

GOVERNMENT OF ORISSA
ST & SC DEVELOPMENT DEPARTMENT

No. 31324 /SSD Bhubaneswar Dated the 16th August, 2007
PCR (A)-1/2007

From:

Shri Gopinath Sethi, OAS-I (SB)
Deputy Secretary to Govt.

To

All Members of the Orissa Scheduled Castes Welfare
Advisory Board

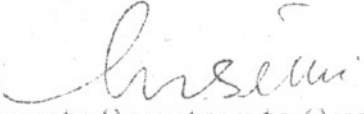
Sub:-

Proceedings of the meeting of Orissa Scheduled Castes
Welfare Advisory Board held on 21.7.2007.

Sir,

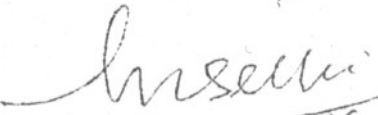
I am directed to enclose a copy of Proceedings of the
meeting of Orissa Scheduled Castes Welfare Advisory Board held on
21.7.2007 in the 3rd Floor Conference Hall of Secretariat for favour of
information & necessary action.

Yours faithfully


Deputy Secretary to Govt.
16.8.07

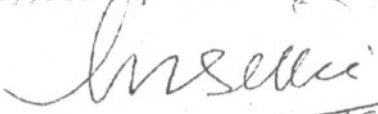
Memo No. 31325 /SSD Dt. 16.8.2007

Copy along with copy of enclosure forwarded to the P.S. to
Hon'ble Chief Minister, Orissa, /P.S. to Hon'ble Minister, ST & SC
Development, Minorities and Backward Classes Welfare / P.S. to
Hon'ble Minister, School & Mass Education for information of Hon'ble
Chief Minister, Orissa/Hon'ble Minister, ST & SC Development,
Minorities and Backward Classes Welfare /Hon'ble Minister, School
& Mass Education


Deputy Secretary to Govt.
16.8.07

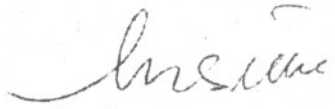
Memo No. 31326 /SSD Dt. 16.8.2007

Copy along with copy of enclosure forwarded to the PS to
Chief Secretary/PS to Development Commissioner-cum-Addl.Chief
Secy. for appraisal of Chief Secretary, Orissa/ Development
Commissioner-cum-Addl.Chief Secy.


Deputy Secretary to Govt.
16.8.07

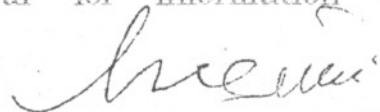
Memo No. 31327 /SSD Dt. 16.8.2007

Copy along with copy of enclosure forwarded to All Departments of Govt./RDC (CD),Cuttack /Secretary, Board of Revenue, Orissa, Cuttack,/Vice Chairman, Bhubaneswar Development Authority, Bhubaneswar All Collectors for information & necessary action. They are requested to furnish compliance report early.


Deputy Secretary to Govt.
16.8.07

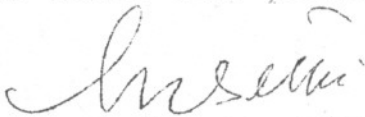
Memo No. 31328 /SSD Dt. 16.8.2007

Copy along with copy of enclosure forwarded to the Director, National Commission for SCs, At-Mayukh Bhawan (Ground Floor) Salt lake City, Kolkata, Pin-700091/Director, SCST & RTI, Bhubaneswar/M.D., OSFDC, Bhubaneswar for information & necessary action.


Deputy Secretary to Govt.
16.8.07

Memo No. 31329 /SSD Dt. 16.8.2007

Copy along with copy of enclosure forwarded to All Officers/ All Sections of the Department(Except Accounts Section) for information & necessary action. Action taken in the matter may please be intimated to the PCR Section early.


Deputy Secretary to Govt.
16.8.07

50 spare copies to the PCR Section.

PROCEEDINGS OF THE SCHEDULED CASTES WELFARE ADVISORY BOARD MEETING HELD ON 21.07.2007 IN THE THIRD FLOOR CONFERENCE HALL OF SECRETARIAT.

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The list of members, who participated in the meeting, is at Annexure-'A'.

At the outset, Hon'ble Chief Minister and Chairman of the Scheduled Castes Welfare Advisory Board extended warm welcome to all the members and officials and briefed them about the initiatives taken by Government in the recent past to ensure improved implementation of various Government programmes meant for socio-economic development of Scheduled Castes and provisions of special laws like Protection of Civil Rights Act, 1955 and Scheduled Castes and Scheduled Tribes (Prevention of atrocities) Act, 1989. He underlined that the Constitutional provisions did not permit discrimination in any form and the Government is committed to ensure implantation of the relevant laws in addition to socio-economic rehabilitation of victims of atrocities. Recounting the Government decisions to address the socio-economic problems of Scheduled Castes, Hon'ble Chief Minister referred to a time bound programme to provide homestead land to landless families, focus on income generating activities through self-help groups exclusively for Scheduled Caste families, budgetary allocations for schemes in proportion to the Scheduled Caste population, implementation of Scheduled Castes Component Plan, enhancement of pre-matric scholarship, construction of a large number of hostels for Scheduled Caste students, pre-recruitment coaching, vocational training for Scheduled Caste youth in I.T.Is and reputed private institutions etc. He called upon the members to come up with the ideas that could work and help in sensitizing the younger generation about the opportunities available in the private sectors due to opening of economy.

Hon'ble Chief Minister, S.T. & S.C. Development and Minorities and Backward Classes Welfare joined Hon'ble Chief Minister in complementing the members of the Scheduled Castes Welfare Advisory Board and called upon them to suggest ways and means for improved implementation of special laws and Government programmes.

After introductory remarks by Hon'ble Chief Minister and Hon'ble Minister, S.T. & S.C. Development and Minorities and Backward Classes Welfare,

the agenda items were discussed as follows :

Item No.1: Confirmation of the proceedings of the last meeting held on 21.07.2006.

The proceedings of the last meeting held on 21.07.2006 had been circulated vide S.T. & S.C. Development Department letter No.33381, dated 05.09.2006. Since no objections/observations received from any quarters, the proceedings were confirmed.

Hon'ble Member, Sri Sanatan Bisi made an observation that the issues discussed in the last meeting were not reflected comprehensively. To this, Hon'ble Chairman observed that all the important points discussed in the meeting should be recorded, clearly.

Item No.2: Action taken on the proceedings of the last meeting

The action taken was discussed as follows:

(a) Reservation of 38% seats in Government colleges for Scheduled Caste/Scheduled Tribe students.

Commissioner-cum-Secretary, Higher Education stated that the recommendations made by the Board in its meeting on 21.07.2006 was examined and it was felt that the concern of SC/ST students was duly addressed by ensuring admission of the eligible students in all the Colleges. In the event of more SC/ST students applying for admission, the seats were being increased to ensure reservation of 38%. The problems is regarding a few colleges in Cuttack and Bhubaneswar and as such, there are no problems in admission of SC/ST students in majority of colleges across the State.

After detailed discussion, it was resolved that clear cut instructions will be issued by Higher Education Department reserving 38% seats for SC/ST students. Only if the seats reserved for SC/ST students are not filled up, they will be released for general students. The matter may be examined by Law Department and orders of Hon'ble Chief Minister taken in file before issue of instructions.

- (b) **Corpus fund for Orissa Scheduled Castes & Scheduled Tribes Development Finance Cooperative Corporation Ltd. (OSFDC)**

It was decided that the Government would provide at least Rs. 5 crore of Corpus fund to the OSFDC to resume operation in implementation of High Cost Loan.

- (c) **Appointment of SC/ST as Public Prosecutor /Additional Public Prosecutor/Assistant Public Prosecutor.**

Home and Law Departments have been called upon to take up necessary action.

- (d) **Special drive by OPSC to fill up reserved post of Civil Engineers:**
OPSC has already taken necessary action.

- (e) **Appointment of SC/ST Ayurvedic and Homeopathic Medical Officers.**

24 Homeopathic Medical Officer and 21 Ayurvedic Medical Officers have been appointed by H & FW Department in the meanwhile.

- (f) **Reservation of 38% seats in Medical/Engineering and technical Institutions:**

The Industries and Health & Family Welfare Department will issue necessary instructions to reserve 38% seats for SCs/STs in their respective institutions.

- (g) **Restoration of office of National Commission for Scheduled Castes in Orissa :**

The National Commission for Scheduled Caste has already been requested appropriately.

- (h) **Preparation of gradation list as per 85th amendment of the Constitution:**

While 8 Departments have already prepared the gradation list as per 85th amendment of the Constitution, others have been requested to do the

needful. The task would become easier after amendment in the ORV Act keeping in view the 85th amendment.

Item No.3 Enhancement of the award of cash incentive in the inter-caste married couple:

It was unanimously decided to enhance the cash award from Rs.10000/- to Rs.50000/- to each inter-caste married couple.

Item No.4 Creation of Special Cell in the ST & SC Development Department manned by the officers belonging to ST & SC communities to look into welfare of the SC & ST people:

As per announcement made by Hon'ble Chief Minister during the discussion in the Inter-State Council Meeting held on 09.12.2006, a Special Cell has been created in the S.T. & S.C. Development Department to ensure effective implementation of welfare programmes and protective legal provisions in relation to Scheduled Castes and Scheduled Tribes. The Cell is being manned by a senior officer belonging to Scheduled Caste. The august body approved creation of the Special Cell.

Item No.5 Inclusion of castes in the Scheduled Castes list:

The reports submitted by Nabakrushna Choudhury Centre for Development Studies and inputs received from the Scheduled Castes & Scheduled Tribes Research & Training Institute (SCSTRTI) were considered. After detailed discussion, the Board recommended inclusion of Chik/Chik Badaik, Tiar/Tior castes in the Scheduled Castes' list of Orissa in the Presidential order.

As the findings of Nabakrushna Choudhury Centre for Development Studies and Scheduled Castes & Scheduled Tribes Research & Training Institute in regard to Mahara, Radhi, Niary, Niari, Girigiria, Giringira did not match, it was resolved that both the institutions i.e. Nabakrushna Choudhury Centre for Development Studies and Scheduled Castes & Scheduled Tribes Research &

Training Institute should conduct a joint study to investigate the status of these castes to consider for their inclusion in the list of Scheduled Castes for Orissa in the Presidential order.

In case of Ghani, the studies conducted by Nabakrushna Choudhury Centre for Development Studies and Scheduled Castes & Scheduled Tribes Research & Training Institute revealed that this case had common feature with Keuta/Kaibarta. As there were strong differences of opinion among the members of the SC Welfare Advisory Board about inclusion of keuta and Kaibarta, it was decided to defer the decision on the matter.

Regarding Jhara, the studies conducted by Nabakrushna Choudhury Centre for Development Studies and Scheduled Castes & Scheduled Tribes Research & Training Institute had found that this caste did not fulfill the pre-requisites for inclusion in the list of SCs. After discussion, it was resolved not to recommend inclusion of Jhara in the SC list of Orissa.

Item No.6 Exclusion of castes from the Scheduled Caste list- By Sri Mohan Jena, MP:

The proposal for exclusion of Dewar, Dhibar, Keuta and Kaibarta from the Scheduled Castes list of Orissa was discussed in detail. Sri Mohan Jena, Hon'ble MP supported by some members claimed that Dewar community did not exist in Orissa and it was beyond the powers of Hon'ble Orissa High Court to pass orders for inclusion of Dhibar, Keuta and Kaibarta as synonyms of Dewar. They felt that amendment of the Presidential order taking into account the direction of Hon'ble Orissa High Court was mistake considering the fact that Hon'ble Supreme Court in the case of Nityananda Sharma Vrs. State of Bihar and others, had held that "the Court has no power to declare synonymous as equivalent to the tribes specified in the order or include in or substitute any castes/tribe etc."

Hon'ble Member, Sri Sanatan Bisi, MLA supported by two other members vehemently opposed the proposal for exclusion of Dewar, Dhibar, Keuta and Kaibarta from the Scheduled Castes list of Orissa. They claimed that Dewar caste existed in Orissa and the Scheduled Castes Welfare Advisory Board should not consider any proposal to exclude Dhibar, Keuta and Kaibarta from Scheduled Castes list of Orissa once Parliament had amended the Presidential order and included these castes in the Scheduled Castes list of Orissa.

As there was no consensus on the issue, it was decided to defer discussion on the issue.

Item No.7 Verification of Caste certificate and land records of persons who obtained false/forged caste certificates and manipulated the land records in the name of Dewar, Bhatta & Mahla etc.- by Sri Mohan Jena, MP:

It was reported by Hon'ble Member Sri Mohan Jena, MP that some people belonging to Radhi, Niani, Ghani and Jhara etc., who were not included in the SCs list of Orissa, have been obtaining caste certificates by mentioning their caste as Dewar, Bhatta and Mahla etc. Attempts are also being made by them to change the land records on the basis of caste certificates, issued by competent authorities.

After discussing the issue at length, it was resolved that the Collectors would be instructed to caution the Tahasildars and take action against those indulging in making false claims about their castes. In the event of issuing wrong caste certificates deliberately, the authorities issuing such certificates along with the beneficiaries should be taken into task.

Item No.8 Issuance of public notice before taking up inclusion deletion of caste from the SC list:

After discussing the subject at length, the proposal was approved.

Item No.9 - Promotion of OAS-I(Senior Branch) and OFS SC/ST Officers raised by Shri Jogendra Behera, Hon'ble MLA.

Sri Ananta Sethi, Hon'ble Member stated that the Revenue & DM Department had given a list of OAS Officers to GA Department for preparation of gradation list of officers. The GA Department did not prepare the gradation list keeping in view the provisions of 85th amendment of the Constitution of India. Sri Jogendra Behera, Sri Nimai Ch. Sarkar, Sri Ananta Sethi, Hon'ble Members also wanted to know as to why 16 SC/ST Officers promoted to the rank of OAS I(Sr.Br.) in 1995 were not promoted to the rank of joint Secretary while general category Officers promoted to the rank of OAS I (Sr.Br.) in 1997 have promoted to the level of Joint Secretary.

Special Secretary G.A.Department explained that since the matter of inter-se-seniority between SC & ST Officers and other general counterparts is locked up in litigation and is subjudice before the Hon'ble High Court, adhoc promotion is being given to the OAS I (SB) Officers as per the existing gradation list of OAS-1(SB) officers issued by the Revenue Department in the year 1997 after taking leave of the Hon'ble High Court. These adhoc promotions, given in the exigencies of public service, are subject to the final out come of the connected Court cases. He, further, explained that the Draft Provisional Gradation List forwarded by Revenue Department in the year 2006 is yet to be published and finalized by the Revenue Department and the implication of the judgement of the Hon'ble Supreme Court of India in M.Nagraj case with regard to 85th Amendment to the Constitution of India is under examination.

Intervening in the discussion, Chief Secretary informed that the promotion of officers belonging to general category had been made keeping in view the orders of the Hon'ble High Court and after obtaining views of matter in consultation with Law and ST & SC

Development Departments after which, if necessary, the gradation list would be corrected.

Commissioner-cum-Secretary, ST & SC Development Department stated that the ORV Act was in the process of being amended keeping in view the 85th Constitutional amendment. Once the laws amended, the confusion/deviation on the matter of reservation and seniority/ gradation of officers would be ruled out.

Item No.10 Violation of seniority, in matters of promotion of ST/SC Officers in the office of RDC (CD), Cuttack raised by Shri Jogendra Behera, MLA:

Sri Jogendra Behera, MLA stated that 4 vacancies in the cadre of Section Officer, Level II in the office of RDC (CD), Cuttack were filled up during 2006 out of which appointment was given to three candidates from general category and one from reserved category overlooking the seniority of 2 SC candidates.

Commissioner-cum-Secretary, ST & SC Development Department explained that the appointment of SC candidates as reported by the office of RDC (CD), Cuttack was as per the roster points. However, complaint regarding candidates is a matter to be examined in terms of legal provisions. RDC (CD), Cuttack has been advised accordingly.

Item No.10 (1) Violation of ORV Act, in matters of promotion of SC/ST officers in the office of BDA raised by Sri Parameswar Sethi, MLA.

The violation of reservation in appointment of SC/ST candidates in section Officer Level II and Sr. Assistant posts in the BDA was reported by Hon'ble MLA, Sri Parameswar Sethi.

Commissioner-cum-Secretary, ST & SC Development Department explained that out of 12 posts of Section Officer, Level II in the cadre, 7 posts have been occupied by general category candidates, one by ST category and 4 posts are lying vacant. As per reservation provisions, 3 posts out of 12 should go to ST and 2 to SC categories. Since there was only one section officer from ST category, out of 4 vacancies, 2 should go to ST and remaining 2 to SC candidates Instructions to that effect issued to the BDA.

As regards posting of Sr. Assistant, out of cadre strength of 57,21 posts have to be reserved for SC & ST. At present there are only 3 SC Sr. Assistants and there is no ST Sr. Assistant.

As per report submitted by BDA, 15 posts of Sr. Assistant have been filled up by way of up gradation. Out of the remaining 42 posts of Sr. Assistant, 9 posts have to go to ST and 7 to SC. But in the existing strength, there are 53 Sr. Assistant from general category and 3 from SC category.

The aforesaid situation appeared to be the outcome of regularizing contractual employees in the feeder grade and non-availability of eligible reserved candidates in the Zone of consideration. As such BDA will not allow deviation from the reservation provisions in future, under any situation and rectify the past mistakes.

Item No.10 (2) Violation of seniority in matters of promotion of ST/SC Ministerial officers working under the Board of Revenue, Orissa, Cuttack raised by Sri Jogendra Behera, MLA.

Hon'ble Member, Sri Jogendra Behera, MLA had reported that there were violation of reservation provisions in appointment of Section Officer, Level I in the Board of Revenue, Orissa, Cuttack

during 2006.5 general category candidates were selected for promotion ignoring the case of senior SC /ST candidates on the ground that appropriate representations of SCs and STs already existed. Provisions of reservation had also been violated in giving promotion to post of Sr. Assistant in 2006.

Commissioner-cum-Secretary, ST & SC Development Department explained that as per information submitted by Board of Revenue, Orissa, Cuttack, the representation given to SCs and STs in Section Officer, Level I is as per the roster points. As regards promotion to the post of Sr. Assistant, it is indicated by the Board of Revenue that since 13 posts of Junior. Assistant, have been abolished, there is no possibility to fill up 11 vacant posts by giving promotion. The ST & SC Development Department has requested Board of Revenue to examine whether provisions of ORV Act have been followed in giving promotion to the post of Sr. Assistants and whether the seniority of SC & ST candidates as per the gradation list has been recognized/ ignored.

Item No.11 Appointment of unemployed SC/ST Degree Electrical and Agricultural Engineers in the backlog reserved vacancies of Energy Department and Agriculture Department by Sri Jogendra Behera, MLA.

Energy Department is taking steps to appoint SC & ST Degree Engineers against the vacant posts of Jr.Engineer.

Item No.12 Promotion of Forest Range Officers to the rank of ACF (OFS II) raised by Sri Jogendra Behera, MLA

Hon'ble Member, Sri Jogendra Behera, MLA had complained that eligible SC/ST candidates had been deprived of promotion to the post of ACF (OFS II.) Special Secretary, Forest & Environment Department explained that there was no violation of reservation

provisions in promotion of Forest Range Officers to ACF (OFS II). Because of non-availability of ST/SC Officers in the zone of consideration, reserved posts had been left vacant as per the legal provision.

Item No.13 Any other item with permission of the Chair.

Hon'ble Member, Sri Nimai Chandra Sarkar, MLA proposed inclusion of Mangali and Mirgan, castes in the Scheduled Castes list for Orissa. Hon'ble Chairman observed that the proposal would be discussed in the next Scheduled Castes Welfare Advisory Board meeting. In the meantime, Schedule Castes & Scheduled Tribes Research & Training Institute may investigate the status of these castes.

The meeting ended with the vote of thank to the Chair.

Sd/-TARADATT
Commissioner-cum-Secretary

Members Present in the Meeting of SC Welfare Advisory Board
held on 21.7.2007

Sl.No	Name, Designation & Address
1	Shri Chaitany Prasaed Majhi, Hon'ble Minister, ST & SC Devlopment, Minorities and Backward Classes Welfare Development
2	Shri Bishnu Charan Das ,Hon'ble Minister, School & Mass Education
3	Shri Mohan Jena, M.P.
4	Shri Baidhar mallik, MLA.
5	Shri Parameswar Sethy,MLA
6	Shri Bimbadhar Kuanr,MLA
7	Shri Ananta Sethy,MLA
8	Shri Madhabananda Behera, MLA
9	Shri Nimain Chandra Sarkar,MLA
10	Shri Mahesh sahuo,MLA
11	Shri Jogendra Behera ,MLA
12	Shri Bira Sipka,MLA
13	Shri Sanatan Bisi ,MLA
14	Shri Sashi Bhusan Behera, MLA
15	Dr. Trinath behra,MLA
16	Shri Ajit Kumar Tripathy, Chief Secretary
17	Shri Rabi Narayan Bahidar, Development Commissioner & ACS
18	Dr.Taradatt, Commissioner-cum-Secretary, S.T. & S.C. Dev. Deptt.
19	Shri Ashok Kumar Tripathy, Higher Education Deptt.
20	Shri N.C. Vasudevan, Secretary, H & U D Deptt.
21	Shri S.C. Mohapatra, RDC,CD,Cuttack
22	Shri Bijaya Chandra Jena, Special Secretary, Home Deptt.
23	Shri B.K. Patel, Principal Secretary, Law Deptt.
24	Dr. S.K. Naskar, Deputy Director, National Commission for SCs
25	Shri P.N. Padhi, Special Secretary ,Forest & Environ Deptt.
26	Shri M. Saran, Special secretary, Health & Family Welfare Deptt.
27	Shri P. Mishra, Special Secretary , Finance Deptt.
28	Shri Niten Chandra, Special Secretary , G.A. Deptt.
29	Dr. A.B. Ota, Director, SCST & RTI
30	Shri P.K. Nanda, Addl. Secretary, Home Depit.
31	Dr. B.C. Das, DMET, Orissa
32	Shri N.P. Das, Director, (SC & ST), ST & SC Dev. Deptt.
33	Shri Arun Panda, Sppcial Secretary, H &UD & V.C.,BDA
34	Shri Manoranjan Mishra, Seretary ,Board of Revenue, Orissa
35	Shri Gyanananda Sahoo, Joint Secretary, Revenue & D.M. Deptt.
36	Shri Jyoti Prakash Das, Director,(OBC) & Addl. Secretary, ST & SC Dev. Deptt.
37	Shri Biswajit Mishra, Addl, Secretary, ST & SC Dev. Deptt.
38	Shri Gopinath Sethy, Deputy Secretary, ST & SC Dev.Deptt.