR

*Saturday, 18 June 2016*

Recently, the State Government has declared Rs900 crore for rural drinking water project in mining areas pulling resources from District Mineral Foundation (DMF) and other Government and corporate sources.

The State has only 64 percent coverage of total habitations with drinking water facilities and only 25 percent of the rural households have access to piped water. As per NSSO 69th round survey for the period from July to December 2012, about 88 percent of rural households in the country are covered with improved source of drinking water like taps, hand pumps and wells. Census 2011 data says only 30 percent of rural households collect drinking water from taps. It is reported that about 85 percent of rural drinking water sources are groundwater based. It is not required to explain the importance of water in human life but it is unfortunate that in spite of huge allocation of resources we have not achieved the desired goal of safe drinking water for all.

It is reported that Rs1, 73, 950 crore has been invested on drinking water in the country by the Centre and State Government since beginning of the plan period. The delay in ensuring drinking water has been impacting over health and quality of life of the rural marginalised poor with lots of negative consequences. The coverage of rural population in Odisha by public water source was negligible as compared to many other developed States through the State has natural advantage of availability of groundwater.

It is fact that drinking water is not available to a majority of poor households in rural belt of Odisha. Women and children in family have to walk daily twice too long distant places for collecting water for family consumption. In some places, the male members use trolley to carry water pots from distant places. Water collection has become mostly time-consuming and keeps the whole family engaged for a considerable time. The rural sanitation is closely linked to availability of water; we cannot achieve Swachh Bharat, especially open defecation free status of a

habitation, without ensuring drinking water. The Swachh Bharat Mission scheme has provision of incentives of Rs12,000 for construction of individual household latrine to all BPL, SC, ST, small and marginal farmers, landless labourer, PWD and women-headed households. There are also provisions of support for construction of community sanitary complex. It is being observed that there are safety latrines being constructed by the help of the Government schemes but the people are not using it because of scarcity of water. The Central Government has decided to implement the rural water supply and rural sanitation in a conjoint approach but this has not been carried out by the State in rural areas.

The pregnant and sick women, kids, small children and elders in family face the worst suffering due to lack of safe drinking water at doorstep. The poor availability of drinking water and sanitation facility affects the whole family and having wider ramification on socio-economic condition of the family. In many areas of Odisha, it was unbearable in last hot summer that put burden of huge loss of time in collection of water. The marginalized sections and socially excluded people have the additional burden of getting discrimination free access to water in rural villages. There are also fluoride affected, saline affected and excess iron affected habitations where people are not getting quality water.

Recently this writer travelled to a few Dalit hamlets in Dhenkanal district to see the drinking water and sanitation facilities available in the poorest Dalit hamlets. Dhenkanal district has 280 Scheduled Castes and 606 STs concentrated habitations. The National Rural Drinking Water Programme gives priority to SCs and STs concentrated habitations in allocation of resources. It is also one of the objectives of the national drinking water mission to bring equity in access to safe drinking water for people of socially and economically weaker sections in rural areas. But in spite of schemes and programmes, there are habitations of Dalit communities without minimum source of drinking water.

Bhatakateni (Nuasahi), a hamlet village in Banasingh panchayat under Sadar block of Dhenkanal district, is home to about 25 landless Dalit families who are mostly engaged in traditional drum beating, bamboo work and daily wage earning for their livelihood. The hamlet has one tube well but the colour of the tube well water is yellow. A long time consumption of this polluted water has affected the health of people in

the hamlet. The people of the village have to walk for 2 km to collect water by digging small well on the perennial stream flows in the lower part of local Patarani hill. There is another hamlet Bhatakateni (Ragadi Sahi) which is home to 20 Dalit families. There is no linking road to the village. Almost all the households depend on daily wage, drum beating and bamboo work for sustenance of daily livelihood. The hamlet has one tube well which is defunct in summer season and also having water of yellow colour. The people use the stream water for drinking purpose. They have to travel around one km to take bath in the nearest Government pond but this year the pond was dried up in the hot summer. There are similar hamlets such as Posi Banasingh and Nuagada having serious drinking water crisis. The local upper caste villagers of Posi Banasingh do not allow Dalit women to use the Government tube well. The local upper caste women are using abusive filthy casteist remarks against the poor Dalit women and in order to avoid the regular conflict the Dalit women prefer to travel to the nearby stream in Banasingh which is around 2km distance. The village Parikheda of Sogarposi panchayat is inhabited by about 90 Dalit families. The village has three tube wells but only one is functional that too with polluted water. They use Kapilas water stream for daily water consumption which is about 2 km distance from the hamlet. Arachua village in Mathatentulia panchayat of Gondia block is home to 30 Dalit families having one tube well which is non-functional. The people have to walk one km from the village to collect drinking water. The Joranda Dalit hamlet having 30 Dalit families have a pipe water connection up to the hamlet but there has been no water supply to the hamlet. The people use polluted water of a well in their hamlet. The tube well is non-functional with yellow water. There are hamlets such Khankara, Bainsia, Karamula and Kankalunda having serious drinking water problem. In spite of application by the local people for remedy, no action by the district water sanitation mission has been taken.

Many women and children have health problems due to scarcity of water even they have no proper timely regular bath and wash and women are avoiding cooking twice in a day. Census 2011 data revealed that about one fourth of the rural households have to walk more than 500 meters to fetch drinking water. The average lifespan of a hand pump tube well is about ten years which need to be replaced but this has not been followed in many places. The presence of iron content was found in almost all



Drinking water schemes not reaching Odisha poor districts including Dhenkanal which is close to all major mineral zones. There are a number of industries coming up in the district but in spite of all such advantages it is unfortunate that the poor people are deprived of quality drinking water at doorstep and also not being able to use the sanitation facility created out of State fund for better hygiene.

## LET MARGINALISED WOMEN GET MATERNITY BENEFIT HASSLE –FREE

*Saturday, 28 October 2017*

The Government of India has introduced Pradhan Mantri Matritva Yojana (PMMVY) which came into effect from January this year to help all pregnant women and lactating mothers with financial support of Rs 6,000 in mode of direct benefit transfer (DBT) from the Ministry of Child and Women Development.

The resource sharing between the Centre and the State is in a ratio of 60:40 for general category of States but special category States and Union Territories will have about 90 percent to 100percent Central assistance under the scheme.

The Centre has allocated Rs 13,000 crore for this scheme. The eligible women must have BPL card, Aadhara card, bank account and the filled up form have to be sent through local hospitals to the Women and Child Development Department in the State. It is told that the scheme aims to encourage institutional delivery, nourishment of mother and financially compensate to the wage loss of women labourer during pregnancy and after to take care of the newborn.

Earlier the scheme was named as the Indira Gandhi Matritva Sahyog Yojana (IGMSY) which was introduced in 2010 across 56 districts as pilot project and was applicable for two live births aiming to bring down the maternal mortality rate in the country. There are also schemes such as Janani Surakshya Yojana started in 2005 for safe motherhood intervention focusing BPL, SCs and STs with 100percent Central assistance. The National Food Security Act 2013 also has provision of universal coverage of maternity benefit for every pregnant and lactating mother.

However, though the PMMVY has provision of pan-India implementation of maternity benefit programme, but it is restricted only to the first birth which will affect the poor and marginalized and excluded them from accessing the benefits.

The maternity benefit (MB) made available by the Central and State Governments have no universal coverage and very insignificantly benefit the poor and marginalized women who are not coming under the labour laws. The women employees of the Central and the State Governments, public sector and other organized sector have been enjoying the benefit of holidays with payment from the State exchequer. The duration of the maternity leave has been increased from 12 weeks to 26 weeks for the first two children in the Maternity Benefit Amendment Act 2017. The Act has ensured crèche facilities for establishments having 50 women employees and the women will have scope of working from home in case the nature of work does not suit her in taking care of the child. The maternity benefit for children beyond two and for women who legally adopt a child below 3 months or a commissioning mother shall be entitled for benefit of 12 weeks.

The State of Tamil Nadu has maternity benefit scheme which provides Rs 18,000 to pregnant women of below poverty line and the State Government also passed an order to increase the maternity leave to nine months in 2016. The scheme was started in 1987 with amount of Rs 3,000 per women and in 2011 raised to Rs 12,000 up to two deliveries but now it is Rs 18,000 in 2017. The scheme is named after Dr Muthulakshmi Reddy, a medical practitioner, social reformer and activist who was the first women legislator in 1928 in the Madras Legislative Council.

The Odisha Building and Other Construction Workers Welfare Board has a scheme for female workers. A woman has completed one year of registration is eligible to get an amount of Rs 8,000 towards maternity benefit. Way back a Maternity Benefit Bill was legally first time introduced in the Bombay Legislative Council in the year 1928 by Dr BR Ambedkar and he had also demanded to extend it to whole of India.

Later along with equal wage for both men and women workers, he was instrumental in bringing the Mines Maternity Benefit Bill for the women workers in all over India in the capacity of Labour Minister. His understanding was that in the interest of the nation, the mother ought to get a certain amount of rest during pre-natal period and subsequently.

But even after 65years of constitutional Governance, there has been no provision of universal coverage of maternal benefit (MB) for all women. The educated women employees have more privilege to enjoy out of

public fund than the poor working women. There is no uniformity in the available Labour laws about MB and the Labour Ministry has included maternity benefit in Labour code on social security and welfare which also includes the Unorganized Sector Social Security Act 2008 to cover all women employees of unorganized sector. The delay in decision making process deprives women of their basic entitlements of benefit sharing out of public finance.

However, it is fact that about 90 percent of women have been deprived of getting MB who are mostly in unorganized sector and comparatively poor wage earners whereas they deserve the most.

The working women, daily wage earners, contractual workers , women in agricultural work , farmers and agricultural workers, self-employed women, Dalit and Adivasi in interior parts are not getting adequate MB from the Government.

They suffer in family because of their poor economic condition and loss wage during pregnancy while they need additional support during that critical period to face the extra expenses to take care of self and for carrying infant and ensuring breastfeeding of the newborn.

These section of women are deprived of access to quality health service and live in subhuman condition without basic amenities such as house, drinking water and toilet facilities.

It is a fact that pregnant women in poor families have to walk a long distance to collect water and for open defecation. The family income and minimal Government support is not enough to maintain nutritional diet required and to meet the expenses of regular checkup and medicines.

There are interior parts having poor healthcare infrastructure and transportation facility to attend the emergency need of the pregnant women. The cases of number of unsafe delivery have been reported in many parts of Odisha because of poor transportation facilities and the negligence of the dedicated service providers.

The hospitals in rural areas are not equipped with adequate trained staff and other required facilities such as medical instruments for safe delivery. The service providers in rural villages are not adequately trained to handle the cases and make them available during emergency.

Let marginalised women get maternity benefit hassle –free

The women of Dalit, Adivasi communities and PVTG in interior parts face social discrimination by service providers as many of the health workers do not visit their habitations and house of pregnant women. So the Government support is more required for poor women. The poor working women must have wage compensation for ten months and crèche facilities must be available to all working women near their place of work or at their habitations.

Referring the report of fertility indicators based on sample registration system data, health researchers opine that the PMMVY will exclude about 60 percent of women who are in their second birth as the scheme is limited to only first birth.

Mostly majority of poor and illiterate women will not get any benefit out of this. It is also a fact that many women workers of unorganized sector are losing their job because of their pregnancy and the employers are not willing to pay due to loss of work during pregnancy and after. There has been a demand for universal maternity benefit that includes wage compensation, nutrition, healthcare and crèche facilities for all women, more particularly for women of the poor and marginalized sections who are suffering due to low wage, poverty and malnutrition.

## RURAL HOUSING SCHEMES FAIL TO MEET TARGET IN ODISHA

*Saturday, 19 August 2017*

The Central Government aims to provide house to every homeless family by the 75th year of Independence with budgetary provision and dedicated schemes.

The target for rural area includes a pucca house with supply of water, electricity and toilet facility for every BPL family through Pradhan Mantri Awas Yojana-Gramin (PMAY-G).

The house with minimum size of 25 sq. mt. must have cooking space, toilet and bathing area, sources of drinking water and clean fuel for the use of whole family.

The available support for this scheme through convergence of related other schemes is about Rs 1.6 lakh per house along with loan facilities of Rs 70,000 by housing banks.

The unit cost is Rs 1.30 along with Rs 12,000 for toilet under the Swachha Bharat Mission and about Rs 17, 290 under the MGNRGS for 95 days of unskilled work for the house.

It has created hope among rural poor towards a life with dignity and decent living with support of the Central and State Governments by building the most basic necessity of a family. The huge rural housing scheme not only helps the poor but will generate huge employment in rural areas and build basic infrastructure for the poor as boost to rural economy and employment generation.

The Government has also made plan to make available building materials at low cost and skilled masons to meet the huge requirement in the process of construction work. In order to maintain higher level of transparency in the implementation of the scheme the information technology, space technology, geo-tagging have been used to identify the beneficiaries and monitor the progress of the work and payment through direct benefit transfer (DBT) with Aadhara and mobile linked bank account.

The cost of the house is shared between the Centre and the State in 60: 40 ratio, and the State Government has a major role in grounding the scheme. The poor States such as Odisha with maximum people under BPL category in rural areas must use this as an opportunity to build the rural Odisha by making all efforts. But unfortunately, many of the Central schemes for the poor such as rural housing (PMAY-G) are not being effectively implemented due to lack of political will of the State Government and the beneficiaries are also not properly informed about such schemes. It is the primary responsibility of the State

Government to select genuine beneficiaries through Socio-Economic Caste Census of 2011 (SECC-2011) and affirmation by Gramasbha, and ensure homestead land and make the process complete through local level officials responsible for the implementation of the scheme.

The State Government should help the beneficiaries to have Aadhara card, bank account, mobile no and land patta to become eligible for the scheme as a majority of the rural poor are landless, illiterate and lack information about such schemes. A section of the poor in interior parts have no homestead land of their own with record of rights, bank account and access to communication with local offices.

They are also not organized to share information or to take up their issues with the local authority as largely they depend on local middlemen to access Government schemes. The political parties and trade unions and NGOs have made very little effort to organize these sections of rural poor and help them to get their genuine rights, entitlement and benefits under different schemes and programmes. This leads to huge corruption and limiting the access of beneficiaries which are major reasons of non-implementation of pro-poor schemes. The Panchayat Raj institutions along with block level officials have a major role in identifying beneficiaries through verification of the list provided by the Government of India based on SECC 2011. The Panchayat has the power to exclude or include beneficiaries and take a facilitating role in ensuring the implementation of the scheme.

It has been observed through interaction with beneficiaries in many parts of the State and monitoring of media reports that there is lack of basic awareness among the beneficiaries, basic infrastructure such as homestead land, absence of convergence of schemes and coordination of

various departments to ensure implementation of a completely successful project.

It is fact that rural housing scheme was started in 1980s as Indira Awas Yojana but the last 25 years witness huge failure in reaching the target especially in Odisha. The homelessness condition of rural households of Odisha is very well exposed in the Census of 2011. Not only house but in other basic amenities such as electricity, drinking water, sanitation, toilet and communication, the State is below the national average and behind many developed States of the country.

The poor beneficiaries of housing schemes in rural villages are mostly from the marginalized sections, socially and economically powerless illiterate persons, routinely visiting Panchayats and block offices sacrificing the wage of that day. They are indirectly forced to bribe the local elected representatives and officials to get the scheme whereas it is the duty of the service providers to reach to the beneficiaries and deliver the service in most transparent manner. Majority of the beneficiaries are not informed about the process and criteria. Rather a general perception is that everything depends on the local officials and ruling party representatives to avail the scheme. The scheme says the beneficiaries on his/her own effort have to construct the house in three instalments within a period of 18 months from the date of first instalment and no contractor will be engaged in the construction work.

The meeting of Principal Secretaries of States on the issues of PMAY (Gramin) in April by the Union Ministry of Rural Development revealed that along with other administrative issues, land to the landless is a major challenge for housing and the State Government has to ensure this. It is estimated that out of 4.03 crore households identified in the SECC 2011, 2.39 crore were recognized after verification by Gram Sabha but many of the States have not completed their verification though Odisha has completed 65 percent of the verification, 60 percent of registration and 100 percent of geo-tagging. It targets to achieve 100 percent which is quite encouraging. The first instalment for more than 50 percent of the beneficiaries has been released by the Centre.

It is important to note that added to the PMAY (Gramin), the State Government has four more rural housing schemes such as Biju Pucca Ghara Yojana (BPGY) normal and special, Biju housing for mining area



Rural housing schemes fail to meet target in Odisha in eight mining affected districts and Biju housing for construction workers.

So the scope of housing is wide for the rural poor households affected by natural calamities, communal violence, poor people in mining areas and construction workers but it is being reported that the funds under the State schemes have been largely unspent, particularly for mining affected people and construction workers. There are Dalit and Adivasi hamlets and slums in interior parts and mining affected areas of the State where people live in sub-human condition without basic minimum for life such as housing and drinking water, electricity and toilet facilities.

The need of the hour is to examine why implementation of schemes are getting delayed lest it would be difficult to achieve the target of housing for all in a poor State like Odisha.

# ONUS ON STATE GOVT TO IMPLEMENT CENTRAL SCHEMES PROPERLY

*Saturday, 12 August 2017*

The Central Government through the Prime Minister Awas Yojana (PMAY) is providing houses to the urban poor who belong to the economically weaker sections (EWS) and the lower income groups (LIG).

The national mission targets to provide two crores houses to the urban poor by 2022. It aims to rehabilitate the slum dwellers and promote affordable housing for the weaker sections through ensuring land and construction of house with basic amenities, credit linked subsidy, and assistance to individual house construction and enhancement in all urban statutory towns identified in Census 2011.

The PMAY for urban area has four major components which include slum redevelopment in its original place with a grant of one lakh per house to each beneficiary, affordable housing through credit linked subsidy for EWS and LIG with 6.5 percent of interest rate up to Rs 6 lakh of loan for twenty years as a Central sector scheme, housing in partnership with Central assistance of Rs1.5 lakh per house for EWS, and subsidy for beneficiaries construction or enhancement with Rs1.5 lakh assistance.

The minimum carpet area of the EWS and LIG house is between 30 sq.mt and 60 sq.mt. The beneficiaries fulfilling annual income criteria of up to Rs 3 lakh must have AADHAR card, PAN card and bank account. The beneficiary should not own pucca house by his /her name or by any of his family members anywhere in India. The ownership of the house will be in the name of the female head of the household or both husband and wife. The houses must promote green and environment friendly and disaster resistance technologies and the layouts are suitable to the area. The houses must have power, water supply, sanitation and drainage facilities. The progress of the construction work will be monitored through geo-tagged photographs. The State Government Housing and Urban Development Department and State Housing Boards and urban local bodies have to implement these projects.

The Census of 2011 revealed that 31.16 percent of the population of our country lives in urban areas though it is less than world average of 54 percent but this has been increasing very rapidly and it is expected that by 2050 about 65 percent of people of Asia will be in urban areas. The State of Odisha has 16.68 percent of the people who live in urban areas. It is said that about one-fourth of the urban population of the State live in slums whereas it is 18 percent in national level. There are 223 statutory and census towns, three municipal corporations, 37 municipalities and 63 NAC in the State. The slums in the urban areas have been increasing and many of the slums are not notified as slums. As per census 2011, about 70 lakh people live in urban areas of the State out of which 10 lakh are Scheduled Castes and six lakh are Scheduled Tribes. Mostly the rural poor of socially marginalized sections are the inhabitants of slums. The urban housing schemes can be linked to SCSP and TSP fund in budget available with Central and State Government to ensure house for homeless SCs and STs in urban areas. There has been growing urbanization for various reasons as people shift from rural villages to urban areas primarily in search of better opportunities of livelihood, higher wage, employment, education and relatively better living. The employment in agriculture sector has not been expanding due to lack of major investment in agriculture whereas investment in non-agricultural sector has been increasing with higher wage and more employment opportunities. There are also other reasons such as social issues, family dispute, separation, caste and communal conflicts, landlessness and natural disaster, displacement by mining and industry, dams, and deforestation that force many people in distress to land in slums. The people of economically weaker section, low-income groups and daily wage earners mostly unskilled and semi-skilled workers are in informal jobs with low wage. They are compelled to live in slums and city outskirts without proper shelter, safe water, sanitation and other basic amenities required for a decent and dignified living. The slum dwellers are a major workforce of the city and contributing the most critical support of everyday life such as cleaning and washing, construction work and all other odd jobs essential in city life but unfortunately they have been deprived of their basic human rights in Government policies and programmes in terms of getting minimum wage and social security benefits for a long time. Largely they do not have much bargaining power with employers due to lack of union and legal protection under labour

laws. They have no property and regular income as collateral for housing loan from commercial banks to securely construct a house of their own; rather they live with fear of unnoticed eviction and harassment by anti-social elements in the slums. The houselessness affects their family life and living condition as well as health and peace of mind which prevent them from any long-term investment in housing amenities. A number of studies have established that houselessness have wider ramification over health and work culture of workers. Right to housing is a human right recognized by UDHR and a fundamental right under Article 19 and 21 of Constitution of India. In this context, land and housing rights of slums dwellers should be seen as a basic human need which should not be compromised at any cost; rather globally it is understood that ensuing land and housing rights of urban poor must be treated as an investment for building better cities that is inclusive of all its population irrespective of their economic .The move of the State Government to provide house in cities and land in urban areas to landless poor is a good step in that direction through its implementation is a big challenge before the Government due to lack of political and administrative will which has been reflected in case of many other for the poor people of the State. The municipal administration has a major role in identifying genuine beneficiaries but there has been continued huge corruption and nepotism of local ruling party leaders that affects the implementation process. It is a fact that many influential people with political and administrative backing have occupied land in slums and rent it to the poor slum dwellers. The process of beneficiary selection for urban housing projects depends more on transparent involvement of the Government and urban . In the perspective of housing for urban poor, a recent decision of the State Government definitely is a step forward. It is reported that the Cabinet has decided to bring two ordinance –The Odisha Municipal Corporation (Amendment) Ordinance 2017 and Land Rights to Slum Dwellers Ordinance 2017. The aim is to provide property right to slum dwellers and enact a separate legislation to provide land rights to the slum dwellers for redevelopment, rehabilitation and upgradation of slums. Along with the new legislation, the State Government will create an urban poor fund for rehabilitation and development of the slums. It is expected that the decision will be beneficial to slum dwellers in all four major cities, municipalities and NAC areas of the State. The EWS in municipal corporations will avail flat of 300 sqft and the slum dwellers in

Onus on state Govt to implement central schemes properly municipality and NAC areas will avail land of 450 sqft and 600 sqft respectively. The monthly income ceiling of EWS is Rs 18,000 per month in cities and Rs 15,000 in municipality and NAC areas. It is told that the right over the property and land is for residential use and can be mortgaged but cannot be transferred. The State Government must make use of thee Central housing schemes for the urban poor and identify genuine beneficiaries to realize the dream of housing for all.

# LET MARGINALISED SHARE BOONS OF STATE RESOURCES

*Saturday, 01 July 2017*

Sharing of power and resources is fundamental to inclusive democracy and growth which needs to be reflected in our governance policy. The poverty and backwardness of the people of a State is more linked to its ownership over the resources and its utilization in the best interest of its common people.

The legislative power relating to resource governance is divided into three lists, the Union list, the State list and the Concurrent list, in our constitution which needs to be relooked in the context of emerging conflicts in resource rich States such as Odisha which has been deprived of its legitimate dues in many ways.

The State has advantage of natural resources such as land, forest, water, mineral and seashore but how these resources are being used for the people of the State and who benefits more out of these resources need to be examined to ensure justice for the State and particularly for its marginalized sections.

In spite of resources, why the State continues to be backward and one of the poorest in the country? It is demanded that the constitutional provisions and existing laws are effectively implemented in view of emerging resource conflicts relating to utilization and sharing of resources within the country and also within the State among its people.

There has been a continuous debate over resource federalism in the country with demand for more legislative power to the States in mater of resource governance so that the States can have full freedom over management of these resources. The nationalisation of resources has vested ownership with the Centre. The economic liberalization and privatization of resources has encouraged the centralization of decision in order to facilitate handover of resources without much administrative problem where the role of the States has been further sidelined. The issues have been emerging as one the major conflicting areas between the Centre and the States.

There are also incompatible areas among the States relating to resource distribution among States such as river water sharing; conflict over Mahanadi river water between Chattisgada and Odisha being a burning example. In this context, the constitutional provisions under Articles 262 and 263 relating to dispute relating to water of interstate river or river valley and coordination between States are not worked out effectively which has further complicated the problem over resource sharing. The privatization of water resources has additionally aggravated the water conflicts with more focus on corporate patronization. There has been competition among State Governments to supply water to the industries at the cost of agriculture and basic human need. The people on the bank of the river and outskirts of reservoirs are not getting adequate water for consumption and public demands for water are never properly dealt with priority by the Government. It is fact that after 70 years of independence, our women and children are blocking roads with empty vessels in their hand for drinking water.

The other important area is utilization and benefit sharing within regions of the State and among different social groups. It is observed that the national and State interest has not been inclusive of common man in sharing of resources and benefits out of it, especially with the marginalised sections who are historically alienated from the resources. So while demanding more power to the State on resource governance, it is equally important to see its decentralization within the State and across different social groups; then only it serves inclusive national and State interest.

Take for an example the mineral resources such as coal in Odisha which is a national resource and its governance is in the Central list under Article 246(list 54).

It has been always told that Odisha is blessed with mineral resources having one-third of the coal deposits of the country but both nationalization and recent privatization have not been beneficial for the State. The State in general and the people in coal areas in particular have sacrificed everything for national interest but a sizeable poor people there are even not getting adequate drinking water, land for housing ,livelihood and other basic human needs.

The coal nationalization may be good but it has been no way beneficial for mineral bearing States. The new legislation for privatization of coal

sector vested more power with the Centre for allocation of coal blocks. The coal royalty and related decisions are decided by the Centre. The governance of coal sector is under Central Acts such as

The Coal bearing areas (acquisition and development) Act 1957 and the MMDR Act 1957. It is also a fact that a number of Central public sector companies like the MCL, the NTPC, the Nalco and the SAIL are the leaseholders.

How these public sector companies are exceptionally helping the State by sharing its profit while using the resources needs serious examination.

The State has virtually no role in the matter of mining lease except getting royalty fixed by the Centre. The State cannot impose any tax over coal or influence over the rate of royalty which is arbitrarily fixed, thereby depriving States of their genuine share. The local people staying over the coal area have no rights over the land having coal deposits and at any time they will be evicted for national interest. There has been no survey or settlement of the land. Even the land in 5th Scheduled areas is acquired for mining violating the Supreme Court judgments. The land laws of the Centre such as the SEZ Act 2005 and the Right to fair compensation and transparency in land acquisition and rehabilitation and resettlement Act 2013 in place of old Land acquisition Act 1894, further justifies that the Center gets a privileged position over land.

It is also realized that whatever financial resources the State gets as tax, water tax ,land tax and royalty do not further percolate down to the local level and exclude the marginalized group in benefit sharing. As a result, the resource rich areas and the marginalized sections remain backward and undeveloped in many respects.

Though land is a State subject under Article 246 list – II no 18, the State is not implementing land settlement provisions in resource rich areas. The Odisha Land Reforms Act 1960 (section 45) says 70 percent of the surplus land of the village vested with the Government shall be settled with persons belong to SCs and STs. But this has not been implemented. The landless people have been demanding for homestead land for housing and agricultural land for livelihood but they are grossly ignored.



# MARGINALISED SECTIONS STILL NEGLECTED IN ODISHA

*Saturday, 20 May 2017*

The Public Affairs Index 2017 report on governance in States of India by the Public Affairs Center, Bangalore, ranked Odisha, Jharkhand and Bihar at the bottom, while Kerala and Tamil Nadu are good performers and top the list.

The Public Affairs Index has covered a wide range of themes such as essential infrastructure, support to human development, social protection, women and children, crime, law and order, delivery of justice, environment, transparency and accountability, fiscal management and economic freedom.

This poor performances and governance failure of Odisha have been reflected in the contemporary social and economic life of the State and uninterruptedly revealed by various surveys and reports by private as well as Government organisations. It has wider impact over the State in general and its poor marginalized sections, SCs and STs, in particular. It has been observed that the Government of Odisha has been ineffective to ensure protection of SCs and STs against practices of untouchability, social discrimination and caste-based atrocities.

It also failed to provide jobs and education and ensuring development through following the constitutional and legal provisions and budgetary guideline for the excluded communities.

The modern State has a major role in the protection and development of the marginalized sections who are being historically denied their rights to human dignity and equal participation in social and economic and political process. The policies and laws of the State have to be translated to action through programmes implemented through institutional mechanism and State resources.

The constitutional governance of the post-independence India has developed institutional mechanism for effective implementation of policies and laws of the Government for the SCs and STs. In the context of Odisha, there are four major statutory committees such as Committee

on Welfare of SCs and STs in Assembly, the State Scheduled Castes Advisory Board as per Odisha SCs Advisory Board Rules 1957, the State Scheduled Tribe Advisory Council as per Tribal Advisory Council rules 1950 and the State Vigilance and Monitoring Committee under the provisions of SCs and STs POA Act 1989. The Chief Minister is the Chairperson of three State level committees. However, experience shows these statutory bodies are almost unproductive in discharging their functions in the interest of the SCs and STs of the State. There have been no regular meetings of these forums to conduct business whereas they must meet regularly to discuss the issues concerning to the interest of the SCs and STs. The State Home Department in its white paper of 2015 says that there are about 2,500 cases of atrocities against the SCs and STs, out of which 1,816 cases are against SCs and 688 cases are against STs, and about 8,000 cases pending in different courts for trial. The heinous nature of crime includes rape, murder, abduction, physical and mental torture, house burning and loss of crops and property etc.

There have been grievances of victims in rural areas about non-registration of FIR by police and delay in submission of charge sheets which further delay the judicial process to access justice. Hundreds of illiterate and poor victims of atrocities in rural areas are being routinely harassed every day. The Government has not developed any social awareness schemes against obscurantist ideas and action.

The major important laws relating to the protection and participation of SCs and STs are, the Protection of Civil Rights Act 1955, the Scheduled Castes and Scheduled Tribes Prevention of Atrocities (POA) (Amendment) Act 2015, but the execution of these laws and their review lies with the legislative institutions. There has been no periodic review of cases at the State or district level by authorized committees to ensure justice under the provisions of law.

The education and employment provisions are vital to the development of the marginalized but in spite of provision of law, the State Government itself violates it. The Odisha Reservation of Vacancies in Post and Services (for SCs and STs) Act 1975 has to ensure representation of SCs and STs in Government jobs but vacancy continues without any active role of the Government to fulfil these vacancies.

The Chief Minister on March 26 declared to fill up 20,000 vacancies in the State for SCs and STs in various services and posts but unfortunately there has been no administrative process initiated till date to fill up the vacancies.

Rather in the name of contractual appointment and outsourcing, the State Government has been violating all reservation norms which are affecting the scope of employment of the marginalized section in organized sector.

The SC and STs Development Department itself has huge vacancies for which it is not being able to execute its various programmes. The SCs and STs have still inadequate representation in Class one and Class two posts, while they have proportionate representation in Class three and over representation in Class four posts as per their population percentage to the total population of the State. Similarly, the provision of reservation for SC and ST students in educational institutions has not been implemented properly as per their due share.

The State Government has increased the reservation from 20 percent to 38 percent in May 2015 but there has been no monitoring of its implementation in educational institutions especially by technical and higher education institutions. The higher educational institutions have not adequately represented by SCs and STs as teaching and non-teaching staff. The privatization of education has drastically limited the scope of education of the poor and marginalized and the state intervention is highly required to ensure education for the poor.

The governance of scheduled area under PESA Act 1996 is very much linked to the good governance and development of tribal areas of the State but the Government has not amended the Panchayatiraj laws and the governance of tribal areas has not been technically and legally handed over to the STs in scheduled areas.

This is affecting a major part of the population in almost half of the geographical area of the State.

It is said that the development of the resourceless poor and marginalized is not possible without the spending by the State but the most important budgetary provision for the development of STs and SCs is Scheduled Caste Sub Plan (SCSP) and Tribal Sub Plan (TSP). These were initiated

since 1979 and special funds are allocated targeting direct improvement of the families. But these plans are not implemented properly.

Unfortunately, there has been only notional allocation and no special scheme has been developed to spend the targeted amount. There has been diversion of funds to other purposes. The persistent negligence of spending of fund for the development of the marginalized has been a major stumbling block. These statutory bodies are represented by legislatures from different parties who have never raised the issues in appropriate forums under the provisions of the constitution. The SC and ST Development Department is the nodal department which is supposed to plan and monitor the implementation of the schemes but it has been suffering due to lack of political and administrative will of the ruling parties. It seems the State is not following the constitutional provision when it comes to the protection and development of the marginalized citizens.

## RS.5 MEAL SCHEME MUST IMPROVE QUALITY OF LIFE IN ODISHA

*Saturday, 06 May 2017*

Hunger death continues unabated in different parts of the world and emerges as most primary humanitarian concern globally. The world hunger index 2016 ranked India at 97th out of 118 countries and the International food policy research institute reports that about 15 percent of the Indian population lack adequate qualitative food in proper quantity.

India continues to be one of the highly unequal societies in the world and it ranks 131 out of 188 countries on the Human Development Index (HDI) prepared by the United Nations Development Programme. There have been reports of hunger death, malnutrition and lack of access to adequate quality food in different parts of the country.

Globally, it is understood that ensuring food and basic amenities for its people is the fundamental responsibility of the Government as right to food is a precondition for Right to Life. But unfortunately, there are millions of people who are deprived of Right to Food because of our unequal economic, political and cultural systems and practices that perpetuate inequality which leads to poverty and hunger. The economic policy and interventions by the Government through various schemes need much public awareness and healthy informed debate to counter poverty, hunger death, malnutrition and food insecurity, especially among the poor and marginalised sections of our society. The most vulnerable section among the poor and marginalized are children in rural areas and urban slums of low income groups who are deprived of quality food for their growth and continues to suffer with malnutrition. This has wider ramification over human development of a nation.

India runs two most widely covered popular food distribution programmes against malnutrition under ICDS and Mid-day meal for children in Anganwadies and schools. There are States such as Tamil Nadu and Karnataka which provide two times egg and distribute milk thrice in a week in Agwanwadies and substantially bring improvement in MDM programme.

There are subsidised food distribution programme by the Central and the State Governments under the National Food Security Act 2013 which ensures minimum level of food grain that is 5kg rice and wheat for each priority poor household through public distribution system. Many of the State Governments have their own State specific interventions as additional inputs to expand the process. Jammu and Kashmir has Mufti Mohammad Sayed food entitlement scheme as supplementary programme and the West Bengal Government has introduced a special food packet named as Ramzan package, though not just limited to Muslims only, in a subsidised rate through public distribution system for the people of the State.

In the year 2013, Tamil Nadu has gone ahead with introduction of historic cook food and drinking water programme which has been very popular in the country as Amma Canteen and Amma packed drinking water. It provides Idli at rate of Rs 1, Sambar rice at Rs 5, cud rice at Rs 3 and drinking water at Rs 10 per litre. It is told that the eateries are well maintained and have been generating employment for poor women with standard salary and social security benefits while ensuring quality food at subsidized rate for the common people out of the State fund.

It has been observed that the scheme of Government of Tamil Nadu has influenced other States to follow the path. During last five years, there are many States coming up with their own schemes to ensure subsidised food for the urban poor and beyond.

The Government of Odisha has AHARA scheme, under which rice and dalma is provided at Rs 5. The scheme began in the year 2015. The Government of Karnataka has introduced Namma canteen where breakfast is provided at Rs 5 and lunch and dinner at Rs 10. It has also decided to lunch Saviruchi mobile canteen in the State to be managed through women self-help groups. The Madhya Pradesh Government has Deen Dayal canteen which provides a Thali of four Roti, vegetables and Dal at Rs 5. The Andhra Pradesh Government has NTR Anna Canteen and Telangana has meal at Rs 5. The Delhi Government has Aam Admi canteen and Himachal Pradesh has Rajiv Thali Yojana meal scheme at Rs 25. Similarly, Rajasthan has set up Annapurna Rasoi in 12 districts to provide breakfast at Rs 5, and lunch and dinner at Rs 8 with the slogan of food for all and respect for all. The State Government has arranged about 80 mobile vans to distribute food. The Uttar Pradesh Government

in a recent move has decided to start Annapurna canteen to provide refreshment at Rs 3 and full meal at Rs 5 in municipal areas under public-private partnership mode. The canteens will provide breakfast, lunch and dinner at Rs 13 and the menu includes Idli, sambar, Poha, pokada, porridge, tea, dal, rice, chapatti, and seasonal vegetables. It is witnessed from all State schemes that Odisha's scheme is most poor in comparison to others.

While the appreciation for such schemes has come from many quarters especially from the poorer section, there have been serious criticisms of such schemes by branding as populist and politically motivated. But the most important concern of such schemes has been corruption in handling the scheme as there is very little transparency and accountability without much public audit. It has been told that the schemes out of public money have not been reaching to the real beneficiaries. It is also argued that providing subsidized food promotes charity out of public money rather than bringing food sustainability among the poor and marginalised and ultimately impacting over work culture. Therefore it is equally important to educate people about healthy and quality food eating habits and developing the common people's access to quality food by empowering them with income and employment along with policy for minimising economic disparity.

It is observed that food preparation becomes a costly affair in the poor and lower income families who are struggling with time and non-availability of basic amenities such as clean fuel , water , sanitation and shelter for quality living. The burden of food preparation mostly lies on women in family. The food available in market places is inaccessible to the poor in terms of price and not hygienic also for different age groups.

Along with control of food price and strict implementation of weight and measure, in order to reduce the common people dependency on Government subsidised eateries, the Government should ensure clean fuel, water, electricity, sanitation and housing facilities, especially for the vulnerable urban poor and low income groups in rural and urban areas. The families with small landholding must be encouraged with food production to meet the growing food needs. The mass production of cereals, vegetables, fruits, milk, egg and meat products at household level will improve access to food and reduce dependency on market for purchase of food for which it is important to ensure land for each family.

It is suggested that the subsidised food schemes must not be looked as permanent solution; rather these schemes while fulfilling the present need of poor, must be used as a means to improve quality of life and boost employment. More so, it helps reduce inequality by empowering the poor and marginalized through access to quality food.



## BASIC AMENITIES STILL A DAYDREAM FOR HUNDREDS OF VILLAGES

*Saturday, 22 April 2017*

The poor and marginalised sections living in rural interior parts are denied basic amenities in spite of dedicated schemes and budgetary allocations. Still, there are many villages and hamlets where basic amenities are a daydream.

Basic amenities are essential foundation for a decent living and it enhances economic growth and quality of life. The scope of basic amenities includes safe drinking water, sanitation, housing, all-weather road to village, electrification, fuel, connectivity, healthcare centre, school, playground and recreational facilities and many more. There are non-negotiable conditions for living but for last sixty years of planned development intervention, the Government has neglected this aspect without any substantial achievement even today. Unless these basic issues of the poor and the marginalised sections are not solved, it is difficult to ensure inclusive growth. The longtime negligence of the Government towards a section of people in a democratic setup questions our very concept of nationhood and the ongoing development process.

Basic amenities are linked to qualitative and developed human living and the modern State has to ensure this out of public finance through dedicated institutional arrangement. But this process has not produced the desired result, especially for the deserving majority of the poor and marginalised in States such as Odisha. The negligence in public investment for developing basic amenities for last sixty years has widened rural and urban gap as a result of which mostly the rural poor are migrating to urban areas for a better living. Studies found that lack of basic amenities has wider impact over working condition and the trend shows that the work culture in rural areas has been deteriorating with increasing health problems along with lack of improvement in education and skill. The social life and living condition in rural areas and its change process are linked to availability of basic amenities.

The living condition of common people reflects the socio-economic, political and environmental development of a country. Mercer's annual

worldwide quality of living survey ranked Singapore as highest ranking city in the Asia Pacific region. The quality of living in Indian cities has been poor in comparison to global standard. Among the Indian States, the quality of living and availability of basic amenities is widely unequal. States such as Kerala, TN and AP are comparatively better than Odisha which ranked near to the bottom of the list of the India Today survey 2016.

It is important to note that 2011 census shows huge inequality in availability of basic amenities between rural and urban areas and there is further inequality among different social groups. The availability of piped water, electricity and toilets are not provided to more than one-third of the rural household. It shows our public investment in rural areas is not inclusive of poor and marginalised and it failed to address the basic requirement of the common people to bring change in their life.

The condition of the people in rural parts of the backward States such as Odisha is in worst condition. The Dalit and Adivasi hamlets, primitive tribal groups in forest areas, fishing community habitations in coastal areas, forest dwellers, small and marginal farmers, sharecroppers, agricultural workers, household with traditional occupations, milk farmers, mining and industrial areas and slums with casual mining labourer have no facilities of basic amenities in their habitations. They have to struggle every day to collect water for bare needs and managed with available minimum. They use open space for defecation, burn kerosene oil or locally available fuelwood for food preparation and lighting the house. Their habitations are in isolation and segregated without proper sanitary facility, animal shelter space, linking road, drainage line and waste management facilities. The dependence of poor and marginalized on public space has been sinking day by day with changing rural settings. The village forest, water bodies and other common space are getting changed and scantily available these days. The public amenities developed out of public fund mostly available to dominant sections of the village and, by and large, everywhere social exclusion restricts the free access of the socially marginalised groups.

The situation of women, children and elderly people and sick persons in family is worsening further. This has an overall impact over the working hour of the men and women in family for earning and other productive engagement. Globally it is understood that any human development must

begin with making available of basic amenities for life but why our Government, corporates and communities have not paid adequate attention to the basic human needs and still people continue to suffer.

The corporate philanthropy in India has not done much in creating basic amenities for the poor and the marginalised. The Companies Act 2013, clause 135 and scheduled 7, speaks about corporate social responsibility. It has created scope of philanthropy by corporates and spending for creating basic amenities, especially targeting the poor and the marginalised.

The communities in rural areas have to change their mindset relating to basic amenities. They should not wait for Government for a long time and where ever possible, the communities should build amenities out of their community fund to make it more sustainable. It is found that mostly people spend on customs, cultures and maintaining traditions but usually do not invest in basic amenities. The poor and the marginalized communities should go for creating community assets such as water bodies, public toilets, community space for recreational events and plantation out of community fund. They should make efforts for the implementation of various Government schemes in their hamlet. The role of Panchayatiraj institutions is most important in the whole planning and implementation process. The Panchayati Raj institutions must focus more on developing basic amenities in the hamlets of the poor and marginalised by utilising resources available out of Central and State Government schemes for rural development such as MGNREGS, Dindayal Upadhyaya Rural Electrification, LPG cooking gas for poor women, water and sanitation schemes, Swachha Bharat sanitation programme, toilet, BASUDHA and Mukhiya Mantri Adibandha Yojana of State Government, hamlet linking road, drainage line, garbage pit, Prime Minister Awas Yojana etc. The recommendation of 14th Finance Commission has created scope for increasing public spending in rural areas. It is told that each Panchayat will avail minimum Rs 80 lakh per year for the community development work of the panchayats. These schemes of basic amenities need to reach to the needy in convergence through involvement of the poor and marginalised in the planning and a transparent implementation process. The political parties, CSOs, community leaders and others must get engaged with the community to bring change in quality of living.

With increase in population and sinking of common space and privatisation of resources such as water, forest and land, water bodies, rivers, pastures, coasts and public land, the difficulties have been multiplied. Like the Smart Cities, there has been attempt by the Government to build Smart Villages. But these villages should be inclusive of the poor and the marginalised.

## SOCIAL EXCLUSION AGAINST SC & ST

# STOP KILLING INNOCENT TRIBALS ON PLEA OF MAOIST

*Saturday, 16 July*

The poorest and natural resource rich regions of the country, including Odisha, Chhattisgarh, Jharkhand, AP, Telangana, WB, Bihar, Maharashtra, MP and UP are witnessing extrajudicial killing of innocent people, especially Adivasis, in large numbers by police and paramilitary forces deployed to fight Maoists.

The Home Ministry data says during the last five years around 2,200 civilians and 800 security forces were killed in Maoist operations in different parts of India. In Odisha, between 2011 and 2016, more than 200 people were killed in Left-wing extremist violence. In a most recent incident at Gungudumaha on July 9 last, five people were killed which include a two-year-old child, two men and two women and six people were injured by an attack of SOG police and CRPF in Kurtamgada, Malapanga forest in Kandhamal district of Odisha which generated lots of debates among political parties and social organisations questioning the role of State Government.

In ensuring protection of common people in the Left-wing extremist areas of the State, there were similar cases of fake encounter by police and paramilitary forces in recent past. Earlier such type of incident had taken place at Kalyansingpur of Rayagada district, Nishaguda of Kalahandi and Madaguda of Kandhamal where people were killed in crossfire while they were searching for their missing goats.

The common people have been facing harassment and police brutality and the mobility of the people has been getting restricted to the forest while FRA encourages their ownership over forest for livelihood. There have been increasing atrocities against SCs and STs in the State and the NCSC and NCST have expressed concern over inaction by the State Government.

There are six battalions of BSF, eight battalions of CRPF and one Commando Battalion for Resolute Action (CoBRA) deployed in the State while the State has been demanding before the Home Ministry for more number of paramilitary forces to be deployed in Naxal affected areas or

Maoist prone districts such as Kandhamal, Kalahandi, Nuapada, Koraput, Malkanagiri, Balangiri, Baragada, Keonjhar, Mayurbhanj, Sundargarh, Jajpur and Ganjam.

The State Government has formed Odisha Auxiliary Police Force (OAPF) by recruiting tribal youths from Naxalite affected areas of the State. It is important to see how the State Government has been managing the huge presence of police and paramilitary forces in backward areas and making them accountable to local people while enforcing law and order.

Article 21 of the Constitution of India says no person shall be deprived of his life or personal liberty except according to procedure established by law but this needs to be translated into reality in case of poorest of the poor who are deprived of their life and liberty to move freely in their own locality.

There has been demand for scrapping of draconian laws such as Unlawful Activities Prevention Act and The Armed Forces Special Power Act which are undemocratic and anti-people. The accountability of police and paramilitary forces to constitutional system should be increased and police reform should be made to make the police more humane and responsible while dealing with common people in disturbed areas for maintaining law and order.

The casteist, anti-ethnic, racial and patriarchal mindset and attitude of the police forces towards Dalit, Adivasis and women need to be changed.

The Maoist-hit districts are inaccessible backward areas with rich forest and mineral bearing and also these are 5th Scheduled areas having a large number of Adivasi and Dalit population who primarily depend on forest resources for their survival.

These areas have mineral bearing and attract MNCs to set up mining and industry there and the local people have been resisting such move of the Government while demanding right to self-determination over their land under the provisions of constitution. Why the State Government is so careless about the life and liberty of the people living in backward areas where it has failed to provide basic amenities and social infrastructure in spite of hundreds of schemes and programmes and availability of financial resources under plans and sub-plans for the poor and the marginalised.

By such unwanted incidents, the mobility of the people in forest areas has been restricted and people usually are not coming out even for livelihood with fear of police and paramilitary forces deployed in their areas.

The most recent Kandhamal incident shows serious callousness of the local administration in ensuring human dignity, humanitarian aid and treatment facility to the injured victims.

The local SP and Collector failed to ensure timely humanitarian action for the poor victims of police firing. The higher police officials who are in charge of the operation are behaving in an irresponsible manner with life and liberty of the people at stake.

The innocent poor tribal and Dalit people are being harassed, humiliated and physically tortured by the police and paramilitary personnel on many occasions without reason. There has been complaint of missing of people in the area who are taken by police for interrogation. There have been hundreds of Adivasis and Dalits put in jail with false cases after being arrested under suspicion of Maoist link. Their cases have been pending in courts without trial and there have been no legal aid or judicial pro-activeness to release such innocent poor people suffering due to their poverty, illiteracy and legal backwardness.

The Government without addressing the issues of the people has been more engaged in fighting against the Left-wing extremism by spending huge financial resources from the treasury on security in the name of countering Maoists. The real security is the wellbeing of the people.

There has been no regular employment facility and most of the schemes and programmes meant for them have not fully reached to them due to bureaucratic apathy and lack of political will by ruling parties in Government at different times along with insignificant representation of Adivasis and Dalits in governance and development administration. The best possible way to counter Maoist violence is development of the marginalized and dialogue with the community.



# STOP KILLING ADIVASIS TO MUZZLE VOICE AGAINST OPPRESSION

*Saturday, 12 November 2016*

The mass killing of Adivasis continues unabated in the State of Odisha under the pretext of encounter with Maoists. The current scenario shows that a vast majority of Adivasis are getting marginalised and excluded from resources, land and forest, for survival by enforcement of discriminatory economic policy.

They are also getting deprived of opportunities because of apathy which is largely reflected in non-implementation of protective laws and development programmes out of State funds. And where ever there are people's resistance for survival and rights, the State comes on heavily in criminally suppressing them.

It is known that the main sources of survival of a majority of Adivasi households depends on land and forest based activities that provide them livelihood, income and employment, but the economic policy of last 65 years of Constitutional governance has been slowly alienating the Adivasis from their rights over land and forest. It is an established fact that land alienation in tribal areas has been increasing day by day and Adivasis are not given their legal rights over the resources around them. On the other hand, they are evicted by violating all forms of existing legal standards and mechanisms.

It has been observed that the State has been actively facilitating the handing over of resources to corporates for business but maintains undeclared apathy in enforcing laws to ensure rights of Adivasis over land and forest by non-implementation or half implementation of laws relating to land and forest. The Adivasis are not given record of rights (RoR) over their land in possession and no survey and settlement work has been completed in Adivasi areas. There are households with Patta without possession and people with possession for so many years have no RoR. The Revenue and Forest officials in grassroots have continued hegemonic legacy of harassment and exploitation without a proactive role of enforcement of laws. The Acts such as Regulation -2 and FRA have very insignificant impact over Adivasis in ensuring control over land

alienation and increasing legal ownership in tribal areas. There has been huge deforestation due to extractive industries, mining, mineral based industry, roads, railways, and other forms of commercial use of timber and non-timber forest products which are a major cause of destruction of the age old human habitations, ecosystem, environment, sources of water, flora and fauna, free air and livelihood without providing a viable alternative to the Adivasis. The rehabilitation and resettlement related Acts are largely non-implemented in building alternative and ensuring dignified adequate compensation to the historically marginalized communities uprooted from their homeland. For the last 65 years in spite of Constitutional provisions and a series of protective legislation, there has been denial of rights and more particularly the issues of land ownership of Adivasis and progressive land reform agenda has been deliberately neglected by the ruling parties.

The process of resource alienation has been contributing to increase in distress migration, hunger death and mass deprivation from food, malnutrition and generating a poverty trap for generations together.

Children are dying every day without food and medicine and basic healthcare facility in tribal areas. Adult members of the family are migrating in distress from own locality to distant places in search of livelihood as they are not getting employment in their own locality.

A majority of the tribal workforce is illiterate and without education and skill to get engagement in the organized sector coming up in their locality. Their traditional knowledge and skill getting irrelevant in the new economic system and macro level economic changes facilitated by dominant market forces and State together. The need for improvement in agriculture and forest-based economy has been neglected where Adivasis are the worst sufferers. Even the protective policy of the Government for farmers and forest workers is not tribal centred.

Many of the schemes for farmers out of Government fund have not taken into account the specific condition of the tribal farmers and farming and there is absence of tribal farmers' mobilization to focus their very specific issues.

The other major reason is non-implementation of protective laws for Adivasis. In recent time, social segregation, physical and mental atrocities against Adivasis by non-Adivasis have increased in new forms. The

justice delivery system of criminal justice administration, police and judiciary, where representation of Adivasis is very insignificant and mostly dominated by non Adivasis, help little to protect the tribals. The continued civil and criminal procedures and the very process of justice delivery system since British days make Adivasis helpless onlookers. Today, Adivasis constitute a sizable number of the prison population. The very poor access to legal aid for the marginalized and poor accompanied with delayed justice virtually deprive Adivasis to get justice. There are evidence of false and fabricated cases by police and vested interest groups to harass the poor and illiterate Adivasis.

The economic development of Adivasis is largely linked to State investment, but in spite of provisions of the allocation of public funds in the Budget, the State Government has been denying due share of Adivasis. It is fact that Tribal Sub Plan (TSP) has been getting notional allocation in State Budget, but the funds for tribal development has been diverted for other purpose without a proper plan and specific schemes of spending.

The Central assistance for tribal development has been consistently unspent in past few years and even returned back to the ministry last year. The special projects and micro projects, with target to reach the tribal areas and specific tribal groups, such as PVTG, have suffered improper monitoring and impact assessment and routinely continuing for so many years without any tangible achievement in the life of the target population. Even some of the basic issues such as drinking water, housing, sanitation, electricity, primary health care and primary education problem have not been solved. As a result, the people there are suffering. Take the example of the Juanga Development Agency whose reach remains limited to just a few villages and many Juanga villages in the periphery are left out.

The State tribal development administration has been running without leadership, lack of political will, administrative apathy with lack of periodic review and monitoring and above all, absence of involvement of Adivasis. It is largely violation of right to development of Adivasis by the State and this continued negligence has resulted in a series of death of innocent Adivasi people in tribal areas.

The mineral zones and upcoming business hubs have been converted into battlefields such as, Kalinganagar, Rayagada, Koraput, Sundargarh,

Lanjigarh, Keonjhar, Malkangiri, Nuapada, Nawarangpur, Kandhamal, Jharasuguda, Angul and Mayurbhanj. In all these districts, mostly innocent Adivasis were killed and jailed in hundreds of numbers. The resistance and protest movements and struggles for rights over resources for survival and rights to development and protection under provisions of constitutions are seen as anti-development and anti-State and in some areas it is being viewed as anti-mining and industry. The space for democratic dialogue and dissent has been curtailed which encourages violence and lawlessness. In line with the Constitution of India, it must be the motto of the Government to ensure peace, good governance and development in tribal areas without which inclusive development of Odisha is not possible.

## A WELCOME STEP IN IMPROVING HEALTHCARE FOR NEGLECTED POOR

*Saturday, 17 September 2016*

Very often, we all come across news about persons with psychosocial disability, mental illness and their vulnerable condition in family. Many of them confined to small rooms and chained for years by family members without treatment because there is lack of adequate public mental healthcare facility.

Studies have found that about 80 percent of the patients of mentally challenged belonging to poor families who cannot afford quality treatment. The worst part is there are persons roaming in public mostly found in railway stations, bus stands and market areas or in the city outskirts slums in a very wretched condition. There is absence of reliable figure about the number of persons with mental illness but privately it is estimated that about one percent of population suffer from mental disorders such as schizophrenia and bipolar disorder. It is being told that increasing stress and depression due to number of socio-eco, socio-psychological reasons, poverty, illiteracy and social discrimination will further enhance the number of people with mental illness in coming days if quality treatment and other related facilities will not improve.

There have been inadequate mental hospitals and healthcare-related infrastructure to cater to the need of the growing of mentally ill persons in our country. With increase in liberalisation of health sector, India's expenditure on health has been below 5 percent of its GDP for last five years. The WHO estimates that the advanced countries such as USA, Canada, Netherland, Sweden, Denmark, Germany, Japan and France have been spending more than 10 percent of their GDP on health. However, in poorer countries like India the expenses are too less.

The Government of India has declared the mental health policy in 2014 but the policy has not been translated into action to change the poor condition. The backward States such as Odisha has no institutions like National Institute of Mental Health and Neuroscience and after the introduction of National Mental Healthcare Programme in 1982, the district mental health care programme has been set up in each district.

The Government has done very little in promoting training and capacity building of health professionals to provide adequate quality service to the persons with mental illness. There is a list of scheduled drugs which should be made available in all public health establishments and also psychiatrists but this has not been done adequately in the State. The Odisha Government has to integrate mental health service into general health delivery system from CHC to district level for larger access of all. The inadequate financial support and technical clearance has been a hurdle in bringing improvement in the health sector of the State. Many families in the State are suffering in the absence of non-availability of mental healthcare facility at district level. There have been reports of cruel and inhuman treatment even by family members because of poor financial status and the social taboos related to mental illness. Doctors opine that more than 90 percent mental illness cases are curable and recovery is possible but old mindset, cultural practices and belief system and unwanted social systems still exist in rural villages which need to be changed with dignified human values and modern human rights laws that respect human dignity and support a decent dignified living of all individuals.

In the context of mental health care service in the country, the Mental Healthcare Bill 2016 passed by the Rajya Sabha on August 8, 2016 has created hope for a systematic intervention by the Central and State Governments in improving the public mental healthcare facility in our country with a rights-based approach to the issues of mental health that recognises the healthcare rights of people with mental illness. It is a long-awaited progressive legislation which aims to provide mental health care and service for persons with mental illness and to protect, promote and fulfil the rights of such persons.

The Bill has many required provisions in comprehensively addressing the issues and fulfilling the international obligation of India towards people with disabilities and its optional protocol adopted by UN in 2006. India has signed and rectified the convention on October 1, 2007. The Bill also replaces the inadequate Mental Health Act 1987 by adding many new provisions in a right perspective and also to harmonize the existing laws in alignment with the international standard. The provisions of the Bill says every person shall have a right to access mental health care and treatment from mental health service run or funded by the appropriate Government. The mental health service must be in affordable cost with

A welcome step in improving healthcare for neglected poor good quality and availability in sufficient quantity while accessible geographically. The Bill says about discrimination free treatment irrespective of social, caste, gender, sex, political, economic, religious, cultural and sexual identity of a mentally ill person. The person with mental illness including children and older person should not travel long distance to access mental health care services and the Government has to arrange such facilities at each district. Persons living below poverty line even without a valid card, destitute and homeless deserve a complete free service and treatment facility without any payment in any Government run hospitals and other establishments for the purpose. Financial condition and social status should not be a barrier for accessing treatment facility. The Government has to notify essential drug list and all essential drug should be made available in all hospitals free of cost.

Every person has right to live a community living with dignity and not to be segregated from society and his/her right to a family. The person with mental illness must be protected from cruel, inhuman and degrading treatment anywhere by anyone. The personal hygienic environment, sanitary condition, privacy, dignity and proper clothing to maintain dignity must be ensured along with provision for adequate food by the Government. The Government has to create awareness about mental health and illness and in reducing stigma related to mental health and illness and appropriate measures should be taken to develop human resources development and training.

As per the Bill, there will be a Central mental health authority at national level and State mental health authority at State level. The punishment for contravention of the provisions includes imprisonment for a period of six months to two years or with a fine of Rs 10,000 or both. There are a few things left out in the Bill which may get a place in the rules as clarified by many. It is expected that the historic legislation of international standard will bring major change in the health sector and specially in ameliorating the condition of the most deserving vulnerable persons in human society but the implementation of laws needs a change of mindset and human commitment without which it will not bring desired change.

## NAGADA DEATHS: DEPLORABLE CONDITION OF STATE TRIBALS EXPOSED

*Saturday, 23 July 2016*

The most recent case of death of 20 children of Juanga tribe in Nagada village of Chingudipal gram panchayat under Sukinda block in Jajpur district due to malnutrition unveils the precarious condition of the Juanga tribe which is one of the Particularly Vulnerable Tribal Groups (PVTG) among 13 PVTGs inhabiting in Odisha.

Not only Juanga, Sukinda block is also home to Mankidia tribe and STs constitute about one-third of the total population of the block. The socio-economic indicators of PVTG continue to remain below the State average of other STs. Malnutrition is not an issue itself; rather it is interconnected to employment, food security, drinking water, health care, sanitation, housing, education, communication and overall living condition and quality of life. The people of these areas usually always suffer from malaria.

A recent media report says hundreds of ST students in ashram schools are suffering from malaria. Many people have been dying and suffering for a long time. The longtime sufferings have an impact over their socio-economic life and productivity. It is a fact that many of the Government social security schemes for the poor, women and children, such as ICDS, are not reaching to the people in interior parts. There has been lack of regular supervision and monitoring of such schemes for the poor. The marginalized people in these areas have no access to safe drinking water, primary school and sanitation and healthcare facilities. Mostly tribals depend on traditional healthcare systems of middle age in the absence of modern healthcare system.

Sukinda valley is internationally known as natural resource rich zone with mineral bearing, mining and industry in operation. It is not just Nagada there are hundreds of such villages in the valley which are equally backward and people are deprived of basic amenities.

Why in spite of all our plan interventions and efforts of the Government, corporate bodies and NGOs for last so many years, the basic minimum for life has not been guaranteed for all. There are regular schemes under



Tribal Sub Plan and special projects added to a host of region specific new development schemes such as periphery development, Corporate Social Responsibility under Companies Act, 2013 and District Mineral Foundation under MMDR Amendment Act 2015 and grant under LWE area as the zone is identified as Maoist prone area. Juanga tribe people are spread over the districts of Keonjhar, Dhenkanal and Jajpur. Juanga Development Agency (JDA) as a micro project exclusively for Juanga has been in operation since 1978 with introduction of TSP that focuses tribal development within in the planned annual budget. The Government has been implementing dispersed tribal development programme (D'TDP) to cover tribal outside ITDA areas.

The Sukinda Chrome valley located between the rivers Brahmani and Baitarani is a major mineral bearing area. It has about 98 percent of the chrome deposits of the country and having mining operation for last 50 years. The valley covers adjacent blocks of Sukinda in Jaipur bordering Keonjhar and Dhenkanal districts. With 26 mines, the mining companies including OMC, FACOR, IMFA, Tata, Jindal, IDC, ISPAT Alloys, ICCL, ML mines and BC Mohanty and Sons are operating in an area of around 5,000 hectares.

Odisha is continuing to be the major chromite producing State with 99 percent of share in India. Chromite is used in metallurgical industry for manufacture of ferro-alloys, ferrochrome, charge chrome and silico chrome which are used as additive in making stainless steel. India exports to Japan and China. Kalinga Nagar, the steel hub of Asia has 14 steel industries that include both private and public sector owned companies. Nilachala Ispat Nigam Limited, Tata Steel Limited, MESCO, Jindal, VISA, ROHIT, KJ Ispat, Maithan, ADANI, BRPL, MISL, Dinabandhu and IPJ to name a few are located in the area. These companies have taken lease of about 15,000 acres of land for their factory. In spite of laws and provisions, why these industry and mining companies operating in the block have not taken any substantial development work for the marginalized poor is a question still not answered. The companies like Tata, IMFA and Jindal having both mines and industry in the area should have taken proactive role in changing the economic condition of the people, but unfortunately both the Government and corporate bodies have failed to reach to the poor. In Kalinga Nagar, 13 Adivasis were killed by police in 2006 during the struggle for rights over resources specially land, forest and water that was handed over to private

companies by the State but the struggle of the tribals and their basic issues are placed in the periphery of State's socio-economic agenda. The ruling party leaders have made all efforts to sabotage the unity of the marginalized and their struggle for basic entitlements, equality and equal rights over the resources and development programmes.

The large-scale mining and industrialisation activities have been contributing to huge deforestation, soil erosion and pollution of water. The perennial sources are being dried up due to deep underground mining. It has an adverse impact on the tribals and farming communities who mostly depend on agriculture for livelihood.

Studies show that laws, such as Odisha Government Land Settlement Act, 1962, the Forest Rights Act, 2006 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 are not being fully implemented. The Juanga and Mankidia tribes in Sukinda block are landless and they have not been settled with homestead and agriculture land for housing and livelihood whereas the mining and industry units have further pushed them to periphery without proper rehabilitation. The ancillary scopes opening up in the area in business, supply contract, construction work, trade and service sector have largely excluded the socially deprived sections due to social discrimination, illiteracy and poverty.

The STs and SCs Development Department being the nodal department has failed to ensure inter-departmental development coordination. It is the most neglected department. The people are not getting involved in local development process and there is no people's organization to motivate people to be part of the planning and implementation of the programme. The ruling political parties and development administrators are not accountable to people for their failure in ensuring basic amenities. The PVTGs have very insignificant political participation and also lack of political education. They are also neglected within tribal fraternity due to their extreme backwardness. The attention of political parties and bureaucrats are more focused on mining and industry and they are deliberately undermining the development of the marginalized who are pushed into the distress and deprivation. The people's representatives have funds such as MPLAD and MLALAD to spend for the development of infrastructure in tribal areas but these funds are mostly not reaching to the people in need.

# KIDS DEATH SAGA: MARGINALISED CONTINUE TO FACE STATE APATHY

*Saturday, 08 October 2016*

The continuous deaths of children, mostly from SC and ST communities, in backward regions of the State show the failure of State intervention in bringing desired change in the quality of life and standard of living of these communities.

There were a number of cases of death of children reported in last few years, such as 40 children in attack of Japanese Encephalitis in Malkangiri, 20 children of Junga community in Nagada in Jajpur, 15 children of Paudi Bhuyan in Sundargarh, death due to endemic malaria and malnutrition in Keonjhar and Kashipur of Rayagada.

There has been non-availability of data about the death of children due to serious malnutrition and endemic diseases in the absence of primary healthcare facilities. The NHRC in August 2016 has issued notice to the State Government over the issues of deaths in backward districts and SC and ST dominated villages, including coastal villages, where the situation is not much better. Unfortunately, Odisha also reports higher number of children deaths in SC and ST residential schools in the country. It is reported by the Government that during 2010-2015, about 133 students in residential schools have died. It is usually expected that the residential schools run by the Government should be a better place for the poor, but even the State run institutions for SCs and STs are proved worst in delivering services to these communities without a sign of improvement in their standard and quality.

The widespread prevalence of death of children due to diseases caused by serious malnutrition problem and poor access to health service has been continuing in the State in spite of engagement of the Government, non Government and international agencies for a long time. The infant mortality rate (IMR) and maternal mortality rate (MMR) in case of STs and SCs of the State has been much higher than State and national average without any visible change. The impact of programme like ICDS for last three decades with a wide coverage has very insignificant impact over the SCs and STs.

The malnutrition is linked to the overall economic, social and environmental condition and its eventual impact on quality of life. It is a fact that in spite of our planned intervention with five years plan, annual plan, sub-plan, micro plan and special plan for the most vulnerable groups, the quality of life of the SCs and STs in the State has not improved much in comparison to other social groups. The schemes and programmes have not reached the tribal and Dalit hamlets to change their structural issues which largely remain as before. Many of the basic and primary needs for life have not been ensured even after 65 years of State intervention. The tribal and Dalit hamlets in backward areas of the State have been struggling to avail basic human requirements such as drinking water, shelter, food, sanitation, primary health care, literacy, education, electricity and connectivity. Even today, a majority of them have to depend on traditional water sources, such as pond, river, Nala and forest stream for drinking water and women and children have to walk a long distance to collect water as safe drinking water has not been ensured and available at their doorstep. Water and sanitation bears a wider impact on living condition and health of people children, especially elder and women in family.

The landless poor households do not have land and finance to securely construct house for a decent living. Most of the people in hamlets manage to live in small space with three generations of family members and domestic animals like cow, goat, pig, hen etc. They manage every household activities, including cooking, eating, sleeping, storing firewood and other things in a single room. They have been living with animals in all these seasons without proper bed and mosquito net for years together. The tribal and SC hamlets do not have basic social infrastructure, such as connecting road, drainage line, garbage pit, latrine, drinking water source, electricity, community hall, common space, playground, cremation ground, and water bodies for the whole community. It is most unfortunate that the State Government has not been implementing homestead land distribution programme in the State to ensure Patta land for all eligible landless households. The Centre sponsored housing scheme has not been implemented properly with huge corruption in beneficiary selection. The States such as Kerala and Gujarat have been providing additional support to the poor beneficiaries to build minimum two rooms for a decent living, but the Government of Odisha has no role in providing additional support to the beneficiaries at least to

construct a two-room house. It is a fact that all the houses constructed under IAY/PAY are single room house where poor people are forced to stay with whole family.

There is lack of connectivity to many of the hamlets inhabited by STs and SCs and it has been extremely difficult for them to manage in rainy season. Poor connectivity and inaccessibility has been a major reason affecting the service providers to reach to the communities in need. Thousands of habitations of SCs and STs have not been declared as revenue village and people living for centuries are not given record of rights over the land to construct house and do cultivation for livelihood. The food security is closely associated with land, forest and water and animal husbandry but the SCs and STs have been getting alienated from their sources of livelihood that has been seriously affecting their food security. The resource base economy has been reduced to a wage economy with increasing dependency on Government charity and welfare programmes. The poor BPL SC and ST household are supplied with insufficient poor quality of rice and no other food supplement to reduce malnutrition. The mere social security schemes in the State carry limited stake in ensuring healthcare of the poor.

The service providers of Government welfare programmes are mostly drawn from non-SC and non-ST communities and a majority of them practice social discrimination against the beneficiaries based on belief of untouchability and caste and ethnic based discriminations. This has been affecting free access of the poor to food and nutritional supplement programmes such as Re1 kg rice, midday meal (MDM) and Anganwadi in rural villages. The service providers, AWW, AWH, ANM, ASHA, MDM cook, helper primary school teachers, and PDS centres in the village level are not well trained and properly oriented about their role and responsibility and they are also not well paid and encouraged with job securities to serve better.

There has been very minimal involvement in terms of participation from marginalized sections, SCs and STs for whom these programmes are primarily targeted. These programmes are not used as source of development and participation to bring desired change among people; rather these are seen as charity by ruling parties for the poor. There has been lack of orientation about the purpose and clarity of objectives of development intervention by the State among the bureaucracy and grass

root service providers. Programmes are being mechanically implemented and given wider publicity without much public education. The historical marginalization process and deprivation of SCs and STs continues in the State without any major structural change.

## BOOST PRODUCTIVE ASSETS IN HUNGER – PRONE TRIBAL AREAS

*Saturday, 05 November 2016*

Malkangiri is primarily a district of STs and SCs. As per census 2011 they constitute more than 80 percent of the total population of the district (23percent SCs and 58 percent STs). There have been reports of death of children due to diseases including Japanese Encephalitis that has taken life of 86 kids of two to eight years during last few months and they mostly belong to tribal and Dalit communities. There are also inhabitants of particularly vulnerable tribal groups (PVTG) such as Bonda, Koyas and Didayi who have been struggling to survive. There is lack of data about the death of SC and ST children in different parts of the State due to malnutrition and under nourishment. Many of the provisions in the budget such as SCSP and TSP, schemes and programmes for STs, SCs and projects, such as Bonda Development Agency and ICDS etc are largely inaccessible by STs and SCs and their children. Malnutrition issues are family and community specific and the intervention must be targeted to cover such families and communities in the village or hamlets.

In spite of increase in the per capita food availability in the world, poverty and hunger remains a primary concern. It is targeted that world can attain zero hunger by 2030. Global Hunger Index (GHI) 2016 by International Food Policy Research Institute ranks India at 97 calculated for 118 countries where hunger is more relevant. It is said that Africa, Sahara and South Asia have highest hunger level. The South Asian countries are ranked at: Pakistan 107(Ethiopia also 107), Sri Lanka 84, Bangladesh 90, Nepal 72, Myanmar 75 and Afghanistan 111. The four indicators used in the index include undernourishment, low weight, and height and child mortality. India is home to a large number of poor, malnourished and under nourished due to lack of access to food. There are States, regions and specific social categories of people who are relatively more vulnerable and continue in worst condition.

Odisha continues with higher IMR and MMR in comparison to other developed States such as Kerala, Tamil Nadu, Maharashtra and Punjab and remains below national average. The children under five are suffering with low weight and low height of their age because of high under

nutrition. It is reported in Global Hunger Index (GHI) 2016 that in South Asia child under nutrition as measured by child stunting and child wasting is higher than in Africa and south Sahara. There has been lack of separate data on marginalized groups and regions and State specific data for a comparison. However, media reports and micro studies show the condition of the children of SCs and STs are in a very deteriorating condition with very insignificant rate of improvement. The condition of the children is linked to the socio-economic condition of the family. A vast majority of SC and ST households remain resourceless and under lower income category. These marginalized sections have very low income which affects their purchasing power of food in market and also they lack productive assets such as land to produce food for their household requirement. The last sixty five years of planned intervention have not invested in building productive assets and making people productive; rather State charity has been continuing out of public finance and loans. It is being observed that the economic growth of the State is not inclusive of all region and different social groups. It has also not contributed to creation of jobs and in expanding opportunities for the people in bottom of social structure. As majority of marginalized rural poor, STs and SCs work as unskilled labourers, Odisha has the lowest rate of minimum wage in the country for unskilled workers. Usually they do not have regular employment as NREGS is a failure in ensuring jobs in rural areas. Same is the case about social security benefits. Low wage and lack of social security encourages distress migration of labour forces and largely impacts local agricultural production which is closely linked to food security and hunger and malnutrition.

There have been cases of forced labour, nonpayment of declared wage and many other forms of labour exploitation of women and child labour including distress migration and violation of labour laws by contractors with active support of district labour officials. Unionization of unorganized sector workers remains unfinished due to lack of inclusion by trade unions and absence of civil society initiatives to organize the rural poor as workers. The work by private contractors are not regularly monitored by Labour officials and lack of book keeping at all level allows false muster rolls and other related records. This has been a major reason of syphoning of public fund for development works and also depriving workers of their genuine right to get reasonable payment under the rules of the Minimum Wage Act. The food supplied under NFSA is very



limited to meet the nutritional need of the family, especially growing children who are in need of quality food. There are cases of corruption in allocation of ration cards and in availing benefits under PDS system. The local bureaucrats and ruling party workers are managing the affairs of the Government without minimal accountability to public. The marginalized section of people with low literacy are socially backward and getting divided among themselves and not getting politically organized in democratic process to build their own organization to access their constitutional and legal rights and entitlements.

In order to keep engaging the rural unskilled workers who are mostly the agricultural labourers and sharecroppers, it is highly essential to distribute land to them so that they can produce food crops throughout the year. A number of studies and census reports 2011 found that landlessness is very high among rural poor, especially among the SCs and STs. The non-agricultural sector such as service and manufacturing has not been viable in rural, tribal and interior parts to provide employment to large unskilled labourers in agriculture sector. The land ownership of the agricultural workers and sharecroppers will boost production of local varieties of food crops and affirmatively contribute to minimize the hunger problem in family. Along with land, irrigation, electricity, credit and insurance are also required to supplement food production. It is found that food grain storage has been a major problem in tribal and Dalit hamlets due to lack of storage infrastructure and it also encourages distress sales. Usually it is difficult for the poor and marginalized to handle cash and save it for a longer period. So it has been suggested to store food grains to maintain food requirement of the household throughout the year. The cropping intensity need to be improved so that in all the seasons the household remain engaged in production of varieties of crops that include pulses, cereals, meat, egg, milk, vegetables and fruits to meet the balance nutrition need of the family. Along with increase in food production and income, the living habit and conditions of the marginalized poor need to be qualitatively changed to more hygienic and clean environment with quality housing, sanitation and drinking water facilities and use of mosquito nets must be encouraged in malaria prone areas. It is required to bring social awareness, education and health services by recruiting more numbers of qualified and trained service providers from among the marginalized communities. Studies by the Government and international agencies have recommended that the employment and income generation

work, clubbed with land distribution, public health and education infrastructure facilities created by the State, facilitate productive engagement of the marginalized poor. It is suggested that only State charity is not enough without bringing any major structural change in economic policy for inclusive development of Odisha.

# ODISHA PVTGS STILL MIRED IN POVERTY, BACKWARDNESS

*Saturday, 19 November 2016*

The 13 identified Particularly Vulnerable Tribal Groups (PVTG) in Odisha are in need of very special attention of the State Government for their protection and development. They are Chuktia Bhunnjia, Birhor, Bondo, Didayi, Dangaria Kondha, Juanga, Kharia, Kutia Kandha, Langiasaura, Lodha, Mankidia, Paudi Bhuyan and Saura communities living mostly in the interior parts of the 5th Scheduled areas.

Though small in number, these PVTGs are with distinct culture, language and belief system but have been suffering with low literacy and economic backwardness. They continue to live in isolation and distress condition.

Out of 705 tribal communities in the country, 75 tribes have been identified by the Government of India as PVTGs on the basis of their economic backwardness, literacy and livelihood. Census reports show that their population status is either static or declining. A majority of PVTGs are inhabitants of the central India.

In recent time, the vulnerable condition of PVTGs in Odisha has attracted national attention to the issues of extreme economic backwardness, malnutrition, diseases, hunger death, child labour, displacement and distress migration. It shows poor State investment in building basic social infrastructure of education and health and sanitation in their habitations. There have been no sign of improvement in the standard of living and quality of life of these groups in spite of special projects and micro projects exclusively targeting these communities' educational and economic development. There are examples of very insignificant success of a few individuals or households from among the communities being projected by the Government and other institutions but the socio-economic and educational status of the communities as a whole has not changed at par with other social groups in the State. Children are dying due to lack of healthcare. They suffer from malnutrition because of loss of traditional dietary practices and fall in availability of local varieties of food items due to a number of reasons, including deforestation. Many of the PVTGs are migrating from their

homeland to outside in search of livelihood and mostly they get engaged in odd jobs, manual low paid work and join in slums as scavengers and housemaids in the cities.

In almost all social development indicators, such as women literacy, child mortality rate, infant mortality rate, ST women with Anemia, children with sickle cell anaemia, student dropout rate etc, the PVTGs are far below the State and national averages. A majority of them have no land, house, drinking water, sanitary facility and linking road to their hamlets.

Unfortunately, they are being exhibited as museum materials in most vulgar and undignified manner in the State sponsored Adivasi exhibitions and Melas, wall paintings in the cities and decorated as statues in traffic islands. Is it decent to show a human being, men, women and children, in such a fashion before others? How such exhibitions are going to help in building positive image of such communities in public? They are also being used as materials of anthropological studies as lesser human beings by research bodies.

This very attitude of development planners and policy makers has been influencing the tribal development policy of the Government. The same attitude has been reflected in the execution process also where mostly non-tribal actors play a major role in the development of PVTGs of the State.

PVTGs are subject to domination of dominant social forces, religion, language and hegemonic culture and customs imposed on them in the name of development. They struggle to cope with changing conditions which are mostly external and alien to them.

The constitution of independent India has made adequate provisions for the protection and development of ST communities. There are institutional mechanism for the enforcement of provisions to ensure protection and development where tribal representatives have a fair share in the decision making process. Along with protective laws the State expenditure is also targeted as sub plans for tribal development and within the sub plan there are micro plans for PVTGs.

The Tribal Sub Plan has been implemented for last forty years aiming to bridge the gaps between tribal and rest of the social groups. It is to bring larger socioeconomic equality and for building an egalitarian society but

certainly not to appease the tribal community or doing any special State charity out of public finance.

The resources for sub plan comes from a host of sources which include special Central assistance to TSP, Articles 275(1), TSP component of the State and Central Governments, institutional finance, CSR fund from corporate bodies, international agencies and the most recent District Mineral Foundation and CAMPA fund. There are also a number of NGOs, religious bodies, private trusts and educational institutions engaged in tribal development for a long time. There are 28 ministries and departments of the Central Government having Tribal Sub Plan component. The grant to the States under Article 275(1) of the Constitution of India is 100 percent to States on the basis of the ST population of the State to the total tribal population of the country.

The States such as Karnataka, Uttarakhand, Andhra Pradesh and Telangana have made legislations for planning, implementation and monitoring funds under TSP. There is a specific budget for TSP. The State of Odisha has a Tribal Advisory Council headed by the Chief Minister. The implementation of TSP funds is being monitored by the Chief Secretary. But it is reported that there has been poor implementation of TSP by Odisha. The State has failed to submit the utilisation certificate on time and also instances of return of unutilised grants to the ministry.

The tribal development administration in the State has been most ineffective in reaching to the PVTGs and in targeted execution of dedicated funds as a result of which a tangible development has not taken place in the tribal areas of the State. The tribal development is not the sole responsibility of the State alone; the Center has also equal responsibility in providing adequate timely support for holistic development of the inhabitants and the areas. There is also a need for convergence of work of various departments such as Rural Development, Panchayati Raj, Health, Education, Women and Child Development, Forest and Agriculture where integrated efforts are highly required with integrated approach to tribal development.

There is National Council for Tribal Welfare headed by the Prime Minister where the Chief Ministers having of 5th and 6th Scheduled areas in their States are members. So it is expected that the Chief Minister of Odisha should take up the matter in such appropriate forum and demand

for special package because one fourth of the total population of the State belongs to tribal and almost half of the total geographical area of the State is 5th Scheduled area. Without development of these PVTGs and 5th Scheduled area, the inclusive development of the State is not possible.

# IMPROVE, HEALTH CONDITIONS OF TRIBAL'S

*Saturday, 03 December 2016*

For the last two months, the most shocking death of innocent tribal and Dalit children in the lap of helpless parents continues unabated in the poorest ST and SC dominated district of Malkangiri.

Privately it is being claimed that during the last two months, the death toll has reached more than 300 though the figure shared by the district administration of over 100 is doubtful. A majority of the children who died were girls, while all blocks are affected by the epidemic.

It is estimated that in the past, thousands of children died every year due to ill health, fever, malaria, diarrhoea and many more diseases without proper healthcare facility in the backward district. This is a criminal negligence of the Government in ensuring basic healthcare system and violation of constitutional guaranty of Right to Life. It is also failure of Government to protect the marginalised communities and the vulnerable sections which deserve special care and protection. It is most unfortunate that the children are dying at a time when the whole country is engaged in 'Beti Padhao and Beti Bachao' campaign and child rights are an international concern of the day.

In a continued helpless and desperate condition, Umesh Madhi, a ten-year-old student of class four from Polkanda Primary School under Sikapali Gram Panchayat wrote a letter to the Prime Minister of India to save the life of the poor Adivasi children dying without food and medicine. He requested the PM to visit his district to see their vulnerable condition. A few days back, Union Petroleum Minister Dharmendra Pradhan visited the area. There are many Government and non-Government agencies which are also visiting the district and filing reports of their observation coming in media and social media to draw Government attention over the issue with hope of timely intervention but nothing has changed to stop the death of children.

The issue of child death has been a matter of worry for many students and activists outside the State and protests were organised at Delhi, Mumbai and many other parts of the country in sympathy and solidarity for the suffering masses of Malkangiri. It is expected that the

constitutional bodies such as NCPCR, NHRC, NCST and NCSC should timely intervene in the matter and hold the State accountable. The departments like Health, ST and SC Development, Women and Child Welfare, besides the district administration should be held accountable for negligence in providing service to the children in need.

As per 2011 Census, the STs and SCs constitute more than 80 percent of the 6.13 lakh total population of the district (23 percent SCs and 58percent STs). The district has 1,056 villages in 108 Gram Panchayats under seven blocks with very lower literacy and a favourable sex ratio of 1,028 female per 1,000 male. The district is home to Particularly Vulnerable Tribal Groups (PVTG) such as Koyas, Bonda, Poraja, and Didayai and many other tribal and Dalit communities. The whole of Malkangiri is under the 5th Scheduled area. The district reels under Maoist violence, poor social, health and educational infrastructure, non-implementation of Government schemes and programmes and lack of access of the illiterate and socially backward inhabitants to their constitutional and legal rights and entitlements. But for last 65 years, there has been violation of rights of the people by the State itself. The Ministry of Panchyatiraj, Government of India, ranked Malkangiri in 2006 as one of the country's 256 most backward districts out of 460.

The State Government officials posted at Malkangiri consider their posting as punishment. A majority of the service providers, mostly non-tribal and outsiders show insignificant commitment for the poor and marginalized in the absence of political will and administrative commitment reflecting the poor implementation of Government schemes and programmes. The political leadership of the whole district belongs to Adivasies as the district is a Scheduled area and all the Sarapanch, Panchayat Samiti Chairperson, Zilla Parishad Chairperson, two MLA and one MP seats are reserved for STs. But Adivasi leadership has always been managed and appropriated by the ruling parties and the assertion for rights and identities has been neglected due to lack of political awareness.

A number of studies by the Government and private organisations have established the fact about poor implementation of the Central Government schemes for the poor, STs, SCs, women and children such as NFSA /PDS, ICDS, Mid-day meal, NREGS, NRHM and programmes of dedicated agencies such as TSP/ITDA, micro projects,



Bonda Development Agency, Didayi Development Agency, OTELP and many more special grants for fighting LWE menace. There is also presence of a host of international development agencies and private NGOs for a long time engagement in tribal development. Yet the result is far from satisfactory. There has been huge unemployment, distress migration and chronic hunger in every household as more than 90 percent of the households are under BPL.

The ST and SC households lack access to productive resources such as land, education and skill to cope with the changing economic context. Poor economic status and backward social and educational condition lead to serious food and malnutrition problem. There are families in extreme poverty condition which eat seed of Badachakunda (cassia tora) and mango kernel. The hamlets are without safe drinking water, sanitation and proper housing.

The Ministry of Health and Family Welfare, Government of India, has implemented the National Vector Borne Disease Control Programme for prevention and control of malaria, dengue, kala-azar, chikungunya, Japanese Encephalitis and acute encephalitis syndrome (AES) in affected States since 2006 but the programme covered Malkanagiri rather late.

The State Government has not properly implemented the programme in inaccessible tribal areas. There has been no health related awareness among people. The tribal people prefer traditional method of treatment and still have faith on traditional healers (Jani and Diasari) of the community as they have very limited access to modern health facilities in their area. The State Government has distributed mosquito nets and coil to very few households to control mosquito bite which is not enough. The Government must pay compensation to the families whose children have died and the farmers who have lost pigs. Health is very much linked to the availability of nutritious food and hygienic environment condition of the locality.

The living condition of the people needs to be changed and there must be separate settlement for cattle and pigs. There is a need for literacy, especially health literacy, among the rural poor along with building basic health-related infrastructure such as drinking water sources, latrine, housing and promotion of personal hygiene and cleanness among women and students in schools. Vaccination must be compulsory for

every child and special care and protection of the children is highly required.

# SCHEDULED TRIBES STILL A HARRIED LOT IN ODISHA

*Saturday, 09 September 2017*

The STs in Odisha constitute about one fourth of the population of the State, but they continue to suffer without any major change in their overall socio-economic wellbeing.

Barring a very limited few, a vast section of the ST population suffers all forms of indignity and exploitation and remains backward in every respects of development. There are continuous reports of atrocity, discrimination, poverty, social and educational backwardness, inaccessibility, violence and deprivation without major change in the overall situation.

Unfortunately, still there are tribal communities who are not being legally recognized as STs for identification mistakes by the Government. They are deprived of all their human rights and continue to suffer due to the State apathy. It is largely because of non-implementation of Constitutional mandate, protective legislations and inadequate outlay of allocated financial resources along with huge corruption in development spending. And above all, lack of political will has been delaying the process of realisation of rights and development at par with other fellow citizens of other social groups.

The Home Department data on atrocities shows that about 7,000 registered cases of atrocities were committed against STs by non-SC and ST people during the period from 2005 to 2016. On an average, yearly about 600 cases are being reported in different police stations. In the year 2016, a total of 681 cases got registered whereas only in 336 cases, the accused were charge sheeted. The poor conviction rate consistently shows the status of tribal access to justice, the tribal exclusion in criminal justice administration and judiciary.

The repression by the State police on the one hand and deployment of hundreds of paramilitary forces on the other on the plea of peace and good governance are contradictory. It is fact that mostly security personnel harass and disturb the innocent poor and illiterate.

It is also fact that the cases of atrocity and repression cases are not adequately reported in media and not registered by the police except the few cases where there is much hue and cry by human rights groups. NCRB prisoner statistics shows the jails of the State are largely occupied by ST prisoners with a sizable number of under trials. Many of them do not know about their fault. STs have a very poor representation in police administration and judiciary, including legal profession. There has been gross violation of protective laws for STs by the people who are in charge of its enforcement as reported by human rights bodies.

The undeveloped socio –economic condition of the STs has not been changing much due non –implementation of laws and schemes drawn out of Constitutional mandate. Land ownership has been a major concern in all tribal areas and the issue is persistent as one of important sources of conflict because of incomplete survey and settlement work by the Forest and Revenue departments. Land ownership is also vital to the development as a majority of the poor depend on forest and land based livelihood since generations but the continued problem of land ownership of tribal farmers has been affecting the production of agriculture and forest based employment in tribal areas.

The FRA has been implemented in the State solely for the STs. The data from the Government says individual forest right title has been given to about 4,08,062 families covering 6,09,553 acres of land, but demarcation of land has been done only in 1,86,405 cases. Non-demarcation of forest land recognized under FRA has been a major concern which is being delayed by the State. People are having patta but without possession over land. There are huge cases of rejection of application of genuine beneficiaries without a proper settlement of issues.

The STs in non-scheduled areas of the State are mostly landless and inhabiting in Government land without record of rights. Even they do not have homestead land to construct houses. STs have been migrating to upcoming urban locations and cities for livelihood and the city slums are occupied with a major chunk of tribal population who are homeless.

The Odisha Economic Survey report 2015 based on poverty headcount ratio percentage by different social groups for rural Odisha says though the overall poverty level has reduced but in case of STs it has marginally reduced which is less than 2 percent per year. Similarly, region-wise, the poverty in south and western region of the State is remaining very high

and not being reduced to the desired extent. These areas are scheduled areas with large concentration of tribal population. These areas have also poor infrastructure and even without basic amenities such as drinking water, electricity and sanitary facilities and linking roads, schools and hospitals.

The development funds from a number of sources, including national and international institutions such as UNO, UNDP, UNICEF, WB, ADB, DFID, WFP, IFAD and special dedicated funds under the provision of law such as Article 275(1), DMF, CMAPA, BRGF, CRS fund, and other host of schemes for tribal development have been largely unspent and suffer with issues of corruption and ineffective tribal development administration, without proper tracking of expenditure and governance accountability. The State Government violates the provision of Tribal Sub Plan (TSP) with only notional allocation in budget without proper schemes and programme to spend the allocated amount in the absence of monitoring of plan and expenditure by nodal and coordinating departments. The TSP funds of different departments and Ministries are diverted for common purpose but not for specific need of tribals.

The Regional Inquiry Commission headed by Justice SK Mohanty stated that there has been no coordination among various actors of development and anti-poverty programmes and lack of integration and convergence of various schemes.

The tribal children's lot who are dependent on residential schools run by the Government and private bodies has no sign of improvement and every day the plights of inmates come to the fore. Not just the problem of accommodation, food and security but also the highly deteriorating quality of education is a matter of concern in the context of the future of the tribal society. In the name of residential tribal children education, private organisations are allowed to run huge residential schools with support of Government and corporates.

The poor and illiterate parents have no control over such private corporations doing educational business in the name of tribal charity devoid of dignity. Education and health being most important concern of social development must not be handed over to profit making private parties. There should be school and hospital in every panchayat for quality free English medium education and standard health service to

bring drastic changes in human development in tribal areas. The Constitutional bodies and statutory forums under provisions of law such as NCST and Tribal Advisory Council at the State and district level are almost non-functional, without regular monitoring meetings and accountability. Tribal issues are not being discussed in the State Assembly through special sessions and in meetings of State Planning Board and other bodies specially setup for development.

Many of the elected members from the tribal community publicly express their helplessness over non-action of the Government and neglecting attitude of the bureaucrats. There has been absence of visible State level tribal movements as most of the protests by tribals are on local issue specific and the leaders are divided among themselves on party line. However, the tribal situation will not be changed without active intervention of the State through State spending and protection. Tribal development means development of one fourth of the population and almost half of the geographical areas of the State. But unfortunately in spite of provisions in the Constitution, the State has been neglecting in discharging its duty. In order to force the State for enforcement of Constitutional provisions, a State level movement of tribal political organisations must be built.

## ST CONTINUE TO SUFFER IN ODISHA'S 5<sup>TH</sup> SCHEDULED AREAS

*Saturday, 24 September 2016*

About one-fourth of population of Odisha is ST and almost half of the geographical area of the State comes under the 5th Scheduled area as per the provision of the Constitution.

There are Adivasis in the State who are not being enlisted in the ST list of the Government. Constitution Drafting Committee chairman Dr BR Ambedkar and Adivasi Mahasabha leader Jayapal Singh Munda played a major role in ensuring provisions of scheduled area and scheduled tribe for the protection and development of the tribal communities.

There are provisions under Article 224(1) in the Constitution stipulating that the Governors along with the Tribes Advisory Council (TAC) have special power over the administration of 5th scheduled area. There are nine States having 5th Scheduled area which include Odisha, AP, Gujarat, MP, Maharashtra, HP, Rajasthan, Jharkhand and Chhattisgarh. The States such as Tamil Nadu and West Bengal are having TAC without scheduled areas. The Part B of the 5th scheduled says about TAC which consists of not more than 20 members of whom nearly three-fourth shall be the representatives of the Scheduled Tribes in the State Legislative Assembly. The TAC has to advise pertaining to the welfare and advancement of the STs of the State. The Governor can make rules in this regard.

The TAC of Odisha was constituted for two years in 2014 with Chief Minister as its Chairman and Minister of ST and SC Development Department as Deputy Chairman. Excluding the Chief Minister and Secretary, all the rest of the members are tribals. The Principal Secretary of ST and SC Development Department is the Secretary to the council. It is often alleged by the tribal leaders of scheduled areas that mostly the TACs are controlled and dominated by non-tribals which need to be fully represented by tribals only. There has been no regular meeting of the TAC to discuss issues of concern relating to the life and livelihood of STs in 5th Scheduled area in Odisha. Many of the advices in form of recommendations of TAC have never been looked seriously by the State

Government. It is argued that the Governor shall function as per the advice of the TAC in the matter of administration of 5th Scheduled area, not by the Council of Ministers.

Way back in 1948, it was said by Jaypal Singh Munda in a debate in the Constituent Assembly that the STs should be benefited by the provisions of the 5th Schedule area and that the TAC should be a reality and not a farce. Though he was demanding a separate homeland for indigenous people of central India, but later he joined the anti-colonial struggle in building modern India and became member of the Constituent Assembly. He said it is the end of six thousand years of marginalization of indigenous people of India which dates back to the Indus Valley civilization, with the enforcement of the Constitution. “We are going to start a new chapter of independent India where there is equality of opportunities; where no one would be neglected,” he said.

After 66 years of implementation of the Constitution, the TAC remains ineffective in many respects in fulfilling the dreams of the makers of the Constitution of the independent India. There has been a number of protective legal provisions for the protection of STs such as SCs and STs (Prevention of Atrocities) Amendment Act 2015, PESA Act 1996, FRA 2006 and special allocation of funds under annual plan and sub plans such as Consolidated Fund of India, 275(1), and Tribal Sub Plan and grants of MOTA specially dedicated for 5th Scheduled area but why no desired changes have taken place needs a serious reflection by all stakeholders.

The huge financial resources for tribal development remain unutilized, leave alone lack of transparency and accountability. The recent legal provisions have created scope of financial resources under District Mineral Foundation, CSR and CAMPA as these funds are primarily for mining and forest area which are mostly in scheduled area. It is being reported that Odisha is the second State which returns tribal development funds. The Government of Odisha has been disregarding in amending the State laws in line with provisions of 5th Scheduled area such as Odisha Panchayat Act to give more power to Garamasabha.

The 5th Scheduled areas of the State are home to about more than 60 percent of the total tribal population while they are highly resource-rich regions. But socio-economic development indicator of STs shows a very sorry state of affairs. They lag behind all indicators of human



development in comparison to other social groups and still a major chunk of tribal population lives in distress and sub-human sufferings.

The tribal population in scheduled areas is fast declining due to social exclusion, illiteracy, extreme poverty, malnutrition, distress migration, displacement, loss of livelihood and unemployment. Liberalization and privatization have paved the way of increasingly setting of extractive industry, commercial ventures and dams. Urbanization is coming up with entry of non-tribal population having a direct bearing on land, forest, water and above all, the language, culture, faith and belief system of the people in the locality. It has been posing a potential threat to the legal status of such areas in the coming days. The Adivasi struggle of colonial-era witnessed emergence of many struggles and the most noted protests were by Birsa Munda (1875-1900) who fought for land, dignity and self-determination within his 25 years' span of life. The historic legacies continue to inspire the struggles against similar challenges today.

The leaders of Indigenous People's Forum, a ST people's forum of Odisha, and Adivasi Coordination Front like George Tirki, Nicolas Barla of Sundargarh and Theophil Gamango of Gajapati argued that organized State violence against STs in 5th Scheduled areas has increased with entry of corporates and non-tribals. Police and para military forces are deployed to counter Left Wing extremism, but it is the STs who suffer the most as it is evident from Kandhamal, Nagada of Jajpur, Kashipur and Dana Majhi of Kalahandi. They are demanding to include all MADA, cluster area and tribal villages of the State in the list of Scheduled area.

Land and forest are central to STs' life and livelihood which have been denied to them by colonial laws and even today by the modern State violating the provisions of the Constitution. The miserable condition depicts serious violation of right to life and development of indigenous people and it is unfortunate that India being a signatory to UN Declaration on Rights of Indigenous People adopted by the UN General Assembly in 2007 is not utterly following the principles of the international convention. The post independent India has followed the Panchashila principles of Pandit Jawaharlal Nehru but there was no continuity of the principles by the successive Governments.

In order to preserve the indigenous identity it is being demanded that all ST dialects should get a place under 8th schedule and the Adivasi religion such as SARNA should be properly placed in census religion code. The

indigenous communities in Odisha bears rich cultural values in the form of their language, music, folk song, painting, weaving, agriculture, forestry, herbal medicine and community based collective value system. These are the richness of Odisha and the inclusive development of Odisha is not possible by neglecting a major part of its population and geographical area.

# DALIT MLAS FACE DISCRIMINATION IN OWN PARTIES

*Saturday, 10 September 2016*

The National Crime Records Bureau reports 1.89 lakh crimes against SCs in the country registered under different laws during 2011-2014 and the conviction rate has been consistently low.

In the current scenario, Odisha witnesses a series of atrocities against the poor and the marginalized by the dominant castes in various forms. It is not just limited to the ordinary poor people in villages but also includes the elected representatives from these communities who are under attack with false and fabricated cases and even physical violence against them in public is perpetrated.

Sociologist Prof Ashis Nandy in January 2013 at Jaipur literature festival said that the OBCs, SCs and STs are most corrupt but sooner than later, he apologized for his statement and said corruption is an equalizing force and SCs, STs and OBCs do not have the means to save themselves unlike the people from upper caste.

Any criminal act or offence including corruption regardless of caste identity should be condemned and opposed at any cost and no one should support any crime in the plea of caste but it creates doubt when elected representatives of SCs and STs are being targeted for media hype and political interest. The SCs and STs are being targeted not because they are more corrupt than others but they belong to a defenceless community without any source of strength in upper caste dominated media and political parties.

Though BJD has been enjoying support of maximum SC and ST MLAs but these leaders are not treated equally with dignity in the party. Bedabyasa Nayak, BJD MLA, Telkoi, was beaten by fellow party workers in a party workers meeting held at Harichandanpur block of Keonjhar. The victim met the Chief Minister and alleged the direct involvement of a Minister from the district. Dr Pramod Kumar Mallick, a BJD MLA from Nilai in Cuttack district, was seriously beaten in public during last Prime Minister's visit to Paradip and there was no one for his rescue though the incident was broadcasted by electronics media. The most recent so called

sting operation against targeted SC and ST MLAs has been highlighted in both print and electronic media and the Chief Minister has ordered Vigilance inquiry to the matter. Simarani Naik ,

Susanta Behera, Anama Naik and Bijaya Nayak were caught in a sting operation by a private agency and later prominently highlighted by a particular media house having clout of political and industrial empire in the State. There have been media reports about upper caste MLAs who are openly expressing casteist remark and engineering atrocities against SCs and STs and senior Ministers of ruling parties have no sense of respect for other SC leaders.

Take the case of Minister Dr Damodar Rout and MP Bishnu Das of Jagatsinghpur. SC and ST MLAs and MPs are not allowed to freely operate in their constituencies without the approval of dominant caste leaders. They have to consult others before disbursement of their MP and MLA LAD funds and for organizing any meetings or even visiting constituencies for public function. Kashinath Mallick, former MLA of BJD was humiliated by the other dominant caste leaders of the district. The matter was taken to the National Commission for Scheduled Castes and with the interference of the Chief Minister, the issue was resolved. It is being complained that in ruling parties the decent SC and ST leaders were not preferred for party tickets because of their independent attitude and open view in defence of SCs and STs. A few months backs in the last Assembly, SC and ST MLAs from Congress and BJP were begging before the Chief Minister and bowing down on his feet to listen to their demands.

They were demanding for implementation of SCSP and TSP and implementation of reservation as per their population for the development of SCs and STs of the State. It was unfortunate that 58 SC and ST MLAs did not get support of others. George Tirki, MLA Biramitrapur, complained that there are 112 cases against him mostly instigated by the State because of his struggle for Adivasi rights.

It is not just limited to MLAs but also the elected representatives of PRIs and municipalities who were driven out of post due to power conflicts that such harassment is meted out. Long back Bangaru Laxman was caught up in sting operation when he was the National president of BJP and he was removed from the office soon. Bimbadhara Kuanr who was one of the important members of Odisha BJP was humiliated and

removed from the party with caste-based abuses and later he joined the BJD. In 2015, Union Minister VK Singh's remark over Dalit atrocity drew media attention and the recent BJP vice president of UP made derogatory remark against Mayawati but BJP has well managed the issues with damage repairing.

The leadership of SCs and STs in Congress has not been well accepted by many of its prominent leaders and last time the leadership of Jayadev Jena as PCC president was opposed by many leaders.

The Left parties are in paucity of leaders from these communities and mostly dominated by upper caste in their Central committee and State polity bureaus. Kanti Biswas, long time Education Minister of CPI (M), in his autobiography has narrated his experience as a Dalit in Bengal CPI (M), the party that ruled for more than 30 years.

It is fact that the Hindu social order based on caste systems with upper caste supremacy has denied everything to SCs and STs for centuries together. The hundreds of years of exploitation and deprivation made them untouchables and they are forced to live in indignity and sub-human condition. The social and religious life has not changed much with continued hegemony and supremacy of the dominant castes and communities in public life.

It is only during British rule and after independence that the SCs and STs have a minimal representation due to reservation in education, post and services and Assembly and Lower House of the Parliament. The leaders of dominant caste ruling parties have to choose the candidates from among SCs and STs for the reserve constituencies and usually they prefer such loyal and obedient persons who can serve them better and stand in defence of their parties by sacrificing the interest of the community to whom they represent. Many MLAs from these communities expressed their anger that the decent or dignified voices are not recognized in party circles and they are not being treated as equals.

Odisha has no leaders of national stature such as Mayawati of UP, Ram Vilas Paswan of Bihar, Udit Raj of Delhi, Prakash Ambedkar or Ramdas Athawale of Maharashtra, Thirumavalam in Tamilnadu and D Raja in CPI to dictate an equal term to other caste leaders.

# ATROCITY AGAINST MARGINALISED ON STEADY RISE IN ODISHA

*Saturday, 21 May 2016*

It's a matter of concern that there has been constant increase in atrocities against the marginalised sections, women, Dalits and Adivasis of Odisha. It is revealed from the recent White Paper of 2015 by the Home Department presented in State Assembly.

The cases of violence against women have increased and the most striking is the figure of rape has been more than double during last five years. It was 1,025 in 2010 and rose to 2,286 in 2015.

The cases of atrocities against SCs and STs have also substantially increased during last five years. The atrocity cases against SCs and STs recorded in 2010 was 1,589 whereas in 2015 it was 2,504 out of which 1,816 are against SCs and 688 are against STs. It was 2,266 in 2014, 2,298 in 2013, 2,522 in 2012, and 1,662 in 2011 which shows a consistent increase. The SCs are relatively more prone to heinous forms of atrocities than the STs. The nature of atrocities are manifold that include rape, murder, house burning, destroying produces, mass attack, physical and mental assault and torture etc.

The Home Department White Paper has not made available data on many other areas of atrocity and violence such as trafficking, domestic violence, distress migration, caste-based discrimination, institutional violence against girl child and women in public as well as private institutions, besides discrimination in village level community institutions. It is reflected that the situation of the poor rural women getting worst with increasing distress migration and trafficking from the most backward parts of the State. Along with continued poverty, the increasing social violence is making their social condition more vulnerable. There are a number of rape victims, mostly migrant workers of brick kilns, from western part of Odisha who are still fighting to get justice.

Why such increase in the cases of atrocities against the poor and marginalised, mostly the working class, of a backward State? It is being argued by social activists and researchers that this reported data by the Home Department are cases registered in different police stations of the

State but there were equal number of cases being under reported due to a number of reasons as it is not easy to get the cases registered due to non-cooperation by police and many cases are being settled under pressure by influential people in police stations. Poverty, illiteracy and economic dependency of the marginalised on powerful rich and dominant social groups makes them more prone to atrocities.

On the other side, lack of organisation in the grassroots as self-defence mechanism has been largely absent to provide security against the organised atrocities. The rise in economic distress, landlessness, unemployment and low income along with social discrimination make their life miserable and defenceless. There are also false cases against the poor and the marginalised SCs and STs to harass them and also to force the victims for compromise of the atrocity cases.

The National Crime Record Bureau (NCRB) in its Prison statistics India 2014 reports that the percentage of Dalits, Adivasis, Muslims and Christians inmates is higher than their national population percentage. It shows the vulnerability of the marginalised groups in criminal justice administration and their access to justice. A study on women prisoners by State Commission for Women, Odisha, revealed that about 63 percent of women belong to SC, ST and OBC communities and a majority of them are economically poor and illiterate. The present scenario of criminal justice administration is most discouraging without a timely and fair trial to ensure justice.

The provisions of legal aid have not served much to the marginalised section. Many of the innocent SCs and STs in south western parts are being jailed with accusation of left extremist involvement without a scope of representation to prove their innocence. The legal aid authority and prisoners welfare fund failed to cover major prisoners to ensure minimum humanitarian aid to the poor victims. Their sufferings have been manifold with damaging impact on their family life. The long delayed process of judicial trial for illiterate poor has been most painful experience.

The Union Ministry of Social Justice and Empowerment report in 2013 says there are about 9,000 atrocity cases against SCs and STs pending in different courts of Odisha. The State Government has not set up any special court for speedy trial for justice to victims under the provision of SCs/STs (POA) Act, 1989 and Rules, 1995.

The Central Government has enacted laws for the protection of human rights of the marginalized, especially women, Dalits and Adivasies considering their historical marginalisation and continued gender, caste and ethnic-based discrimination, exploitation and violence against them in our social life but the implementation of protective laws need political and administrative will and above all legal awareness among public and especially among the marginalised communities. It is also said that along with enforcement of protective laws, the spread of human rights education and legal awareness can contribute to change the mindset of the people involved in violence against the poor. Our existing hegemonic social structure, resource ownership and unequal power relation are contributing to the violence, which can be arrested through changing social policies in favour of the excluded and discriminated social groups of our society. The State has an important role to play for the enforcement of constitutional governance as protector of justice.

In this context, in order to establish peace, non -violence and tolerance in the State by protecting the women and the marginalised, the role of dedicated departments especially Home, Women and Child Development and STs and SCs Development, Law, Director Public Prosecution, and Commissions such as NCW, SCW, NCSC and NCST is very important to intervene in controlling the violence but unfortunately such bodies have shown non-serious attitude to atrocity issues and manage with routine works without any proactive role. There are thousands of cases pending for investigation and trial. Many of the victims suffer due to the callousness of the departmental authorities in delivering timely actions to ameliorate the distress such as payment of compensation, legal aid and rehabilitation measures. There must be fixed accountability of these institutions to the marginalised communities. The active involvement of women and the marginalised sections in political and administrative decisions will have empowering impact in building political and administrative will in favour of the marginalised. The statutory bodies of legislators and House committees are not regularly meeting to review the issues.

The political parties are not addressing these issues; rather they are cornered within cells headed by people from respective communities specially made for women, SC and ST within the parties. This has been downsizing the general concern and social importance of the issues. In a backward State like Odisha with a sizable marginalised population, the



mindset of the opinion makers, media, CSOs and academics in building support around the issues is more important to influence political and administrative will of the State. Women, Dalit and Adivasi organisations should work together with common strategy to improve the effective implementation of protective laws which will have wider impact on Government and public. In order to implement the provisions, financial allocation is most important and in this regard, the State Government should implement gender, Dalit and tribal budgeting formula to ensure proper allocation of financial resources for the protection and developmental activities for women, SCs and STs. Consumption of liquor and all other intoxicants should be banned in the State. Along with enforcement of existing protective laws, development programmes, Odisha needs new social legislation to address varieties of social issues which are not being included under the existing protective laws and to bring radical a social change.

## DALIT ATROCITIES RISE ALARMINGLY IN STATE.

*Saturday, 02 September 2017*

Social oppression in the form of inhuman atrocities against a vast section of historically marginalised communities - SCs and STs - by dominant social groups of our State continues in the absence of rule of the law due to lack of political will on the part of government functionaries.

It has wider ramification over our composite social life and it also challenges inclusive human development goal with dignity and fraternity visualized by our constitution.

The SCs and STs constitute 40 percent of the total population of Odisha as per census 2011 but atrocities against these communities have doubled over last ten years. The data from Government sources such as the Home Department, the National Crime Record Bureau and the Ministry of Social Justice and Empowerment revealed that the atrocities against these marginalized sections have consistently increased from 2005 to 2015. The number of atrocity cases against SCs in the year 2005 was 1,440 and in 2015, it was 2,305. Similarly, the number of atrocity cases against STs for the year 2005 was 625 and the number has increased to 1,387 in 2015. The total number of atrocities against SCs and STs together was more than 30,000 from 2005 to 2015. The atrocity cases against both SCs and STs have rapidly increased to an annual average of more than 3,000 during the year 2011-2015.

The data shows every day about 5 to 10 cases are registered in police stations. The Home department sources in its annual white paper documented the nature of atrocities that include murder, rape, house burning, arson, destruction of crops, social boycott, organized attack on women and children, social humiliation, caste and ethnic based abuses and practices of caste based discrimination and untouchability of various forms in public places by people of non-SC and ST communities. There has been growing loss of human life, property, social peace and fraternity among people of the State due to such cases and the heinous nature of cases continue to impact over normal life of the marginalized sections in many parts of the State, especially in rural areas. The atrocity victims are not just socially ostracized but mostly belong to poor economic status, low paid wage labourer, landless; a majority of them are illiterate and

have lack of access to judicial system. So usually it is the State which needs to protect these sections to ensure social justice, human rights and dignity of human beings. It is also the duty of the State to promote annihilation of caste and ethnic based discrimination that continues to maintain inequality among people. Caste and ethnicity is a social reality in our country. The dominant caste complexes and feudal cultural values are rooted in religious traditions and customs, persistently fueling the atrocity cases in the absence of propagation constitutional values, morality, dignity, fraternity among the masses and most important is the enforcement of rule of law by the Government. The last seventy years of constitutional governance witnessed a number of protective laws but with very little enforcement to ensure timely justice. It has been observed that in spite of protective laws drawn from provisions of constitution, the atrocities against marginalized has not been controlled to the desired extent largely because of non-implementation of available legal provisions against caste and ethnic based atrocities and age old practices of untouchability.

The role of the State Government is quite important for the effective implementation of the protection of civil rights Act and SC and STs Prevention of Atrocities Amendment Act 2015. The State legislative, executive and judiciary have very specific role to perform in ensuring justice to the marginalized under criminal justice administration.

Under the provisions of the law, the State vigilance and monitoring committee headed by the CM has to meet twice in a year to review the implementation of the law and the annual reports relating to atrocities need to be discussed in the State Assembly, but unfortunately this has not been happening as per provisions. It is told by the member of National Commission of scheduled castes in media that for last two years there has been no meeting by the CM. The State Vigilance and monitoring committee is a high power body of 25 people consisting of ministers of home, finance and SC and ST development along with MPs, MLAs of SCs and STs. The top officials include Chief Secretary, Home Secretary and Secretary, SC and ST development department, DG Police, Director NCSC and NCST as its members which must meet in month of January and July to review the implementation process and other related matters.

The district vigilance and monitoring committees headed by district Collectors comprise MP and MLAs, officials of SC and STs, along with NGOs of the districts. This is also having no meeting regularly to review the cases of the respective districts. It is reported that there are about 10,000 cases pending for trial in different designated special courts of the States. The victims are not availing timely relief, compensation and legal aid which are recognized as their legal rights under the provision of the law.

The police personnel in local police stations are not well informed about the laws and are largely insensitive to such cases with dominant caste mindset and prejudices against the marginalized sections. The conduct of police officials needs to be changed towards people in general and victims of marginalized sections in particular. The police should be more human with dignified dealing based on principles of human rights standards. Though the POA amendment Act well spells out this aspect but it has not changed the mindset and behaviour of the police.

Experience shows in most of the cases, the local police always use threats for compromise with pressure on aggrieved parties whereas as per the provision of the law the police should stand by the poor, illiterate, marginalized and aggrieved victims and help them to ensure justice. It is found that in a number of cases, the police officials refuse to record the complaint and usually delay the investigation and submission of charge sheet which further delaying the justice delivery process. It has been usual complaint by police officials for a long time that there has been no training and adequate recruitment of investigating officers to follow the provisions of the law but no steps has been taken by Government to address the issues. It is also said in the POA Act that State Government has to ensure adequate representation of officials from among SC and ST communities in police stations and Government administration but this aspect has been neglected for a long time.

The State Government has designated all additional district and session judge courts as special courts and recently set up three exclusive special courts but the conviction rate is most discouraging. There has been deficiency of adequate well experienced senior advocates as public prosecutors to help the victims to access justice.

There has been delay in trial of cases for years and doubtful role of some of lawyers in dealing the case from victim side affecting the trial process.

Sometimes it is difficult for the poor victims to attend the court with witness due to financial problem and threat of the dominant perpetrators to compromise the case.

The statutory monitoring bodies such as NCSC and NCST primarily exist for the protection and development of SCs and STs. But they have proved ineffective in its operation in many cases. These institutions are running without adequate staff and even members for timely intervention. This has been making the situation SCs and ST people more vulnerable in the absenteeism of institutional protection. The function of these bodies needs serious review to make them more functional in the interest of rule of law for the SCs and STs. It is the foremost duty of the SCs and STs Development department as nodal agency for the implementation of the law to undertake adequate measures in addressing the gaps but unfortunately due to lack of political will the ineffectiveness lingers without major change.

## WOMEN ATROCITY IN STATE HIGH IN BACKWARD AREAS.

*Saturday, 23 September 2017*

The various heinous forms of atrocities against women of Odisha have not changed as revealed by State Home Department data. The number of rape cases for the last ten years from 2006-2007 to 2015-2016 is 15,000 and it shows a consistent increase every year.

The figure of the last three years from 2013 to 2016 has crossed more than 2,000. It is noticed that the delay in investigation process resulted in persistent poor conviction rate as it is stated that in the year 2015 out of reported 2,286 rape cases, 2,248 are true and only in 1,481 cases, the accused were charge-sheeted. These cases are not just figures but about the suffering of women and the families they belong.

Our criminal justice administration system needs to be sensitive to such issues but there is no sign of improvement because of routine work and very limited proactive initiatives by the Government. There were also complaints by human rights groups against police and para-military forces deployed in interior parts, especially in tribal areas, where there are cases of harassment of women and sexual assault which go unreported and is a matter of concern.

It is a fact that numerous women victims are silently suffering because of fear and insecurity without scope of unrestricted access to judicial process; so it is expected that the Government should build the confidence among the people for execution of rule of law and it is not just presence of legislation but there must be attempt to use the law to protect the women and most vulnerable section of our society in the spirit of law.

The rape cases need serious analysis to understand the trends, socio –eco background of the victims and the whole process of justice delivery system along with limitation of victims to access justice. It is expected that the Home Department should come up with such kind of analysis that helps in making more realistic interventions.

The atrocities against women are not just limited to rape cases, but there are also thousands of cases of various forms of sexual violence, trafficking of women, domestic violence, honor killing, dowry death, child marriage, witch-hunting, migration of women, gender based discriminations in family and social life and many more very often reported in daily basis. The Women and Child Development Minister of Odisha in 2014 informed that 42 percent of women of our State face physical violence. The State Government has set up women and child desk in every police station and anti-human trafficking units in some selected districts to check trafficking of women. But largely it is felt that there is non-availability of correct data of such cases as many of these cases are not being officially recorded. Lack of data on atrocities against women and academic discussion on social issues pertaining to women has been limiting the scope of public concern on the poor state of affairs of women.

It is fact that in recent years the participation of upper class educated women in public sphere has increased but it has not contributed much in changing the social life of a vast section of women, especially the poor, illiterate and women of the marginalized sections and their unending suffering continues unabated.

It is observed that a major chunk of these atrocity victims belongs to poor marginalized sections and mostly from rural interior parts of the State. This section is facing all forms of indignity and deprivation in everyday life while struggling to survive without access to the State sponsored opportunities. The women migrant workers, minor forest produce collectors, agricultural and construction workers and domestic workers are most vulnerable to atrocities because of their social identity and economic status. The tribal and Dalit women in the State are consistently behind every aspect of human development. The girl child inmates in residential schools run by the State Government with support of the Centre are not safe and there have been cases of sexual harassment and even a few cases of pregnancy have been reported by the department Minister in the Assembly. Girl child education is very important to bring social change but their safety in educational institutions is equally important which has not been taken seriously by the Government in spite of repeated protest from many quarters.

The male domination and dominant ideas of male and caste superiority remain without much change. This situation depicts our overall social condition and status of women in our society.

Though it is said that the progress of our quality of social life can be realized with the status of dignity and liberty of women but this ideas for social reform are not getting translated into policy and programme of the Government and other social movements in the State.

It seems that the law enforcement agencies have not reached to the people to make them aware about constitutional values of dignity, human rights and scientific ideas to build a democratic and dignified society. Young women are brutally killed by own family members in order to save the caste pride of the family. It is reported that about 50 women were killed in sorcery suspicion during last five years.

These women belonged to tribal communities of backward regions where health service, education and social awareness have been neglected for a long time. There has been no attempt by the Government or other social movements against such anti-women practices prevalent in our social life that is derogatory to women dignity. It is demanded that along with awareness and enforcement of law, the Government should make available basic amenities such as housing, drinking water, toilet and electricity for every household where women can safely lead a dignified life.

In every Panchayat, there must be hospital for safe delivery, marriage registration office and free English medium schools compulsory for all boys and girls. The existing separate schools based on social segregation, private management, and religious orientation must be discouraged. The girl child must be allowed to play in the village playground and physical education must be compulsory for all. The Government should introduce human rights education and promote scientific temper and logical bent of mind among our children in schools and encouraged the children to question our countless anti-women discourses and practices prevalent in our social life and also alternatively propagate modern secular democratic values and respect for equal human dignity against gender and caste based discriminatory values in practice. As a step in democratization of opportunities and participation with gender balance, the women of all social groups must have a fair representation in police, judiciary, academics, media, CSOs and social movements in order to



Women atrocity in state high in backward areas.

make our justice delivery process more women friendly. Our media and writings should focus social issues, especially the issues of women atrocities to bring larger awareness.

# RAMPANT RIGHTS VIOLATION IN STATE A CONCERN.

*Saturday, 14 January 2017*

The National Human Rights Commission (NHRC), in its three-day camp sessions and open hearing of cases of human rights violation held at Bhubaneswar, has well exposed the status of human rights in Odisha and held the State responsible for its poor action in ensuring basic human rights for the poor and marginalized section, SCs and STs, women and children.

NHRC Chairperson Justice HC Dattu in his inaugural note reported that in the period 2015-2016 up to December 2016 the commission registered a total of 21, 912 cases from Odisha. The nature of cases includes internal displacement, problem faced by farmers, agricultural workers, bonded labourers, SCs, STs, women and children, especially in interior parts and backward regions such as KBK districts and many more. It also observed the persistent poor implementation of socio-economic development programmes of the Government and protective laws, rights and entitlements for the poor such as SCs and STs that has wider ramification over the status of human rights. The volume and nature of cases are indicative and have been a matter of concern.

The human rights situation is an overall indicator of the socio-economic status of the people of the State and also it shows the performance of the Government in ensuring rights of its citizens, quality of administrative justice, law and order, quality of life and living condition of people.

It is being observed that the State has miserably failed to address the core issues of human rights violation because of inadequate measures in ensuring basic necessities such as food, health, education, employment and livelihood for its poor and marginalized sections in rural and tribal parts.

It is found that the issues of displacement, livelihood, poverty and hunger remain as before without much qualitative and quantitative change. The condition of the marginalized poor is further getting worse and their quality of life and social status is far below the national and international standards. It is a fact that these issues are largely related to

the ongoing development model enforced by the State economic policy and measures taken for the protection from market forces and opportunities of development. The nature of complaint of cases of human rights violation shows that a majority of the people displaced from their livelihood by development projects are not adequately compensated or not being provided with alternative livelihood. The democratic protests by affected people have been suppressed by police brutality; even the media and CSOs also faced State repression. The mineral belt of Odisha with vast presence of tribal, Dalit and other farming communities has been facing such problem and there has been a number of spontaneous protest movements in different parts of the State by the poor and marginalized who are getting affected by the ongoing process but unfortunately the State Government has failed to address these issues and this Government inaction has impacted more in making the marginalized section more vulnerable. The existing policy, laws and programmes need to be properly implemented, reviewed and monitored to access its outcome and impact for further planning to get the desired results. The displaced families of Posco project became unemployed without livelihood and the hope for employment and better livelihood was shattered. The people of Lanjigada faced serious police brutality against their democratic protest. The people those are part of the protest in many parts are being harassed and unlawfully convicted with false and fabricated cases without protection by the State. The engagement process of Government with people has been getting minimized and the demands of the affected people are not considered with sympathy and seriousness. There is lack of administrative transparency in sharing information to people about the whole process of implementation. The outcome of such development projects are not economically sustainable and not being so much beneficial to the marginalized section.

The most recent reports shows about ten factories in mines and industrial district of Jharasuguda have been closed during five years. These are mostly steel and power and sponge iron factories. About 10,000 workers have been laid off while many of them have not received their wage and other dues for months. The other mines and industrial areas such as Kalinganagar, Angul, and Keonjhar have more or less same stories which are a matter of grave concern. The trend has pushed up poverty, unemployment, child selling, hunger death and distress

migration and many more social problems which are largely human rights issues.

The underdevelopment of the marginalized communities, women and children are also linked to the structural issues of resource ownership and availability of public infrastructure and access of the marginalized poor to such public infrastructure build out of State funds. The important socio-economic development programmes out of public finance such as MGNREGA, ICDS, SSA and NRHM which are very vital to access basic human needs such as employment, food, health and education are very ineffectively implemented. In spite of ICDS and PDS for last so many years, there are hundreds of villages having serious malnutrition problem among women and children. The 100 days work assurance has been partly fulfilled and many of the cases brought before the NHRC and reported in media shows persistent disparity and exclusion in health and education services for the marginalized in interior parts. The ineffective implementation of these programmes need improvement to ensure realization of basic human rights by the deprived section of the State. The Government must fix accountability over the service providers and officials in charge. The service providers must be mobilized and motivated with human rights education and sense of responsibility for the people.

NHRC expressed concern over growing atrocities against SCs, STs and others and non-implementation of protective laws such as SCs and STs (POA) Amendment Act 2015 and Rights over land, Forest Rights Act and Rights to Education Act. The NHRC has initiated open public hearing on cases of atrocities against SCs as part of recommendation of KB Saxena report which was commissioned by NHRC to study the problem faced by the persons belonging to SCs. The study has found issues of untouchability, caste based discrimination and land related matters as major cases of atrocities and recommended implementation of land reform along with other measures to ameliorate the condition of the SCs in rural areas. But in spite of such strong laws the social status of SCs in rural village has not improved and many of the inhuman middle age practices by the dominant caste are still prevalent. The social discrimination and atrocities have been blocking the development of SCs who are otherwise also resourceless. Their access to resources and public infrastructure are linked to social systems, religious customs and

Rampant rights violation in state a concern.

traditions preventing them for a barrier free access to socio-economic development.

Human rights issues linked to the socio-economic and political and administrative power structures are not just legal and administrative issues to be solved under quasi-judicial framework. The State Government officials in charge of line departments should be made fully aware about constitutional provisions and human rights laws, issues and most importantly, their accountability to State and the people. The political parties, media, CSOs, academics, judiciary, executives, corporate sector and all other concerned must take the current situation seriously.

## POOR EXECUTION OF PROTECTIVE LAWS : SCs STs SUFFER IN STATE

*Saturday, 01 October 2016*

The social condition of SCs and STs in the State has not been changing to the desired extent in spite of protective laws against social discrimination, injustice and exploitation along with targeted welfare schemes for the social development of the marginalized excluded communities.

Many of the recent studies and reports of the Government and non Government agencies and media reports every day has been exhibiting poor status of non-implementation of protective laws and schemes and its insignificant outcome in the life of these communities in improving their social and human status. It is being realized that the overall economic progress, growth and social wellbeing are not reaching to all social groups, especially SCs and STs; rather the social and economic gaps are getting widened with concentration of power and wealth in the hands of a dominant few.

The political democracy has not been so much effective in building social and economic democracy and an inclusive society visualized by the makers of modern State. The Prime Minister of India has been pursuing slogan of Sabka Sath Sabka Bikas and to translate that vision into reality the national resources and opportunities for development should reach to the most deserving people of our society, including the historically neglected SCs and STs.

As per 2011 census, SCs and STs constitute almost 40 percent of the total population of the State, mostly inhabited in segregation, remote and inaccessible areas. Untouchability and caste and ethnic based discrimination, social segregation, and atrocities against them continue unabated in rural parts. There are various forms of untouchability practice denying a dignified life to all men, women and children of low caste in villages. They face social humiliation in everyday life in all social spheres. Many of the targeted Government welfare schemes for the poor, such as Anganwadi and Mid-day Meal etc. are inaccessible due to practice of untouchability by the service provider in charge of the

implementation. Majority of the poor SC and ST households live in distress condition without proper shelter, safe drinking water, sanitation, electricity and an all-weather linking road to their habitation.

They have continued restricted access to public places and village common property resources such as water bodies, cremation ground, religious places, village forest, playground and other commons. Very often, social conflicts are taking place where ever people demand for barrier-free equal access. Out of total 16 lakh SC households about three lakh households have no homestead land to construct a house for a decent living. There are existences of poor landless households living in coconut gardens, middle of paddy fields, river and canal banks, mining dumping yards, slums and outskirts of the main village or cities without a proper shelter. Habitations for hundreds of years have not done survey and settlement by revenue authorities. It has been continuing over the generations with impact on life and livelihood.

The SC and ST children not only face discrimination in educational institutions but also avail the average quality of education imparted in the Government schools. Privatization of education has been denying education to poor SCs and STs. The hostels run by Government for SC and ST children are very poorly managed without quality food, accommodation and teaching practices. The SC and ST students of poor parents are being forced to send their children to Government schools without choice. The limited effort to include few SC and ST students in English medium schools should be universal to all poor, including the SCs and STs. There should be more hostels for both boys and girls and timely disbursement of pre-matric and post-matric stipend to the students.

Each year about 1,500 atrocity cases against SCs and STs get registered in different police stations of the State but there is always delayed action to ensure justice. The nature of cases includes rape, murder, house burning, loot, arson, intimidation and destruction of crops. The conviction rate has been not improved and NCRB reports that 7,700 cases are pending in different courts of the State till 2014. The victims are not getting timely compensation, relief, and legal aid and rehabilitation benefits as per the provisions of law. The State Government has not set up any special court for the purpose. The implementation status of PCR Act 1955 and POA Amendment Act 2015 has been consistently miserable.

It is fact that SC, ST households mostly depend on agriculture and other land based activities as agricultural worker and sharecropper. The continued agrarian crisis in the State has a bearing on the agricultural workers and sharecroppers but unfortunately the State Government has made no initiative to protect the agricultural workers and sharecroppers. There has been long demand for distribution of ceiling surplus, wasteland, Bhoodan and forest land to agricultural workers and sharecroppers for cultivation but still land distribution is an unfinished task.

Mostly SCs and STs have been migrating in distress in search of livelihood and employment to outside due to lack of dignified employment throughout the year as agriculture is seasonal in nature and ineffective implementation of MGNREGS led to unemployment. SCs and STs constitute a major chunk of rural unskilled workforce who depend on Government sponsored schemes for employment. Many of the important Government schemes such as PMGSY, IAY, drinking water, Swachh Bharat, electricity and sanitation are not reaching the SC, ST habitations due to non-availability of land and social prejudice against them. Barring few, most of the Government officials working in grassroots carry biased opinion and social prejudice while implementing schemes.

There has been only notional allocation of SCSP and TSP in the State Budget without implementation of it through special schemes. There has been lack of targeted intervention and the funds earmarked for SCs and STs are diverted to other purpose violating the basic principles and purpose of such intervention. This has been hugely affecting the social development of SCs and STs. The industry, mining and business sector coming up in the State have not created any scope of inclusive employment for the marginalized in the absence of affirmative action policy by private sector business and industry to make the SC and ST employable with education and skill development. Odisha with a sizable SC and ST population and mineral resources should have provision of reservation for them in mining, industry and business ventures coming of in their locality.

There have been nonfunctional of statutory bodies at the apex such as Scheduled Castes Welfare Advisory Board, Tribes Advisory Council and State Vigilance and monitoring committee under provision of POA Act



Poor execution of protective Laws : SCs STs suffer in state

which are headed by the Chief Minister and mostly the elected SC and ST MLAs and MPs and most senior bureaucrats are its members. These committees are in place only to fulfil the legal obligations and routine duties but never function to fulfil their basic objectives and purposes. The reports of the committees are never visibly discussed in Assembly and media to sensitize different stakeholders and public.

The district, block and Panchayat level committee as per provisions of the laws and schemes are being largely unaware about their roles and responsibilities with poor information and lack of functional orientation. The committee members who are supposed to lead the implementation process in fulfilling the social purpose are not guided by nonpartisan, secular and democratic spirit. There has been largely lack of political and administrative accountability at all levels which has been affecting the implementation process since long.