From

G.V.V.Sarma,
Commissioner-cum-Secretary to Government

To

All Members,
Tribes Advisory Council (Except Sl. No.1& 2)


Sir,

I am directed to enclose a copy of the proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 at 11.00 AM in the 3rd Floor Conference Hall of the Secretariat under the chairmanship of the Hon'ble Chief Minister, Orissa for favour of information.

Yours faithfully,

Sd/-  G.V.V. Sarma
Commissioner-cum-Secretary to Govt

Memo No. 30278 /SSD dated 29.8.2005

Copy along with copy of proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to the Principal Secretary to Chief Minister/ Private Secretary to Minister of State (Ind. charge), ST & SC Development (ST Dev.) for kind information of Hon'ble Chief Minister and Hon'ble Minister(S), ST Dev.

Sd/-  G.V.V.

Sarma
Commissioner-cum-Secretary to Govt

Memo No. 30279 /SSD dated 29.8.2005

Copy along with copy of proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to the Private Secretary to Chief Secretary/ Private Secretary to Development Commissioner & Addl. Chief Secretary/ Private Secretary to Agriculture Production Commissioner for favour of information of the Chief Secretary, Development Commissioner and Agriculture Production Commissioner.

Sd/-  G.V.V.

Sarma
Secretary to Govt

Memo No. 30280 /SSD dated 29.8.2005

Copy along with copy of proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to Principal Secretary to Government, Finance Department/ Principal Secretary to Govt, Agriculture Department/ Principal Secretary to Govt, Steel and Mines/ Principal Secretary to Govt, Forest & Environment Department/ Principal Secretary to Govt, Home/ Principal Secretary to
Govt., Revenue Department / Principal Secretary to Govt, Energy Department/ Principal Secretary to Govt, Water Resources Department/ Principal Secretary to Govt, Excise Department/ Principal Secretary to Govt, Health & Family Welfare Department/ Commissioner-cum-Secretary to Govt, Panchayati Raj Department/ Commissioner-cum-Secretary to Govt, Rural Development Department/ Commissioner-cum-Secretary to Govt, F.S. & C.W. Department/ Commissioner-cum-Secretary to Govt, Industries Department/ Commissioner-cum-Secretary to Govt, School & Mass Education Department/ Commissioner-cum-Secretary to Govt, Higher Education/ Commissioner-cum-Secretary to Govt, Women & C.D. Department/ Special Secretary to Govt, G.A. Department/ Secretary to Govt, Law Department/ Commissioner-cum-Secretary to Govt, Works Department/ Commissioner-cum-Secretary to Govt, Information & P.R. Department/ Commissioner-cum-Secretary to Govt, Tourism & Culture for favour of information and necessary action.

Sd/- S.P. Misra
Deputy Secy. to Government

Memo No. 3 0 2 8 1 dated 29.8.2005

Copy along with copy of the proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to the Director, National Commission for ST, Sahid Nagar, Bhubaneswar/ G.M., TRIFED/ GM, NAFED/ M.D., OSCSTDFCC/ MD, TDCCOL/ Director, SCSTR & TI/ PD, OTELP/ Director, ATDC for information and necessary action.

Sd/- S.P. Misra
Deputy Secy. to Government

Memo No. 3 0 2 8 2 dated 29.8.2005

Copy along with copy of the proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to the PS to Commissioner-cum-Secretary / PS to Director (ST/SC and M&BCW) & Ex-Officio Additional Secretary / All other Officers of this Department for information and necessary action.

The follow up action taken on the recommendations of the TAC may please be communicated to this Department for placement of the same in the next meeting of the TAC for information of the Council.

Sd/- S.P. Misra
Deputy Secy. to Government

Memo No. 3 0 2 8 3 dated 29.8.2005

Copy along with copy of the proceedings of the meeting of the Tribes Advisory Council held on 29.07.2005 forwarded to the Post-Matric Scholarship/ Pre-Matric Scholarship/PCR Section for information and necessary action.

The follow up action taken on the recommendations of the TAC may please be communicated to this Department for placement of the same in the next meeting of the TAC for information of the Council

Sd/- S.P. Misra
Deputy Secy. to Government
The meeting of the Tribes Advisory Council was held on 29.07.2005 at 11.00 AM in the 3rd Floor Conference Hall of the Secretariat. Hon'ble Chief Minister, Orissa presided over the meeting. The list of Members present and other Officers who attended the meeting are given in Annexure-A.

In the beginning, Hon'ble Minister (S), ST Development welcomed all the members to the Tribes Advisory Council meeting and informed about various developmental programmes being implemented for socio-economic development of the Scheduled Tribes. He also appealed to all the members to advise the Government in their endeavour to bring about all round development for the tribal community.

Hon'ble Chief Minister, in his welcome address, underscored the importance attached to tribal development programmes implemented by the Govt. without which all round development of the State would remain a distant cry.

He mentioned about constitution of District and Sub-divisional level Task Forces to look into important issues related to Tribal Development and their success in bringing up important suggestions for effective implementation of Govt. programmes.

He emphasized on tours by senior officers to tribal pockets to have a feel of the difficulties and problems in programme implementation.

He referred, inter alia, to the transfer of management of Minor Forest Produce to the Gram Panchayats for the benefit of the primary gatherers, promotion of SHGs, adoption of Cluster Approach in Income Generating activities among tribals. The other areas of concern for the Govt. are primary health care, skill upgradation through vocational training and providing quality education in Scheduled Areas by improving enrolment, filling up vacant posts of teachers and timely payment of scholarship. Then he welcomed the members to participate in the deliberations on agenda and to make constructive suggestions for the benefit of the Tribals.

### Agenda

**No. 1 Confirmation of the proceeding of the meeting of the Tribes Advisory Council held on 10.09.2004.**

The proceedings of the meeting of the TAC held on 10.9.2004 were confirmed. The members, however, desired that the meetings of the TAC should be held at regular intervals.

**No. 2 Follow up action taken on the proceedings of the meeting of the TAC held on 10.9.2004.**

As regards submission of report by the Expert Linguistic Group headed by Dr. D.P.Patnaik on the use of tribal languages in school curriculum, the council expressed concern over non-submission of report even after lapse of
extended period of three months. The Secretary, School & M.E. Dept. however informed that the Committee has submitted an interim report and the final report will be submitted by end of August, 2005. The interim report of the Committee favours introduction of Santali (Olchiki) language in Oriya script in four Santali inhabited districts of Mayurbhanj, Keonjhar, Balasore (Nilgiri Sub-Divn.) and Sundargarh (Part) in the Stat(copy enclosed). The Commissioner-cum-Secretary, S & ME Dept. also informed about introduction of Santali language in 30 primary schools of these four districts on a pilot basis under Sarvasikhya Abhiyan and the results thereof will be evaluated by the Expert Linguistic Committee while submitting their final report in August, 2005. Some of the Members, however, desired that the Santali language should be introduced at primary level in Olchiki script instead of Oriya script as otherwise, the phonetic exactness cannot be achieved. Taking the concern of members into consideration, the Council unanimously resolved to involve Director, ATDC, Sri K.C.Majhi, ex-Deputy Director(Retd.) and other Santali linguistic experts in the Linguistic Group to finalize their recommendation about introduction of tribal language in school curriculum.  

(Action: ST & SC Dev.Dept.)

2.2 Inclusion of the MURIA/ PAIKA BHUYAN/ PAIK BHUYAN/ PAHARIA (KAMAR) and ODO communities in the Constitution (ST) Order.

As regards inclusion of Muria/ Paika Bhuyan/ Paik Bhuyan/ Paharia (Kamar) and Odo communities in the Constitution (ST) order, 1950, the Council insisted that the matter should be pursued with Govt. of India for issue of notification early.  

(Action: ST & SC Dev.Dept.)

2.3 Making suitable amendments in the existing rules for production of “Nativity Certificate” instead of ‘Residential Certificate’ for the purpose of seeking employment against a district cadre post in Scheduled Areas.

In the matter of protection of interests of native persons in the Scheduled Areas in matters relating to employment against district cadre posts, the Council noted with concern that the existing instructions are not being followed for conducting field enquiry and about the 12 years stay requirement. The Council resolved that the Revenue Department would review the existing instructions and ensure strict compliance. Apart from this, the Council also noted that for good governance of scheduled areas, it is necessary that certain posts should be reserved for the local members of the Scheduled Tribes, notwithstanding the normal law. It was decided to explore the possibility of
invoking the special provisions of Fifth Schedule of the Constitution for application in Scheduled Areas.

It was decided that G.A. Dept. would take suitable steps in consultation with Law Dept. and ST & SC Development Dept. in this regard.

(Action: General Admn. Dept.)

Agenda No. 3

Evaluation of the working of Protective Legislation

3.1 Operation of Regulation-2 of 1956 as amended by Regulation-1 of 2002 in the Scheduled Areas of the State.

The position of institution and disposal of cases under different sections of Regulation-2 of 1956 was reviewed and the Council desired for early disposal of remaining cases in an effective manner by ensuring physical restoration of land to the tribals wherever irregular transfers have been established. Regulation-2 of 1956 provided 2 years time for submission of detailed declaration by the transferee indicating the manner of such transfer. The Council wanted that Government should initiate suo motto action to restore the land held by non-tribals who fails to make such declaration within the specified time, as the law is very clear on the subject. Such land should be restored to the tribals.

3.2 (Action: Revenue Dept.)

Acquisition of land in Scheduled Area:

As regards acquisition of land in scheduled areas for industrial and mining purposes, members of the Council expressed concern over acquisition of land belonging to STs in the name of public purpose. This provision contradicts amended provisions of the regulation-2 of 1956 made for safeguarding tribal lands. They insisted that suitable Govt. land or purchased land should be provided to the Tribals( on land for land basis ) whose lands are acquired for any such purposes. They also emphasized that the opinion of Grama Sabha/ Gram Panchayat should be taken in a more fair and transparent manner wherever acquisition of tribal land is involved. The Council deliberated on whether or not the Collectors and S.Ps. should attend Gram Sabha meetings in such cases. Some members felt that the pressure of Collectors and armed police personnel in the meeting would intimidate people who do not want to part with their land. After detailed discussions, it was decided that Collector, being the designated authority under the Land Acquisition Act, has every right to attend Gram Sabha meetings. However, no intimidation or coercion will be resorted to.

3.3 (Action: Revenue Dept.)
Even though there is provision in the Orissa Govt. Land Settlement Act, 1962 that seventy percent of lands shall be settled with the persons belonging to Scheduled Tribes and the Scheduled Castes in proportion to their respective populations in the village in which the lands are situated, there are many examples where such Govt. land is settled with non-ST individuals, including private firms and NGOs for various purposes. Therefore, the Council recommended for making special rule by invoking the provisions of Regulation-5(2)(b) of the Fifth Schedule of the Constitution for allotment of Govt. land in favour of landless STs prohibiting lease to non-tribals and other organizations so far as settlement of Govt. land in scheduled areas is concerned.

The Additional Secretary, Revenue Department, however, informed the Council about a comprehensive Rehabilitation and Resettlement Policy being adopted by the State Govt which will take care of such problems relating to land acquisition and resettlement.

Further, some of the Members of the Council expressed concern over acquisition of tribal land and settlement of Govt. land in favour of NGOs by resorting to various pressure tactics. The Development Commissioner assured that the matter would be enquired into by the Revenue Dept. and suitable action would be taken against the organisation or officials involved in such transactions, if there is any violation anywhere.

**(Action: Revenue Dept.)**

**Agenda No. 4**

**Further amendments to Orissa Transfer of Immovable Properties (by STs) Regulation-2 of 1956**

Commissioner-cum-Secretary, ST & SC Development Dept. explained that the amendment of the Regulation-2 in 2002 was based on a detailed study by an NGO with support from Indian Social Institute. It was also based on inputs received from R.D.C. (N.D.) and R.D.C.(S.D.). The amendment in 2002 was brought in because of detailed discussion and resolution of the TAC meeting held on 26.6.2000. Commissioner-cum-Secretary, ST & SC Dev. Dept. therefore placed these facts before the TAC and requested for discussion. Some members of TAC mentioned the fact that especially near town areas, the progressive tribals should not be deprived of the value of the land, as they need to mortgage land for obtaining petrol pumps etc. After detailed discussions, it was decided to form a Committee consisting of Minister, Revenue and Minister, ST Development along with the respective Secretaries. The Committee shall study and report within three months how to safeguard the
interests of the general tribal communities and at the same time to ensure that the educated and progressive members of the tribal communities do not suffer.

(ACTION: Revenue Dept.)

Agenda No. 5

Need for a Regulation under clause-(b) of sub para-2 of para-5 of the 5th schedule of the Constitution of India to regulate allotment of Govt. land to STs in Scheduled Areas.

In view of the facts recorded at Para-3.3 above, the Council recommended for making special rule by invoking the provisions of Regulation-5(2)(b) of the Fifth Schedule of the Constitution for allotment of Govt. land in favour of landless STs.

(ACTION: Revenue Dept.)

Agenda No. 6

Consideration of the need for non-application (or application with modification) of the provisions of Forest Conservation Act, 1980 and Land Acquisition Act, 1894 in respect of Scheduled Areas of Orissa.

The proposal of some of the members for non-application of the provisions of Forest Conservation Act, 1980 and Land Acquisition Act, 1894 in the Scheduled Areas of Orissa was discussed in detail vis-à-vis the “Scheduled Tribes (Recognition of Forest Rights) Bill, 2005” of Govt. of India. The Principal Secretary, Forest & Environment Dept. explained the main features of the proposed Scheduled Tribe (Recognition of Forest Rights) Bill, 2005 which would take care of the problems agitating the minds of the Hon'ble Members of the Council. Therefore, the Council unanimously resolved to recommend Govt. of India for early adoption of the proposed Scheduled Tribes (Recognition of Forest Rights) Bill, 2005.

(ACTION: ST & SC Dev. Dept.)

Agenda No. 7

Review of implementation of Panchayats (Extension to Scheduled Areas) Act, 1996.

The TAC reviewed the progress of implementation of various provisions of the PESA Act, 1996 as well as the Act, Rules and Regulations made by different Departments in different sectors in pursuance of PESA Act and resolved that a field study should be undertaken by the SCSTR&TI to evaluate the usefulness of these provisions to the Tribals as considered in actual practice. The SCSTR&TI will submit their report within three months.

(ACTION: SCSTR&TI)

Agenda No. 8

Introduction of Santali language at primary school level in Santali dominated districts of Mayurbhanj, Keonjhar, Sundargarh and Balasore.

This was discussed in detail, while discussing the action taken on the
points raised in the last meeting of the TAC vide Agenda No. 2.1 supra.

**Agenda No. 9**

**Constitution of Paudi Bhuyan Development Agency in Banspal Block of Keonjhar District for development of Paudi Bhuyan PTGs**

The field study report of SCSTR&TI was discussed in detail and the council recommended for establishment of a Micro Project for Paudi Bhuyan PTGs living in 28 villages in “Bhuyen Pidh” of Banspal Block in Keonjhar district.

The Council also recommended for completion of field survey of the remaining 35 villages of the region to ascertain if more villages can be included in the proposed Micro Project.

**Agenda No. 10**

**Developmental programme implementation in Scheduled Areas of the State.**

Commissioner-cum-Secretary, ST & SC Development gave a detailed account of the developmental programmes being undertaken in the Scheduled Areas of the State and highlighted the new initiatives taken for promotion of socio-economic condition of the Tribals. After threadbare discussions on implementation of different programmes, the following important recommendations were made by the Council.

(a) (a) 17% pro rate charges levied on estimates for projects executed by Works and Rural Development Departments out of grants under Article 275(1) of the Constitution and Special Central Assistance to Tribal Sub-Plan should be waived so that more funds are available for the development work proper.

*Action: Finance Dept.*

(b) (b) Government should examine the prospects of creating a separate Engineering Cadre for the ST & SC Development Department so as to strengthen the Engineering Wing and to make the officers more accountable.

*Action: Works Dept.*

(c) (c) For posting of regular Project Administrators in bigger ITDAs like Nowrangpur, Malkangiri, Parlakhemundi and Bonai in order to have more effective control and supervision over developmental programmes in those ITDAs.

*Action: General Admn. Dept.*

**Agenda No. 11**

**Disbursement of Pre-Matric Scholarship and Post-Matric Scholarship to ST students**

11.1 **Disbursement of Pre-Matric Scholarship**

The Council noted with satisfaction the results of the students of ST & SC
Dev. Department Schools in the HSC Examination, 2005 in comparison to the results of all Government Schools.

The Commissioner-cum-Secretary, ST&SC Development Dept. also apprised the Council about the provision of quarterly disbursement of Pre-Matric Scholarship to the students in the beginning of each quarter. On the concern expressed by the Members about the budget deficit in meeting the pre-matric scholarship requirement, Hon'ble Chief Minister requested the Development Commissioner to make adequate provision in the 1st Supplementary stage to make good the deficit.

(Action: ST&SC Dev. Dept. and Planning & Coordination Dept.)

11.2 Disbursement of Post-Matric Scholarship
As regards adoption of enhanced rate of Post-Matric Scholarship fixed by Govt. of India, the Council Members desired an early Government decision in this regard. However, in view of the resource crunch, the Commissioner-cum-Secretary, ST & SC Development Dept. informed that it would be difficult to adopt the revised rate until the beginning of the next Five Year Plan, i.e. 2007-08. The Chief Minister assured that this issue would be re-examined.

(Action: Finance Dept.)

Agenda No. 12 Distribution of essential commodities among STs in Rayagada district with specific reference to Kashipur Block
Hon'ble Chief Minister asked the Commissioner-cum-Secretary, FS & CW Dept. to look into the matter and ensure proper supply of essential commodities in the Scheduled Areas of the State in general and Rayagada District in particular.

Agenda No. 13 Approval of the Annual Administration Reports for the year 2001-02, 2002-03 and 2003-04
The draft Annual Reports on Administration of Scheduled Areas for the years 2001-02, 2002-03 and 2003-04 were discussed and approved.

After discussions on the field study reports furnished by SCSTR&TI, the Council unanimously recommended for inclusion of SUALGIRI / SWALGIRI (SHABAR), MANA DORA / MANI DORA/ MANE DORA and
DORA (ENATI/ ANATI/ANTI DORA) community residing in Lanjigarh, Narla and Th.Rampur Blocks of Kalahandi District and PARAJA BHUYAN community in the Constitution (ST) Order, 1950.

Agenda No. 15

Inclusion of “Jhodia” community:

The Council noted that the case of “Jhodia” has to be dealt with on a separate special footing, as the members of this community were all along tribals and in fact a member of this community was also elected as MLA for ST reserved MLA seat, in Jayapatna, as reported by Collector, Rayagada. Therefore, this community has to be treated as synonymous to Paroja. The Council, therefore, decided to reiterate the earlier decision to recommend to Govt. of India for inclusion.

The meeting of the TAC ended with a vote of thanks to the Chair and Members present.

MEMBERS PARTICIPATED IN THE MEETING OF THE TRIBES ADVISORY COUNCIL HELD ON 29.07.2005

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<tr>
<th>Sl.No.</th>
<th>Name of the Member</th>
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<td>1</td>
<td>Sri Sudam Marndi, MP</td>
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<td>Sri Ulaka Ramachandra, MLA</td>
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<td>Smt. Ajayanti Pradhan, MLA</td>
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<td>Sri Ramesh Chandra Majhi, MLA</td>
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<td>Sri Bhaskar Chatterjee, IAS, Principal Secretary to Govt, Steel &amp; Mines Dept.</td>
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<td>Sri A.K. Samantaray, IAS, Principal Secretary to Govt, Excise Dept.</td>
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<td>Sri Satya Prakash Nanda, IAS, Principal Secretary to Govt, Forest &amp; Environment Dept.</td>
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<td>Sri D.K. Sahu, Principal Secretary to Govt, Law Dept.</td>
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<td>Sri Aurobindo Behera, IAS, Commissioner-cum-Secretary to Govt, Rural Development Dept.</td>
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<td>Sri S.B. Agnihotri, IAS, Commissioner-cum-Secretary to Govt, W &amp; CD Dept.</td>
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<td>Sri U.P. Singh, IAS, Commissioner-cum-Secretary to Govt, Dept. of Water Resources</td>
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<td>Sri T.K. Pandey, IAS, Special Secretary to Govt., G.A. Dept.</td>
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<td>Sri G.K. Dhal, IAS, Commissioner-cum-Secretary to Govt, School &amp; Mass Edn. Dept.</td>
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<td>Sri Ratnakar Das, EIC-cum-Secretary to Govt., Works Dept.</td>
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<td>Sri Vinod Kumar, IAS, Addl. Secretary to Govt., Higher EdN. Dept.</td>
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<td>Sri D.P. Das, IAS, Addl. Secretary to Govt., Finance Dept.</td>
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<td>Sri Nityananda Mohanty, IAS, Addl. Secretary to Govt., Home Dept.</td>
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<td>Sri S.K. Sarangi, IAS, Director &amp; Addl. Secretary to Govt., Tourism Dept.</td>
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<td>Sri A.K. Mohapatra, IFS, MD, TDCC</td>
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<td>Sri Deepak Mohanty, IFS, PD, OTELP</td>
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<td>Sri Kulamani Rout, Addl. Secretary to Govt., Revenue Dept.</td>
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<td>Dr. Sabita Mishra, Addl. Secretary to Govt., H &amp; FW Dept.</td>
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<td>Sri K.C. Mohanty, Addl. Secretary to Govt., Culture Dept.</td>
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<td>Sri D.P. Mohapatra, Addl. Secretary to Govt., Industries Dept.</td>
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<td>Sri N.P. Das, Director, Panchayati Raj</td>
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<td>Sri Biswajit Mishra, OAS-I(S), Joint Secretary to Govt., Energy Dept.</td>
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<td>Sri A.C. Sahoo, Director, ATDC</td>
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<td>Sri S.C. Senapati, Deputy Secretary to Govt., S &amp; ME Dept.</td>
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<td>Sri Arunanchal Dash OAS-I(Jr), Under Secretary to Govt., Revenue Dept.</td>
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**Interim Report of the Expert Committee on use of Santali Language/Olchiki script in Primary Schools.**
The Expert Committee consists of Prof. D.P. Pattnaik, Chairman, Prof- K. Mahapatra, member and Dr. M.K. Mishra, State Tribal Coordinator, OPEPA conducted a field visit to Mayurbhanj and Keonjhar district from 20th to 25th December, 2004 and observed the following:

1. It is learnt that, in Mayurbhanj district about 1000 schools are having 90% to 100% tribal children and their home language is different from school language.
2. Pedagogic opinion all over the world suggests that mother tongue should be the medium of instruction in Primary schools. Santali is written in Oriya script in Orissa, Bengali script in West Bengal, Nagari script in Bihar/Jharkhand. It is suggested that Santali in Oriya script in Orissa should be continued in the educational system. Necessary school Books and reference books should be written in Santali using Oriya script. However, if important books are to be translated into Santali using Olchiki, special financial assistance may be given to them.
3. Bi-lingual primary education has been experimented by CIIL, Mysore, may be the best strategy. Beginning with reading and writing of Santali, with spoken Oriya reversing the time frame, so that Oriya listening, speaking, reading and writing in Oriya occupying 80% of the school curriculum in Class-V standard. This is a readiness programme for teaching the Santali children through Oriya medium, at the post primary stage.

Regarding the status of use of primers in Soura, Kuvi, Kui, Bonda and Koya in South Orissa districts, the team is of opinion that, after the field visit to be conducted by the Expert Committee, the final report will be submitted.

Sd/-
(Dr. M.K. Mishra)  Sd/-
Tribal Coordinator, OPEPA  (Prof. Debiprassana Pattanayak)
Chairman, Expert Committee