Draft Indigenous Peoples Plan

January 2017

India: Odisha Skill Development Project

Prepared by the Skill Development and Technical Education Department (SDETD), Government of Odisha for the Asian Development Bank.

CURRENCY EQUIVALENTS

(as of 24 January 2017)

Currency unit	-	Indian rupee/s (Re/Rs)
Re1.00	=	\$0.014694
\$1.00	=	Rs68.0520

ABBREVIATIONS

ADB	_	Asian Development Bank
ASTI	_	advanced skills training institution
	_	8
DTET	-	Directorate of Technical Education and Training
FGD	-	focus group discussion
GOO	_	Government of Odisha
GRC	_	grievance redressal committee
IPP	_	indigenous peoples plan
IT	_	Information technology
ITI	_	industrial training institute
NGO	_	nongovernment organization
OSDP	_	Odisha Skill Development Project
OSDS	_	Odisha Skill Development Society
OSEM	_	Odisha State Employment Mission
PMC	_	project management consultant
PMU	_	project management unit
PVTG	_	particularly vulnerable tribal group
SDTED	_	Skill Development and Technical Education Department
SPS	_	Safeguard Policy Statement

NOTE

In this report, "\$" refers to US dollars.

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I. DESCRIPTION OF THE PROJECT

A. Background

1. The core problem in Odisha is the low employability of the young workforce due to low skills, weak capacity, fragmented skills ecosystem, and weak synergy with industries. The proposed project will support the Government of Odisha (GOO) by strengthening its capacity to supply high quality, market-responsive skills training in line with the growth priorities and strategies of the State, thereby increasing the employability and productivity of its working age population. The project will reach out to the youth, indigenous peoples groups, and other disadvantaged groups, including those working in the unorganized and informal sectors, by adopting a menu-driven approach to build their skills and increase their employment outcomes.

2. According to the Census of India, 2011, the State has a population of about 42 million, with 83.31% living in rural and 16.69% living in urban areas: with over 50% of the State's population aged below 25 years. The literacy rate of the State was 72.87%, with literacy rate of males at 81.59% and that of females at 62.46%; and the gender ratio of the State was 972 females per 1,000 males. Literacy rate is lower for scheduled castes at 43.8% (with male accounting to 72.4%) and extremely lower for scheduled tribes at 33.4% (with male accounting to 59.9%). Although declining, the drop-out rates at the secondary education level remain high at 49.5%. Nearly 32.0% of the working age population (aged 15-59 years), are illiterates (compared to 30.0% at national level), while 25.0% have only completed primary education, and 6.0% (compared to 9.3% at national level) have secured a diploma, certificate, or a graduate and above degree. According to the last migration survey (2007–2008), nearly 1 million people are working and residing in other parts of the country. People largely depend on agriculture for their livelihood. Youth unemployment is at 6.47% (compared to 6.12% for all India) and underemployment is at 23.5% (compared to 17.6% for all India). A significant size of Odisha's population i.e., 41.9 million is economically or socially marginalized, with around 15 million people (35.8%) live below the poverty line and around 9 million (21.5%) belong to tribal and/or live in remote areas. Women's labour force participation rate currently stands at 28% compared to men's at 60%.

3. Odisha's economic growth rate in the past 5 years peaked at 8.09% in 2012-2013 but dropped to 5.6% in 2013–2014. The economy is gradually shifting from agriculture (sector contribution to economy declined from 23.49% in 2004-2005 to 15.58% in 2013-2014) to industry (sector contribution increased from 23.71% in 2004-2005 to 25.40% in 2013-2014) and services (sector contribution increased from 52.80% in 2004-2005 to 59.02% in 2013-2014). Currently, the five major industries offering employment opportunities in Odisha are agriculture, construction, trade and repair of motor vehicles, manufacturing, and education.¹ While the bulk of the working population continues to be employed in traditional and labour intensive industries, the demand from services industry such as transport, travel and tourism, hospitality, information technology (IT) and IT-enabled services, general administration and housekeeping support services, and back-office outsourcing services is increasing. The incremental demand-supply gap in the total workforce for the period 2011-2026 for Odisha is expected to be around 4 million. The gaps are expected in sectors like the health care (651,037), hospitality & tourism (656,018), IT/IT-enabled services (614,363), construction (77,000), transport/logistics (22,000), and textile.

¹ Labor Bureau Report 2011-12, Table 20, pp. 224.

4. GOO has taken several initiatives to address employment and related skills shortages. including lack of human capital to meet the emerging economic opportunities. The GOO set up the Odisha State Employment Mission (OSEM) in 2005–2006 chaired by the Honourable Chief Minister to address its problems of underemployment and youth unemployment. In order to revitalize skills development, the GOO further, established the Employment, Technical Education and Training Department in 2012 to bring together technical education, skills development, employment generation services, and labour regulation under one department. The Employment, Technical Education and Training Department was renamed to Skill Development and Technical Education Department (SDTED) in 2015. As part of this effort, OSEM is promoting employment opportunities by supporting placement-linked training programs through private training providers and Directorate of Technical Education and Training (DTET) is making efforts to enhance the responsiveness of industrial training institutes (ITIs) and polytechnics. SDTED has facilitated conducting of skills-gap analysis and drafted a detailed plan for rationalizing the trades and enrollment capacity for ITIs, polytechnics, and skills development centres. Given the new investments planned and anticipated. OSEM has set corresponding targets for skilling and placement of 200,000 in the construction sector, 150,000 in transport and logistics, 200,000 in textiles, 50,000 each in health care, hospitality, IT, and retail during 2012–2017. However, OSEM has not been able to meet its annual targets due to a wide range of socioeconomic and external factors. The proposed project will therefore focus on improving the economic and social conditions of people, including indigenous peoples and other vulnerable groups in Odisha. The project will have a positive long-term impact on the State's economy and living standards of the population. The Odisha Skill Development Society (OSDS) is the principal implementing agency which has been established by the SDTED, GOO.

B. Project – Brief Description

5. The objective of the Odisha Skill Development Project (OSDP) is to enhance the employability and productivity of the working age population (15–59 years old) in Odisha, which includes targeted efforts to decrease the rates of unemployment among scheduled tribes, scheduled castes, other socially and economically marginalised classes, including women. The objective focus of the project is that the youth of Odisha, specifically in these target groups experience higher employment opportunities for which they are skilled and that enables securing of higher wages both within Odisha as well as outside the State. Another objective of the project is to increase employer satisfaction with, and selection of trainees from Odisha. The project would aim at developing a well-coordinated and harmonized skills ecosystem within the State that ensures reduction of skill-gap within priority sectors and related skills.

6. As acknowledged earlier, the OSDP will target unemployed and under-employed, unskilled and under-skilled youth, with special focus on women and tribal population of Odisha. This also includes those not in education, employment, or training. It is estimated that OSDP would extend training to nearly 200,000 youth in the State, over the five-year project period and also train and professionally develop around 250 master trainers, and 20,000 teachers/ faculty/ trainers, including 1,000 assessors.

7. The four-pronged approached conceptualized for the OSDP to achieve the above objectives are as described below:

- (i) Increased equitable access to market responsive skill development
 - a. Increased access through hub-and-spoke model
 - b. Equitable access across learner, gender, and social groups

- c. Market responsive training programs developed in collaboration with key industry players
- d. Recognition of prior learning established
- (ii) Enhance quality and relevance of skills development programs
 - a. Robust quality assurance mechanism established
 - b. A pool of master trainers and training of trainers and assessors mechanism established
 - c. Eight advanced skills training institutions (ASTIs) and 30 ITIs benchmarked
 - d. Technology enabled and teaching and learning promoted
- (iii) Strengthened skills ecosystem
 - a. Partnerships promoted
 - b. Counselling and placement centres and web-based skills exchange established
 - c. Self-employment piloted for replication and scaling up
 - d. Skill database/skill inventory
- (iv) Effective project management
 - a. Autonomous OSDS
 - b. Operational efficiency enhanced through private sector involvement
 - c. Robust monitoring and evaluation system, and research and development fully functional
 - d. Professional management support to OSDS and outsourced project management consultants (PMCs) to support OSDS, DTET, and OSEM

In order to meet the skill development targets of the State, ensuring internationally-8. relevant high quality and industry-responsive training service delivery, the project will support the establishment of eight ASTIs under an autonomous society named as OSDS. The operations and management of the technical institutes will be outsourced to national/international public or private operators through an open national competitive bidding. The technical institutes will function as finishing schools cum production centres and will serve as resource centres for public and private ITIs, polytechnics, and skills development centres. These institutes will be equipped with modern state-of-the-art equipment, hostels for residential trainees, and residential facilities for the staff. The institutes will function with significant operational autonomy to select faculty, payment of market-based salaries to attract and retain high quality staff, generation and sharing of revenue, industry linkages, ensuring high quality, etc.

II. OBJECTIVES OF THE INDIGENOUS PEOPLES PLAN

9. Implementation of the OSDP is conceptualized and planned in a manner to have no negative impacts on indigenous peoples. There are no land acquisitions or involuntary resettlement impacts under the OSDP.² Further, there will also be no exploitation of cultural, natural, and economic resources of indigenous peoples due to construction of ASTIs and hostels under the project. Instead, the OSDP has immense potential of bringing positive impacts to the Youth of the State, including the indigenous peoples, through the provision of industry-relevant placement-linked skill training, for diverse persons, including secondary school drop-

² Project components or subprojects which would trigger the Involuntary Resettlement Safeguards of the Safeguard Policy Statement (SPS), due to physical or economic displacement, are not eligible for funding under the project.

outs. Besides, delivering quality training at international standards through the eight ASTIs and 30 government ITIs (under a hub-and-spoke operating model), there will be counselling centres established and operated in all the 30 ITIs. The principal objective of the various interventions and facilities provided under the OSDP is to prevent exclusions of any sorts, due to lack of information about the training courses, lack of prequalification, remote residence, poverty, and discrimination. The indigenous peoples plan (IPP) therefore ensures easy and equitable access for indigenous peoples to all the project benefits. After due assessment, the project is classified as Category B for indigenous peoples and an IPP has been prepared in accordance with the Asian Development Bank (ADB)'s Safeguard Policy Statement (2009) (SPS) on indigenous people safeguards. The subproject will continue to be consistently screened for indigenous people safeguards of the SPS.

III. OVERVIEW/PROFILES OF INDIGENOUS PEOPLES AND THE PROJECT AREA

10. ADB's SPS (2009) uses the following characteristics in varying degrees to define indigenous peoples: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region.

11. Likewise, the Article 342 of the Constitution uses the following characteristics to define indigenous peoples (scheduled tribes): (i) tribes' primitive traits; (ii) distinctive culture; (iii) shyness with the public at large; (iv) geographical isolation; and (v) social and economic backwardness before notifying them as a scheduled tribe. Essentially, indigenous peoples have a social and cultural identity distinct from the 'mainstream' society that makes them vulnerable to being overlooked or marginalized in the development processes.

12. Since the Constitution's identification of scheduled tribes, there has been continuous movement of populations and tribal communities. Tribal and non-tribal communities have lived side-by-side leading to acculturation and assimilation to mainstream societies. Many scheduled tribes no longer keep their traditions/cultures; and individuals and groups of scheduled tribes have settled amongst non-tribal populations.

13. The OSDP will focus the establishment of eight ASTIs (with residential facilities) in eight districts in the State, and state-of-the-art training facilities and hostels at 30 government ITIs in the State. The tribal population is found in all parts of the country, and Odisha is considered as the third largest tribal dominant State in the country. In India about 8.2% of the total population is classified under scheduled tribes; in comparison, 41,974,218 persons in Odisha are classified under scheduled tribes, which account for 22.85% of the State's total population, as per the Census of India, 2011. There are 62 different tribal communities mostly concentrated in eight districts of South-West Orissa, namely; Gajapati, Kalahandi, Kandhamal, Koraput, Malkangiri, Nawarangpur, Sundargarh and Rayagada. Details are provided at **Table 1**.

Place	Total Population	Total Male	Total Female	Total ST	Percentage of ST Population to Total Population (%)
India	1,21,05,69,573	62,31,21,843	58,74,47,730	10,42,81,034	8.61
Odisha State	4,19,74,218	2,12,12,136	2,07,62,082	95,90,756	22.85
Odisha Districts					
Bargarh	14,81,255	7,49,161	7,32,094	2,81,135	18.98
Jharsuguda	5,79,505	2,96,690	2,82,815	1,76,758	30.50
Sambalpur	10,41,099	5,26,877	5,14,222	3,55,261	34.12
Debagarh	3,12,520	1,58,230	1,54,290	1,10,400	35.33
Sundargarh	20,93,437	1,061,147	10,32,290	10,62,349	50.75
Kendujhar	18,01,733	9,06,487	8,95,246	8,18,878	45.45
Mayurbhanj	25,19,738	1,256,213	12,63,525	14,79,576	58.72
Baleshwar	23,20,529	1,185,787	11,34,742	2,75,678	11.88
Bhadrak	15,06,337	7,60,260	7,46,077	30,428	2.02
Kendrapara	14,40,361	7,17,814	7,22,547	9,484	0.66
Jagatsinghapur	11,36,971	5,77,865	5,59,106	7,862	0.69
Cuttack	26,24,470	1,352,760	12,71,710	93,745	3.57
Jajapur	18,27,192	9,26,034	9,01,158	1,51,432	8.29
Dhenkanal	11,92,811	6,12,593	5,80,218	1,62,056	13.59
Anugul	12,73,821	6,55,718	6,18,103	1,79,603	14.10
Nayagarh	9,62,789	5,02,636	4,60,153	58,691	6.10
Khordha	22,51,673	1,167,137	10,84,536	1,15,051	5.11
Puri	16,98,730	8,65,380	8,33,350	6,129	0.36
Ganjam	35,29,031	1,779,218	17,49,813	1,18,928	3.37
Gajapati	5,77,817	2,82,882	2,94,935	3,13,714	54.29
Kandhamal	7,33,110	3,59,945	3,73,165	3,92,820	53.58
Baudh	4,41,162	2,21,625	2,19,537	55,364	12.55
Subarnapur	6,10,183	3,11,312	2,98,871	57,192	9.37
Balangir	16,48,997	8,30,097	8,18,900	3,47,164	21.05
Nuapada	6,10,382	3,01,962	3,08,420	2,06,327	33.80
Kalahandi	15,76,869	7,87,101	7,89,768	4,49,456	28.50
Rayagada	9,67,911	4,71,960	4,95,951	5,41,905	55.99
Nabarangapur	12,20,946	6,04,812	6,16,134	6,81,173	55.79
Koraput	13,79,647	6,78,809	7,00,838	6,97,583	50.56
Malkangiri	6,13,192	3,03,624	3,09,568	3,54,614	57.83

Table 1: Scheduled Tribe Population in Odisha State

ST = scheduled tribe.

Source: Census of India, 2011.

14. There are 75 "Particularly Vulnerable Tribal Groups" (PVTGs) in India and Odisha houses 13 PVTGs³ within the 62 different tribal communities living in Odisha. The PVTGs are the most backward indigenous ethnic groups of Odisha. GOO, nongovernment organizations (NGOs), and community-based organizations are working for their development since long, but the fruits of development have not been reflected in the development indicators of these communities as it was expected by the planners. Details are provided at **Table 2**.

SL.	Name of PVTGs	Population as per Census					% of PVTGs among the
No.		1971	1981	1991	2001	2011	total ST Population - 2011
1	Birhor	248	142	825	702	596	0.006
2	Bondo	3,870	5,895	7,315	9,378	12,231	0.127
3	Didayi	3,055	1,978	5,471	7,371	8,890	0.092
4	Dongria-Khond	2,676	6,067	-	-	-	
5	Juang	3,181	30,876	35,665	41,339	47,095	0.491
6	Kharia	1,259	1,259	-	-	-	
7	Kutia Kondh	3,016	4,735	-	-	-	
8	Lanjia Saura	4,233	8,421	-	-	-	
9	Lodha	1,598	5,100	7,458	8,905	9,785	0.102
10	Mankidia	133	1,005	1,491	1,050	2,222	0.023
11	Paudi Bhuyan	4,424	8,872	-	-	-	
12	Soura	2,845	2,917	-	-	-	
13	Chuktia Bhunjia	-	-	-	-	-	
	Total	30,538	77,267	58,225	68,745	80,819	0.841

 Table 2: Particularly Vulnerable Tribal Groups of Odisha

PVTG = particularly vulnerable tribal group.

Source: rmrct.org/ICMR_forum%20Tr...Health/thbppt/pvtg/Orissa.pdf.

15. The tribes of Odisha can be classified into six types: (i) hunting, collecting, and gathering type; (ii) cattle-herder type; (iii) simple artisan type; (iv) hill and shifting cultivation type; (v) settled agriculture type; and (vi) industrial urban worker type. They are at various stages of socioeconomic development. At one extreme are the group which lead a relatively secluded and archaic mode of life and keeping their core culture intact, while at the other extreme, there are communities which are indistinguishable from the general agricultural or urban communities. A sizable part of the tribal population in Odisha has moved to mining, industrial, and urban areas for earning a living through waged-labour. Over the decades, the process of industrial urbanization in the tribal belt of Odisha has been accelerated through the operation of mines and establishment of industries. Mostly persons from economically advanced tribal communities, such as Santal, Munda, Ho, Oraon, Kisan, Gond, etc. have taken to this economic pursuit, in order to relieve pressure on their limited land and other resources. Several large tribes, such as Santal, Munda, Ho, Bhumij, Oraon, Gond, Mirdha, Savara, and others are settled

³ (i) The Birhor, (ii) The Bondo Poraja, (iii) The Didayi, (iv) The Dongria Khond, (v) The Juang, (vi) The Kharia, (vii) The Kutia Khond, (viii) The Lanjia Soura, (ix) The Lodha, (x) The Mankidia, (xi) The Paudi Bhuyan, (xii) The Soura, and (xiii) The Chuktia Bhunjia.

agriculturists pursuing agriculture and allied activities. Many of the scheduled tribe groups in Odisha have free social interaction with mainstream population.

16. In the project districts, i.e., Jharsuguda, Sundargarh, Bolangir, Koraput, Baleshwar, Anugul, Khordha, and Ganjam, the main scheduled tribes are Khond, Shabar, and Saora, comprising 23.42% of the total scheduled tribes population of Odisha. The due diligence and rapid appraisal conducted on site ascertained that the project activities will not cause any potential negative impacts on the indigenous peoples. The expected positive impacts on indigenous peoples are due to special fee concessions and promotional interventions, including awareness building, and consistent community engagement, thereby enabling enhanced and equitable access.

17. The project components of OSDP are broadly divided in two stages, namely; (i) construction and establishment of eight ASTIs in eight districts, and (ii) construction of hostels and establishing of state-of-the-art training facilities at 30 government ITIs of Odisha. The project components, activities, and its probable impacts on indigenous peoples are highlighted in **Table 3** below.

SL. No.	Name of Project Components	Project Activities	Impact on Indigenous Peoples
1	Establishment and construction of ASTIs	 ASTIs will function as finishing schools cum production centres; Serve as resource centres for public and private ITIs, polytechnics and skills development centres. Equipped with modern equipment, hostels, and residential facilities for staff; Operational autonomy to recruit faculty, payment of market based salaries to attract and retain high quality staff; Generation and sharing of revenue, industry linkages, ensuring high quality training content and delivery, etc. 	 Decrease in the rates of unemployment among scheduled tribes, scheduled castes, other socially and economically marginalised classes, youth, including women OSDP will target unemployed and under-employed, unskilled and under- skilled with special focus on women and tribal population of Odisha.
2	Construction of hostels and other state-of-the-art training facilities at the 30 Government ITIs.	 Enhancing the quality and industry-relevance of the training courses delivered at Government ITIs. Providing accommodation to students in Government ITIs in all the districts of Odisha. 	 Improved quality and industry-relevance of training delivery, enhances the employment prospects of the STs and IPs. Availing the hostel seat as per academic reservation quota for Scheduled Tribes (STs) will ensure enhanced participation of IPs and there by their economic ad employment prospects.

 Table 3: Project components, activities and its probable impact on Indigenous Peoples

18. The OSDP project area has been identified and shown in the map of Odisha presented in the **Figure 1**.

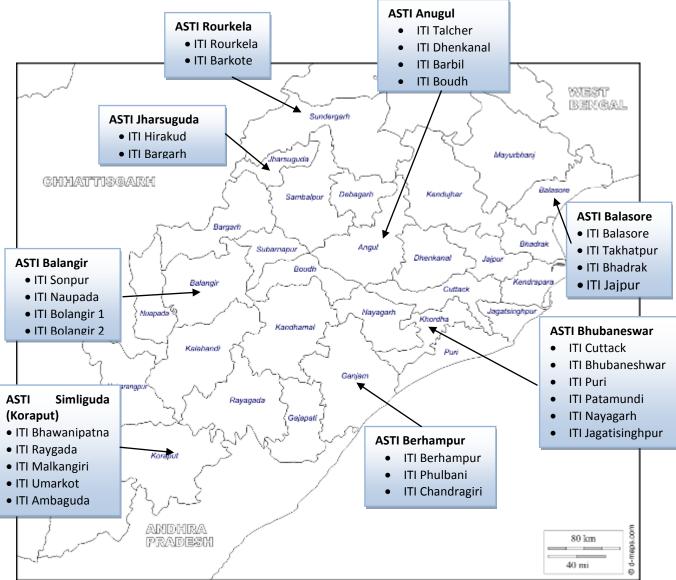


Figure 1: Location of ASTI and ITIs Spoke Network

ASTI = advanced skills training institution, ITI = industrial training institute.

IV. LEGAL AND POLICY FRAMEWORK

19. Constitutional provisions, legal notifications, and other safeguards have been provided to indigenous peoples/scheduled tribes by the Government of India and the GOO. Article 366(25) of the Constitution of India refers to scheduled tribes as those communities who are scheduled in accordance with Article 342 of the Constitution of India. According to Article 342 of the Constitution of India, scheduled tribes are the tribes or tribal communities or part of or groups within these tribes and tribal communities, which have been declared as such by the President of India through a public notification. Identification of tribes is a State subject. Thus, classification of a tribe would depend on the status of that tribe in the respective State.

Therefore, tribes notified for Odisha State are scheduled tribes in Odisha only and their category may differ in other States.

20. Government of India implements provisions contained in Panchayats (Extension to Scheduled Areas) Act, 1996. According to this Act, Gram Sabha has adequate power to regulate the minor forest produce in tribal areas and scheduled areas.

21. The Ministry of Tribal Affairs, Government of India has drafted a National Policy on scheduled tribes to bring these tribes into the mainstream society through a multi-pronged approach for their all-round development without disturbing their distinct culture. The Policy stipulates that displacement of tribal people should be kept to a minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement shall be given land against land. To handle the problem of shifting cultivation, land tenure system is proposed giving tribals the right to land ownership so that they invest their energy and resources in checking soil erosion and fertility. The Policy seeks to tackle tribal land alienation by stipulating that:

- (i) tribals have access to village land records;
- (ii) land records are displayed at the Panchayat;
- (iii) oral evidence be considered in the absence of records in the disposal of tribal's land disputes;
- (iv) States prohibit transfer of lands from tribal to non-tribal; and
- (v) tribals and their representatives are associated with land surveys.

22. The educational reservation/quota system for admission in India and the State of Odisha are different based on the status of Institutions. The Central Government aided institutions applies the rules of the Government of India, while the State Government to its institutions. The quota/reservation system in India and Odisha vary across the different streams of education and in some cases institution to institution, however, consistent within their respective governance jurisdiction. The ITI admission system in Odisha is guided by the Government Order (GO) notification No. 22867/1 dated 27 August 1980 & No. 4711/1 dated 26 February 2001. Candidates will be selected by the institute specific selection committee constituted and renewed by the government from time to time for each ITI under the chairmanship of the concerned ADM/Sub-Collector.

- (i) Reservation of Seats for scheduled tribes in ITIs: As per GOO Notification No.7113/1 dated 25.4.2003, 23% of the seats will be kept reserved for the scheduled tribe candidates in all ITIs with exception of ITI Takatpur and PCITI, Baripada in Mayurbhanj district, where 58% of seats for scheduled tribes will be kept reserved. 100% seats of ITI, Khariar Road in Nuapada district have also been reserved for scheduled tribe candidates only. For ITI Malkangiri, 55% seats are reserved for scheduled tribes with special reservation of one seat per unit for Bonda/Didyal community coming under PVTGs of Odisha.
- (ii) The scheduled tribe persons who have migrated from the State of origin to some other State for the purpose of seeking training, education, employment, etc. will be deemed to be a scheduled tribe of the State of his/her origin and will be entitled to derive benefits from the State of origin and not from the State to which he/she has migrated (vide GOI letter No. BC/16084m 1.82-SC and BCS/dated 22.02.1985.

- (iii) As per GO No. 231411 dated 7-8-1987 and GO No. 20763/1 dated 22-7-1993, 75% seats of each ITI shall be filled-up by the local candidates i.e. of the district (undivided) and the rest 25% as well as the vacancy, if any, in the local quota of 75% shall be filled up by outside the undivided district candidates from separate merit list prepared for them.
- (iv) <u>Hostel accommodation</u>: In cases of hostel accommodation for the scheduled tribes/schedule caste students, the boarders will pay INR1,500 per year towards seat rent, hostel contingency, electricity, water charges and crockery etc., only if scheduled tribes/scheduled castes Development Department bears the same charges on behalf of the scheduled tribes/scheduled caste boarders.
- (v) <u>Tuition fee and scholarship</u>: All scheduled tribes/scheduled castes/PH category students in ITIs are exempted from paying the tuition fee. In addition to these privileges, scheduled tribes and scheduled caste students are also otherwise eligible for Post Metric Scholarship, which has been enhanced to INR200/- per month.
- (vi) **GOO** schemes for the welfare and development of indigenous peoples/scheduled tribes: GOO has been implementing various schemes for the welfare and development of indigenous peoples/scheduled tribes in the State. During May 2015, the GOO announced⁴ launching a new scheme, "Odisha PVTG Empowerment and livelihood Improvement Programme" with an aim to ensure livelihood support of PVTGs. It will facilitate wage employment and short-term and medium-term investments in agriculture and allied activities apart from offering opportunities in microfinance services and in creation of community infrastructure. This programme will be implemented through 17 micro project areas in 12 districts, covering 13 PVTGs residing at 542 villages in 84 gram panchayats. Around 62,000 households will benefit under this programme. Its modalities will be on lines of Odisha Tribal Empowerment and Livelihood Programme, which is under implementation.

23. ADB's SPS (2009) fosters full respect for indigenous peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by them. It aims to ensure that any ADB-assisted development interventions which will have any impact on indigenous peoples will be consistent with the needs and aspirations of affected indigenous peoples and compatible in substance and structure with affected indigenous people's culture and social and economic institutions. This IPP framework recognizes the vulnerability of indigenous peoples and it specifically ensures that any project intervention, whether positive or adverse will be addressed by the implementing agencies. Moreover, the implementing agencies will ensure that affected indigenous peoples will have opportunities to participate in and benefit equally from such project interventions. A detailed policy review is provided in **Appendix 1**.

V. INFORMATION DISCLOSURE, CONSULTATION, AND PARTICIPATION

A. Meaningful Consultations – Approach and Methodology

24. Considering the large proportion of scheduled tribes in Odisha's population (22.85%), consultation and participation was emphasized during project design. A series of meaningful

⁴ "Times of India" report dated 15 May 2015.

consultations were undertaken with students of ITIs, senior secondary schools, principals and faculty, parents, and government officials covering proposed ASTI districts of Odisha, to incorporate their feedback about the proposed project and to understand the outlook of tribals towards general education, technical education and skill training.⁵

25. Focus group discussions (FGDs) were conducted at the proposed ASTI project locations in the State targeting the students of ITIs, parents, faculty, and management. The objectives of the proposed OSDP and its components, and approach were first explained to the FGD participants in the local language i.e., Odiya. ASTI project handouts were also given to the participants. Thereafter, discussions were facilitated in a free and interactive manner so that the participants opened up easily and provided their feedback and suggestions.

26. The principal thrust of the FGD was to (i) create awareness among the relevant stakeholders (students, faculties, government, parents, NGOs) about the project; (ii) get their feedback and insights to strengthen the design of the project and to create a strong foundation for the implementation of the project, with the support of all tribal groups; and (iii) ensure that the project would deliver its proposed benefits to all stakeholders in a fair and equitable manner.

B. Key Findings

27. It was observed during the consultations that all the principal stakeholders of the OSDP have accepted that the proposed project will have a positive impact on them and contribute to the overall development of the State and the nation at large. They also acknowledged that the project will change the dynamics of skill training (skilling) and employment generation in the State. There was no instance witnessed of any stakeholder opposing the project in any manner. The common opinion shared in the FGDs was that, if the project is implemented successfully, it will help to reduce unemployment among the youths and develop the State's economic condition. To summarize the findings:

- There is strong support for and interest in both components of the project (establishment and construction of ASTIs and establishment of state-of-the-art training facilities and construction of hostels at government ITIs) amongst the various stakeholders consulted across the State;
- (ii) Given the limited exposure and understanding of the youth, especially the rural youth, the stakeholders emphasised on the need and mandate for the OSDP, to integrate a comprehensive awareness building component for the project to succeed in all respects; This, in their opinion, is very critical for mobilizing the indigenous peoples/scheduled tribes, who are constrained in their exposures to market development.
- (iii) Some of the indigenous peoples/scheduled tribes highlighted the need for including traditional sectors like handicrafts⁶ to be integrated into the skilling intervention. This in their opinion would enhance the employment prospects of

⁵ According to ADB's Safeguard Policy Statement 2009, meaningful consultations refers to a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

⁶ Preference on Bamboo, Jungle Grass and Wood based handicrafts.

the indigenous peoples/scheduled tribes in their core strengths, as well as enhance their market exposure.

- (iv) The stakeholders also emphasised the urgent need for upgrading of the infrastructure at government ITIs and for establishing state-of-the-art training facilities, in order for industry-relevant training to be imparted and thereby ensuring enhanced proportion of youth being employed.
- (v) Lack of credit links (or access to finances) and marketing was identified as one of the major constraints that prevent people from starting small businesses and enhancing their livelihood.
- (vi) Among the key stakeholders, some of the students of ITIs, expressed apprehension over the employment benefits claimed by the project, due to the lack of industrial growth in the State over the past several years. The stakeholders further acknowledged that the mandate of 'placement' for most of the successful trainees is a positive assurance towards successful implementation of the project.
- (vii) The indigenous peoples/scheduled tribes were also vocal about the need to include demonstrations of their traditions and culture at the annual events of the institute. The IP participants were very fond of securing and promoting their traditional music, dance and food.⁷

28. FGDs were conducted with ITIs as the focal points where the participants were predominantly the students of ITIs, but there were also participants from the community wherever appropriate. In the FGDs at Berhampur and Bhubaneswar, conducted on 3 and 4 July respectively, 107 students from the ITIs (mobilized with the support of the faculty) participated, comprising 79 male students and 28 female students. Given that the mobilization was not targeted, there were only six indigenous peoples/scheduled tribes in the whole student representation, three in each location of FGD. In the FGD conducted at Marichimala (Simuliguda), under Matalpur revenue circle, where the focus was the community representatives, out of the total nine participants, five were indigenous peoples/scheduled tribes. However, there were no women participants at Marichimala FGD. All the participants in FGDs were registered and the record of participation with their respective signatures and photos are enclosed as part of **Appendix 2** to this IPP.

	Issues Discussed	Views of Students and their Perception
	General	
1	Where do you live and how long have you lived there?	Most of the students (both boys and girls) are residents of local town and attend ITIs as day scholars, while some of them reside in the hostels, either run by the ITI or other private agency. Some of the respondents reported to have been living in the town for more than five years.
2	How do you spend your after class hours? What are the activities you usually do after the class hours? Are there anyone undergoing additional skill training after class hours?	Almost all boys claimed that, they either liked to play games after class or spend time at the workshop developing their skills further. Girls preferred staying back at their hostels and spend time studying, while the day-scholars were confined to their regular domestic routines at home. Except that some of the boys spend time practicing their skills learnt at class, none seem to have an appetite for an additional skill course for strengthening or furthering their skills.

Table 4: Focus Group D	Discussion Results
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⁷ 'Handia' is a traditional tribal drink prepared from rice, water and some other ingredients.

	Issues Discussed	Views of Students and their Perception
3	Are you aware of the Advanced Skills Training Institute (ASTI) to be established in your campus / town (ascertain the level of awareness among the relevant stakeholders - students, faculty, Government, Parents, NGOs about the project)	Most of the students are aware of the proposed ASTI project through their teachers and from print and electronic media. The aims and objectives of this project were discussed before the primary stakeholders, faculties, management and Government. However, the employment prospects and economic benefits were not aware. Specifically, the participants had highlighted the need for targeted awareness building efforts to encourage IPs/ STs within the ITIs and outside the system, to enable them to derive the best benefits of ASTIs and improved facilities at ITIs.
4	Would you like to provide any inputs or insights to strengthen the design of the project and to create a strong foundation for the implementation of ASTI project with the support of all tribal groups, and with gender concern	Most of the students (boys and girls) suggested fee concession for tribals and quota facility for the community including special consideration for PVTGs. They also expressed the need for facilitating job placement after completion of training. They also suggested the need for convergence of sectors at the ASTIs in line with the sectors in which training is delivered at the ITIs, as well as including select tribal culture aligned course e.g. handicrafts. It was also suggested that specific sector such as tailoring and merchandising could be exclusively reserved for women candidates. Besides, it was also suggested that a 33% reservation for women candidates in all the sectors of ASTI, and Fee exemption for select women students could encourage enhanced participation of women candidates.
	Education:	
5	Opinion on the importance of education for girls and boys and specifically of the women in your area.	Some boys evinced their interest for higher studies after completion of their ongoing ITI course, especially with an objective for securing better employment. Most of the girls were positive towards skill training or vocational education, as they regarded it as further empowerment for better economic prospects. The girls also associated furthering of education to their eligibility and prospect for getting married into good families. Some of the female respondents also highlighted the economic freedom such furthering of education provides. Some female respondents opined that educated woman derive more respect not only in the house but also in the society.
6	Educational attainments of your community people in your locality/area.	Majority of the people in these town areas were reported to be literate. However, the proportion of literate is higher among the male as compared to the female. On literacy status the other pattern which emerged during the discussion was the large gap between the literacy levels of older generation and generation of today. Literacy rate was higher among the younger generation (80% to 90%) when compared to the literacy among old people (20% to 40%). Most of the literates among the society were educated till matriculation. The proportion of people having higher secondary or graduation was relatively less.

	Issues Discussed	Views of Students and their Perception
7	Types of education facilities (formal and non-formal education, its distance) available in the village/neighborhood and parent's perception on quality of education (pre-school, primary, elementary and secondary/higher secondary). Ascertain challenges with respect to access and services to the girls. Reasons for non-enrolment and	For most of the people in the town area Primary and Secondary School is located within 1 Km to 3 km of their place of stay, For senior secondary, graduation and higher studies, students had to go to Colleges, which is situated within 5 to 12 km of their place of residence. Majority of the parents are happy with the quality of education in private schools. Some parents are concerned with the irregularity of the teachers and quality of teaching in the Government schools. Most of the respondents however expressed satisfaction with the quality of education in the College. There is no gender based discrimination reported in access to education. Percentage of non-enrolment is less in these areas.
	dropout amongst children & youth. (Male & Female)	However, some women students informed that due to low daily wages it is not possible for those families to buy books and school uniforms, especially for the girls. Overall the dropout rate from schools is higher for the girls when compared to boys. Some participants informed that lack of money is a major reason for non-enrolment and dropout.
9	Perceived importance of girls' education and reasons for sending/ not sending girls to school	Most of the respondents acknowledged the importance of women education and empowerment, especially on securing economic independence. Further, they were appreciative of the various Government schemes promoting girl's education. There are scholarships, cycles, etc. being given to girls willing to study further. However, as institutions of higher education are really far away, a number of girls are not able to study beyond the class XII.
10	Type of engagement of children in household activities (to ascertain the roles played by the girls), that establish the type and extent to which they directly contribute to the earning of the household (type of occupations [paid/ unpaid] engaged in).	It was reported that, it is very common among the society that the girls assist their mothers in household chores. Most of the girls reported that they perform household activities such as taking care of siblings, cleaning of the house and household utensils, fetching water for cooking and drinking purposes, and other household activities. Few of the respondents reported that the older boys also help their parents, especially in running their petty shops.
	Skilled Training / Vocational Education:	
11	Existing skills and traditional skills amongst the adolescent girls and boys that must be revived /encouraged. (Exploring details on the skills that are economically productive for both).	There is hardly any traditional or specific employable skill among the adolescent girls and boys. Most of the girls remained at home after dropping-out of the school. In Old Berhampur area some of the girls reported that they are good at Handloom weaving skills especially in making <i>Pata Saree</i> while some other girls were traditionally engaged in Papad making and Pickle making.
12	What are the barriers in terms of resources, availability, transport, location of training centres, if any, for pursuing skill-training and vocational courses by women of your community? Also ascertain the barriers from the family side, (like lack of time, etc.)	There are many private vocational training centres in Berhampur, especially imparting skills on desk-top publishing (DTP) and computer hardware and software skills. There is hardly any Government institute that can provide free vocational courses. Most of respondents informed that there are both Government and private transport facilities available for commuting to the vocational training centers.

	Issues Discussed	Views of Students and their Perception
13	Is there any organization, Government, private or NGO, running any skill training or vocational courses for the adolescents and women in your area. (Understand women's participation and livelihood opportunities).	Almost all the participants reported that there is no Government organization/ institution running any vocational courses for the adolescents and women in area. The vocational training centers such as computer training and DTP are run by private institutions.
	Economic Activities:	
14	Is any form of inequality in the receipt of wages, payments, rewards, etc for the work that the women perform.	Women students across the communities reported that there is no inequality in the receipt of wages, payments for the work that the women perform. Most of the respondents are of the view that there is no such difference in the wage rates determined on the lines of gender.
15	Are the woman who are working and earning have the ultimate decision on the use of their money? (Understand the pattern of using the money earned, part saved, used for them, etc.)	Most of the women students across the communities held the view that any kind of decision regarding on the use of money is taken after discussion among the family members or with the household head. Few of them informed that though women can spend the earned money as per their choice they generally prefer to consult with their husbands and other family members before expending.
	Decision Making & Community Participation	
16	Do the women and girls of the household have any role in the decision making process of the household? Do you feel you have equal share along with the male counterpart of any household decisions? Does it vary among the earning and non earning women? (How).	Women students across communities felt that they play a vital role in their respective houses, and most of the decisions are taken after discussion with them. Parents usually do not impose their wish on them. Decisions with regard to children's health and education are more actively taken by the women than the male counterpart. Some of the non-earning women do not actively take part in the decisions of household spending.
17	Do you think this consultation will be useful? Any other feedback you want to provide?	All the opined that such consultations were very useful as everyone have become more aware of the project, and that it gave an opportunity to the local community to come together and provide their mindshare on the various issues. The respondents also opined that such consultations enhance mutual trust and positive outcomes.
18	Will there be likely involvement of local people in the implementation of the project?	All participants confirmed their willingness and active involvement if they are given the opportunity to participate in the implementation of the project.

29. The consultative process will continue throughout the project implementation period, where consistent communication on the key features of the IPP, as well as feedback on the benefits received by the indigenous peoples/scheduled tribes will be transacted. In addition, to ensure enhanced participation and higher degrees of transparency, efforts will be made to disclose to indigenous peoples/scheduled tribes the assessment findings, as well as the plan of action (with timeline) agreed in consideration of the issues and implementation road map. All

documents with regard to the various assessments and IPP implementation outcomes will be published within the project page on ADB's project website, as well as SDTED/ GOO's website.

VI. ACTION PLAN FOR INDIGENOUS PEOPLES UNDER OSDP

30. The IPP will describe below how tribal and gender concerns will be incorporated into the project design so that they will receive due attention and support during project implementation. The strategy of incorporating these issues would also demonstrate how the project authorities plan to ensure equitable and fair distribution of project benefits among all tribal populations and others in a culturally responsive manner. The suggestions and concerns of all the stakeholders including the tribal people who participated in the FGDs, were taken into consideration in developing the strategy and incorporating into the design of the project as elaborated below:

31. The project ensures access to the project's educational (or skilling) and employment benefits by undertaking a number of IPP measures: (i) outreach; (ii) fee concessions; (iii) a quota system for student admission, graduation and placement in jobs or entrepreneurship schemes; and (iv) a quota system for indigenous representation in the governance and management structure of the project (executive council, trainers etc.

A. Outreach of NGO for Mobilizing Students to Take Admission at ASTI

32. A NGO will be appointed by OSDS to operate at each district in which the eight ASTIs will be established, to undertake awareness campaigns and mobilize students for admission into ASTI in an accessible and culturally appropriate manner. It would mobilize the weaker sections of the society, particularly vulnerable⁸ households (scheduled tribes/scheduled castes/below poverty line). The duration of NGO engagement shall be for a period of 5 years, and aim to achieve the project target of training 200,000 youth between 2016–2020. The NGO will operate under the direct supervision of OSDS with the support of the social safeguards specialist of the project management consultant. The NGOs will be placed in the eight different district headquarters where ASTI will be located, as well as in other districts hosting the spoke-ITIs (from where the students will be mobilized), and work closely with the district level authorities. The NGO will also work in coordination with the principals of the ASTI and the management team of OSDS. The outreach of the NGO will also cover all the periphery of target districts, including all rural and urban area.

B. Fee Concessions

33. DTET has already exempted all scheduled tribes/scheduled castes/PH students in ITIs from tuition fees. In addition to these privileges, scheduled tribes and scheduled caste students are also eligible for Post Metric Scholarship, which has been enhanced to INR200/- per month. In consultation with the relevant Ministries and state government departments, OSDS and ASTIs would extend similar scholarships and benefits to scheduled tribes/scheduled castes/PH students. In addition, ASTIs would be encouraged to access fee subsidies from different government departments including OSDS to extend to training to disadvantaged groups at a very low cost and free of cost in some cases.

⁸ Women-headed households, scheduled tribe households, below poverty line households (with or without BPL cards), and scheduled caste households, as determined by the social impact assessment.

C. Affirmative Action in Student Admission, Graduation, and Placement

34. While DTET is already providing reservation of seats ranging from 55% to 100% to indigenous people students in the ITIs, depending on the prevalence of scheduled tribes in the districts, OSDS would promote and implement similar affirmative action rules in the ASTIs, to ensure access for underprivileged youth from backward communities such as scheduled castes and scheduled tribes. After graduation of the students, the ASTIs, as well as the spoke-ITIs, will provide counselling and placement services to successful students, in addition to conducting national and international assessments and provision of certification relevant to international markets. Special assistance and handholding support will be given to first generation learners and underprivileged youth from backward communities. OSDS will ensure adequate professional support to underprivileged youth from indigenous peoples communities in entrepreneurship development, enabling linkages to institutional financing as well as markets. The project will ensure that women, including female indigenous peoples, will be provided with special support.

D. Affirmative Action for jobs in OSDS and ASTIs

35. GOO has a reservation policy for government employment, which guarantees the following percentage of positions: scheduled castes – 16.25%, scheduled tribes – 22.5%, socially and economically backward classes – 11.25%, totaling 50%. GOO also allows 33% reservation for women, including from indigenous peoples/scheduled tribe communities in government employment. OSDS and ASTIs would encourage affirmative action on similar lines in the selection of applicants from IP communities as well as women applicants. OSDS would also ensure at least 15% of women representation (through holding office) at the Governing Council and Executive Committee.

VII. GRIEVANCE REDRESS MECHANISM

36. A grievance redress mechanisms will be established at the level of OSDS to receive and resolve affected peoples' concerns, complaints and grievances. The CEO, will be the focal point for all issues related to social and environment safeguards and grievance redress. He/she will be assisted by a social safeguard and gender specialist, who will be part of the PMC team. The aim is to provide a time bound and transparent mechanism to voice and resolve complaints of the people in a responsive manner. A Grievance Redress Committee (GRC) will be formed at the level of the OSDS with representation from each of the districts, preferably the district commissioner and/or his/her representative. The name and phone number of the concerned officers will be displayed in public places and in the project offices for ease of access. Awareness and information of the existence of GRCs will be made public through NGOs and block–level functionaries. At any stage of the grievance redress process, an aggrieved person will be free to access the legal system.

37. All kinds of grievances, especially with regard to limitation of access to project benefits, will be brought to the notice of OSDS. CEO of OSDS will be the nodal officer and head of GRC. GM Training Operations will assist the CEO of OSDS in adjudicating grievances. Outreach by NGOs in all target districts will be under the overall supervision of the OSDS, but will work closely with district level authorities engaged in mobilization for all strategic inputs and field-level insights.

VIII. MONITORING, REPORTING , AND EVALUATION

38. Implementation of IPP will be regularly monitored by the General Manager (Training and Operations). ADB requirement for social monitoring reports is semiannual, and will be integral to the overall monitoring report. Internal monitoring requirements need to be agreed with project management and shall be more frequent (monthly) and then collated in biannual reports to ADB. All monitoring reports will be disclosed on the project and ADB websites.

39. The project will undertake process, output and impact monitoring and develop detailed indicators for each of these. Process monitoring investigates whether the project is undertaking all the necessary activities involved in the implementation of the IPP, from engaging the relevant staff to preparing monitoring and evaluation of reports. Output monitoring checks whether these activities are achieving the purpose of providing access to project participation and benefits for IPP communities throughout the project life as stipulated. Impact monitoring finally ascertains how the project outputs have affected the socioeconomic status of the participating indigenous people students.

IX. INSTITUTIONAL ARRANGEMENTS

40. In the preparation and implementation of the IPP, the SDTED shall have overall coordination and financing responsibilities. The OSDS/project management unit (PMU), through the social safeguards specialist, and assisted by the implementing NGO, will be responsible for the implementation and monitoring of the IPP. Since indigenous peoples' issues are sensitive, the SDTED will ensure that the social safeguards specialist and NGO staff recruited for the five-year project period will have requisite educational background (university degree in the social sciences, preferably anthropology) and experience of working among indigenous peoples groups. The OSDS/PMU will also ensure that the social safeguards specialist is familiar with ADB's SPS (2009) and its requirements. The OSDS/PMU shall duly secure support from the field level staff in the implementation of the IPP.

41. In addition, a social safeguards specialist will be hired under the PMC team to help sensitize GOO/SDTED/ITI staff, NGOs, and skills providers about indigenous people-related issues, and also to prepare manuals and hold training workshops. One or two anthropologists will be hired by the NGO engaged for undertaking awareness building and mobilization activities while ensuring that the socially and economically challenged, as well as the women among the tribal groups benefit appropriately from the project as well.

X. BUDGET AND FINANCING

42. The sub-budget for indigenous peoples has been formulated to ensure that every operational component of the project has a special indigenous people focus. For example, it is expected that 25% of the time of GM Training and Operations would be spent on developing and monitoring strategies for inclusion of indigenous peoples. Similarly, consulting packages such as outreach & mobilization and self-employment would also have a 25% operational focus on indigenous peoples. Training subsidy, training of trainers, and master trainers programs would be largely focused on greater inclusion of indigenous peoples e.g., nearly 70% of the training subsidy budget in the project would be used to support and subsidize training for scheduled castes/scheduled tribes/PH and women. A full time gender and social development specialist during the first 2 years would also be provided through the PMC sector specialist budget. The total budget on indigenous peoples is expected to be around US\$16.75 million.

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SN	Indigenous Peoples (sub-budget)	No. of persons	Number of Months	Person Months	Cost per person month (Rs. Lakh)	Cost per year (Rs. Lakh)	Total for project period (Rs. Lakhs)	Increment over project period (Rs. Lakhs)	Total with increment (Rs. Lakhs)	Total for project period (million \$)
1	GM Training Operations and Industry Partnerships (IP focused inputs)	0.25	60	15	2.0	24	30	6.0	36.0	0.06
2	Gender Specialist (sector specialist team under PMC)	1	24	24	2.00		48	9.6	57.6	0.10
3	Outreach & Mobilisation Team (IP focused inputs)	0.25								0.72
4	Self Employment Team (IP focused inputs)	0.25								0.97
5	IP focussed Training Subsidy (70% of training costs)	0.7					5600		5600.0	9.33
6	IP focussed Training of Trainers (40% of ToT costs)	0.4					2400		2400.0	4.00
7	IP focussed Training of Master Trainers (30% of Master Trainer costs)	0.3					495		495.0	0.83
8	IP focussed RPL (40% of RPL costs)	0.4					400		400.0	0.67
9	IP focussed Operations (Office, Travel, Meetings & Conferences - part of PMC lump sum)						40	8.0	48.0	0.08
	Total	3.55	84	39	4	24	9013	23.6	9036.6	16.75
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Table 5: Estimated Budget

GM = general manager, IP = Indigenous People, PMC = project management consultants, ToT = training of trainer, RPL = recognition of prior learning.

Safeguard Policy Statement

1. Objectives: To design and implement projects in a way that fosters full respect for Indigenous Peoples' identity, dignity, human rights, livelihood systems, and cultural uniqueness as defined by the Indigenous Peoples themselves so that they (i) receive culturally appropriate social and economic benefits, (ii) do not suffer adverse impacts as a result of projects, and (iii) can participate actively in projects that affect them.

2. Scope and Triggers: The Indigenous Peoples safeguards are triggered if a project directly or indirectly affects the dignity, human rights, livelihood systems, or culture of Indigenous Peoples or affects the territories or natural or cultural resources that Indigenous Peoples own, use, occupy, or claim as an ancestral domain or asset. The term Indigenous Peoples is used in a generic sense to refer to a distinct, vulnerable, social and cultural group possessing the following characteristics in varying degrees: (i) self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; (ii) collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories; (iii) customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and (iv) a distinct language, often different from the official language of the country or region. In considering these characteristics, national legislation, customary law, and any international conventions to which the country is a party will be taken into account. A group that has lost collective attachment to geographically distinct habitats or ancestral territories in the project area because of forced severance remains eligible for coverage under this policy.

A. Policy Principles

3. Screen early on to determine (i) whether Indigenous Peoples are present in, or have collective attachment to, the project area; and (ii) whether project impacts on Indigenous Peoples are likely.

- (i) Undertake a culturally appropriate and gender-sensitive social impact assessment or use similar methods to assess potential project impacts, both positive and adverse, on Indigenous Peoples. Give full consideration to options the affected Indigenous Peoples prefer in relation to the provision of project benefits and the design of mitigation measures. Identify social and economic benefits for affected Indigenous Peoples that are culturally appropriate and gender and inter generationally inclusive and develop measures to avoid, minimize, and/or mitigate adverse impacts on Indigenous Peoples.
- (ii) Undertake meaningful consultations with affected Indigenous Peoples communities and concerned Indigenous Peoples organizations to solicit their participation (i) in designing, implementing, and monitoring measures to avoid adverse impacts or, when avoidance is not possible, to minimize, mitigate, or compensate for such effects; and (ii) in tailoring project benefits for affected Indigenous Peoples communities in a culturally appropriate manner. To enhance Indigenous Peoples' active participation, projects affecting them will provide for culturally appropriate and gender inclusive capacity development. Establish a culturally appropriate and gender inclusive grievance mechanism to receive and facilitate resolution of the Indigenous Peoples' concerns.
- (iii) Ascertain the consent of affected Indigenous Peoples communities to the following project activities: (i) commercial development of the cultural resources and knowledge of Indigenous Peoples; (ii) physical displacement from traditional or customary lands; and (iii) commercial development of natural resources within

customary lands under use that would impact the livelihoods or the cultural, ceremonial, or spiritual uses that define the identity and community of Indigenous Peoples. For the purposes of policy application, the consent of affected Indigenous Peoples communities refers to a collective expression by the affected Indigenous Peoples communities, through individuals and/or their recognized representatives, of broad community support for such project activities. Broad community support may exist even if some individuals or groups object to the project activities.

- (iv) Avoid, to the maximum extent possible, any restricted access to and physical displacement from protected areas and natural resources. Where avoidance is not possible, ensure that the affected Indigenous Peoples communities participate in the design, implementation, and monitoring and evaluation of management arrangements for such areas and natural resources and that their benefits are equitably shared.
- (v) Prepare an Indigenous Peoples plan (IPP) that is based on the social impact assessment with the assistance of qualified and experienced experts and that draw on indigenous knowledge and participation by the affected Indigenous Peoples communities. The IPP includes a framework for continued consultation with the affected Indigenous Peoples communities during project implementation; specifies measures to ensure that Indigenous Peoples receive culturally appropriate benefits; identifies measures to avoid, minimize, mitigate, or compensate for any adverse project impacts; and includes culturally appropriate grievance procedures, monitoring and evaluation arrangements, and a budget and time-bound actions for implementing the planned measures.
- (vi) Disclose a draft IPP, including documentation of the consultation process and the results of the social impact assessment in a timely manner, before project appraisal, in an accessible place and in a form and language(s) understandable to affected Indigenous Peoples communities and other stakeholders. The final IPP and its updates will also be disclosed to the affected Indigenous Peoples communities and other stakeholders.
- (vii) Prepare an action plan for legal recognition of customary rights to lands and territories or ancestral domains when the project involves (i) activities that are contingent on establishing legally recognized rights to lands and territories that Indigenous Peoples have traditionally owned or customarily used or occupied, or (ii) involuntary acquisition of such lands.
- (viii) Monitor implementation of the IPP using qualified and experienced experts; adopt a participatory monitoring approach, wherever possible; and assess whether the IPP's objective and desired outcome have been achieved, taking into account the baseline conditions and the results of IPP monitoring. Disclose monitoring reports.

B. National Legal and Policy Framework

4. The first legal notification specifically for the protection of Scheduled Tribes was issued in the year 1950. The Constitution, through several Articles, has provided for the socioeconomic development and empowerment of the Scheduled Tribes.

5. Recognizing the special needs of the STs, the Constitution of India made certain special safeguard measures to protect these communities from all possible exploitation. While Article 14 confers equal rights and opportunities to all, Article 15 prohibits discrimination against any citizen on the grounds of sex, religion, race, caste etc; Article 15 (4) enjoins upon the State to

make special provisions for the advancement of any socially and educationally backward classes; Article 16(4) empowers the State to make provisions for reservation in appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State; Article 46 enjoins upon the State to promote with special care the educational and economic interests of the weaker sections of the people and, in particular, the STs and promises to protect them from social injustice and all forms of exploitation. Further, while Article 275(1) assures grant-in-aid for promoting the welfare of the STs and for raising the level of administration of the Scheduled Areas, Articles 330, 332 and 335 stipulate reservation of seats for STs in the *Lok Sabha* and in the State Legislative Assemblies and in services. Finally, the Constitution also empowers the State to appoint a Commission to investigate the conditions of the socially and educationally backward classes (Article 340) and to specify those Tribes or Tribal Communities deemed to be classified as STs (Article 342). The constitutional commitment prompted the policy-makers and the planners to accord high priority to the welfare and development of STs from the beginning of country's developmental planning.

C. The Fifth Schedule

6. The Fifth Schedule is the constitutional provision with reference to the administration and development of the Scheduled Areas and Scheduled Tribes in India. The Schedule has been framed to protect of the rights of the Adivasis on their land, forest and water as their natural rights.

7. The Fifth Schedule is incorporated in the Constitution of India to allow the character and life of tribal peoples to coexist with the general population. Article 244(1) of the Constitution mentions that the distinct identity and rights of the tribal people of the Scheduled Areas need to be protected. Special provisions were therefore laid down in the Fifth Schedule to the Constitution. The said Article of the Constitution includes the rights of the tribal people, with special mention of the land of the tribal peoples and related regulation.

a. Provisions of the Panchayat Extension to the Scheduled Areas Act (PESA), 1996

8. The Parliament of India passed the Provisions of the Panchayats Extension to the Scheduled Areas Act (PESA), 1996, to extend the provisions of the 73rd Constitutional Amendment to the Schedule V Areas of the country. This Act accords statutory status to the Gram Sabhas in Schedule V areas with wide-ranging powers and authority. This aspect was missing in the provisions of the 73rd Constitutional Amendment. The Act has recognized the prevailing traditional practices and customary laws besides providing the management and control of all the natural resources—land, water and forest in the hands of people living in the Schedule Areas. The Act empowers people in the tribal areas through self governance.

- 9. Important Provisions of the PESA 1996:
 - (i) Definition of a village– According to the Act, a village in a Scheduled Area shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs. This definition of a "village" is quite clear and overcomes the deficiency in the 73rd Constitutional Amendment wherein village has not been defined.

- (ii) Constitution of Gram Sabha– a Gram Sabha (GS) will be constituted for each village. According to the Act (PESA), it will consist of persons whose names are included in the electoral rolls for the panchayats at the village level. The Gram Sabha is competent to safeguard and preserve the traditions and customs of the tribal people, their cultural identity, community resources and customary mode of conflict resolution. It is important to note that PESA has vested the Gram Sabha as a powerful institution having full powers to manage the affairs of local communities.
- (iii) **Constitution of Panchayats** A panchayat will be constituted for each village in the Scheduled Areas in the following manner:
 - a. The reservation of seats at every panchayat will be in proportion to the population of communities in that panchayat for whom the reservation is sought to be given under Part IX of the Constitution provided that reservation for scheduled tribes will not be less than one-half of the total number of seats.
 - b. All the seats of chairpersons of panchayats at all levels will be reserved for the scheduled tribes; and
 - c. The State Government will nominate persons belonging to such scheduled tribes that have no representation in the panchayats at the intermediate level or district level, but such nomination will not exceed one-tenth of total members to be elected in that panchayat.
- (iv) The powers of Gram Sabha as specified in the Act can be divided into the following four categories: (i) Mandatory powers; (ii) Powers to be consulted; (iii) Recommendatory powers and (iv) power to be devolved by the State Government According to Section 4(i) of the Gram Sabha or the panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before resettling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level.

b. The Scheduled tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006

10. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, recognises and vests the forest rights and occupation in forest land to Scheduled Tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights are not recorded.

11. This Act, notwithstanding any other law in force, and subject to the provisions of the Act, extends to the whole of India except the State of Jammu and Kashmir. This Act is for members or community of the Scheduled Tribes who primarily reside in forests or forest lands for their livelihood, including Scheduled Tribe pastoralist communities or the members or community of the Scheduled Tribes who have been residing in the forest for 75 years.

12. The Government of India (Gol) recognizes and vests forest rights with forest dwelling STs, where they are declared as STs, and other traditional forest dwellers. The Act provides a detailed list of rights to ST and forest dwellers. These rights can be broadly divided into the following:

- Title rights (i.e. ownership)- Refers to land that is being farmed by Tribals or forest dwellers as on December 13, 2005, subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family as on that date, meaning that no new lands are granted;
- (ii) User rights- Refers to minor forest produce (also including ownership), to grazing areas, ponds for fishing, to pastoralist routes, etc.
- (iii) Relief and development rights- Refers to rehabilitation in case of illegal eviction or forced displacement and to basic amenities, subject to restrictions for forest protection;
- (iv) Forest management rights- Refers to protect forests and wildlife.
- Rights to indigenous knowledge- Refers to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
- (vi) Traditional rights- Refers to any other traditional rights enjoyed by forest dwellers except (a) right of hunting or trapping or extracting any part of any wild animal.

13. Recognition, Restoration and Vesting of Forest Rights include: (i) In critical wildlife habitats, forest rights may be modified or people resettled provided they meet the provisions as detailed in the Act; (ii) The recognition and vesting of forest rights under this Act applies to forest ST/forest dwellers occupying land before 13th December 2005; (iii) The right under this Act is heritable, but also alienable or transferable, and shall be registered jointly in the name of both the spouses or single head as the case may be; (iv) Other than provided, no forest dweller shall be evicted or removed from forest land under his occupation till the recognition and verification procedure is complete; (v) The forest rights recognized under the occupation of an individual or family or community on the date of commencement of this Act shall be restricted to the area under actual occupation and shall not exceed 4 hectares; (vi) Forest right will be conferred free of all encumbrances, including procedural clearance under the Forest (Conservation) Act, except for those specified under this Act; and (vii) Under this Act the forest dweller has the right to land provided he can establish that that he was displaced from his dwelling and cultivation without land compensation due to State development interventions and where land has not been used for the said purpose within five years of acquisition.

14. Authority and Procedure for Vesting of Forest Rights: The Gram Sabhas will be the authority for determining the nature and extent of individual or community forest rights. The GS will receive claims, verify and consolidate them, and prepare a map delineating the area. The resolution will be forwarded then to the sub-divisional-level committee.

15. Any person aggrieved by the resolution of the Gram Sabha may prefer a petition to the Sub Divisional Level Committee constituted under this Act. The State Government will constitute a Sub-Divisional Level Committee (SDLC) to examine the resolution passed by the GSs and forward it to the District Level Committee.

16. The State Government will also constitute a District Level Committee (DLC) to consider and approve the record of forest rights prepared by the Sub divisional level committees. The decision of the DLC will be final.

17. The State Government will also constitute a State Level Monitoring Committee (SLMC) to monitor the process of recognition and vesting of rights to the nodal agency.

18. The SDLC, DLC and the SLMC will consist of officers from Revenue, Tribal and Forest departments; 3 members of whom from Panchayati Raj institutions, two of whom shall be ST members and one shall be a woman member.

c. Draft National Tribal Policy, 2006

19. Ministry of Tribal Affairs has prepared a draft of the National Tribal Policy (yet to go to the Cabinet for approval). This is the first time the Government has come out with a policy to guide the development of STs in an integrated and holistic manner. The proposed policy will address the issues such as enhancement of human development index of STs, improvement of infrastructure in STs dominated areas, ensuring their control over the natural resources base, displacement from their habitat and resettlement, distribution of wealth and opportunities among Tribals and empowerment.

20. The objective of the policy is to bring STs up to par with rest of the population in terms of their HDI, socio-economic conditions and basic infrastructure facilities in tribal areas. The policy provides for regulatory protection, socio-economic and political empowerment, development of infrastructure, increased livelihood opportunities, improved governance and administration, preservation of cultural and traditional rights and traditional knowledge, protection of traditional knowledge in the intellectual property rights regime and access to privileges.

21. The strategy for implementing the policy includes addressing of tenurial insecurity among Tribals by amending State anti-alienation land laws, amending the Indian Registration Act and establishing fast track courts to deal with tribal alienation reorienting institutional arrangements in the Scheduled/ Tribal areas, strengthening and revamping of the administrative machinery; developing a quantifiable Tribal Development Index (TDI); linking devolution of funds to improvements in TDI so as to bring STs and tribal areas up to par with national level standards of living by 2020; preparation of a separate tribal-centric strategy for each sector; strengthening Integrated Tribal Development Plans/ITDAs, Modified Area Development Approaches and Clusters in tribal areas; introducing a single line administration in the Scheduled/ Tribal areas; adopting an area planning approach in the Scheduled/ Tribal Areas; adopting a Tribal Sub-Plan Strategy in letter and spirit; converging efforts and resources; devising an appropriate personnel policy to ensure the presence of Government functionaries in far-flung tribal areas; supporting voluntary action in the service deficient far-flung areas; developing an appropriate communication strategy to effectively reach the STs; encouraging academic, anthropological and policy research; putting in place an institutionalised system of monitoring and evaluation mechanism for concurrent feedback and linked to outcomes; and, empowerment of the community in terms of the provisions of the PESA Act to transfer resources and benefits directly to the Gram Sabhas.

22. The National Tribal Policy 2006 outlines several new and continuing initiatives for accelerating the pace of welfare and development of STs Tribal areas in the country. To make the policy a living document, the Cabinet Committee on Tribal Affairs (CCTA) will be requested to review of the Policy every three years to redefine the objectives and the guiding principles of the policy if necessary and to accordingly recast the strategy to address new challenges that may emerge.

d. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

23. The Act deals with atrocities against members of Scheduled Castes and Scheduled Tribes. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989—the main Act dealing with atrocities against members of Scheduled Castes and Scheduled Tribes largely remains unimplemented. The then Minister of State for Home Affairs, Mr. I.D. Swami informed the parliament on 23 April 2002 that over 28,000 incidents of crimes, including murder and rape, were committed against Scheduled Castes and Scheduled Tribes across India during 2001. Mr. Swami further informed that while 24,792 cases were reported against Scheduled Castes, as many as 3,691 crimes were committed against Scheduled Tribes. The statistics pertaining to the calendar year 2001 show that the States of Uttar Pradesh (7,356 cases), Madhya Pradesh (4,336 cases), Rajasthan (1,996 cases), Gujarat (1,760 cases), Andhra Pradesh (1288 cases) and Orissa (1125 cases), collectively accounted for 82.39% of total number of 21,678 cases charge sheeted in the courts under the Act.





Photo of Focussed Group Discussion at Marichmala (Simuliguda) ASTI



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Scanned Copy of the Attendance Sheets of the Focus Group Participants

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5	Sontush Kumara Behesa	10	male	25/14	G. K. Behesa
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7.	Rakesh Kuman Sahoo	16	male	Saliy	R.K. Sahro.
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q	Ajaya Kuman naruda	191	Male	43/14	Ajaya Ku. Panoda
10	Pramod Dos	17	male	88/24	Pramod Dos
11	Rati Ranjan Jero	16	mal	2 36/14	Rati Ragian Jeno
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22	Manos Kuman Nayak	17	Mare.	227/14	Manoj Kumon Najoof
34	Tapas No Noyen	20	Male	282/4	Tups kupe
25	Smethon Frendhown	19	male	881/19	Sachakaaltar
20	Girija Sankar Dalai	19	Male	291/14	Girija Sankar O
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30	Subham marrier	17	mare	23/14	SU byam mercick
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- Sujala Beherra	18	F	146/14	Serbuera
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SL NO	NAME OF STUDENT	AGE	GENDER	ROLL NO	SIGNATURE
64	Sahil Kumari Behera	1-6	·M	117/14	Salup Kuman pha
65	Prebudatta	18	M	120/14	Prabhuclasta
56	satla snorron bati	81	M	133/14	Sattasian