

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT
No. **2 0 8 8 2**/SSD Bhubaneswar, Dated.**29th May 2007**
TAC 1/ 2007

From :

Dr. Taradatt, IAS
Commissioner-cum-Secretary to Govt.

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

Sub: Proceeding of the meeting of the Tribes Advisory Council held on 10.4.2007.

Sir,

I am directed to enclose a copy of the proceedings of the meeting of the Tribes Advisory Council held on 10.04.2007 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/- Dr. Taradatt
Commissioner-cum-Secretary to Govt.

Memo No. **2 0 8 8 3**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to the Principal Secretary to Chief Minister/ Private Secretary to Minister, ST & SC Development for kind information of Hon'ble Chief Minister and Hon'ble Minister, ST & SC Development.

Sd/- Dr. Taradatt
Commissioner-cum-Secretary to Govt.

Memo No. **2 0 8 8 4**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 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/- Dr. Taradatt
Commissioner-cum-Secretary to Govt.

Memo No. **2 0 8 8 5**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to the Private Secretary to Principal Secretary to Government, Finance Department/ Private Secretary to Principal Secretary to Govt, Agriculture Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Steel and Mines Department/ Private Secretary to Principal Secretary to Govt, Forest & Environment Department / Private Secretary to Principal Secretary to Govt, Home

Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Revenue & Disaster Management Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Excise Department/ Private Secretary to Principal Secretary to Govt, Health & Family Welfare Department / Private Secretary to Commissioner-cum-Secretary to Govt, Panchayati Raj Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Rural Development Department/ Private Secretary to Commissioner-cum-Secretary to Govt, F.S. & C.W. Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Energy Department/ Private Secretary to Commissioner-cum-Secretary to Govt, School & Mass Education Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Higher Education Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Women & C.D Department/ Private Secretary to Principal Secretary to Govt, Water Resources Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Industry Department/ Private Secretary to Special Secretary to Govt, G.A. Department/ Private Secretary to Principal Secretary to Govt, Law Department/ Private Secretary to EIC-cum-Secretary to Govt, Works Department / Private Secretary to Commissioner-cum-Secretary to Govt, Information & P.R. Department/ Private Secretary to Commissioner-cum-Secretary to Govt, Tourism & Culture Department for favour of information of Principal Secretaries/ Commissioner-cum-Secretaries.

Sd/- Shri N.P. Das

Director (ST & SC)-cum-Addl Secy. to Govt..

Memo No. **20886**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to the Director, National Commission for STs, N-1/297, IRC Village, Bhubaneswar/ G.M., TRIFED/ GM, NAFED/ M.D, OSDFCC/ MD, TDCCOL / Director, SCSTR & TI/ PD, OTELP/ Director, ATDC for information and necessary action.

Sd/- Shri N.P. Das

Director (ST & SC)-cum-Addl. Secy to Govt.

Memo No. **20887** / SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to the PS to Commissioner-cum-Secretary / PS to Director (ST/SC)-cum-Additional Secretary/ PS to Director OBC / All other Officers of ST. & SC Development Department for information and necessary action.

Sd/- Shri N.P. Das

Director (ST & SC)-cum-Addl. Secy to Govt.

Memo No. **20888**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to all Section Officers of ST & SC Development Department for information

Sd/- Shri N.P. Das

Director(ST& SC)-cum-Addl. Secy to Govt.

Memo No. **20889**/ SSD dated **29th May 2007**

Copy along with copy of proceeding of the meeting of the Tribes Advisory Council held on 10.04.2007 forwarded to Sri Sujit Mukherjee, I/C Computer Cell to incorporate the proceeding in the website of this Department

Sd/- Shri N.P. Das

Director(ST& SC)-cum-Addl. Secy to Govt.

PROCEEDINGS OF THE TRIBES ADVISORY COUNCIL (T.A.C)

MEETING HELD ON 10.04.2007

The meeting of the Tribes Advisory Committee was held on 10.04.2007 at 11 A.M. in the 3rd floor Conference Hall of the Secretariat. Honorable Chief Minister, Orissa presided over the meeting. The list of honorable members and officers who attended the meeting is given at Annexure-I.

At the outset, Minister ST & SC Development and Minorities & Backward Classes Welfare extended a warm welcome to Hon'ble Chief Minister and other members of the newly constituted TAC and indicated the efforts made by Government to address the problems of tribals and Scheduled Areas. He appealed to all the members present in the TAC meeting to discuss on various issues affecting the tribals and put forth suggestions for their sustainable development. Hon'ble Minister praised Honourable C.M. for a number of initiatives which included construction of 1000 hostels for ST girls.

Chief Minister in his opening address extended a warm welcome to the new members of the TAC and officials present. He informed all the members various steps taken by the State government for promoting welfare and development of tribal communities. In this regard, he highlighted that a total number of 1000 ST Girl's hostel were programmed to be constructed in the state to accommodate 1 lakh additional ST girl students from 2007-08. About 700 nos. of 40 seated ST Girls hostels have been constructed in KBK districts. Prematric scholarship to ST/SC Boys and Girls boarders has been enhanced from Rs.3,00/- to Rs.400/- and from Rs.400/- to Rs.425/- respectively which will be made effective from 1st April 2007. Educational institutions of ST & SC Development Department have been included in the Sarba Sikhya Abhiyan. An innovative scheme has been introduced to provide Bicycle to tribal girl students passing out H.S.C. Examination and prosecuting higher studies. The 2nd phase of OTLEP extending the programme to 20 more Blocks with inclusion of three more districts of Nowrangpur, Malkangiri and Rayagada has been launched on 27.3.07. For constructing blacktop road to tribal villages under PMGSY the state government has moved to Government of India to relax the existing population norms and allow PMGSY road to a tribal village with less than 500 population. He urged that all departments should draw up feasible plans and programmes in tribal areas of the state to provide optimal benefit to the tribals.

Commissioner-cum-Secretary, ST & SC Development and Minorities and Other Backward Classes Welfare department placed the agenda items before the TAC for discussion.

Agenda No. 1

Confirmation of the proceedings of the meeting of the Tribes Advisory Council held on 29.07.2006

The proceedings of the meeting of the TAC held on 29.7.2006 were confirmed.

Agenda No.2:

Follow up action taken on the proceedings of the meeting of the TAC held on 29.07.2006 is indicated below.

2.1 Introduction of Santali in Oriya script in educational system of Primary Schools and use of tribal languages in primary education

As per the report of the Expert Committee headed by Dr.D.P.Pattnaik, Orissa Primary Education Programme Authority (OPEPA) was entrusted with preparation of books and introduction of Santali Language in Olchiki script. OPEPA is preparing Text Books in Santali language adopting multilingual education Programme and Preparation of Text Books for Class-I is underway.

2.2 Inclusion of the MURIA/PAIKA BHUYAN/ PAIK BHUYAN/PAHARIA (KAMAR) communities in the constitution (ST) order.

Government of India have been moved for inclusion of the three communities in the constitution (ST) order and the matter is pending with Govt. of India. Regular reminders are being issued to GOI for the purpose.

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.

Commissioner-cum-Secretary, ST & SC Development Department informed TAC about its discussions and recommendations of the Committee headed by Revenue Secretary on the subject in addition to explaining the legal provisions.

2.4 Settlement of Govt. land with STs in the Scheduled Areas:

Members were informed that for settlement of Government land with S.Ts in Scheduled Areas, the proposal for bringing a special resolution invoking Para 5 (2)(b) of the 5th Schedule of the constitution of India was under active consideration by Revenue Deptt.

2.5 Further amendments to Orissa Transfer of Immovable Properties (by Scheduled Tribes) Regulation 2 of 1956.

The Commissioner-cum-Secretary, ST&SC Development informed that a Committee has been constituted to examine further amendments to Orissa Transfer of Immovable Properties (by Scheduled Tribes) Regulation 2 of 1956. The report of the Committee has already been circulated among all the Members of the TAC. The Committee has recommended the followings.

1. Permission for mortgage of tribal land can be granted for obtaining loan from different Banks/Financial Institutions for some selective purposes such as, building of residential house, higher studies of children, self-employment, business and for small-scale industries. (U/s 3(B) of Regulation-2/56) provided that, he/she possesses a minimum qualification of 10 class pass. (U/s 3(B) of Regulation-2/56).
2. In the event of insolvency of the loanee, the Bank/Financial Institutions will be at the liberty to put the mortgaged land to public auction where any person, even if not belonging to ST, can participate in the auction sale. (U/s 3(B) of Regulation-2/56).
3. In the above new provision, Collector will act as the permission granting Authority and the Revenue Divisional Commissioner will be the appellate Authority. (U/s 3(B) of Regulation-2/56)
4. The Limitation period of 30 years in case of adverse possession of a tribal land by a non-tribal should be lifted and the period of unauthorized occupation be calculated with effect from 04.10.1956 in order to effect eviction U/s 3(B) & 7 D of Regulation-2/56.
5. The existing provision of transfer of land by ST person subject to minimum limit of Ac.2.00 of irrigated land and Ac.5.00 of un-irrigated land with the transferee after transfer should continue.
6. In the existing Regulation, Sub-Collector/OSD(LR) is the competent authority for restoration of tribal land under Section 3-A. Against the orders of Sub-Collector, at present there is no appeal. There should be a provision to have Collector as the appellate authority against the orders of Sub-Collector.

7. Government in Revenue & Disaster Management Department may explore the option of bringing in a mandatory concept of 'land to land' rehabilitation, in case of acquisition of tribal land in Scheduled areas, along the lines similar to the provisions pertaining to irrigation projects as given in R & R Policy, 2006.
8. There is no need to permit mortgage for purposes like meeting expenditure in connection with marriages, rituals etc. The Collectors will be required to apply their mind carefully before according permission for mortgage of land strictly for economically useful purposes.
9. Regular evaluation studies need to be conducted by independent and competent professional bodies, in order to obtain feedback on implementation of Regulation 2 of 1956.
10. In order to give similar protection to tribals in non-scheduled areas, the Orissa Land Reforms Act may also be amended accordingly.

2.6 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 Principal Secretary, Forest & Environment Deptt. informed that the Supreme Court in their order dated 13.4.2006 have permitted the State Govt. to regularize Pre-25th October 1980 encroachments subject to certain conditions and clearance given by the Ministry of Forest & Environment. Orissa is the only State to get such clearance from the Supreme Court. Besides, GOI, MOEF in their letter dated 19.5.06 and 29.8.2006 have conveyed their in principle approval for diversion of 1921.31 hectares of forest land for regularizing the encroachments which have been taken placed prior to 1980 in 9 districts i.e. Jharsuguda, Sambalpur, Khurda, Nayagarh, Rayagada, Boudh, Kalahandi, Koraput and Sundergarh. In principle approval of the balance districts are pending with GOI and complete report in respect of other 9 districts have not yet been received.

M.L.A. Rabi Naik pointed out that in 18 reserved forests in our State, the Adivasis have not yet been given individual RORs. In Uttaranchal and Gujarat, the respective Governments have already obtained the orders of the Supreme Court to record the land in the name of the Adivasis. But in our State, this has not yet been done. The Secretary, Forest & Environment requested the MLA to furnish the copy of the orders of the Supreme Court, if

available with him in respect of Uttaranchal and Gujarat for appropriate action at his level.

2.7 Review of implementation of Panchayats (Extension to Scheduled Areas)

Proposal to exclude Mahua Flower from the purview of stock holding restrictions under the Excise Law.

The Commissioner-cum-Secretary, ST&SC Development informed that the present provisions of law regarding restrictions on Mohua flower in Scheduled Areas are follows.

1. The limit of possession of Mohua flower in the Scheduled Area is prescribed at one quintal per person or family during off-season and five quintals per person or family during on season i.e. April, May & June.
2. In other areas the limit of possession of Mohua Flower is fixed at one quintal per person or family through out the year.
3. In the undivided district of Koraput, Mayurbhanj and Sundergarh, the tribals can brew and possess liquor to a limit of 1.5 liters per individual and to a maximum of 5 liters per household for their bonafide domestic consumption and social and religious occasions, but not for sale.

Ensuring that the Gram Panchayats fix the market price of 69 MFPs control over which have been transferred to them.

As per Provision 5(i)(a) of Orissa Grama Panchayats (Minor Forest Produce Administration) Rules, 2002 which came into force with effect from 14.11.2002, in the month of September every year the Panchayat Samiti shall, by adopting a resolution to that effect, fix up the minimum price of procurement of different Minor Forest Produces payable to the primary gatherers during the next trading year which shall be applicable to all the Grama Panchayats within the Block.

Provided that the Gram Panchayat shall be competent to modify the minimum price so fixed according to the local need by adopting a resolution to that effect.

Educating the GPs to take action against offenders indulging in distress sale of MFPs by tribals.

The district administration is taking necessary steps towards awareness creation and action against the offenders indulging in distress sale of MFPs by tribals.

Reservation of ST seats for Zilla Parishads.

100% of offices of Chairpersons of all the three tier PRIs are reserved for STs in Scheduled Areas as per provisions of PESA Act, 1996. Similarly not less than 50% seats in membership have been reserved for STs in all Scheduled Blocks coming under PESA Act.

2.8 Posting of regular Project Administrators in ITDAs.

Commissioner-cum-Secretary, ST&SC Dev. informed that most of the vacant post of P.As in ITDAs have been filled up by G.A.Deptt. and Revenue Deptt.

2.9 Status of 'Jhodia' community

Commissioner-cum-Secretary informed that proposal for inclusion of Jhodia community in the Constitution(ST) order has been recommended to GOI for including vide letter No.42601, dated 23.11.2002 and No.30469 dated 2.8.2006 and reminder has also been issued.

2.10 Evaluation of the working of Protective Legislation (as referred by His Excellency, the Governor of Orissa under Rule-17 of Orissa Tribes Advisory Council Rules)

Commissioner-cum-Secretary informed that with regard to evolution of an information system on progress of implementation of the Regulation 2 of 1956, the monthly progress report on implementation of various

Sections of Regulation 2 of 1956 are being reviewed by Collectors, Land Reforms Commissioner (LRC) and the Revenue and Disaster Management Deptt. regularly. One M.I.S. has been developed by the Department to monitor the progress of various sections of Regulation-2 of 1956.

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

Action is being taken by Revenue Deptt. in this regard. Besides, proposal for further amendment has been cleared by the Committee headed by the Minister, Revenue. The recommendations of the Committee have been discussed earlier.

2.10.2 Regulating allotment of Government land to the Members of the STs in the Scheduled Areas

A special Regulation on allotment of Government land in Scheduled Areas to Tribals is under active consideration of Govt.

2.10.3 Applicability of the provisions of Forest Conservation Act and Land Acquisition Act in Scheduled Areas

The matter has already been discussed.

2.11 Need for further amendments to Orissa Transfer of Immovable Properties (by Scheduled Tribes) Regulation 2 of 1956.

This has been discussed in detail.

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

(i) Land passbooks will be issued to the Scheduled Tribes whether APL or BPL in respect of their homestead and agricultural land free of cost in I.T.D.A. areas. The expenditure towards taking photographs etc. of the members of the Scheduled Tribes will be borne by the ITDAs in TSP areas and elsewhere by State Govt. agencies.

Revenue Department has been informed that the funds released to ITDAs under SCA, Article 275 (1) etc. are to be utilized for implementation of family oriented income generating schemes and infrastructure development projects. As such provisions have to be made by Revenue Department for issuance of land passbooks in favour of tribals in the scheduled areas.

(ii) A Committee constituted to suggest modifications required for Regulation 2 of 1956 will submit its report within three months.

The details have already been discussed. The Committee has already furnished its recommendations which has been circulated to the Members.

(iii) A special Regulation will be brought on allotment of Govt. land in Scheduled Areas

Placed for active consideration by Revenue Deptt.

(iv) Efforts will be made for skill upgradation, design improvement and marketing of tribal handcrafts linking professional support.

Steps are being taken by concerned Departments for skill upgradation, design improvement and marketing of tribal handcrafts.

(v) Vacancies of teachers in tribal schools will be filled up on priority.

ST&SC Development Deptt. has already issued instructions to all Collectors to fill up the vacant posts.

(vi) Revenue Dept. and Law Dept. may take steps to settle various types of 'Jagir' land in the Scheduled Areas in favour of village committees or deities instead of giving Pattas in favour of individuals rendering service to the village community/institutions. This was felt necessary in order to keep the tribal culture and traditions intact, as otherwise the individual servitors (Sevayats) may stop giving such service to the community/ institutions.

Revenue and Law Department have been requested to do the needful.

2.13 Review of implementation of ORV Act, including Special Recruitment Drive to fill up backlog vacancies.

All Departments have been advised and reminded to ensure strict compliance with the provisions of ORV Act and fill up the backlog vacancies. The ST & SC Dev. Deptt. is in the process of drafting a Bill for a comprehensive amendment of ORV Act 1975, in consultation with Law Deptt.

2.14 Developmental programme under implementation in Scheduled Areas of the State

Commissioner-cum-Secretary informed that reviews of programmes implemented by ITDAs, MADAs, Clusters and Micro Projects are being made every month in Zonal review meetings as well as in State

Headquarters. The pace of expenditure has increased up to 80% under SCA to TSP and Article 275 (1).

Besides, various steps taken by the H&FW Deptt. for posting of Doctors in the tribal areas was also discussed.

2.15 Adoption of single line demand and single line administration in Orissa

ST & SC Development Department is declared as the nodal department for the State in regard to formulation and monitoring of the Tribal Sub-Plan and SCSP vide P & C Deptt. Resolution No. 12567/P dt. 12.9.06. A State Level Monitoring Committee was held on 28.11.06 for formulation and monitoring of the T.S.P. and SCSP.

ST & SC Dev. Deptt. is also involved in the Pre-Budget Scrutiny Meeting of the Deptts. along with Finance Deptt & P & C Deptt.

The District Level Monitoring Committee is constituted under the Chairmanship of District Collectors vide ST & SC Development Department Resolution No. 55605/ ST & SC dt. 27.9.06 and Block level Monitoring Committee is constituted under the Chairmanship of Sub-Collector & Chairman Panchayat Samiti vide ST & SC Development Department Resolution No. 35610/ST & SC dt. 27.9.06 for formulation and monitoring of TSP & SCSP at the district and Block levels.

2.16 Discussion on R& R Policy, 2006

Government have framed a comprehensive Resettlement and Rehabilitation Policy, 2006, for mitigation the suffering of displaced groups with emphasis on the needs of the indigenous communities and vulnerable sections.

It is categorically mentioned in the policy that no physical displacement shall be made before completion of the resettlement work as approved by RPDAC(Rehabilitation & Periphery Development Advisory Committee). Revenue Divisional Commissioners are asked to form the RPDACs for all projects and districts. They are requested to give due weightage to suggestions of tribal members in finalizing action plan for projects to be implemented with periphery development funds. A Directorate of Rehabilitation and Resettlement will shortly be established at State level

with Rehabilitation Cells at District and Project level which will monitor and attend to genuine grievances of the tribals.

Agenda Item No.3

(a) Inclusion of PURAN/ BHANJA PURAN/ TAMDIA PURAN/TAMUDIA PURAN/ TAMURIA PURAN/ TAMARIA PURAN communities in the Constitution (ST) Order.

(b) Inclusion of KONDA REDDI/KONDA REDDY communities in the Constitution (ST) Order.

(c) Inclusion of BHIL community in the Constitution (ST) Order.

Commissioner-cum-Secretary informed that the SCSTRTI has examined the socio-economic background of the communities and has recommended for their inclusion in the Constitution (ST) order. The TAC then recommended for inclusion of these communities in the Constitution (ST) order.

Agenda Item No.4

Amendment of ST Land Transfer Guidelines for Scheduled Areas

The findings of the Committee appointed for suggesting the amendments to Regulation 2/56 have already been circulated to the members of the TAC.

Agenda Item No.5

The implementation of the provisions under Article 244(1) by the Government of Orissa

(a) The executive power (order) extended so far to the Scheduled Areas.

(b) The Annual Administrative Report of Scheduled Areas of Orissa submitted by the Governor of Orissa to the President since last five years

Annual Administration Report up to 2004-05 has been submitted to the President of India through Ministry of Tribal Affairs, Govt. of India.

PART-B 4 and 5

- (a) The names of the remaining five seats filled by the Governor as member of TAC as envisaged in first proviso of Tribes Advisory Council i.e. The remaining seats shall be filled by other members of those tribes'.**

Commissioner-cum-Secretary informed that 15 ST Members of OLA were already the Members of TAC. Besides, there were 2 MPs and one Member from ST woman. Hon'ble Chief Minister and Minister, ST&SC Dev. are the Chairman and Vice-Chairman of the TAC. Therefore, the question of filling up the remaining seats by other ST Members does not arise.

- (b) Whether there was any reference or proposals sent by the Governor of Orissa in recent years for discussion and advice pertaining to the advancement of Scheduled Tribes?**

As per Rule-17 of the Orissa Tribes Council Rules, His Excellency the Governor has been pleased to refer the following points for detailed deliberations and discussion.

- (a) Effectiveness of Regulation-2 of 1956 as amended by Regulation-1 of 2002 in the Schedule Areas of the State.
- (b) Regulating allotment of Government land to the Members of the STs in the Schedule Areas
- (c) Applicability of the provisions of Forest Conservation Act and Land Acquisition act in Scheduled Areas

Agenda Item No. 6

Law applicable to Scheduled Areas

- a) Whether there was any study made by the Government of Orissa to find out the effect and impact on interest of Scheduled Tribes of any Central and State Act to reject such exception and modification in those Acts so apply in Scheduled Areas and the Governor had issued any direction in this regard?**

- b) The Regulations adopted for Good Governance of Scheduled Areas?**

Para 5(2) of the Part 'B' of the 5th Schedule to the Constitution of India provides that the Governor may make regulations for the peace and good governance in any area in a State which is for the time being a Schedule Area. Such regulations may -

- (a) Prohibit or restrict the transfer of land by or amongst members of the Scheduled Tribes in such area;
- (b) Regulate the allotment of land to members of the Scheduled Tribes in such areas; and
- (c) Regulate the carrying on business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

According to the above provisions, suitable amendments have been made in the Orissa Schedule Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation, 1956 (Orissa_Regulation - 2 of 1956) vide Law Deptt. Notification No.11714 dated 4.9.2002 to protect the land interest of the Scheduled Tribes in the Schedule Areas of the State. Similarly the Orissa Schedule Areas Money Lenders' Regulation, 1967 (Regulation 2 of 1968) have been suitably amended vide Law Deptt. Notification No.14217 dated 30.8.2002 to protect the tribal communities from exploitation by unscrupulous Money Lenders.

The Recommendation of the Committee appointed for suggesting amendments to Regulation 2/56 has already been circulated to the Members.

Agenda Item No.7

Scheduled Areas

1. **The names and areas of Scheduled Areas in the State with boundary area within the State and the districts there off?**
2. **Whether the Koraput District has been divided in four revenue district?**
3. **Whether the divided districts with new boundary area is separate Scheduled Area boundary or still it forms four revenue district boundary under Undivided Koraput Scheduled District boundary?**

About 44.70% of the area of the State has been declared as Schedule Area in accordance with the orders of the President of India, issued under paragraph 6 of the Fifth Schedule of the Constitution. The Schedule Area in Orissa comprise the entire districts of Mayurbhanj, Koraput (undivided) and Sundergarh, Kandamal, Balliguda and G.Udayagiri Tahasils of Phulbani district, R.Udayagiri Tahasil, Gumma & Rayagada

Blocks, Soroda Tahasil, excluding Gazalbadi and Gochha Panchayats of Ganjam district, Kuchinda Tahasil of Sambalpur district, Telkoi, Keonjhar, Champua and Barbil Tahasils of Keonjhar district, Th.Rampur and Lanjigarh blocks of Kalahandi district and Nilagiri Block of Balasore district.

2. Koraput Dist. has been divided into four revenue districts.

3. The Scheduled Area comprises of all the divided districts of Koraput.

Agenda Item No.8

- a) **Whether the provision in PESA and 'Panchayat' under Article 243 and the State Panchayat Act at three tier level has been extended in Scheduled Areas?**
- b) **If so, what are the provisions in the Central Act and State Act has been identified obligatory, mandatory consistency and inconsistency there off**
- c) **Whether the PESA in Scheduled Areas is intended to check the discontentment of Scheduled Tribes and projecting from all forms of exploitation?**
- d) **If so, the measures and steps taken to formulate the schemes, legislations and regulations there off?**

The provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA) has been extended to Scheduled Areas of the State.

Follow-up action in respect of PESA

(i) The provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 came into force w.e.f. 24.12.96. The State Panchayat laws namely, the Orissa Gram Panchayat Act, the Orissa Panchayat Samiti Act and the Orissa Zilla Parishad Act have been amended consistent with provisions of the Central Act within the schedule time.

(ii) Important features of amended State law are as under:

(a) In the Schedule Areas, a Gram shall ordinarily consist of a habitation or a group of habitation of a community or communities and manage its affairs in accordance with traditions and customs.

b) Statutory recognition has been given to Grama Sabha in the light of Section 4(c) of the Central Act.

(c) Reservation for Scheduled Tribe Members in Schedule Areas : State laws have been amended to provide minimum 50% representation of ST members in every panchayat, in the Scheduled Area.

Provisions have also been made to reserve all offices of Chairpersons in the three tier PRIs in favour of ST.

(d) In conformity with provisions of Central Act powers have been given to different tiers of PRIs.

The progress made so far by the concerned Departments in implementation of the relevant provisions of the Act are as follows.

Provisions of Central Act (PESA)

1. Section 4(c) & (e)

Grama Sabha has been given power to approve plans, programmes, projects, selection of beneficiaries under the Poverty Alleviation Programme.

2. Section 4(i)

No acquisition of land for development projects and for resettling and rehabilitating persons affected by such projects can be made without prior consultation with Panchayat.

3. Section 4(j)

Management of Minor Water Bodies has been given to Zilla Parishad.

4. Section 4(k)

Recommendation by Panchayat is necessary prior to issue of prospecting license or mining lease, minor minerals.

5. Section 4(m)

Grama Sabha has been authorized to exercise control over bonafide manufacture and sale of intoxicants.

6. Section 4(n)

Regulation and trade in 69 items, specified as Minor Forest Produce, have been transferred to Grama Panchayats.

Agenda Item No.9 & 10

Implementation of the Articles 19 (a), (b), (c), (d), (e) along with Clause (5)

Article 244 Governor's Report

Article 19

Article 275(1) First Provision

- Single line Administration

- Single budget mechanism

- Policies formulated and adopted for Scheduled Areas

**(proposal submitted by Hon'ble Member Shri Giridhar Gamang, MP,
Lok Sabha)**

Commissioner cum Secretary informed that Orissa has received about Rs.40.00 crore annually as grant under Article 275(1) for specific projects approved by Ministry of Tribal Affairs within the overall entitlements of each State depending on its tribal population. This is additionality to normal Central Assistance to State Plan to meet the cost of such schemes/projects as may be undertaken by the State and approved by the Ministry of Tribal Affairs for the purpose of welfare and development of STs for raising up the administration in the Scheduled Areas. The projects that are usually implemented under the programme are as under:

1. Roads and Bridges
2. Minor Irrigation Projects
3. Educational complexes
4. Hostel buildings
5. Drinking water projects
6. Electrification of tribal bastis.

Agenda Item No.11

Economic Rehabilitation of Tribal Weavers (Proposal submitted by Textiles & Handloom Deptt)

Chief Minister, indicated that there were many Tribal Weavers who needed to be trained properly. To train tribal weavers, three training centers at Sohela (Bargarh Dist.), Saintala (Bolangir Dist.) and Bangiriposhi (Mayurbhanj Dist.) will be opened.

It was resolved that the Handloom & Textile Deptt. should make adequate provisions towards TSP and give specific proposals to ITDAs/Blocks for infrastructure development and income generating scheme to assist the tribal families below the poverty line as per the SCA guidelines, if additional resources are requested.

Agenda Item No.12

Sericulture programmes have been implemented mostly in tribal pockets of rural areas of the state & most of the beneficiaries involved in Sericulture Programmes are tribal. The following assistance may please be provided to the Tribal people for their economic development. (proposed by Textile & Handloom Deptt.)

Chief Minister informed the Committee that the Tribal farmers rearing Tassar and Mulberry should be provided pucca house, for storing of rearing equipments, seeds and commercial cocoons etc. The possibility of financial support under the SCA can be explored if feasible proposals keeping in view the guidelines submitted to ITDAs/Blocks/OSFDC.

Agenda Item No.13

Registration of Tribal Society for welfare of Tribal Education

TAC agreed for registering a Tribal Society to attract investments from different agencies and to take care of the educational development of the tribals under various programmes.

Agenda Item No.14

Constitution of Employment Mission etc.

TAC underlined that proposal submitted by the Director of Employment needed to be firmed up with proper scrutiny and keeping in view the existing norms.

Agenda Item No.15

Creation of more number of posts of D.S.P for investigation of cases under Rule-7 of SC & ST (POA) Rule- 1995.

Home Secretary informed the TAC members that interim arrangements are being made to create more number of posts of DSPs for investigation of SC/ST atrocities cases

Agenda Item No.16

Provision for infrastructure like Office building, Residential building and other facilities for doctors, paramedical staff & Class-IV staff in the CHCs & PHCs in the Tribal Districts.

It was noted that more funds have been allocated in 2007-08 for construction of ANM Centres, Sub centers, government quarters in the PHCs and CHCs in Tribal Blocks. However, it was decided that funds from Biju KBK etc. should be explored to meet the critical health requirement.

Agenda Item No.17

Enhancement of Subsidy for pisciculture through FFDA to fish farmers under S.T. category.

Honourable C.M. announced the enhancement of subsidies from the existing 25% to 50% subject to Rs.1 lakh per hectare instead of the prevailing amount of Rs.50,000 for excavation of new ponds and Rs.30,000/- per hectare for renovation of old ponds instead of the prevailing rate of Rs.15,000/.

Agenda Item No.18

Construction of Road Project to connect the Sevashram School at Bahiapadar under Barpali Block of Bargarh District

TAC observed that construction of road project to connect the Sevashram Schools at Bahiapadar under Barpali Block of Bargarh district will be undertaken out of the funds of NREGP.

Agenda Item No.19

Other Items:

(i) It was proposed by Shri Bhagirathi Majhi, M.P. to rename the North Orissa University as Pandit Raghunath Murmu University. Shri Bharat Paik called for a Central Tribal University in the tribal areas of the State.

(ii) Some Members demanded that 11 Colleges, situated at Malkangiri, Nowrangpur, Rayagada, Gunupur, Baliguda, Kuchinda, Bonei, Nilgiri, Champua, Rairangpur should be taken over by Govt. Secretary, Higher Education informed that the final decision will be taken on the basis of the recommendation of the Standing Committee of the Assembly.

Making a policy announcement, Chief Minister informed the Committee that undivided Koraput, Kandhamal and Gajapati Districts are most backward districts in the State. In order to boost education among the ST girls, each Block of these districts will have one residential Girls High School in the first phase. In the 2nd and 3rd phase one residential Girls High School be opened in every Scheduled area Blocks, which have no residential Girls High Schools.

(iii) It was resolved that the proposal submitted by two former members of TAC for consideration should be sent to the departments concerned for indepth examination and necessary action.

Submergence of villages of Motu Tahasil, due to Irrigation Project on river Godavari at Pollavaram.

Secretary, Water Resources, indicated that 10 villages of Motu Tahasil in Malkangiri District are likely to be submerged due to Indira Sagar Multi purpose Project proposed by Andhra Pradesh on river Godavari at Pollavaram. It is apprehended that, 1002 families of which 930 belong to Scheduled Tribe category

may be displaced due to the construction of the Project. It will also submerge 297 acres of command area of Potteru Irrigation Project besides a large forest area.

MOEF, Govt. of India have in the meantime granted environmental clearance for the project without following the prescribed procedure. No application has been filed before the State Pollution Control Board. A.P. Govt. has started executing certain components of the Project even before clearance of Central Water Commission. Consultation with Grama Sabha, of the affected villages have not been made before acquisition of land as mandated by PESA.

All the members of the TAC, unanimously opposed the execution of the Project, and recommended to Chief Minister, to take up the matter strongly with Govt. of India.

The meeting ended with thanks to the Chair and the participants.

ANNEXURE – I

**MEMBERS PARTICIPATED IN THE MEETING OF
THE TRIBES ADVISORY COUNCIL HELD ON 10.04.2007.**

| Sl. No. | <u>Name of the Member</u> |
|----------------|---|
| 1. | Sri Golak Bihari Naik, Minister F & A.R.D, Textile & Handloom. |
| 2. | Sri Giridhar Gamang, MP, Lok Sabha |
| 3. | Sri Bhagirathi Majhi, MP, Rajya Sabha |
| 4. | Sri Balabhadra Majhi, MLA, Narla |
| 5. | Sri Basudev Majhi, MLA, Kotpad |
| 6. | Sri Gourhari Naik, MLA, Patna |
| 7. | Sri Shambhunath Naik, MLA, Jashipur |
| 8. | Sri Pramila Giri, MLA, Baisinga |
| 9. | Sri Rabinarayan Naik, MLA, Kuchinda |
| 10 | Sri Dharmu Gand, MLA, Umarkote |
| 11. | Sri Anantaram Majhi, MLA, Laxmipur |
| 12. | Sri Bharat Paik, MLA, Ramagiri |
| 13. | Sri Gregory Minz, MLA, Rajgangpur |
| 14. | Sri Prahalad Purty, MLA, Bahalda |