



REPORT

OF THE

SCHEDULED AREAS AND
SCHEDULED TRIBES COMMISSION

GOVERNMENT OF INDIA

Volume II

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Drokpa Tribe of Darchik, Ladakh

Volume-II

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ANDHRA PRADESH

1. Introduction

1.1 Andhra Pradesh State endowed with a variety of physiographic features ranging from high hills, undulating plains to a coastal deltaic environment has a glorious past. It has references in epics like Mahabharata, Ramayana and Aitareya Brahmana. The Andhra Kingdom was a part of Mauryan empire during the reign of Ashoka. According to historians people belonging to several sects, such as, Andhras, Pulindas and Savaras lived in this region, south of the Vindhya mountains. According to a belief Andhra people are children of Viswamithra. Adilabad is known for Gond kingdom where even today the Gonds live. Gonds of Gondwana region of Madhya Pradesh visit their ancestral places on socio-religious occasions.

1.2 According to 2001 Census, total population of Andhra Pradesh State is 7.57 crores and that of STs 0.50 crores constituting 6.63% of the total population of the state. The Scheduled Areas under the Fifth Schedule of the Constitution of India extend over 31,485.34 sq. kms. which is about 11% of total area of the state with 5936 villages distributed in Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal, Adilabad and Mahaboobnagar Districts. There are 35 ST communities of which twelve have been specified as Primitive Tribal Groups(PTG). Literacy rate of STs as compared to total population as per 1991 census is as under:

Literacy Rate

	Total	Males	Females
A.P. State	44.09	55.13	32.72
Schedule Tribes	17.16	25.25	8.68

Some other features are as under:

Sex ratio

Total	972
S. T.	960

Dropout rates (1993-94 Classes I-VIII)

Total	62.8
S. T.	88.1

Work Participation rate (1991)

Total	45.1%
S. T.	54%

Cultivators

Total	27.7%
S. T.	41.2%

Agricultural Labourers

Total	40.9%
S. T.	46.6%

<u>Below Poverty Line 1999-2000 (% age)-</u>	<u>Rural</u>	<u>Urban</u>
Total	11.14	26.53
S. T.	23.82	44.99

1.3 The Scheduled Tribes

1.3.1. Andhra Pradesh was constituted on 1.11.1956 by merger of territories from erstwhile Madras and Hyderabad States. There were notified STs in both these States. After reorganization, the STs were notified with respect to the erstwhile areas of Madras and Hyderabad by reproducing the ST list of their respective States.

1.3.2. In 1956, Valmiki, Nayak and Goudu (Goud) communities were included in the list of STs in the agency tracts and Sugalis, Lambada and Yerukulas were also added as Scheduled Tribes throughout the State. In 2002, certain sub-tribes and synonyms were added and deleted from the main tribes mentioned in the ST list and two more communities were added into the list of STs.

1.4 Major Scheduled Tribes: -

Koya, Yenadi, Yerukula, Gond, Sugali (Lambada), Konda dora, Savara Jatapu and Bagata.

1.5 Major PTGs:

Konda Savara, Kondareddi, Dongaria Kondh, Kutia Kondh, Kolam and Chenchu.

1.6 The Commission visited Andhra Pradesh during March 23 to April 2, 2003 to see the socio-economic conditions of STs and the pattern of administration of the Scheduled Areas in six ITDAs out of 10 namely, Utnoor (Adilabad), Bhadrachalam (Khammam district), Paderu (Vishakhapatnam district), Parvathipuram (Vizianagaram district), Seethampeta (Srikakulam district) and Srisailam (Kurnool district). The Commission began their field visit from ITDA, Utnoor in Adilabad district, after a homage to the statue of Kumaran Bheem, a Raj Gond who fought against Nizam for protecting the interests of tribals.

1.7 Tribal Welfare Department is the nodal department for the development of Scheduled Areas and the STs. It is headed by a Minister, who is assisted by a Secretary to the Government, a Commissioner and a Managing Director of Girijan Cooperative Corporation. The Department is supported by the Project Officers of Integrated Tribal Development Agencies (ITDA), District Tribal Development Officers in non ITDA districts, Chief Engineer and Director, Tribal Research Institute.

2. Tribal Unrest and Action Plan

2.1 Tribal Unrest - The tribals of Andhra Pradesh have a long history of struggle for their survival against exploitation by non-tribals, money-lenders, landlords, liquor vendors, administrators and political leaders or against stringent forest conservation laws, land assignment policies and judicial procedures. The tribal areas of Andhra Pradesh have been periodically experiencing tension in one part or the other. A brief note containing background information is placed at Appendix-I. The unrest in the Scheduled Areas of the State has not subsided.

2.2 Measures taken by Government- Govt. have constituted a Cabinet sub-Committee with the Minister for Revenue, Minister for Tribal Welfare and Minister for Higher Education to look into all aspects concerning the land disputes between the tribals and non-tribals in West Godavari district. The Cabinet sub-Committee held extensive discussions with the representatives of tribals, non-tribals, political parties and peoples' representatives. It also examined the various orders passed by the High Court and the legal and administrative aspects of the problem. The law enforcing apparatus has been strengthened by deploying adequate force in the mandals of Polavaram, Buttayagudem and Jelugumilli. The Collector has been permitted to hire *jeeps* to improve the mobility of the Mandal Revenue Officers (MROs) in these mandals. In addition, instructions have been issued to the district collector to take the following action to diffuse the situation:

- (1) To constitute an all party committee at the district level and to convene it at least once in a month to discuss the various steps proposed to be taken for verification of enjoyment and other related measures.
- (2) To constitute village peace committees involving the tribals, non-tribals and other interested parties.
- (3) To take up fresh verification of title and possession of land in the Agency villages as per the procedure indicated below:
 - i. Mandal Revenue Officer will prepare a Village Enjoyment Map showing the lands belonging to tribals and non-tribals as per 1933 Revenue Settlement Record (RSR) in different colours.
 - ii. The LTR, assessed waste dry, Porambokes and D Form Patta lands of tribals under occupation of non-tribals will be left blank.
 - iii. Verification programme is to be drawn up in advance and given wide publicity by beat of tom-tom. In addition, the verification programme is to be communicated in writing to the tribals, non-tribals voluntary organizations, political parties and other interested persons well before the actual commencement of the verification.
 - iv. Simultaneously, copies of Adangal, RSR and the list of enjoyers and list of Govt. lands are to be published in the village.
 - v. The areas left blank in the Map will then be filled by conducting physical verification in the presence of tribal, non-tribals and other interested parties. The names of all the *pattedars* and enjoyers which have been incorporated in the map are to be read out in the Gram Sabha and the tribals and non-tribals or their representatives are to be allowed to raise any objections.
 - vi. In addition, time is to be given to both the tribals and non-tribals to produce documentary evidence, if any, in support of their claims.
 - vii. The various cases pending before various Courts are also to be read out in the Gram Sabha.

- viii. After finalizing the objections of the tribals and non-tribals, the Govt. land detected in the enjoyment verification has to be identified and list of such lands is to be published in the village. Along with this list of lands, a list of eligible tribal beneficiaries is to be finalized.
- ix. The lands identified in this exercise shall be distributed to the eligible land less tribals and they should be extended economic support from the ITDA for taking up cultivation.

To resolve land disputes in Scheduled Areas, the Collector, W.G. District took up comprehensive land survey in the agency areas and also constituted village level committee comprising village Sarpanch VAO, one member from S.Cs, one from S.Ts, one from B.Cs, one from other castes (O.C) and two women. This committee will verify the disputed lands in the villages. The Collector had informed in all-parties meeting which was held on 17th July, 1997 that the survey was launched in Scheduled Areas in January 1997 by posting additional surveyors and revenue officials exclusively for this work.

The survey has been completed in all villages except Singanapally village, Polavaram Mandal where the survey could not be taken up as the tribals and non-tribals are not cooperating with revenue officials. The Commissioner Tribal Welfare has instructed the District administration to take up the survey taking in to account the register maintained by the erstwhile *Jamindars* wherein the names of the tribals are recorded.

2.3 There was an attack by the naxalites on the Chief Minister on October 1, 2003. A former Uttar Pradesh DGP is investigating the security lapses that led to the attack. According to him the naxalite problem is not only a law and order issue but its root causes are the socio-economic problems of the tribals relating to land, forest and non-implementation of moneylenders' act etc. etc. The Fifth Schedule to the Constitution directs the Governor to make regulation for the 'peace and good government' in the Scheduled Areas. The Commission notes that instead of peace and good governance, there is widespread unrest in most of the Scheduled and tribal areas. Factors relating to tribal unrest are interwoven into issues relating to land problems, exploitation by moneylenders, tacit understanding between administrators, political leaders and non-tribals, stringent forest conservation laws and so on. The remedy to control unrest, therefore, does not lie in one segment alone and what is necessary for handling of the situation is an attack on all fronts. The first and foremost need is to listen to the grievances of tribals in totality and thereafter these can be sorted out by respective line departments. Today, the Revenue, Forest and Police Departments are overburdened with their multifarious duties and there is very little interaction between these Departments in regard to the problems faced by the tribal people.

2.4 The Ministry of Tribal Affairs is the nodal Ministry for overseeing the various constitutional and legal provisions relating to tribal affairs. The ineffective implementation of the provisions of the Fifth and Sixth Schedules to the Constitution since Independence has created unrest and distrust against the Govt. machinery. Tribals feel that in spite of the provisions made in the Constitution, their interests are not safeguarded and administrative structures that have been created are proving ineffective.

2.5 Under the Constitution, the President has a responsibility for the protection and welfare of Scheduled Tribes and the Central Govt. cannot divest itself of this responsibility by taking the plea that protection and development of the Scheduled Tribes is the prime responsibility of the State Govts. From day one of the commencement of our Constitution,

there has been series of turmoil in the tribal areas and treating these as simply law and order problem will not meet the situation and satisfy the tribals. Half-hearted developmental measures could not improve the quality of life of the people and the tribals continue to remain the poorest segment of our society. It is a pity that in a State like, Andhra Pradesh, the percentage of literacy is the lowest among the Scheduled Tribes of the country. In spite of alienation laws against land, the process of land grabbing by non-tribals in the Scheduled Areas continues unabated. According to the State Government about 49% of the land in the Scheduled Areas is under the control of the non-tribal persons. The tribals living in 5,000 forest villages in the country have not been given pattas and are denied minimum needs of drinking water, electricity, schools, roads and all this is justified in the name of protection of forests. In Andhra Pradesh there are 101 forest enclosures in the districts of Mahbubnagar, Prakasam, Kurnool and Guntur, where tribals faced hardships. The State Govt. is reluctant to devolve powers to the Gram Sabha under the PESA Act. **The Commission after its extensive tours in the tribal areas and meetings with the tribal representatives and serving and retired experienced administrators recommends that a Grievances Redressal Authority under the charge of a retired High Court Judge may be set up to look into the grievances of the tribals and this Authority should have its headquarters in the Scheduled Areas so that, it can be easily accessible to the tribals. The State Govt. should set up this authority by enacting a legislation.**

2.6 One of the causes of tribal unrest has been delayed pronouncement by the judicial authorities to the detriment of tribal interests. It is therefore recommended that a Bench of the High Court should be set up for the Scheduled Areas at a convenient place in or around the Scheduled Areas so that the cases which come up to the High Court are readily and promptly dealt with. The Commission also recommends that to co-ordinate the activities of revenue, forest, police, excise, health, education, agriculture and tribal development departments for all round development of the Scheduled Areas and implementation of the constitutional safeguards the Secretary, Tribal Development Department should be of the rank of Additional Chief Secretary.

3. Protective Measures for Tribal Development

3.1 Land Alienation- The Government of Madras Presidency promulgated the agency tracks in 1917 to protect the land of tribals. According to this Act, the land of the tribal can only be transferred to a non-tribal with District Collector's (Agent) permission. In the Hyderabad State also similar provisions were made in the notified area regulation, 1946 and 1949.

3.2 After the formation of Andhra Pradesh State in 1959, Anuhra Pradesh Schedule Area Land Transfer Regulation came into force totally prohibiting transfer of land by Tribals to non-tribals. This regulation, "did not contain any provision for the maintenance of tribal Panchayat, and more importantly stripped the social service officers of the authority and judicial powers with which the Hyderabad regulation and rules had invested them." An extract from the book of Haimendorf at Appendix II, gives an account of how "large areas of tribal land were in fact illegally occupied by non-tribals in the years 1970 to 1979." 1959 LTR was amended in 1970 prohibiting transfer of land between non-tribals. However the Supreme Court ruled that land transfer protection for tribals is applicable since 1959 only (not from 1917) and the amendment of 1970 is prospective. The Tribes Advisory Council

recommended to make this amendment retrospective from 1959. The High Court of Andhra Pradesh ruled that settlement process prevails over LTR process and cannot be challenged in the LTR court.

3.3 Some of the protective laws against alienation of tribal lands and other laws are listed below:

- (i) Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 (APSALTR, 1959) [Regulation I, 1959]
- (ii) Regulation II of 1963
- (iii) A.P Mahals (Abolition and Conversion into Ryotwari) Regulation, 1969 (Regulation I of 1969)
- (iv) A.P Mutta (Abolition and Conversion into Ryotwari) Regulation, 1969 (Regulation II of 1969)
- (v) A.P Scheduled Areas Ryotwari Settlement Regulation, 1970 (Regulation II of 1970)
- (vi) Regulation I of 1959 amended by Regulation I of 1971
- (vii) Regulation I of 1959 amended by Regulation I of 1978
- (viii) A.P Scheduled Areas Money Lending Regulation, 1960
- (ix) A.P Scheduled Areas Debt Relief Regulation, 1970
- (x) A.P Scheduled Areas Minor Forest Produce (Regulation of Trade) Regulation, 1979
- (xi) A.P Scheduled Areas Ryotwari Settlement Regulation, 1970
- (xii) The S.C.S.T. Atrocities (Prevention) Act, 1989

3.4 The salient features of these enactments are given at Appendix III.

3.5 The Muttahs in the erstwhile agency tracts of Madras State were granted to tribal chiefs to maintain watch and ward duties. The Zamindari system was also prevalent in the agency tract and the villages under the Zamindars are called Estates. In addition, there were Mokhasa villages for performing of prescribed duties. The Muttahs were abolished and the lands were settled by Regulation 2/69 and the Estates were abolished and settled by Regulation 2/70. **The Mokhasa villages were abolished in 1990 but settlement operations have not commenced.**

3.6 The District Collector was delegated powers of Director of Settlement who is appellate authority for the settlement *pattas* issued after abolishing the Muttahs. The Govt. did not delegate such powers to the Collectors for issue of *pattas* after abolishing the estates.

3.7 A settlement officer was appointed in 1996 in West Godavari district to dispose the pending petitions of non-tribals for the issue of settlement *pattas* under 2/70 regulation. These non-tribals did not apply for settlement *pattas* since the settlement process began in 1970s. The non-tribals in 1996 approached the settlement officer, filing applications for *pattas*. The settlement officer disposed of petitions of non-tribals for an extent of 1500 acres. The tribals are agitating for distribution of lands - measures to settle lands to non-tribals aggravated the unrest in West Godavari district. The Govt. issued guidelines to resolve the land disputes in the West Godavari in a participatory process. These guidelines can be a model for settling the land disputes in the tribal areas of not only in

Andhra Pradesh but in other States also given at Appendix IV. The Collector, Khammam also issued similar guidelines to resolve the land disputes but there was no follow-up.

3.8 It was stated by the tribals that in Telangana area (erstwhile Hyderabad State) civil courts are staying the LTR judgements and that appeals preferred by Deputy Tahsildars under LTR are negligible.

3.9 In 1994, Commissioner, Tribal Welfare circulated the guidelines enumerating the records and the acts, which are applicable to decide the ownership of non-tribals in Scheduled Areas, Appendix V. The District Collectors permission is necessary for the transfer of land between tribals. It was however alleged that in Vishakapatnam Scheduled Area, the Registrar Office in Paderu is registering the transfers without the Collectors' permission. The Commission was informed that the Tribal Welfare Deptt. promised to IFAD to bring a regulation preventing transfer of land between PTGs and other tribals but this did not materialize.

3.10 The progress of implementation of Andhra Pradesh Scheduled Areas Land Transfer Regulation in Scheduled Areas of the state till the end of January 2003 is as follows:

1. Total No. of cases detected	71,155
2. Extent covered (Acres)	3,10,779
3. Total No. of cases disposed	68,001
4. Extent covered (Acres)	2,98,798
5. Total No. of cases decided in favour of tribals	29,154
6. Extent covered (Acres)	1,16,025
7. Total No. of cases in which land was restored to the tribals	27,498
8. Extent covered (Acres)	1,09,931

3.11 A large extent of land could not be restored in favour of tribals because of stays obtained by non-tribals in various Writ Petitions from the High Court. Gram Sabha has been vested with the powers to take up cases of alienation of land and its restoration under A. P. Panchayatraj (Amendment) Act, 1998 (No. 7 of 1998). The State Govt. is yet to issue rules for the purpose.

3.12 As regards, computerization and modernization of land records State Govt. has taken up this task on priority. **The Commission recommends that alongwith the settlement operations, the Project Officers of the ITDAs should also be associated and final records exhibited on the notice boards of the Panchayats.**

3.13 Some non-officials brought to the notice of the Commission that in Talwandi Mandal, of Adilabad district, Nawab Hamidia Khan a relative of Ex-Nizam of Hyderabad has possession over 500 acres of tribal land which required investigation. The representatives of NGOs in a meeting with the Commission on 02.04.2003 brought to their notice that land owned by tribals continue being passed on to non-tribals by fraudulent means.

3.14 It has therefore become necessary that survey of land may be held every five years so that land grabbers were brought to books. Government may also consider assigning lands exclusively to tribals in the Scheduled Areas. LTR cases not decided in favour of tribals should be sent to higher courts in appeal. The LTR regulation may also be extended to non-Scheduled Areas. The tribal welfare department held the view that offenders of LTR may also be booked under the SC & ST (Prevention of Atrocities) Act, 1989. The Commission also recommend that implementation of Land Transfer Regulation needed to be more strictly done as non-tribals have found many loopholes and they continued to usurp tribal lands. Wherever, necessary special administrative machinery may be created.

3.15 The Commission has observed that whenever uprisings or violent activities take place in the tribal areas, the State Govt. makes the LTR 1959 more stringent. What is also important is to ensure that there is effective implementation of the provisions of the LTR Act, 1959. In this connection, based on meetings with the tribal representatives, non-official agencies and Govt. officers, the Commission suggests that the State Govt. should examine amendment to LTR, 1959 as indicated below:

- (i) To amend Section 2 (g) of LTR to include the local methods of hypothecation of crops, mortgage, lease like kandagutha, Namu, Payida, Thirmanam Kaulu, Kaulu Amarakam etc. under definition of transfer to effectively curb the various modes of circumvention of LTR.
- (ii) To amend Section 3 (1) (a) of LTR to prohibit transfer of land to a female member of a Scheduled Tribe who is married to a non-tribal or kept as concubine by a non-tribal.
- (iii) To incorporate a Section casting the burden of proof on the transferee, even though under Section 3 (1) (b) of LTR, the non-tribal in possession of immovable property in Scheduled Areas is required to prove that he acquired that immovable property validly and it is not void under LTR. However, in most cases where the tribals institute cases against the non-tribals transferees, the onus of proving that the transfer of immovable property is in violation of LTR is cast on the tribal transferor.
- (iv) To insert a new clause in Section 3 (2) of LTR to confer overriding effect on the decree or orders passed by the competent authorities under LTR over any order passed by the authorities specified in A.P Mahals (Abolition and Conversion into Ryotwari) Regulation, 1969 and A.P Scheduled Areas Ryotwari Settlement Regulation, 1970. This is necessary because the High Court has held that Section 15 of A.P Scheduled Areas Ryotwari Settlement Regulation 1970 confers overriding effect on the provisions of said Regulation over all other laws in Scheduled Areas.
- (v) To ban assignment of lands to non-tribals in Scheduled areas under Para 5 (1) of the Fifth Schedule because there is very limited cultivable land in the Scheduled areas and the pressure on land is mounting with the increase in tribal population and immigration of non-tribals.
- (vi) A time of 3 months to be fixed to give actual possession to tribals after passing of orders by the competent authority for restoration of alienated land to them.

3.16 The above suggestions have been made taking into account the judicial pronouncements by the Courts and the Commission recommends that amendments suggested above should be examined and necessary changes made in the Regulation to save the tribals from approaching the courts for redressal of their land problems.

3.17 There are many dubious methods employed by the non-tribals in taking control of the tribal lands. As mentioned earlier, the money-lenders threaten the tribals when they are not in a position to repay the interest on the loan advanced to them by taking control of the land of the tribals. It is necessary that the revenue authorities should conduct every year verification of the actual person who is cultivating the land to eliminate such cases of land alienation which originate due to indebtedness. In the tribal areas of Srikakulam, Vishakapatnam and East Godavari districts, the tribals have preserved a social institution called the traditional bond friendship or 'NESTAM'. This institution is known by different names in other districts. The tribals irrespective of tribal group or castes or sect or creed enter into traditional friendship by exchanging gifts. The non-tribals entering into this bond of friendship purchase the land in names of their tribal friends and continue to enjoy benefits. In some tribal areas, landlords employ tribals as their domestic servants/agricultural labourers and purchase the lands in the names of their tribal labourers. It was brought to the notice of the Commission that on a large scale, members of communities belonging to Kapus, Kammaras, Reddis from the plain areas have obtained bogus tribal certificates as Konda Kapus, Konda Kammaras and Kondareddis and grabbed tribal lands and secured admission in educational and professional courses and jobs in Govt. services.

3.18 As mentioned earlier, Valmiki, Nayak and Goudu communities were included in the list of STs in the agency tracts in 1956 and Sugali, Lambada and Yerukulas were further added as STs throughout the State. After the inclusion of Lambada as a Scheduled Tribe, large scale migration of Sugali and Lambada tribe has taken place from other States into Andhra Pradesh. The Sugali population was 1,32,464 in 1971; by 1981 the Sugali and Lambada population together became 11,58,342 an increase of 777.4 per cent. By 1991, they were 16,41,897 and have largely spread in the districts of Adilabad, Khammam, Warangal, Mahaboobnagar, Kurnool, Nalgonda and Prakasam as well as in other districts. They have taken over the lands of the local tribals like the Gonds, Chenchus, Koyas, Kolams etc. The Chenchus have been worst affected by this migration. **The Commission recommends that to prevent land alienation from lesser-developed tribal communities, the first thing that should be done is to extend LTR Act to STs living outside the Scheduled Areas or by enacting a separate legislation for the areas other than Scheduled Areas. The other point is that if a tribal cultivator, who on account of domestic reasons wants to sell off a part of his agricultural land, holdings house or any other immovable asset, the State Govt. or the G.C.C or any other Authority on their behalf should accept such lands as mortgaged property. For this purpose, a corpus fund may be created by the Govt. of India and a Tribal Property Protection Authority set up.**

3.19 In case a tribal is not able to repay the loan and get back the mortgaged property, the ownership of such an asset shall vest in the Govt. This property can be leased out to the STs of that locality for a specified period.

3.20 Money Lending and Debt Redemption Laws- As regards impact of A. P. Scheduled Areas Money Lender Regulation 1960, and A. P. Scheduled Tribes Debt Relief Regulation 1960, the State Govt. held the view that indebtedness has decreased due to implementation of developmental activities, which have empowered the tribals economically. Village Tribal Development Agencies, Thrift Societies, Self Help Groups and Girijan Cooperative Corporation have extended production and consumption credit to tribals at grassroots levels. Owing to strict implementation of these Acts a non-tribal/creditor cannot take possession of tribal lands against non-payment of loans/borrowings. There are no instance where the Co-operative Societies have taken possession of tribal lands for default of payments due to societies. Gram Sabhas will be associated in exercising control over money lending in Scheduled Areas after Rules are notified in accordance with PESA Act.

3.21 Under the A. P. (Scheduled Areas) Money Lenders Regulation 1960 the money lenders operating in tribal areas are required to obtain the license and charge only a permissible rate of interest. **The Commission has observed that the State Government does not maintain information about the number of licensed and unlicensed money lenders operating in the tribal areas. The high rate of interest is charged by the money lenders and when the tribals are not able to repay the loan amount creditors take away the land of tribals. The Commission have observed that the money lender continues as an agent of land alienation in the scheduled areas and effective steps have not been taken by the administrative machinery in the field to contain his stranglehold.**

3.22 Similar is the position regarding the operation of the Debt Relief Regulation of 1970. The State Government could not furnish the information about the number of cases in which scaling down of the debts was done. The Commission was informed that the Dy. Collectors who are saddled with the work of LTR are not monitoring effectively the working of the Money Lenders & Debt Relief Regulations. **The Commission recommends that a special Tehasildar in each district should be entrusted with the implementation of the legislation and should have powers to issue search and arrest warrant in case of creditors who fail to attend the Courts after receiving summons.**

3.23 As regards prevalence of Bonded Labour system, the Govt. of A. P. has informed that Central Act, i. e., Bonded Labour System (Abolition) Act, 1976 is in force in the State. Although debt bondage is not prevalent now, 334 labourers were identified as bonded labourers in the State. State Govt. has opined that most of the bonded labourers identified are from SC and B.C. communities and few from among the tribals.

3.24 Excise Policy- Country liquor is banned in A.P. State. Provision for allowing brewing by tribes for their domestic and social consumption has been dispensed with. It was informed that the tribals take *Jeelugu* toddy, which is a natural tree extract from palm trees. The Commission visited Chonpunguda village in ITDA Utnoor where the Women Self Help Group succeeded in motivating their men folk to give up drinking. The SHGs and social activists should launch a movement of temperance against liquor consumption.

3.25 Panchayats in Tribal Areas- In accordance with the provisions of the Central Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA Act), the State Government has also enacted an enabling legislation in 1998. Accordingly elections were held in November 2001. Total number of Zilla Parishads in the State are 22, of which two are reserved for STs. Total number of Mandal Parishads (intermediate panchayats) in the State are 1095, of which 83 posts are reserved for ST. Total number of gram panchayats in the State are 21,943 and those reserved for STs are 1,755. Out of 29 subjects included in the 73rd Amendment, 18 subjects have so far been delegated to local bodies. A Cabinet sub-committee has been constituted on devolution of further functions to the panchayats. State Government has informed that the rules under Act 7 of 1998 would be issued shortly. **The Commission recommends that the rules to be issued by the State Government should be in consonance with the spirit of the PESA Act.**

3.26 The Commission recommends that the State Government should arrange training/orientation courses to the functionaries of the Panchayati Raj Institutions in carrying out the activities of the Panchayats effectively. Creating awareness among the tribals is very essential.

4. Tribes Advisory Council (TAC)

4.1 The TAC set up by the Govt. of Andhra Pradesh is headed by the Minister in charge of the Welfare of Scheduled Tribes, however, the State Govt. has agreed to a suggestion that the Chairperson of the TAC should be Chief Minister and Chief Secretary to the State Govt. and Secretary to the Governor could be its Members. During the period 1992-2002 the TAC held 25 meetings and took several policy decisions, in particular the following:

- (i) To consider the definition of the term 'Mutta' as defined in Sec.2 (G) of the A. P. Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969 so as to include sub-muttas. This also includes Mutta Muttadar and sub-muttas and sub-Muttadars.
- (ii) To consider the definition of the term 'Mutta' as defined in the A. P. Muttas (Abolition and Conversion into Ryotwari) Regulation, 1969 to modify suitably so as to bring certain Mokhas as of East Godavari district within the ambit of the said Regulation. It also includes Mokhas-Mokhasadars.
- (iii) All the members unanimously recommended to amend the A. P. (Andhra Scheduled Areas) Estates (Abolition and Conversion into Ryotwari) Regulation, 1951, A. P. Mahals (Abolition and Conversion into Ryotwari) Regulation -I/1969, A. P. Muttas (Abolition and Conversion into (Ryotwari) Regulation III/1969 and A. P. Scheduled Areas Ryotwari Settlement Regulation-III/1970 to entrust to the District Collectors, and Agents to the Government, appellate and suomotto powers instead of the Director, Survey and Settlements, Hyderabad.
- (iv) In the meeting held on 20.07.1995 a decision was taken by all the members unanimously resolving not to amend A. P. Scheduled Areas Land Transfer Regulation.
- (v) In the meeting held on 26.09.1996 a decision was taken to amend A. P. Scheduled Areas Land Transfer Regulation 1959 to declare the lands purchased in the name of tribal women married or kept as concubine by non-tribal men as null and void.
- (vi) TAC laid emphasis on electrification of tribal hamlets, checking illegal adoption of tribal children and stopping allocation of house sites to non-tribals in Scheduled Areas.

Although the TAC has been quite active, its impact on tribal communities was not clearly visible. In response to a question whether setting up of National Tribes Advisory Council was necessary to debate discuss and take policy decisions on issues concerning tribals at central level, Govt. of Andhra Pradesh responded positively.

4.2 The Commission recommends that 15 Scheduled Tribe MLAs to be nominated to the TAC under sub-para (i) of para 4 of Part 'B' of the Vth Schedule should represent all scheduled and tribal areas of the state as far as possible so that grievances and aspiration of the STs can find a voice in the deliberations of the TAC. The remaining 5 nominated members to the TAC should be drawn from PTGs, social workers, NGOs and other experts.

5. Review of Scheduled Areas

5.1. In the erstwhile State of Madras, there were agency tracts in the districts of Srikakulam, Vijaynagaram, Vishakapatnam, West Godavari, East Godavari and Bhadrachalam Taluka and in Hyderabad State, there were "notified areas" in the districts of Khammam, Warangal, Adilabad and Mahabubnagar. In 1949, 20 villages of agency tracts of West Godavari district were deleted. After the formation of Andhra Pradesh, the agency tracts and notified areas were termed as Scheduled Areas.

5.2 Omissions in the notification of Scheduled Area - There is confusion about the non-inclusion of 23 villages of Warangal district in the Scheduled Areas. Non-tribals were issued show-cause notice under Andhra Pradesh Areas Land Transfer Regulation (APALTR) for eviction from the lands under their control. The non-tribals approached the High Court. The High Court ruled (W. P No. 1413/of 1973, dt. 13th November, 1973) that "The presidential notification as contemplated in Section 3 (1) of the Regulation was notified on 7th December, 1950 notifying the Scheduled Areas in part 'B' states. The villages in which the petitioners' own lands, with regard to which show-cause notice has been issued, are not those notified in the Presidential order. Therefore, they are not part of the Agency tracts as contemplated under the Regulation. It is further clear that section 3 (1) of the Regulation is not applicable to them and no show-cause notice as has been done can be given to them with regard to the lands in their possession in these villages. The impugned show-cause notice has therefore been given without jurisdiction by the Special Deputy Collector, (Tribal Welfare) Warangal." In this connection, it should be mentioned that the proposals were turned down by the Govt. of India, Ministry of Home Affairs, who directed to take up inclusion of those villages in general revision vide their D.O letter No. 12020/4 (1) 76-SCI-III, dt. 22.3.1979." In the meantime, the State Govt. has proposed to the Govt. of India inclusion of 790 villages in the Scheduled Areas. The Commission pointed out to the State Govt. that inclusion of above mentioned 23 villages has not been done in the proposal containing 790 cases sent to the Govt. of India. The State Govt. has agreed in principle to correct this omission. The list of these 23 villages is given at Appendix -VI.

5.3 The Commission however feels that the interest of the tribals living in these 23 villages in terms of protection against land alienation and other protective measures has been denied since 1950 for no fault of theirs. This is a matter, which should have been settled between the State and the Central Governments and therefore, Commission recommends that the case of 23 villages of Warangal district should not be tagged with the proposed inclusion of other villages into the Scheduled Areas and examined separately for their inclusion in the Scheduled Areas forthwith.

5.4 Another point which came to the notice of the Commission was that 6 villages, namely, Palonchha, Borgampad, Ashwaraopet, Dammamet, Kukunur and Nelipaka of Warangal district were excluded from the Notified Area Regulation of Hyderabad State. These villages now form part of Khammam district and are like islands in the reserved legislative and parliamentary constituency. The "Scheduled Area" concept embraces an area approach where Scheduled Tribes are residing since times immemorial and exclusion of such villages in which Scheduled Tribes may not be in large numbers is against the spirit of the Scheduled Areas concept. The Commission therefore recommends that these 6 villages should be included in the Scheduled Areas to protect the interests of tribals and the character of the Scheduled Areas.

5.5 The Commission further recommends that while notifying Scheduled Areas, Govt. of India should also clarify that Scheduled Area means villages, towns, cities, Blocks, Tehsil and Districts (as the case may be), in their entirety inclusive of revenue and forest lands under the control of State Govt., the local bodies and the Panchayati Raj Institutions.

6. Tribal – Forest Interface

6.1 Forest - The classification of forest areas in A. P. is as under:

(In sq. km)

1.	Reserved Forest Area	50,478.63
2.	Protected Forests	12365.34
3.	Un-notified Forests	969.76

6.2 The forest areas in the 8 ITDAs is given in the following table:

Sl. No.	Name of the I. T. D. A.	Forest Area (Area in Hect. In Lakhs)
1.	Srikakulam	1.51
2.	Vizianagaram	1.77
3.	Visakhapatnam	4.40
4.	East Godavari	5.12
5.	West Godavari	1.61
6.	Khammam	18.62
7.	Warangal	6.02
8.	Adilabad	7.21
	Total	53.30

6.3 Consequent to implementation of Joint Forest Management with greater delegation of power and responsibilities to the forest dependent tribals, right over the forest products has been transferred to the Vana Samrakshana Samithies. These Samithies can use the usufruct to meet their domestic needs and market the surplus. With the introduction of Subabul, social forestry has been widely popularised in the state and the requirements of fuel and small timber as well as fodder needs are adequately met.

6.4 **Shifting Cultivation-** The State Govt. has informed that the shifting cultivation (podu) was practised in 6 ITDP areas of Srikakulam, Vizianagaram, Visakhapatnam, East

Godavari, Khammam and West Godavari till 1990s covering a total area of 39,625 hectares with 45,264 families in it. In Visakhapatnam ITDA, 24,000 families were engaged in podu over an area of 20,000 hectares. The lowest was in Khammam district where 350 families practised podu over an area of 243 hectares. The tribals in their podu fields grew low yielding dry crops such as jowar, maize, ragi, bajra etc. The State Govt. has tried to discourage shifting cultivation and it was informed that due to intervention of International Fund for Agriculture Development projects, many degraded podu lands have been converted into cashew, coffee and MFP gardens. The State Govt. has in an order dated 1.12.99 clarified that A. P. Forest Development Corporation Limited should issue license to cooperatives of tribals to collect the cashew usufruct from cashew plantations Appendix VII. In ITDA Seethampet, turmeric, pineapple and in ITDA Paderu, coffee plantation with pepper as inter crop at the cost of Rs. 36 crores has been done. A Special Project costing Rs.144 crores has also been launched for coffee plantation. The Commission visited the coffee processing unit of Mudapalli village where 45 families of Kondh tribe were working. With water shed approach under IFAD many podu hill slopes were covered with green vegetation, fruit species and MFP varieties. It is claimed that podu cultivation has come down to 6149 hect. Family income level has increased from Rs. 3,000 through shifting cultivation to Rs. 10,000 by way of settled cultivation. 'Sakti' a voluntary organization identified a large number of tribal youth as beneficiaries under TRYSEM programmes who received training in trades like, cane furniture production, carpentry, blacksmithy and repair of hand pumps.

6.5 Customary practices of tribals relating to forests pertain to right to worship in temples and shrines, right of way for the use of public roads, cart tracks, foot paths, bridle paths, right to water bodies, collection of MFP, free grazing, removal of thorny fencing material, fodder grass, green leaf manure etc. All such rights and concessions are recorded and documented in the working plan. Tribals can collect the MFP and sell it to the GCC. The Commission was informed that the state government has laid down a policy whereby the tribals enjoyed usufruct rights upon the trees. 2.17 lakh tribal families in Scheduled Areas have been associated with the Joint Forest Management and in a period of next 3 to 4 years, the tribals will enjoy the dividend out of the forest resources of the state.

6.6 Minor Forest Produce- The MFP is collected by the tribals not only from the revenue lands but also from the reserve forests. The State Government has mentioned that GCC is "the only authority under the state of Andhra Pradesh to procure the MFP collected by the tribals". However, after coming into force of Andhra Pradesh Panchayatraj Act, 1994 under the proposed draft rules proposed by the Forest Department, it is stated that "every Panchayat / Gram Sabha shall have ownership rights of MFP within their jurisdiction. Further, that "in the areas given in to the control of Samraksha Samiti, the Gram Panchayat/Gram Sabha shall not have ownership of MFP", the ownership of the MFP shall vest in such areas with VSS. VSS is an institution that is being promoted by the state government and has no link with the Panchayat/Gram Sabha except that the Sarpanch would be one of the members on the managing committee of VSS. If the proposed rules are notified, it will mean that GCC would be weakened and the VSS who are operating in the reserve forest in collection of MFP will play a major role in the procurement and marketing of MFP. **The Commission recommends that wherever MFP is collected by the tribals or VSS, remunerative collection charges should be paid by GCC and they alone should deal with the marketing of these products. The prices of MFP are dependent upon a number of factors and to safeguard the interests of the tribals, GCC has to play an important role in forecasting the prices that**

should be paid to the tribals consistent with the demands of the market. The Commission feels that setting up of Van Samrakshna Samitis in the Scheduled Areas of the State and giving them the power to procure and market MFP is directly against the provisions of the PESA Act and recommends that in so far as Scheduled Areas are concerned the State Government should empower the Gram Sabhas to procure and market the MFP with the help of G.C.C. Setting up V.S.S. in the Scheduled Areas would be detrimental to the long term interest, harmony and co-operation among STs living in the Scheduled Areas.

6.7 The Commission was sad to hear the grievances of tribals during their visit to tribal area and miseries over the manner in which forest conservation laws were implemented. The Commission were of the view that tribals were not given due place in the management of forests. The Tribal Welfare Department suggested that time-bound plan of action may be prepared for developing forest villages on par with revenue villages. In order to reduce the pressure on the forests, the tribals may be equipped with training in processing of MFP through self-help groups. Agricultural activity in the pre-1980 encroachments may be improved so that the productivity of crops is increased. Chief Minister desired that forest resources needed to be intelligently tapped to provide employment to the tribals.

6.8 The Commission recommends that the State Government should create a sub-cadre of forest officials to work in the forest areas located in the Scheduled Areas and for this purpose the deployment of young forest officers should be done, who will not only help in the conservation of forest but also bring about a healthy interface between tribals and forest to check growing unrest among the tribals in the tribal areas.

6.9 **Recognition of Tribals inherent right to live in forest-** The tribals have been living in the forest areas since ages. But the core-problem encountered in the tribal forest interface is that the right is being denied to the tribals in one form or other. The right to live does not mean mere existence. It has been observed that the tribals living in the forest villages established by the forest department on forest lands before the coming into force of Forest (Conservation) Act, 1980 are not able to get even minimum facilities like safe drinking water, housing, schools and electrical power supply. The living conditions of the tribals within the Wild Life Sanctuaries, Bio-diversity Projects are much worse. The Forest (Conservation) Act, 1980 is often cited by the Forest Department as an excuse. The State Government has not furnished information about encroachments on forest land prior to 1980.

6.10 But the National Forest Policy envisaged development of forest villages on par with revenue villages. This requires provision of minimum infrastructure such as drinking water, communications, minimum infrastructure for education and health institutions and appropriate minor irrigation structures. The Commission recommends that a time bound plan of action should be prepared for demarcation of forest boundaries for each of the forest villages and the provision of infrastructure facilities. This would not violate the provision of the Forest (Conservation) Act, 1980. It is also necessary to demarcate the boundaries between the revenue land under the jurisdiction of the Gram Sabha/Village and the reserved forest by constructing necessary posts. While doing so it is necessary to involve the Gram Sabha in this exercise.

6.11 The eco-development action plan in the wild life sanctuaries should ensure sharing of products without compromising Section 29 and 35 (6) of Wild Life Protection Act, 1972. Government of Andhra Pradesh has informed that there are 22 wildlife sanctuaries & 4 national parks. Shifting of tribal families from these areas will be contemplated only if the tribals are willing. As such, tribals are considered as part of the eco-system and suitable eco-development measures are being taken up through formation of eco-development committees (similar to V.S.S. under Joint Forest Management). As on date, there are 243 eco-development committees in 11 protected areas. New Eco-Development Centres (EDCs) are being formed in other protected areas. **There have been no shifting of tribal villages outside the Sanctuaries in the last 15 years. As a number of wildlife sanctuaries and national parks are located in the Scheduled Areas of the State, the Commission therefore recommends that creation of a separate institutional set up will be against the policy of the PESA Act and the state government should ensure that the Gram Sabhas in the Scheduled Areas and Gram Panchayats outside the Scheduled Areas are entrusted with the responsibility to take eco-developmental measures in consultation with the Forest Department.**

6.12 The eco-development activities for the upliftment of the tribal families should not have duplication of ITDA efforts. **The Commission recommends that micro-plans of eco-development committees should have representation of ITDA and field functionaries of that area and VTDA's in the vicinity of wild life sanctuaries. The State Wild Life Advisory Board should also have 3 tribal members to be selected in consultation with the Tribal Welfare Department. The alternative livelihoods to reduce the pressure on the forest should be viable and sustainable. There can be primary and secondary levels of processing of MFP through tribal self help groups. Agricultural activity in the pre-1980 encroachments should not be disturbed, measures for improving the productivity should be initiated. If the existing legal framework is coming in the way of improving the living conditions of the tribals living within the forests necessary amendments may be made to the Forest (Conservation) Act, 1980 so as to pave the way for the development of tribals living in the forests for centuries.**

6.13 Training and orientation of tribals in exploitation of forests for collection of MFP in a manner to preserve and further propagate the resources, is an urgent priority. This is required so as to keep the resources available for long term in abundance (e.g. prevention of situations like depletion of products such as Katechu (*Katha*) and (*Agar*). GCC has already undertaken training of departmental officers in scientific /optimal way of exploiting the MFP in order to realize higher value for the producer and/or the marketing by improving the quality and productivity. **The Commission recommends that in addition to the training of GCC officials and tribals it is also necessary to give orientation training to Forest Officers in preservation / propagation / expansion of MFP resources base which is an important component of tribals sustenance. The Forest Department is implementing a number of projects for regeneration of degraded forest areas. It should be made mandatory on the part of the Forest Department to earmark minimum programme of 50% of MFP trees in their projects.**

6.14 **Fixation and Payment of Minimum Wages by the Forest Department-** The minimum wages of forest and timber operation works were fixed for the first time in 1983. 'Sakti', a voluntary organization filed a writ petition in 1990 in the high court pointing out that the minimum wages for forest works has not been revised since 1983.

As a result of this petition, the minimum wages for forest works were revised in August, 1990. It is observed that there was no revision of minimum wages of forest works between 1990 and 2000 under Minimum Wages Act. In the meantime, 'Sakti' made a study of the Forest Scheduled Rates (FSRs) fixed by various circles of the Forest Department and compared them with the minimum wages fixed by the State Government in 2001 and found that the FSRs in various categories of works were less than the minimum wages. These findings were brought to the notice of the Forest and Tribal Welfare Departments in Dec, 2001 but no action was taken on these findings which effected the economic conditions of the tribal people in a big way. This is one of the important grievances of the tribal people in the agency tracks and is responsible for unrest among them which at times is exploited by other agencies.

6.15 The Ministry of Environment and Forest had issued guidelines on 18 September, 1990 stipulating that "uniform wage rates should be prescribed for similar pieces of work throughout the forest areas by the state government for all agencies" and "representatives of Tribal Welfare Department should sit in the Wage Board appointed by the Forest Department for fixation of daily wage rates". It is a matter of regret that the Tribal Welfare and Forest Departments are indifferent to the fixation of daily wage rates. As mentioned in the above para 'Sakti' after finding that the Tribal and Forest Departments are not taking action on the report submitted approached the high court which passed the order that the Forest Department should follow the minimum wages prescribed by the State Government. This has still not been done by the Forest Department.

6.16 In this connection it is worth mentioning that 'Sakti' was instrumental in making the horticulture department of ITDA East Godavari to pay Rs.1,55,775 as compensation to 36 unskilled tribals who were paid Rs.19 per day instead of Rs.26 under Minimum Wages Act. Many such cases of non-payment of minimum wages go unreported in the tribal areas.

6.17 The Commission therefore recommends that the Project Officer ITDA should monitor the wages that are being paid by the Forest Department and take up the matter with the concerned officials of the Forest Department if necessary for revision of the FSRs. This will go a long way in redressing the grievances of the tribals. The TRI should periodically conduct study of minimum wages that are being paid by various departments in the tribal areas and the Government should take prompt action to rectify the anomalies. It was pleaded before Commission that forest operations being scientific and systematic in nature than agricultural operations, minimum wages for forest related activity should be more than those prescribed for agricultural operations.

6.18 This issue was discussed by the Commission with the Officers of Labour and Forest Departments. The Labour Department informed that minimum wages for employment under forestry and timbering operations are taken up once in two years and that minimum wages were revised in May 2000-01 and the next revision is due from May 2003 and proposals in this regard are with the State Government. Commission brought to the notice of the Forest Department that minimum wages fixed in forestry and timbering operations are at variance with the minimum wages fixed by the Labour Department.

6.19 However, the Labour Department was categorical of the opinion that minimum wages fixed by the Labour Department will prevail over wages fixed by other departments. The

Forest Department stated that forest schedule of rates is fixed by them for each work every year. **The Commission recommends that Labour Department in consultation with forest and tribal development departments should fix piecewise minimum wages for various forests and timbering operations. It is not necessary for the Forest Department to determine the minimum wages separately. The Commission has also observed that there is no monitoring of the minimum wages that are paid to the workers employed on the forest works and for this purpose officers of the Tribal Welfare Department should also be notified as Inspectors under the Minimum Wages Act 1948 for implementation of minimum wages for forestry and timbering operations in the Scheduled Areas of the State. The Commission also recommends that the Tribal Research Institute should periodically undertake a survey in this regard and bring their findings to the notice of the Tribal, Forest and Labour Departments and also place these before the Tribes Advisory Council.**

7. Tribal sub-Pan (TSP)

7.1 Tribal sub-Plan strategy - Tribal sub-Plan strategy in the State envisages that every Department shall spend minimum 6% of its plan funds for the development of tribals. The strategy has come into effect from 1975.

7.2 It has been noticed over the years that despite higher allocations under the Tribal sub-Plan strategy, there has been imbalance in the development of tribal areas viz-a-viz the non-tribal areas and normal allocation of 6% is not adequate to meet the gap, which can be bridged by way of development of infrastructure, such as, road connectivity, electrification and communication facilities.

The State Govt. may, therefore, consider the following Formula:

$$\text{Total Tribal Sub-Plan outlay of the State} = \frac{X + Y}{2}$$

Explanation in the above formula, the letters 'X' and 'Y' shall be construed as follows:-

- (i) $X = \frac{\text{Total geographical area of the state under Tribal Sub-Plan X size of State's Annual plan for that year}}{\text{Total geographical area of the state}}$
- (ii) $Y = \frac{\text{Total population under Tribal Sub-Plan X size of State's Annual plan for that year}}{\text{Total population of the state}}$

7.3 Allocations for area development activities- In case of allocations to be made by departments incharge of area development activities, such as, roads, electrification, housing, irrigation etc., the tribal area proportion to the district may be taken as a unit rather

than the population. For instance, the ITDA area, Paderu in Visakhapatnam district is around 56% of the total geographical area of the district, but the allocations under roads, drinking water supply etc. are at 6% only (i. e. proportion of the population). It would not bridge the accumulated gaps in tribal development. Hence, it is proposed that in case of area development TSP allocations may be proportion to the area rather than population.

7.4 Community Development- While making allocations for community development in core sectors like primary education and primary health; it should be relatable to development criteria rather than the proportion of ST population to the total State population. For instance, literacy in the State is 64% and that of ST it is only 36% and to make the leeway, the education sector under TSP should receive some weightage, which could be as under:

(i) Education:@

$$\frac{\text{Population of ST in the State}}{\text{Total State Population}} \times 100 \times \frac{\text{Total Literacy Rate}}{\text{ST Literacy Rate}}$$

Illustration

$$6 \times \frac{64}{36} = 10.61$$

Allocation for TSP under education sector should thus be raised from 6% to 11% which could be reduced after every 10 years depending upon growth in literacy rate of STs.

(ii) Health #

$$\frac{\text{Population of ST in the State}}{\text{Total State Population}} \times 100 \times \frac{\text{Tribal IMR}}{\text{General IMR}}$$

Illustration:

$$6 \times \frac{120}{64} = 11.25$$

7.5 Whenever Govt. of India is launching special programmes for the backward districts, Planning Commission identifies certain districts as backward districts on certain criteria but there is arising a situation where a district may be ranked as a developed district while the tribal areas within the district are still underdeveloped. For instance, when the World Bank

@ In Education Sector, the funds allocated should be with a loading factor to the portion in the TSP so that the ST literacy rate can be improved by additional funds. The criteria for loading factor is being suggested in terms of literacy rate which is to be calculated as total general literacy rate in the State divided by the total ST literacy rate in the State. This loading factor is essential in view of the high inequality between ST literacy and general literacy. Higher the ST literacy rate, better it is.

In Health Sector, the funds allocated should be with a loading factor to the portion in the TSP so that the ST IMR comes down near to general IMR in the State. The criteria for this loading factor is based on IMR and is calculated as tribal IMR in the State divided by general IMR in the State. This loading factor is essential because the tribal IMR is very high in comparison with general IMR. Lower the ST IMR, the better it is supported District Primary Education Programme was launched in the State, the districts of East Godavari and West Godavari were not included in the list because both the districts had high rate of literacy, enrolment etc. which was not so for the tribals in both the districts. Hence, the Education Department had to launch another project for the tribal areas separately. **It is, therefore suggested that whenever Planning Commission or Government of India launch new programme/project for the backward district, the ITDA may also be considered as a district to be included in the list of backward areas till the gaps in the levels of development are balanced over a period of time.**

7.6 Integrated Tribal Development Agencies (ITDAs)- TSP strategy came into effect from 1975. Tribal sub-Plan includes details of budgetary allocation and schemes for the development of tribals and funds are earmarked out of State Plan and supplemented by Special Central Assistance, Grant under Article 275(1), Centrally sponsored Programmes and supported by Financial Institutions.

7.7 Project Officers of ITDAs prepare Annual Action Plans covering protective, developmental and regulatory aspects for the area and the people, taking into consideration the human and material resources of the project area. In certain special cases, special project reports were also prepared by the Project Officers of ITDAs. These project reports may be project reports intended for obtaining external aid or for development of specific projects such as PTGs or for development of specific thrust areas like coffee.

7.8 The State Government execute development programme for tribals through 10 ITDAs, 41 MADA pockets (Modified Area Development Approach), 17 clusters and 12 PTGs. The concept of single line administration is being followed at ITDA level, as Project Officer ITDA has been designated as Addl. District Magistrate and Ex-Officio Joint Collector, who has the authority to approve all development plans in tribal sub-plan area. All staff at the Project area works under direct control of the Project Officer. A list of 10 ITDAs is given at Appendix VIII.

7.9 Single demand budget for TSP was introduced in Andhra Pradesh in the year 1987-88, but the Government dispensed with the single demand from the year 2000-01. It is observed that the State Planning Department from out of the total plan outlay available to that department indicates allocation of funds to various departments and all the departments are required to earmark 6% of their allocation for the TSP areas. It is further, observed that the heads of departments implementing TSP have shown quantification of funds under the schemes irrespective of whether these schemes have relevance to the tribals or not. Reports of actual allocation and expenditure under TSP are not regularly submitted by several departments like panchayati raj, rural development, medium irrigation, minor irrigation, health, women & child development etc.

7.10 As stated earlier, the State Government has asked all departments to earmark 6% of the planned funds for implementation of TSP. TSP strategy was started in 1975, the available figures from 5th Plan onwards with reference to TSP areas is given at Appendix IX.

7.11 **Commission recommends that the TSP component of all the departments should be placed by the Planning Department at the disposal of Tribal Welfare Department under a Single Demand Budget. The Tribal Welfare Department should finalize the inter-sectoral priorities of the TSP and communicate the same to the Departments concerned. This will ensure better utilization of funds.**

8. Programmes for tribals of pockets covered by

8.1 **Modified Area Development Approach (MADA)**- There are 41 MADA pockets in the state which have predominant tribal population. As most of the tribals pursue agriculture as their main occupation, assistance is provided for improving their land based occupation by better inputs. Assistance provided to them by various agencies in some of the tribal areas visited by the Commission were as under:

- (i) **Khammam District** – Minor Irrigation, Animal husbandry, Fisheries, Industries and Business sector. (230 beneficiary in 2002-03)
- (ii) **Mahboobnagar District** – Electric lines, irrigation wells, assistance for transport through NST FDC, sheep unit, basket making, plough bullocks, borewells etc. (3471 tribal beneficiary during 1995-96 to 2002-03).
- (iii) **Nalgonda District** – road, electricity, anganwadi, minor irrigation, horticulture and self employment ventures to tribals in various hamlets.

8.2 The Commission observed that MADA pockets did not receive adequate attention of the line departments on the pretext that these were looked after by the Tribal Welfare Department. The fact is that the Tribal Welfare Deptt. allotted funds mostly for the family beneficiary oriented schemes and not for infrastructure development. **In view of this the Commission recommends that line Departments of the state should accord priority in covering tribal areas categorised as MADA pockets out of their state sector programmes.**

8.3 **Dispersed Tribal Groups (DTG)** –Population of DTGs in the state is 17.72 lakhs (42.20%) out of ST population of 41.99 lakhs as per 1991 census. The Commission interacted with a number of DTG at some places. Problems of DTGs basically relate to non issuance of patta on encroached forest lands, unemployment and migration. Yerukulas wanted permission to rear pigs in a big way which is not acceptable to the State Government. Their traditional occupation was bamboo work and they are not able to get bamboo now on concessional rates. They still make bamboo baskets but the return for which has come down due to plastic baskets. As a result of this they have now started living in urban areas in the slums. They pleaded to have a separate ITDA for DTGs on the lines of one for Chenchus (PTG) set up by the State Government at Srisailam. Development programmes launched for 572 DTG families of Khammam district in 2002-03 included minor irrigation, fisheries and industry and small

business. The issue of very little or nil political empowerment of DTG was also brought to the notice of the Commission at Dindi in Nalgonda district.

8.4 Problem of sale of girl child in Nalgonda district - Adoption and sale of girl child is prevalent in the Lambada tribe. It was reported that those who have 3 to 4 girl children preferred to sell one of them for Rs. 2,000 or so. It is a customary practice to sell third, fifth and seventh and ninth daughter. Sixty-seven girls were sold away by their parents mostly belonging to Chandampat Mandal. The Commission was informed that some Voluntary Agencies engaged in adoption of children in the country and outside have also been approaching Lambada community and alluring them to give their girls to them. Lambada girls are preferred by the parents as they have fair complexion unlike other tribal communities. It was informed that the State Government has formulated a special package to provide moral and financial support to such families (who number about 300). A budget provision of Rs. 14 lakhs was made for this purpose during 2001-02, which is in addition to normal on going programme.

8.5 Child Labour - Child labour is prevalent in the State, especially in the areas where the tribals live with non-tribals. Some tribal children are employed as household workers and some as bonded labourers for local land owners. Tribal welfare deptt. and education deptt. have been providing various educational incentives to tribal children. Women Development and Child Welfare Deptt. is running children homes at seven places in the State. State Govt. has however not undertaken any survey with regard to knowing the extent of the prevalence of child labour.

9. Primitive Tribal Groups (PTGs)

9.1 PTGs numbering about two lakhs in the state are at the lowest scale of educational and economic development. Some of the PTGs are living inside the scheduled areas while others are spread over a number of districts and therefore, their development has remained uneven.

9.2 Twelve PTGs, namely, Chenchu, Konda Reddi, Kolam, Bodo Gadaba, Gutob Gadaba, Kondh Porja, Bondo Porja, Dongaria Kondh, Kutia Kondh, Parenji Porja, Thoti and Konda Savara have been recognised by the Govt. of India. These groups continue to have symbiotic relationship with the forests and their problems by and large relate to poor health care, illiteracy and inaccessibility. For accelerated development of these groups, various developmental programmes in the fields of agriculture, horticulture, irrigation, health & nutrition and community awareness have been taken up in the ITDAs of Seethampeta, Parvathipuram, Paderu, Rampachodavaram, Kotaramachandrapuram and Srisailam with the grants released by the Government of India since 1988-99.

9.3 The year-wise amount released is as follows:

(Rs. In lakhs)

Year	Amount released	ITDAs covered
1998-99	117.18	Srisailam
1999-2000	217.33	Parvathipuram, Paderu, Kotaramachandrapuram and Srisailam
2000-01	100.00	Seethampeta
2001-02	262.27	Parvathipuram & Rampachodavaram
2002-03	100.00	Seethampeta, Paderu, Bhadrachalam and Srisailam
	796.78	

9.4 Twenty-six residential schools exclusively for PTGs have been set up from Class III onwards. Each such residential school has 420 PTG students. State Govt. has set up an exclusive ITDA for Chenchus at Srisailam. Village Tribal Development Agencies (VTDA) and ITDAs have been playing active role in formulating and implementing plans for their development of PTGs. Department of school education has developed teachers handbooks for Savara, Kolam and Chenchus and local specific learning material for PTGs.

9.5 Earlier attempts to introduce Chenchus to settled cultivation and dairying did not succeed. As far back as 1945, the Chenchu reserve was created in Telangana area and lands assigned to them besides distributing necessary agricultural implements, seeds, and milch cattle. The lands assigned to them were alienated and they returned back to their traditional livelihood of food gathering and hunting. Even in the Andhra area, Chenchu reserve was declared in the last quarter of the 19th century and attempts were made to introduce settled cultivation and dairying and land colonisation schemes in 1956 at Bairluty and Nagalooty Chenchu gudems but all these efforts failed. This shows the need for careful planning from grass-root levels and evolving of a programme of development suited to the Chenchus living in two different areas.

9.6 Commission would also like to mention that the Chenchus of the districts of Prakasam, Guntur and Kurnool and a few villages in Mahbubnagar were denied the right to participate in Panchayat elections because their names were not included in the electoral lists on the plea that Chenchus do not stay at one place and were not available when enumerators visited there. Sakti an NGO filed a writ petition in the High Court and directions were issued by the Court to the Panchayat Raj Department as well as the State Election Commission to include the Chenchus in the electoral rolls. Sakti mobilised the Chenchus and as a result 10,000 Chenchus voters were enrolled.

9.7 Visit to Temple Trust Board, Srisailam - The Commission visited Temple Trust Board Srisailam where it was surprised to note that none from among the Chenchus was on the 10 Member Board of Trustees, although Srisailam area is predominantly inhabited by Chenchu tribe (which is one of PTGs of the state). The Commission recommends that the Trust should have programmes for the development of Chenchus and to begin with they should be trained and given financial help in running tourism related activities in the temple town. Chenchus should also be brought on forefront of the Temple administration.

9.8 The State Government has established one separate ITDA for Chenchus. Despite efforts made so far, they continue to be poorest among the poor. The Commission recommends that each PTG should be nursed by an NGO with adequate support by the Central Government and State Government to take up programmes of continuing nature for their sustained development. There is need for a special unit in the Directorate of Tribal Welfare to look after the overall development of PTGs. The first priority for their development should be food security and healthcare. Development schemes introduced during earlier Plan periods, such as, colonisation and dairying etc. proved disastrous because these were executed without taking into consideration felt needs of the PTGs. The Commission further recommends that Government of India should review the level of development of all PTGs in the country and classify them

according to their levels of development so that strategy and programmes are well focused. Each state having PTGs should set up a "PTG Mission" so that pace of development is speeded up.

9.9 A brief note on three PTGs, namely, Chenchu, Kondasavara and Kondareddi is furnished at Appendix X.

10. Personnel Policy

10.1 State Government has initiated several steps towards personnel policy for TSP areas such as screening of personnel, single line administration, pooling of TSP funds of line departments with ITDA, designating Project Officer of Integrated Tribal Development Agency as Addl. District Magistrate etc. All ITDAs in the State are equipped with Fax, Internet facility etc., so that the communication facilities are improved. Further, computerization of all ITDAs and its schemes have been completed. Govt. of Andhra Pradesh has taken policy decisions to provide incentives to their employees posted in Scheduled Areas, such as, (a) Special Compensatory Allowance at higher rates (Rs. 225 to 540 p. m. in the State and in Rs. 275 to 615 p.m. in Scheduled Areas), and (b) Transfer to a posting of their choice after having served in Scheduled Areas for a period of three years. Several incentives such as additional HRA, Bad climate allowance etc., besides cash incentives for knowing tribal language are being granted. Chief Minister Gold Medal and Silver Medal for good work done by District Collector as well as Project Officer ITDA are other incentives introduced in 1986. It was however, informed that no such award was conferred upon any officer so far. Medical Officers working in tribal areas are given incentive of Rs.1500/- per month. Government has constituted Hospital Advisory Committees and included Project Officers of ITDAs as Vice-Chairman of the hospital committee for providing better medical care to the tribals living in agency areas. For smooth functioning of field level institutions appointment of local tribals as teachers, police constables, excise constables, forest guards, forest watchers etc., was reserved invoking the Fifth Schedule of Constitution.

10.2 Commission during their visit to tribal areas noticed at several places the paucity of government employees, frequent absenteeism, late arrival at place of posting and early departure to place of stay. Tribal leaders at many places expressed the view that Govt. employees have become delinquents and don't obey their seniors and approach the courts/SAT/CAT and bring stay orders. The Commission deprecates such an attitude of employees because it hinders the growth of tribals

10.3 **The Commission was of the view that recruitment of all the posts in category 'C' and 'D' of Government service in the Scheduled Areas may be made from among the tribals only. If necessary, a Peace Corps may be raised for multipurpose development of Scheduled Areas. Reacting to this observation, State Govt. apprised the Commission that policy of recruiting all the forest guards in Scheduled Areas from among the Scheduled Tribes is already in vogue. Seventy five percent of the police force in the Scheduled Areas is proposed to be recruited from the tribal candidates.**

10.4 In regard to Personnel Policy in tribal areas, Chief Minister opined that tribals should be recruited first and sent for in service training, later. Employees in the tribal area should be fewer, a better lot, and best cared for pool of manpower.

11. Single line administration

11.1 The ITDP/ITDAs have been established with the primary object of ensuring an integrated approach towards implementation of development progress for the tribals in the Sub-plan areas. In order to facilitate better coordination among all the functionaries operating in the Sub-plan areas and to meet the needs of the tribals who can look to a single agency for representing their grievances in development as well as regulatory matters, Government of Andhra Pradesh introduced the single line administration system in the Integrated Tribal Development Agencies (ITDAs) established in the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Khammam, Warangal and Adilabad so far as the tribal Sub-Plan areas are concerned. The Project Officers (POs) of the ITDAs who are in the senior time scale of IAS are designated as PO, ITDA and Ex-Officio Joint Collector (Tribal Welfare) and Additional District Magistrate. The POs of the ITDA holding a rank of Special Grade Deputy Collector of lower than senior time scale of IAS are designated as PO, ITDA and Ex-Officio Joint Collector (Tribal Welfare) and Additional District Magistrate.

They are invested with the following powers:

- (i) The powers, which are exercised by the Collectors, Jt. Collectors, District Revenue Officers shall be exercised by the POs of ITDAs.
- (ii) All Officers and staff in the sub-plan areas concerned with regulatory and developmental functions shall be under the administrative control of the PO, ITDA. The PO shall sanction the casual leave of all the Gazetted Officers working under his administrative control including the casual leave of Revenue Divisional Officers working in the sub-plan areas. PO shall also continue to be the approving authority of the tour programmes and countersigning authority for the TA bills of the officers concerned.
- (iii) The POs of ITDAs shall continue to be designated as Additional Agents so far as the agency areas are concerned.
- (iv) In respect of officers whose jurisdiction lies both inside and outside sub-Plan areas the officers will be responsible to POs, ITDAs as far as ITDA area is concerned.
- (v) The POs are authorized to call for any record, review and inspect the works being exercised by any department in sub-plan area.
- (vi) All postings and transfers of the highest Non-Gazetted and the Gazetted personnel in regard to and within ITDA areas should be made in consultation with the POs and such personnel will be screened as per Government Order dated 13.01.1977.
- (vii) In all the recruitments for sub-plan area, the POs, ITDA will be the Chairman or Member of the selection committee.
- (viii) (a) The PO, ITDA will initiate the Annual Confidential Rolls of the Development Officer, District Tribal Welfare Officer, District Educational Officer (Agency)/Dy. Educational Officer, Agency, Additional District Medical & Health Officer/Add. Dy. District Medical & Health Officer, Special Deputy Collector, Tribal Welfare, Divisional Manager, Girijan Cooperative Corporation, Executive Engineer, Tribal Welfare, Project Agriculture Officer and other Gazetted Officers working in the ITDAs under his control. The PO, ITDA shall also initiate the Annual Confidential Rolls of the Revenue Divisional Officers working in the sub-plan area.

- (b) The PO of ITDAs shall countersign the annual confidential rolls of Mandal Revenue Officers, Mandal Parishad Development Officers working in the sub-plan areas.
- (c) The POs of ITDAs will add remarks on the work of the other officers also working in the sub-plan areas wherever necessary.
- (ix) The powers exercised by District Educational Officer and District Medical & Health Officer in respect of administrative control, viz, sanction of leave, initiating the annual confidential rolls and countersigning the TA bills etc., over the staff working in sub-Plan area shall be delegated to the District Education Officer (Agency)/Dy. Educational Officer (Agency) and Additional District Medical & Health Officer/Dy. District Medical & Health Officer placed at ITDA.

11.2 The Commission recommends that all the Scheduled Area States should follow the example of Andhra Pradesh by introducing single line administration and appointing IAS Officers as POs, ITDPs and give them regulatory and development powers to ensure that the benefits of protective safeguards and developmental measures reach the Scheduled Tribes in ample measures.

11.3 The Government of Andhra Pradesh have taken several steps to ensure that the appointments to non-gazetted posts in the Scheduled Areas are filled by local tribals by invoking the powers of the Governor under the Vth schedule.

11.4 The Commission feels that a number of follow up actions are required to operationalize the personnel policy for the administration of tribal areas. In order to do so, the various Government Orders on the personal policy to the extent of Scheduled Areas administration have to be restated comprehensively in one order mentioning the policy of recruitment, transfers, promotions and special incentives to the staff working in the tribal areas and disciplinary procedures. A number of acts and service rules of different departments have to be suitably amended to enable the POs exercise the powers delegated to them under single line administration.

11.5 The Government of Andhra Pradesh have been sanctioning special compensatory allowance, additional house rent allowance and bad climate allowance to the staff working in the scheduled areas. The allowances are applicable to the staff uniformly across the scheduled areas. The Commission was informed that because of various departmental activities taken up in the last 25 years a number of scheduled villages have developed in terms of infrastructure and communications. Some of the scheduled villages are mandal head quarters and divisional head quarters, still some of the interior and remote scheduled area villages do not have proper facilities. This imbalance has resulted in an anomaly where the staff working in the developed villages are also drawing the same amount of incentives which the staff in the remote areas are drawing. It is generally experienced that the staff desire postings in a number of places in remote areas. **The Commission, therefore, recommends that to rectify this artificial anomaly it is required to categorize the areas as Grade 1 (Divisional head quarters), Grade-II (Mandal head quarters) and places having bus facility and telephone connection, and Grade-III (inaccessible locations). Appropriate incentives have to be worked out to the staff working in three areas.**

12. Tribal Welfare (Engineering)

12.1 The Tribal Welfare Department has taken construction work of educational institutions, minor irrigation works, laying of roads, drinking-water supply and other infrastructural facilities in tribal areas. The State Govt. has therefore set-up a special engineering wing under a chief engineer (TW) assisted by deputy chief engineer and at field level by 2 superintending engineers and 8 executive engineers with supporting staff. The Commission is happy to note that the special engineering wing set up by the State Govt. has speeded up construction works in the tribal areas. The Commission has also noted that a quality control cell was created in 1991-92 to keep a check over the quality of construction works undertaken by the Welfare Department.

12.2 The Commission recommends that on the analogy of Andhra Govt., the Tribal Welfare Departments in various States should set up an engineering wing to construct buildings in the tribal areas financed by the Tribal Welfare Deptt. At the same time, it is necessary that the Tribal Welfare Deptt. should set up a quality control cell which should not only check the quality of the construction works taken up out of the funds of Tribal Welfare Deptt. but also of works executed by other deptts. and wherever it is necessary, bring the matter to the attention of the higher authorities in time. There is no doubt that there are mechanism within other institutions also to initiate corrective measures but the short point remains that it is the responsibility of Tribal Welfare Deptt. to ensure that construction works executed by various departments in the tribal areas are according to prescribed specifications and that the money spent by the Government is not infructuously utilized. For this purpose, the head of the quality control cell must be a senior officer who can take up the matters with his counterparts in other deptts. to ensure that the buildings constructed in the tribal areas by various deptts. are durable and can be used for a long period of time. At the same time, it is also necessary that all deptts. should earmark sufficient funds for the maintenance of the old and new buildings constructed in the tribal areas.

13. Economic Development Programmes

13.1 **Agriculture** - In Andhra Pradesh 75% tribal families are dependent on agriculture and horticulture, 15% on agriculture and agricultural labour, 5% on animal husbandry such as goat, sheep and pig rearing and remaining 5% are engaged in the collection and sale of herbal medicines and other miscellaneous occupations. Type of farm holding in tribal areas is as under:-

Type of farm holding	Size of holding in acres		No. of holdings
	Wet	Dry	
Marginal	Upto 1.25	Upto 2.5	32216
Small	1.25 to 2.5	2.5 to 5.0	40,293
Big	More than 2.5	More than 5.0	10,907

13.2 The tribals living in the Scheduled Areas by and large have ancestral wet and dry lands. The primitive groups do not possess Patta lands and they are largely dependent on shifting cultivation. The dispersed tribal groups generally live in plain areas and they are

engaged in animal husbandry and other cottage industries. Crops raised in tribal areas are cashew, mango, ragi, red gram, dry paddy, wet paddy, jowar, bajra, pulses, niger and rajma beans.

13.3 With the introduction of latest high yielding varieties on production, tolerance and resistance of drought and pest, traditional low yielding varieties have been replaced and the average crop production has been increased by 50%. In some slope areas, field crops like dry paddy, *Sama* have been replaced with wet paddy, improved dry paddy, jowar and the income of farmers has risen from Rs.9,000 to Rs.20,000.

13.4 Due to implementation of improved varieties and package of practices in arable crop development the following changes in the productivity are reported:

Crop	Yield Kg per acre	
	Before	Present
Wet paddy	440	920
Dry paddy	300	371
Red gram	100	149
Maize	200	287
Sesamum	40	86
Ground nut	240	350

13.5 Tribal youth have been given training under various methods of grafting and raising nurseries. On an average a tribal family owned 1 to 3 acres of horticultural crops earning Rs. 5000 per annum and those who have planted pineapple along with cashew received an average annual income of Rs. 10,000. For Chenchu (PTG), ITDA Srisailam provided agricultural land for cultivation, supplied inputs, provided agriculture implements; organized demonstration plots and distributed seeds. Plough bullocks were purchased and made available to tribals. At times, land was purchased and distributed among the landless tribals.

13.6 Soil and water conservation -The tribal areas are very prone to soil erosion causing loss of topsoil effecting the agricultural productivity. There is urgent need for taking up integrated water management, watersheds schemes and selected canals construction of field channels and reclamation of water-logged areas. It is reported that the ITDA Bhadrachalam selected those microsheds where soil erosion and land degradation was severe. Emphasis was laid on farm ponds to store run off and use it as percolation as well as life saving irrigation for crops. The programme met with good success at Farm Pond, Kannapuram.

13.7 Minor Irrigation -Towards assuring sustainable development, the State Government has informed that minor irrigation facilities have been made available in about 56,000 hectares of land benefiting approximately 44,092 tribal farmers. The Commission visited the site where a minor irrigation tank is being constructed at Errasanivagu Chandralagudem village in Paloncha Mandal of Khammam district (ITDA – Bhadrachalam) at a cost of Rs. 170 lakhs. On completion, the tank will benefit 100 per cent tribal families (Koya) who number

455. They will be able to irrigate 1500 to 1686 acres of land in Naxalite area. Out of two bore wells in the village, one was out of order. The villagers were excited to dream the day when they could harvest paddy and groundnut on their irrigated lands.

13.8 In the absence of canals, tanks were of no use to tribals. In an evaluation study of minor irrigation schemes in Adilabad district conducted by the Tribal Research Institute in 2001, it was brought out that almost all the lift irrigation schemes have become defunct due to non-payment of electricity charges. Most of community irrigation wells were not provided with electric motors and they did not render any service. In an evaluation study of minor irrigation schemes in Adilabad and West-Godavari Districts, it was brought out that tribals were not consulted in the construction of check dams / minor irrigation tanks and also in the selection of motors for irrigation wells. Participatory management was found to be negligible. In many places, the contractors under the guise of village tribal development agencies (VTDA) are doing the work and some times outside labour is utilized to complete the works. Quality control as well as land development in the Aya Cuts (irrigable command area) have been ignored. **The Commission, therefore, recommends that in the water management plan and construction works participation of tribals should be augmented.**

13.9 Horticulture-There is great scope of advancement of horticulture in the tribal areas of the State. Horticulture crops grown in tribal regions are *chiranjia*, hill mango, custard apple, wood apple and wild ber. After the introduction of integrated development programmes mango, banana, custard apple, guava, pomegranate and ber with improved varieties were introduced and developed. Recently *amla* with improved varieties was introduced for economic development. Coffee, pepper and *japhrana* were also introduced. Value added items introduced in the tribal areas were (a) pulp-processing unit at Utnoor. (b) cashew processing unit at Parvathipuram. (c) pineapple juice extractor at Seethampet. (d) sago manufacturing unit at R.C.Varam and (e) coffee pulp extractors at ITDA Paderu with the help of Coffee Board.

13.10 ITDA Bhadrachalam trained 1,100 farmers during 2002-03 and established two Horticulture Nursery Training Centres, one at Garimellagpadu and the other at Pydigudem. The Commission was informed that it was targeted to produce 5 lakhs grafts of mango and 1.25 lakhs grafts of cashew during 2002-03 and earn a profit of about Rs. 27.50 lakhs. In ITDA Paderu, 2589 beneficiaries (ginger 589, turmeric 206, vegetables 1,794) were assisted in 2002-03.

Progress made by ITDA Parvathipuram is presented in the table:

	No. of ST Beneficiaries	Extent in acres	Expenditure Rs. In lakhs.
Cashew	45,953	50,372	900
Mango	1,622	230	0.5
Coffee	50	50	0.2
Turmeric	400	100	6.5
Total	48,025	50,752	907.2

13.11 In ITDA – Seethampeta, the tribal farmers have been motivated and provided support services for growing cashew, mango, pineapple, turmeric and custard apple so as to wean them away from practicing shifting cultivation.

13.12 The Village Service Society, Goidi, (Seethampeta) with 144 members look after the development of 500 acres of land. It has planted saplings of cashew, tamarind, mango, myrobalan, jackfruit and aonla. In the absence of adequate sources of irrigation, the survival rate of plants is only 60%. With the acceptance of horticulture particularly cashew, coffee and pepper, reduction in shifting cultivation has been noticed. Thus, traditional crops have been replaced by remunerative cultivation.

13.13 The Commission recommends that in order to promote agriculture and horticulture practices in tribal areas, soil conservation should be given priority so as to arrest soil loss and improve agricultural production. This will also improve ground water recharge and stream flows. All efforts are therefore necessary to increase the availability of water supply.

13.14 Livestock Development - Banjaras, Lambadas and Gonds, in the past were mainly pastoral and largely subsisted by maintaining cattle, selling milk and milk products. They are now becoming settled cultivators. It is reported that the tribals of Srikakulam and Visakhapatnam districts are not in the habit of milching the cattle. However, they are not averse to milch cows provided they are properly motivated by imparting the skills of cattle management to augment their income by selling milk.

13.15 Improved variety of plough bullocks, milch animals, breeding bulls and Giriraja birds were distributed to the villagers in ITDA, Bhadrachalam. The ITDA organized pasture development, introduced sheep rearing techniques and held veterinary health camps in remote areas. In ITDA, Seethampeta- Twenty tribals were given training for 60 days in animal husbandry practices to work as Liaison Workers in villages. The villagers were given jersey buffaloes and Vanaraja and Giriraja poultry birds. The Savaras (PTG) were also provided sheep units, plough bullocks and dairy units for improving their livelihood and income generation. The Project Officer, ITDA, Utnoor distributed ten Vanraja poultry birds to every tribal family of Kammugonda village and now each one of them has 30 birds. **The Commission recommends that livestock development should be encouraged by improving SGHs to enhance the income of the tribals.**

13.16 Power- In ITDA Bhadrachalam, as against carrying out electrification of 5 villages and 15 habitations in 2001-02, the work has been speeded up in 26 villages during 2002-03. Against a target of energizing 263 wells in 2001-02, only 110 wells were covered. In ITDA Paderu, only 1248 tribal habitations out of 3574 were electrified. **The Commission expressed their concern over poor connectivity of electric lines in the tribal hamlets.**

13.17 An experiment of generating electricity using Pongamia pinnata oil was conducted at village Chalbardi of Kerameri Mandal (ITDA Utnoor) with the assistance of SUTRA, Bangalore in 2001 at a cost of Rs. 2.50 lakhs illuminating houses of 15 tribals. It is envisaged to plant 53 lakhs Pongamia saplings in 21,000 hac at a total cost of Rs. 586 lakhs so as to benefit 20,000 tribal families. **The Commission observed the experiment of getting electricity out of Pongamia oil and were happy to see the participation of tribals. The Commission recommends that other variety of seeds may also be scientifically tested for extracting bio-oil. Power thus generated could be gainfully put to use in hilly and forest areas where laying down of electric lines will be costly. The Commission suggests that**

training is a prerequisite for promoting industries in the tribal areas. Village industries should be promoted in tribal areas in such a way that tribal youth get employment.

13.18 Industry - Major industries are not located in the TSP areas of the State, except for Heavy Water Plant, Manugar, A. P., Rayons, Kamalanagar and cement Industries in Adilabad. The State Government has informed that wherever industries are set up care is taken to adopt rehabilitation measures so that tribals are protected from facing any hardship. The State Govt. has opined that it would be better if tribals themselves are promoted as entrepreneurs for the State run industrial units with active participation of tribals. The tribals can be trained in setting up of small flour mills, rice mills with oil engine, carpentry, blacksmithy, bamboo basket making, bee keeping, leaf plate making, pottery, stone cutting etc. Handicrafts for self use and handicrafts for sale like sabra painting etc. could also be promoted.

13.19 The Commission was also informed that private and public sector industries have been given lands in the Scheduled Areas in contravention of the LTR Act and the Fifth Schedule of the Constitution. Some such private industries are, the Badrachalam Paper Board Limited (BPL) located in Palavanha, Khammam district; AP Rayons, Kamalapur, Warangal Dt.; Orient Cements, Devapur, Adilabad Dt.; and Nav Bharat Ferroalloys, Palavanha, Khammam Dt. Some of the public sector industries are Singareni Collieries, in four districts of the Scheduled Area; Sponge Iron India Ltd, Palavanha, Khammam Dt.; Manuguru Heavy Water Plant, Manuguru, Khammam Dt. and Andhra Steels in Palavanha. Some of the critical problems in this context are:

1. Transferring lands in scheduled area to a private company is a transgression of the LTR Act.
2. Private industries in the scheduled areas have not brought desired economic development to the local tribal communities, either in the form of employment or other opportunities for livelihood.
3. In the case of BPL, Bhadrachalam, there are only 24 tribals employed in the company. All the tribals who lost their lands directly and indirectly (to the company, the non-tribal settlers and migrant workers) over the years, the loss to agricultural activities, the loss of forests due to heavy deforestation by the company and the settlers, has not been accounted for.
4. There is pressure from private industries to set up power projects, especially mini-hydel projects in the Scheduled Areas by harnessing the hill-streams. By sanctioning such projects the government is allowing for intrusion of private industries which can easily alienate tribal lands once provided an entry point. Such projects can be easily given to the local tribal communities themselves which can manage these projects with basic skills and training imparted to them.

13.20. Displacement- Government of Andhra Pradesh, Social Welfare (T) Department vide their G.O. MS No. 64 dated 18.04.1990 has issued orders for taking various safeguards and measures for rehabilitation of tribals who have been displaced and dispossessed due to projects, industries, mines, wild life sanctuaries etc. A few important measures are as under:

- a) clearance of tribal welfare department of the state shall be necessary before taking up any schemes in the tribal areas of the state.
- b) plan for the rehabilitation of affected families shall be prepared in association with the people adversely affected and it shall be approved by the ITDA.
- c) plan of rehabilitation shall form part of the project report.

- d) As far as possible rehabilitation shall be taken up on land to land basis and some land may be provided so that the family is not completely uprooted.
- e) If adequate land cannot be provided employment should be provided at least to one member of each family displaced.
- f) The rehabilitation plan shall be executed under the direct supervision of ITDA concerned.
- g) A training programme of entrepreneurial skills with proper follow up may be built up at the time of execution of the projects for the displaced families.

13.21 State govt. has suggested that 'public purpose' under the Land Acquisition Act should be modified to the extent that it does not cause harm to tribals' interests. Under the PESA Act, rules are yet to be issued for making prior consultation with Gram Sabha mandatory for acquiring any land in the Scheduled Areas.

13.22 The Commission recommends that prior to taking up any development related activity in Scheduled Areas, undermentioned formalities must be completed:

- (a) survey parties should include representatives of tribal and revenue deptts. and also the gram sabha and the NGOs.
- (b) Provision of land should be made towards settling rehabilitation efforts and land compensation decided well in advance.
- (c) A provision of at least Rs. 50,000 may be made for construction of a house.
- (d) In case of submergence of forest lands, adequate compensation may be paid to tribals for loss of income out of Non-timber forest produce (NTFP).
- (e) Rehabilitation package should have approval of tribal welfare deptt.

13.23 Public Distribution System (PDS) -The PDS in the Scheduled Areas of the State is implemented through well-built network of domestic requirement sales depots of the Girijan Primary Co-operative Marketing Societies (GPCMS) affiliated to Girijan Cooperative Corporation (GCC). At present 839 DR depots are functioning in 10 districts. Essential commodities, such as, rice, sugar, edible oils, kerosene and other requirements such as dals, jaggery, iodized salt, coconut oil etc. are supplied. The tribal beneficiaries are issued ration cards by Revenue/Civil Supplies Deptt. GCC also supplies food provisions to all Tribal Welfare hostels. The functioning of DR depots is monitored and supervised by the officials of GPCMS, GCC, civil supplies, revenue authorities and advisory committees set up with the involvement of local tribals.

13.24 Communication Strategies and Communications - The State Government have developed communication strategy with regard to agriculture, horticulture, animal husbandry and fisheries sectors and are conducting training programmes of various protective laws like forest laws, land transfer regulations, atrocities Act, panchayat raj Act, money lending Act and the importance of health and education. Government have also provided roads for 7,792 tribal habitations out of 11,505 total tribal habitations. Post and Telegraph facilities have been made available to the most of the tribal habitations. Radios are available in all the tribal villages whereas the TV network is available in some of the road side tribal villages and all Mandal headquarters. Communication facilities like telephone and computers are available in all the roadside villages.

13.25 The Commission recommends that Small Rural Automatic Exchanges (not requiring air-conditioning facilities) and Integrated Time Division Multiple Access (point to multi-point device to cover sparsely populated tribal areas) may be set up in tribal areas by the Govt. of India.

13.26 Tourism- Some of the important tourism sites in tribal areas are Srisaïlam (Chenchu area), Bhadrachalam (Khammam district) and the more recent Borra Caves and Matsyagundam (Visakhapatnam district).

13.27 A.P. Tourism Development Corporation and A.P. Forest Development Corporation have initiated Eco-Tourism Projects in the tribal areas and Araku Valley in particular. Weekly markets are very popular places for tourists.

13.28 The Commission was informed that in Borra, Araku and Matsyagundam, tourism spots have been further subcontracted by the tourism department to private contractors or companies where tribals, including the priests, who were owners of the lands and religious places, are now working as casual labour. The revenue and incomes from these commercial activities are not shared with the local communities or used for local development activities in the areas.

13.29 The Commission visited Tourists Huts at Araku in ITDA Paderu, where State Govt. has constructed 26 huts based on the designs of dwellings of hill tribes and they are given on rent to the tourists @ Rs.100 per hut per day. The huts are made of waste material of coffee and other locally available wood logs at a cost of Rs.30,000 each. **The Commission appreciated this programme as 'Tribal Huts' have brought tourism closer to the promotion of tribal culture. The Commission recommends that tourism circuit in tribal areas should be carefully planned and managed by the Tribal Welfare Department and not the Tourism Department or the Endowment Board. Tourism Sector should not only be eco-friendly; it should also be tribal friendly.**

13.30 Girijan Cooperative Corporation (GCC) And Tribals Participation Organisational set up - The GCC is a Public Sector Undertaking of Govt. of A.P established in 1956 for the socio-economic upliftment of tribals. At present the Corporation is engaged in the service through a network of 1 Head Office, 1 Regional Office, 9 Divisional Offices, 43 Girijan Primary Coop. Marketing Societies (GPCMS) and 839 Daily Requirement (DR) Depots. Management of the Corporation vests in a Board of Directors consisting of not more than 18 of whom 5 are non-official Directors elected by the General Body, 11 Directors including the Chairman, Vice-Chairman and Managing Director nominated by the State Govt and 2 members nominated by the Ministry of Tribal Affairs, Govt. of India.

13.31 The elections are required by law to be held every 3 years by the cooperative societies. It is understood State Government has exempted the election to the post of 5 non-official Directors of the Board of Directions. GCC under its charter has monopoly rights to purchase minor forest produce, which is an important source of sustenance for the tribals. GCC also provides daily requirements of the tribals in inaccessible areas through its network of DR Depots. **Unless, elections are held regularly to the GCC and GPCMS, the tribals will have no meaningful role to play in the process of fixation of purchase price and policy**

making in regard to sale of MFP to monopoly purchasers. In 1995, "Sakti" filed a writ in the High Court about not holding the elections and on High Court's orders, elections were held in that year. But no elections have been held since thereafter. It is observed from the latest information furnished by the State Govt. that 18 GPCMS out of 43 have nominated Board of Directors and not the elected ones. NGOS suggested that GCC should include some elected members among the office bearers, besides nominated persons. This will give a true democratic character to the institution. If the elections are periodically held, it will create enthusiasm among the tribals who would come to know the issues that are confronting the GCC and help in strengthening the GCC.

13.32 In this connection, it is worth-mentioning that elections to the Primary Agricultural Cooperative Societies (PACS) functioning all over the State including Scheduled Areas are held every 3 years. Attention of the Commission was also drawn to the fact that in the PACS in the State, there is provision of election of only one Scheduled Tribe Director. **The Scheduled Tribes are dispersed all over the State and it is therefore necessary that the number of Directors in the PACS should be enhanced by taking into consideration the percentage of Scheduled Tribe population of the area in which PACS are functioning.**

13.33 Activities: Performance of G. C. C. at a glance during 2001-02 and 2002-03 was as given below:

(Rs. in lakhs)

Item	2001-2002	2002-2003
1. Procurement -MFP/AP	1561	1293
2. Sales-MFP/AP	1924	1501
3. Supply of DRs	7129	5652
4. Supply of Agricultural inputs	110	120
5. Turnover (Commercial) (2+3+4)	9163	7273
6. Credit Disbursement	356	161
Grand Total (5+6)	9519	7434

13.34 New strategies adopted by the Corporation, by way of concentrating in MFP, scientific training of tribals, collection of medicinal herbs, value addition approach, advance sale tie-up and joint venture agreement, retail marketing, associating the self-help groups and improving sale of other domestic requirements have been appreciated by the tribals. In many MFP items, the new techniques for gum tapping has increased the quality of gum manifold, which resulted in higher returns to tribals. The honey produced by GCC is' now of premium "Agmark Spl. Grade" quality and resulted in good retail market. NATFLOC prepared out of cleaning nut is a natural substitute for Alam and has gone through all tests and is being marketed by the GCC. The Bioflocculant extracted from cleaning nut has the property of binding heavy metals like Uranium, Thorium, Gold, Arsenic etc. The product was successfully tested at Hyderabad for Uranium absorption and a pilot plant project is likely to be set up in collaboration with National Metallurgical Laboratory. For ensuring better remunerative prices to tribals through value addition, GCC produces AG Mark "Spl" Grade Honey, Neem and Turmeric Soaps of ISI Grade A, Shikakai and Soapnut powders. The Commission visited the soap-making unit at Vizanangaram where 15,000 soaps are made by tribal women everyday. Cost of a soap being Rs.5.60 and sale price Rs.9.00, the net profit is Rs.3.40 per soap. GCC used to provide credit facilities for meeting the consumption needs. Quantum of assistance for one family was Rs. 750. The scheme has been discontinued since 1995-96 because of high percentage of overdues. During 1990-91 to 1995-96, an amount of

Rs. 138.08 lakhs was disbursed by GCC through its affiliated societies but only Rs. 72.22 lakhs (52%) could be recovered till 31.3.2003.

13.35 SAKTI (an N.G. O.) made a survey of the indebtedness of tribals of Andhra Pradesh who were mortgaging the future produce of their tamarind trees to merchants due to their need for petty loans. This resulted in their being forced to sell the produce at a highly discounted rate. The Project Officer ITDA, at SAKTI's instance, successfully convinced nationalized banks in the area to advance loans ranging from Rs. 300 to 500 to tribals as and when they approached the bank. This loan was advanced after obtaining a surety from SAKTI. SAKTI ensured that the tribals repaid the money on harvesting the produce from their trees. This relieved the tribals from the burden of further indebtedness.

13.36 The Commission recommends that a few NGOs may be identified and entrusted with the task of standing surety before the Banks so that tribals could obtain petty loans (upto Rs. 500) for meeting their day-to-day requirements. An amount of Rs. 50,000 may be given to an NGO towards the revolving fund for helping about 100 ST families. Administrative expenses could be met by the NGO out of the interest amount of the fixed deposits.

13.37 NGOs suggested that GCC may be assisted to set up at least two cold storages to store tamarind to ensure fair price to the tribals. The Commission were happy to note that the GCC has made its presence felt in the tribal society in regard to marketing of minor forest produce and agricultural surplus products. They however observed that the tribals did not get competitive and remunerative rates for their produce. The Commission further recommends that whenever drought like situations are noticed in the Scheduled Areas, the State Government should assess loss of minor forest produce besides loss of agricultural crops. This will protect the interests of tribals who depend heavily on minor forest produce. The State Govt. should open up works to meet the scarcity situation with added vigor in these areas where there was loss in production of agricultural crops as well as procurement of M.F.P. This should be monitored by the State Govt. and the G.O.I. in the Revenue, Forest and Tribal Development Departments.

13.38 **Minimum Support Price for MFP-** The GCC procures MFP from the tribals, markets the produce and offers highly remunerative prices to the tribals. But there have been instances where GCC is not able to offer remunerative price due to sluggish market conditions. For example, in the case of tamarind, TRIFED failed to purchase from GCC during 2001 crop season, but Corporation purchased 1,46,000 quintals of seeded tamarind at Rs.6/- per kg. in the interest of tribals. The Corporation could not sell this quantity of seeded tamarind due to continuous slump in the market, with the result that about 1/3rd of the purchased quantity of seeded tamarind remained unsold.

13.39 The country has a system of minimum support price for agricultural produce which is announced before the sowing season to help farmers all over the country and thousands of crores of rupees are spent in purchasing the agricultural produce of the farmers through Government agencies. This scheme of the Government of India has ushered in food security in our country. Likewise, MFP is a major source of sustenance of the tribals and the Commission, therefore, recommends that the Government of India should appoint a

body of experts to determine minimum support price to be announced before the collection season starts for MFP to protect the tribal gatherers from vagaries of market.

13.40 Value addition to MFP - When there is abundant crop of minor forest produce due to favourable climate conditions the market price for certain MFP items goes down and if the Corporation decides not to purchase MFP from the tribals it creates unrest among them and it is a set back to their economy. Keeping these factors into account the Corporation has chalked out a programme of setting up processing units focused on giving value addition to MFP and marketing the product in blended form. The initiative taken by the Corporation has produced good results. **The Commission recommends that the Government of India should release funds to the Corporation for setting up new processing and value addition units for MFP items.**

13.41 Credit Risk Fund - GCC has been disbursing agricultural loans to the tribals through its affiliated societies since 1991. The tribal areas in the state have been reeling under drought conditions for the last several years and the recovery has been poor compelling the Corporation to divert their working capital towards issue of loans to the tribal members. **The Commission, therefore, recommends that all overdue loans pending for more than six years against the tribals (amounting to Rs.26.50 crores) should be reimbursed to the GCC and at the same time a Credit Risk Fund with Corporation for Rs.5 crores should be created to meet the future credit risk.** The GCC provides loans to the affiliated societies but there is a deficit in shareholding of the societies to the tune of Rs.26.02 crores, and the societies are therefore, handicapped in providing loans to the tribals. **The Commission, therefore, recommends that the Government of India should provide funds towards shareholding of the societies affiliated to the Corporation to meet their shareholding deficit with the Corporation.**

13.42 Trading in Medicinal herbs - The 10th Five Year Plan has suggested that "In situ conservation of medicinal plants is to be done in the protected areas such as sanctuary, national park, Biosphere reserve etc. Natural forest rich in medicinal plants should be identified and managed for supply of crude drugs". Due to deforestation and degeneration of MFP, the tribals are losing their income day by day. The Corporation has carried out a quantitative resource survey and identified 42 medicinal plants / herbs for commercialization which will serve an alternative source of livelihood for the tribals. The survey report envisages training of tribals in collection, preservation, processing and marketing of medicinal herbs and **the Commission, therefore, recommends that the Government of India should sanction additional grant to the Corporation for promoting use of medicinal herbs in the country.**

13.43 Additional Support Sought: GCC has suggested that the Government of India should declare minimum support price for the MFP procured from the tribals on par with the agricultural produce. This assistance would benefit tribal families. Government of India should also sanction grants to the Corporation for meeting the losses sustained by them in purchase and sale of MFP, creation of a price fluctuation fund, reserve fund to meet losses due to sudden slump of prices of MFP commodities already procured, to write-off all overdue loans pending for more than six years against the tribals, creation of a credit risk fund, augmentation of share capital for advancing loans to societies affiliated to Corporation, develop medicinal plants as an alternate source of livelihood to tribals, money for new

processing centres and value additions of MFP. The GCC has also requested that the State Government should reimburse the actual cost to the Corporation in transporting essential commodities to the tribals in most inaccessible and interior areas. The money asked for by the Corporation from the Government of India is summarized below:

Sl.No.	Particulars	Total (Rs. In crore)	
1(a)	Price Fluctuation Fund for meeting the possible future losses on MFP so as to provide Minimum Support Price		5.00
1(b)	Reimbursement of losses incurred on account of purchase and sale of MFP during the years 2001 and 2002:		
	(a) Tamarind	4.00	
	(b) Myrobalans	0.51	
	(c) Marketing nut	20	4.71
1(c)	Reserve Fund to meet consequential losses due to sudden slump in market for MFP commodities		6.00
2(a)	Creation of Credit Risk Fund to meet the future credit risk on loans disbursed to the tribals by societies affiliated to the Corporation.		5.00
2(b)	To write-off all the overdue loans pending for more than 6 years advanced to the tribals through societies affiliated to the Corporation.		26.50
3.	Share capital support for advancing loans to societies affiliated to the Corporation to meet their deficit share holding with GCC.		26.02
4.	Training in collection, preservation, processing and marketing of medicinal plants		0.53
5.	Working Capital Support for marketing development activity, establishment of new processing units & training programmes and value addition		1.20
	Total		74.96

13.44 The Commission has noticed that TRIFED as well as state level institutions dealing with MFP are not in a healthy financial condition. We therefore, recommend that the Ministry of Tribal Affairs should engage a reputed management organization to undertake a study and suggest measures to revamp TRIFED as well as state level institutions in a co-coordinated manner so that exploitation of MFP can lead to improvement in the economic conditions of STs all over the country.

13.45 Andhra Pradesh Scheduled Tribes Cooperative Finance Corporation Limited (TRICOR) - TRICOR was established in October 1976 to tap institutional finance for taking up income generating economic activities for the tribals. TRICOR selects the individual beneficiaries or members of cooperative societies whose income is below the poverty line. TRICOR has its branches all over the tribal areas. It is however, functioning as a nominated Govt. body and elections are not held to its Board of Directors. If elections are held regularly, it will create awareness among the tribals and elected members of the Board will be able to ventilate the grievances of the tribals.

13.46 Institutional arrangements to strengthen the protective measures- Andhra Pradesh is having protective measures and corresponding institutions also to protect the interests of tribals. GCC is vested with monopoly rights to purchase MFP from the tribals collected from the reserved forests. Precious stones are another commodity in which many traders are

exploiting the tribals. The collection and marketing of precious stones has also been brought under a separate branch under TRICOR but this has not commenced its work. Tribal areas are rich in water resources, which can be tapped for generation of hydel energy. The Govt. has constituted the Tribal Micro Hydel Corporation, which has exclusive rights to tap the hydel sources in tribal areas.

13.47 Externally Aided Projects

13.47.1 Andhra Pradesh Participatory Tribal Development Project-Andhra Pradesh Participatory Tribal Development Project (APPTDP) with support from IFAD, Rome had been under implementation since 1994-95 with an outlay of Rs. 185.50 crores (including credit, peoples' contribution and contingencies) spread over seven years and ended on 31st March, 2003. The objective of the Project was improvement of food security, ecological security, economic development through natural resource development and human resource development with technological, social, political innovations in a compatible adaptive way of the existing systems. The target areas of the Project were 28 watersheds, 1016 villages and 76,810 families and the tribal groups benefited were Koyas, Konda Reddis, Chenchus, Kolams and Gonds. The expenditure incurred under the Project was Rs. 188.00 crores and irrigation was provided to 1.2 lakh acres, 32,190 acres of farm land and 42,845 acres of horticulture gardens were developed. Soil conservation measures were undertaken on 48,330 acres. 2,775 thrift cooperative societies were organized with 38,519 members and Rs. 4.93 crores of savings were generated. The Project financed by the IFAD was completed in March, 2003 and a new scheme called 'Velugu' funded by World Bank was launched.

13.47.2 Velugu Project: ("Lamp" which shows path for the poor) - This is a growth-oriented strategy to eradicate poverty. The key elements of the poverty eradication strategy are pursuing rapid economic growth, promoting human development, enhancing social capital of the poor by fostering organizations of the poor and their capacity building, promoting sustainable livelihoods of the poor, focusing on backward Mandals and poorest of the poor and redesigning of the administrative delivery machinery. For the effective implementation of Velugu Project under the caption Andhra Pradesh District Poverty Initiatives Project (APDPIP), an autonomous society called Society for Elimination of Rural Poverty (SERP) at the State level has been established. In order to give focus and achieve convergence between the Velugu Project and the ITDAs, Govt. has set up a separate Tribal Project Management Unit (TPMU) under the Project Officer, ITDA for social mobilization and empowerment of tribal communities in the TSP areas. The new strategy, the Govt. has adopted lays emphasis on capacity building of the tribals for poverty eradication. The Commission feels that this new set-up will help in bringing up economically BPL families in the tribal areas. As mentioned earlier, State Govt. must ensure that the norm of TSP must be applied to all externally aided projects.

13.48 Giri Shakti Programme (Hill Top Villages Programme) - State Government introduced a new approach of "Total development of remote inaccessible Hill Top Villages", which remained unserved so far. The programme as given below was set into motion in 26 Hill Top Villages of Pachipenta Mandal of ITDA Parvathipuram among 408 households covering a population of 2000 persons:

- | | |
|-----------------------------|----------------------------|
| 1. Drinking water | 24 wells @ Rs. 30,000 each |
| 2. Economic support schemes | Rs. 48 lakhs |
| 3. Horticulture | 235 acres (235 families) |
| 4. Approach road | Rs. 10 lakhs |

5.	Checkdams	7
6.	Revolving fund of Self Help Groups	Rs. 10,800
7.	Tool kit for artisans	17 persons

Based on the success of holistic approach, the project is proposed to be extended to 251 villages during February 2003 to March 2004 at the cost of Rs. 28 crores.

13.49 Visit to Kusumi Village (Seethampeta ITDP) -Kusumi village with 21 households of Jathapu tribe is a centrally located village in the valley surrounded by 650 households of hill top villages. The tribals visit Kusumi village to collect ration and other daily requirements from the Fair Price Shop. The tribals sell their m.f.p. and agriculture produce at the shop. On 30.03.2003, tamarind was purchased @ Rs. 4 per Kg. and cashew @ Rs. 3.60 to Rs. 5 depending upon the quality. Annual turnover of the Shop was Rs. 2 lakhs.

13.50 The ITDA Parvathipuram has been given Rs. 5 crores towards economic development, dairy development, vegetable cultivation and capacity building. The ITDA has carried out its activities in the Hill Top Villages for their development. The villagers have been motivated to adopt improved practices in animal husbandry, poultry and cultivation of cashew and arhar / tuar. The Village Project is monitored by a local tribal who has been designated as Community Co-ordinator.

13.51 The Commission appreciated the approach of State Govt. for developing Hill Top Villages. It recommends that a special Plan of Action for development of tribals living on higher elevations may be prepared for being funded out of Central Assistance.

13.52 Self Help Groups of Women - The women Self Help Groups (SHGs) are playing an important role in development of tribal area. 4,000 SHGs are working in the tribal areas. The SHGs not only undertake income generating activities but also act as community development co-ordinators and monitor the execution of programmes in the villages. By empowering the women, the tribal community has been empowered.

13.53 The Commission discussed tribal issues with the SHGs of Marlawal and Powerguda villages and also the members of village service society of ITDA, Utnoor. Growing unemployment among the youth, availability of power for only nine hours, poor housing conditions, non-availability of safe drinking water and non-functioning of grain bank for the past 3 years were major problems. Execution of old age pension scheme, supply of rice at the rate of Rs. 3 per kg out of PDS, collection of MFP and training in vocational skills were reported to be satisfactory.

13.54 Smt. Laxmi Bai of Kammugada village in ITDA, Utnoor inhabited by Kolam tribal community included in PTGs explained the soil conservation works taken up by SHG in the village. She had drawn a map of the village on the floor of a house and by different colours and symbols was able to explain how by contour bunding and plantation of trees etc., water table in the wells and percolation tank has increased. The SHG was given money for execution of works and was able to save money, which they are using for advancing loans and other schemes. The SHG has purchased a jeep, which is run as taxi on hire. Net profit that

they have earned amounts to Rs. 2 lakhs after paying salary of Rs. 1600/- p.m. to a driver and Rs. 600/- p.m. to a cleaner. The SHG has been able to convince the farmers to pay minimum wages to women at par with men i.e. Rs. 50/- per day.

13.55 The tribal women of Powerguda village were proficient in explaining the development programmes by making a sketch map on the ground in different colours. With the increase in ground water level, the villagers have taken soyabean and gram crops and raised 7 to 12 qtls of foodgrains a year. In the execution of civil works of Rs. 30,000/-, the SHG has been able to save Rs. 10,000/-. Smt. Subhadra Bai, (Gond) spokeswoman of SHG was sent to Chitradurga in Karnataka for attending a training programme on building entrepreneurship among women SHGs. She also represented SHG on Independence Day, 2003 at Hyderabad. SHG Powerguda was successful in motivating their menfolk to give up liquor and no male member of the village has taken liquor for the last four years. The village has planted saplings of Pongamia Pineta for extracting oil out of its seed, which is used as substitute for diesel. The village also planted 5 lakh saplings of cashew during 2002 and has plan to go in for another 20 lakh saplings during 2003.

13.56 **The Commission appreciated the work being done by SHGs. Govt. should depose their full confidence to SHGs in years to come and entrust them with higher responsibilities.**

13.57 Arts and Crafts - The subsidiary occupation of some of the STs is related to their traditional art and crafts, such as making of agricultural implements, musical instruments, bamboo baskets, grassmats, combs made of lightwood, foodgrain containers and storage drums. They also make fancy items, such as flower vases, decorative pieces and wall hangings, wood carvings, toys etc. Preparation of idols of Gods and Goddesses are popular among the tribals of Adilabad district. Lambada women are good at embroidery work, dress making, mirror work on dress materials, sarees, handbags, purses etc.

13.58 Outlets for these items being very limited, such as, industrial cooperative society for Yenadis, at Nellore, tribal museums and vocational training institute at Bhadrachalam and DRDA sales counter at Srisailam, art and crafts items have not been found to be economically viable and remunerative in the present day market economy.

13.59 **The Commission therefore, recommends that the tribal arts and crafts should be displayed, and popularised by one and all in the Scheduled Areas. Respect and love for preserving tribal heritage should be developed in all the educational institutions, hostels and government offices and among the public. A token budget of say Rs. One thousand per year may be approved for each Gram Sabha for distributing toys to children or for musical instruments to hostels. What is needed is a "message" that tribal heritage is our ancient culture and each family has to have at least one item as a symbol of our past glory. Marketing of "ideas" should precede the marketing of "product".**

14. Social Development Programmes

14.1 Education - Education occupies crucial place in human resource development. The Education Commission (1964-66) referred to education as an instrument of peaceful social change. The state government took major initiatives in tribal education after naxalite

movements. Exploitation and resultant deprivation and alienation of land in tribal areas is the outcome to widespread ignorance and illiteracy. Once the tribals are educated and equipped with new skills and knowledge, they will be able to safeguard their own interests. The tribal areas are endowed with rich resources such as lands, minerals, water, forest etc. and to harness these resources, they should be properly educated in order to derive maximum benefits.

14.2 Literacy - The literacy levels among the STs of the state are extremely low when compared to national and state levels. The details of literacy rates at national and state levels for both general and tribals from 1951 to 1991 are given below:

Sl. No.	Census Period	All India Literacy %		Andhra Pradesh literacy %	
		General	Sch.Tribe	General	Sch.Tribe
1.	1951	16.67	5.96	15.81	3.46
2.	1961	28.29	8.54	21.19	4.41
3.	1971	34.45	11.29	24.57	5.34
4.	1981	36.23	16.35	29.94	7.82
5.	1991	52.11	29.60	44.09	17.16

It will be seen from the above table that the literacy rate among the STs in Andhra Pradesh is not even half of the national literacy of scheduled tribes as per 1981 census. During 1951 to 1981 in Andhra Pradesh the general literacy growth rate in each decennial period was almost four times more than that of scheduled tribes. A study of literacy percentage of STs in Andhra Pradesh compared to ST literacy of other states of the country, in 1971, 1981 and 1991 censuses indicates the lowest level of percentage of literacy among STs in the state.

14.3 Tribe-wise Literacy Levels- Tribe-wise rate of literacy for 1991 has been furnished at Appendix XI. It is seen there from that state average for S.T. for the state is 17.15 (Male (25.25%) and Female (8.68%). The tribes showing less than 10% literacy rate are as under:

1. Kondh 5.19
2. Porja 8.66
3. Kolam 9.46
4. Mukhadora 9.86

14.4 ST females returning less than 10% literacy rate belonging to 14 communities are as under:

- | | | | |
|-----------------------|------|--------------------|------|
| 1. Gadoba | 9.02 | 8. Mali | 7.32 |
| 2. Gond Naikpod | 5.64 | 9. Mukhadora | 4.40 |
| 3. Goudu | 9.91 | 10. Nayak | 8.84 |
| 4. Jatapu | 9.81 | 11. Porja | 3.03 |
| 5. Kolam, Mannervarlu | 4.01 | 12. Savara | 7.0 |
| 6. Konda dora | 7.61 | 13. Sugali/Lambada | 5.68 |
| 7. Kondh | 2.18 | 14. Yenadi | 9.91 |

14.5 Data on incidence and causes of drop out, number of educational institutions, incentives provided to students, examination results and special measures taken by the State Government are furnished at Appendix XII.

14.6 Commission's visit to Educational Institutions

14.6.1 Tribal Girls Residential School, Asifabad, Adilabad District. The School admitted 544 boarders from class VI to XII. It has all the facilities of a good hostel with neat and clean kitchen and the school has good faculty to teach computers, maths and science and the Commission found that the general-knowledge of students was satisfying. The Commission, suggest that tribal students should be given wide exposure through tours and excursions, visit to various fairs and festivals in the State and outside.

14.6.2 Residential School and Junior College for Girls, Sudimalla, ITDA, Bhadrachalam - The institution was established during 1990 to provide better educational facilities for the tribal girls with 60 students enrolled in class III, in two sections. This institution has become full fledged higher secondary school having classes III to X in the year 1997-98. Now 90 ST girls are admitted in class VI (entry point) every year. The selection of students is made based on the performance (merit) in the entrance test conducted for admission exclusively for 100% ST girls under the jurisdiction of ITDA. All the students are boarders and provided free boarding and lodging facility.

Results of SSC Exam for the last three years were as under:

Year	No. of students appeared	Percentage of passes
1999-2000	76	76.3%
2000-2001	72	76.39%
2001-2002	72	87.5%

Introduction of computer education- During 2002-03, the Govt. of A. P. approved the computer education programme in this Institution to provide e-skills in Information Technology to all the Tribal Students. The Computer Lab is provided with 16 Personal Computers. Some of them had the ambition of becoming IAS/IPS Officers. Ku. Varlaxmi (Lambada) represented the State in Volleyball in 2003. Ku. Jyoti and Ku. Ramalaxmi of Kondareddy tribe (PTG) were other upcoming girls in Class X and XII respectively, who needed care and proper follow up. **The Commission suggest that the School may be equipped with musical instruments and teaching in Home Science.**

14.6.3 Residential School for girls at Arakkuvalley, Paderu- The School has enrolled 340 girls in classes I to X. The boarders wore very good uniform. The premises were neat and tidy and the faculty was responsive. The Commission suggest that **colour and design of uniform of tribal students in the residential schools should preferably be common throughout the State.**

14.6.4 Visit to Residential School for S. T. Boys, Lal Tikidi, ITDA, Utnoor -The Commission visited the school having 320 tribal boarders. During 2002, the result of SSC students of this school was 86%.

Tribal Research Institute conducted an evaluation study on the functioning of Residential Schools for Scheduled Tribes, in which it was recommended that parents belonging to PTGs sending their girls to schools should be supplied rice as an incentive. Special coaching was also recommended in subjects like english, maths and science. The talent of tribal children in arts, sports and games should also be harnessed.

14.6.5 Vist to Chonpunguda Village in ITDA, Utnoor - The SHG headed by Smt. Bheem Bai (Gond) has been doing good work. They have been able to admit all the school going age children to the school and sometimes the children and adults study upto 8 p.m. As on date the whole village is literate and it has achieved unique distinction.

14.6.6 Visit to Addakullagunda Village (Seethampeta)- The Commission visited a residential school at Addakullaguda village set up for the children who used to work as child labourers. After attending a bridge course, they were admitted to the regular residential school. During February 2003, 136 children were admitted into the school.

14.7 Emphasis on Residential Schools- The State Government informed the Commission that education was the first step to bring development among the tribals and that the State Government planned to expand existing ashram schools for tribals from 500 to 2,000 in next 5 to 10 years, so as to build adequate educated ST manpower. The Commission appreciated the gesture of the State Government.

14.8 On the basis of initiatives taken by the State and impressions that the Commission had during their visit to the State; they make recommendations as under:

- (1) **Special Literacy Projects may be launched for tribal women whose rate of literacy has been less than 5% according to 1991 census. Placed at the bottom are Kondh (2.18%) and Porja women (3.03%) and they require an umbrella approach and not merely 3 R^s.**
- (2) **Government of India should set up Navodaya schools at all ITDA headquarters.**
- (3) **The Commission observed with concern high dropout rate of ST students after passing out SSLC course, as their enrolment at Post-matric level was not encouraging. Special staff and facilities are necessary for teaching science and mathematics, so that tribal students were enabled to join professional and technical courses.**
- (4) **Special financial incentive over and above available under post-matric scholarships scheme should be provided by the State Govt. to STs to pursue professional courses.**
- (5) **Vocational educational institutions may be established in each of the ITDAs for ST students in the ratio of one such institution for every two higher secondary**

schools. This will take care of those students who don't have desire to pursue higher studies.

- (6) More funds for building up educational infrastructure in tribal areas may be released under Article 275 (1) of the Constitution of India.**
- (7) State Govt. may consider setting up a National College for Tribals wherein tribals from all over the country could pursue higher studies in legal, medical, managerial and technical courses.**

14.9 Health -Tribals lag behind compared to the rest of society on health indicators such as life expectancy, infant mortality, crude death rate, under five mortality, maternal mortality, population growth rate, ante-natal care for pregnant women, immunisation coverage and births attended by trained staff.

14.10 Tribal areas are inaccessible, especially in the rainy season, which is also the time when the population is most susceptible for spread of epidemics such as gastro-enteritis and malaria.

14.11 Yaws was identified among Koyas of West-Godavari and East-Godavari Distts. Sickle cell anemia and goitre are also reported among tribals. Efforts to eradicate leprosy are being taken with the assistance of the Leprosy Control Society. State Government gave priority to the tribal health delivery system for every 20,000 population in tribal areas through PHCs. ITDA wise medical institutions functioning in the State are as under:

SI. No.	Name of the ITDA	Govt. Hospitals	PHCs	Mobile Units	Dispensaries	Other hospitals
1.	Sectampet	1	6	1	1	0
2.	Parvathipuram	0	9	3	1	2
3.	Paderu	4	15	6	7	0
4.	RC Varam	3	8	0	6	0
5.	KR Puram	1	4	3	0	0
6.	Bhadrachalam	13	31	5	3	0
7.	Eturnagaram	2	13	1	0	0
8.	Utnoor	1	19	4	2	0
9.	Srisailam	1	8	1	0	0
	Total	26	113	24	20	2

Apart from the hospitals and dispensaries and primary health centers maintained by the Medical and Health Department, the Tribal Welfare Department provides funds for running 16 hospitals, 16 dispensaries and 23 mobile units. Two Mobile Medical Units are under the control of Indian Systems of Medicine Department with the funds provided by Tribal Welfare Department. Three rural medical dispensaries and 6 maternity and child welfare centres are maintained by the Tribal Welfare Deptt. The State Government sanctioned 8500 Community Health Workers (CHW) for the tribal areas.

14.12 Referral and Emergency services- Whenever the tribal patients approach the Project Officers of ITDAs for their cardiac and other serious health problems, they are taken care of and are admitted in the hospitals as advised by the local doctors to the referred hospitals.

14.13 Action Plan for 2003-04, included following schemes:

- (a) refresher training programme to 8500 CHWs
- (b) To conduct *kalajathas* on the following subjects:
 - (i) Clean drinking water
 - (ii) Hygiene and sanitation
 - (iii) Fever and malaria
 - (iv) Institutional deliveries
 - (v) Immunisation
 - (vi) Need to access government health facilities
- (c) to take up maintenance of infrastructures, equipment for all the tribal PHCs i. e. @ Rs. 2.00 lakhs.
- (d) to supply required drugs in Tribal PHCs and other hospitals keeping in view the local demand.
- (e) to depute 850 CHWs to undergo clinical training in Academy of Nursing studies for two months.

14.14 Medical & Health Services in tribal areas- In Dec, 1993, the Government of Andhra Pradesh in the Health, Medical and Family Welfare Department created Andhra Pradesh Tribal Health Services comprising all posts in the category of Civil Assistant Surgeons, Deputy Civil Surgeons, Civil Surgeons attached to the institutions located within the tribal sub-Plan area/ITDAs. Further, the Government created the post of Additional District Medical and Health Officers and Deputy District Medical and Health Officers in the ITDA headquarters for better supervision of the medical and health institutions functioning in the tribal areas. Some of the Government hospitals, primary health centres and government dispensaries were transferred to tribal health services.

14.15 In 2001, the state government constituted Hospital Advisory Committees (HAC) and included Project officers of ITDAs as Vice Chairman of the HAC in the Scheduled Areas, and thus the Project officers have been authorised to supervise the health related activities in the tribal areas. In order to facilitate the PHCs to prevent outbreaks of epidemics and to take timely action, jeep cum ambulances have been provided to all the PHCs. Wireless network has been installed connecting the PHCs, ambulances and ITDA offices. Specialist medical camps are also organised in the tribal areas.

14.16 Upgradation -The Commission was informed that proposal to upgrade 20 dispensaries in the tribal areas into PHCs and set up 17 new PHCs was under consideration of the government.

14.17 During the field visits to some of the ITDAs, it was reported to the Commission that malnutrition, anaemia, stomach disorders and malaria were rampant. T.B. is also reported in some areas. For ITDP, Utnoor, State Government has sanctioned 1,000 posts of child health workers. For a total of number of 66 health institutions, in ITDA Bhadrachalam 667 posts of health staff were sanctioned of which 54 posts were vacant. In ITDA, Paderu 9 posts of

doctors out of 49 were vacant. Progress made in the upkeep of health in 2002-03 as compared with 1997-98 is shown below: -

Sl. No.	Health Indicators	1997-98	2002-03
1.	Infant Mortality Rate	80	68
2.	Maternal Mortality Rate	4	3
3.	Birth Rate	33	28
4.	Death Rate	12	9.3
5.	No. of Diarrhoea deaths	18	3
6.	No. of T.B. Deaths	8	19

14.18 It may be seen that high incidence of T.B. in Paderu area is a matter of concern. At ITDA Parvathipuram, medical camps were organised at different places (108). After attending the patients with minor ailments, 340 cases were referred to the hospital at district headquarters and 230 cases of cataract were operated upon by the ITDA doctors. In ITDA Seethampeta, on every monday, a Girijan Darbar is held where tribal patients are screened and those requiring special attention are taken to Srikakulam or Visakhapatnam. Cost for transportation is borne by the ITDA. On all weekly market days, PHC level clinics are organised to help the sick. In ITDA, Srisailam for Chenchus, the Project has provided ambulances and posted trained community health workers.

14.19 Absenteeism among Medical Personnel -The Commission during its tour was informed that absenteeism among medical and health functionaries in the tribal areas is still high.

14.20 The Commission therefore recommends that adequate incentives as under may be provided by the Government to the medical personnel:

1. Sanction of 50% of basic pay as special allowance for Medical Officers and at least 30% p. m. of basic pay to para medical staff working in the tribal areas.
2. Provision of rent free accommodation for medical personnel.
3. A separate quota in PG Courses may be provided for the Medical Officers after taking a bond for serving at least for five years in the tribal areas.
4. Reimbursement of expenditure on children's education of medical personnel in Best Available Schools in the district.

14.21 The Commission further recommends that a full-fledged separate Directorate for Tribal Health under the State Health, Medical and Family Welfare Department should be created for maintenance of the medical and health institutions in the tribal areas and all State Plan/TSP and CSS funds should be released through the Director for Tribal Health. The Commission observes that in the event of the incumbent Medical Officers proceeding on study leave or other type of long leave, there are chances that the tribal health services may be adversely affected. The Commission, therefore, recommends that in order to overcome such eventualities, the cadre strength of medical officers should be increased by 10 percent so that through this inbuilt mechanism the vacant posts are filled up instantly without disrupting health services in the tribal areas. If necessary a college each for Medical education, Nursing and Health may be set up at any suitable location in the Scheduled Area. The Commission further recommends that an

integrated disease surveillance programme may be introduced in tribal areas for each tribal group.

14.22 Expansion of Community Health Workers in the tribal areas— Government of Andhra Pradesh have posted 8,500 Community Workers (CHWs) in the tribal areas to work as a link between community and primary health care system. The CHW is a local tribal woman of 18-35 age group, having passed at least VII standard. The CHWs were given an orientation training for 3 weeks in identification and treatment of minor ailments. Besides managing minor ailments locally, the CHWs also extend services in blood smear collection for identifying malaria positives and for referring patients to higher hospitals. Each CHW is selected and supervised by the community and technically attached to the PHCs for guidance. Each CHW is being paid an honorarium of Rs.400/- p.m. She is also provided with an allopathic and a homeopathic medical kit. An independent study conducted on the performance of CHWs revealed that their services helped the medical and health department in managing reproductive health and child-care effectively in tribal areas and also in preventing the incidence of epidemics like gastro-enteritis and malaria to a large extent. During its tour in the state, the Commission was informed that CHWs are playing an important role in rendering health care service in the villages and **the Commission recommends that Government of India in the Ministry of Health should provide funds for strengthening of community health workers system in tribal areas throughout the country.**

14.23 Intellectual Property Rights (IPRs) for traditional know-how and herbal medicinal plants -The tribal communities have a storehouse of knowledge about their flora and fauna and the methodology by which they can be used for treatment of various types of diseases. This age old knowledge has been used by the tribal medicine men in all tribal areas before the entry of modern allopathic method of treatment. Even today, one can come across tribal *vaidayas* who are giving efficacious treatment for many diseases for which allopathy has no treatment. The State Govt. has distributed 400 Unani home remedy kits in Adilabad district. The TRI and NISTADS have entered into an agreement to clinically identify the herbs and get rights over them under the provisions of IPRs.

14.24 The process of globalization is threatening the appropriation of elements of the traditional knowledge of tribal societies into proprietary knowledge for the commercial profit of a few pharmaceutical companies. Urgent action is required to be taken by the State and Central Governments to protect these fragile knowledge by taking adequate steps to protect the interest of tribals. The tribal communities or individuals do not have knowledge to protect their know-how and it is an area where Govt. intervention with the involvement of the tribals is urgently called for. There is need to focus on community knowledge and community innovation and to encourage communities, it is necessary to establish linkage between innovation, enterprise and investment.

14.25 Housing- Construction of houses for tribals has been given impetus from 1983-84 onwards by earmarking 6% of the budget allocations. Construction of houses for families living Below Poverty Line in rural areas was initiated by the Government of India in 1985-86. The scheme was further redesigned in the light of National Housing Habitat Policy of 1998. Although the scheme provided cent percent grant, it could not meet cent percent requirements of houses due to resource constraints. The Commission has observed that in the absence of

any clearcut policy to cover 100% Scheduled Tribes during a given time span, even the tribals in the bracket of double below the poverty line, such as, Primitive Tribal Groups living in the hill top villages have remained deprived of houses under the Indira Awas Yojana (IAY). A tribal requires a pucca structure, a raised platform on all the four sides with ownership on house site. The houses should have provision for rainwater harvesting, water supply and sanitation. In ITDAs, the POs are associated in selection of beneficiaries for effective implementation of tribal housing programmes. Houses are constructed according to the choice of the tribal beneficiaries in regard to material, technology and type design to suit the local conditions. The housing schemes implemented for them are as under: -

Scheme	Years of operation	Houses Completed	Expenditure incurred Rs. in crores
Semi Permanent Rural	1983 to till now	159633	76.90
Rural Permanent	1983 to till now	223761	252.60
Urban Permanent	1983 to till now	3755	3.76
Indira Awas Yojana	1985 to till now	167629	335.26

14.26 As the houses are constructed by the beneficiaries on self help basis no house is left unoccupied. Indira Awas Yojana (IAY) houses are also constructed since inception since 1985. As there is no loan burden, this scheme is preferred by tribals. In interior and inaccessible places, the beneficiaries wanted semi permanent houses.

14.27 The unit cost and pattern of funding for different schemes taken up for tribals is shown below: -

Scheme	(In Rs.)			
	Unit cost	Subsidy	Loan	Beneficiary contribution
Semi Permanent Rural	7500	7000	-	500
Rural Permanent	17500	7000	10000	500
Urban Permanent	25000	3000	20000	2000
Indira Awas Yojana	20000	20000	-	-

14.28 In an evaluation study of Weaker Sections Housing Programme in ITDA area of Visakhapatnam district undertaken in 2000 by the Tribal Research Institute it was pointed out that there was no systematic approach in selection of the area and beneficiaries. Beneficiaries are ignorant of the scheme contents. Timely supply of good quality housing material and uniform distribution of cement and tiles at the doorstep of the beneficiary was required. Technical guidance may also be given to the beneficiaries while constructing the houses.

14.29 The Commission recommends that A. P. State Housing Corporation should allot atleast 50% of the total houses constructed in areas of tribal concentration to the tribals as against reserving 10% at present for the State as a whole.

14.30 **Safe Drinking Water** -There are 72,960 rural habitations in the state out of these 33,795 have been fully covered by supply of drinking water. 31,995 are partially covered and 4,050 are no safe source habitations and 2,037 habitations (mainly in the tribal areas) have not been covered so far. The State Government has set the goal to achieve 100% coverage by 2007. Coverage of 38,082 habitations throughout the State would require an amount of Rs.5,170 crores. The drinking water supply programme is undertaken through various

schemes viz. accelerated rural water supply programme, minimum needs programme, mission projects, NABARD projects, PMGY projects, Neeru-Meera water harvesting structures and Swajaldhara etc. In the tribal areas there are 11,505 habitations out of which hygienic drinking water supply has been made available to 7993 habitations and the remaining are partially covered for which an amount of Rs.21 crores is required.

14.31 During its tour, the Commission observed that supply of drinking water to the tribal hamlets is not satisfactory, specially in the hill top villages. **The Commission recommends that the State Government should ensure that under their Action Plan first priority must be given to cover all hill top villages and the remaining tribal habitations by the end of the 10th Five Year Plan. The Commission would also like to stress that sufficient funds should be sanctioned well in advance out of plan and non-plan budgets for maintenance of these drinking water sources in the tribal areas and adequate preparedness should be worked out to meet the drinking water needs of tribals during summer months.**

14.32. Reservation in Public Services -The Govt. of Andhra Pradesh has framed State and Subordinate services rules under which 6% of posts are reserved for Scheduled Tribes. A hundred-point roster is also prescribed to ensure enforcement of the rule of reservation. No appointing authority is competent to appoint a candidate other than a Scheduled Tribe against the post reserved for them. The rules provide for carry forward of reserved vacancies for three succeeding recruitment years and inter-changeability between Scheduled Tribes and Scheduled Castes, if in the third succeeding recruitment year, the vacancy cannot be filled by a Scheduled Tribe candidate. Any appointment made in violation of rule of reservation is illegal and such appointment is liable for termination and the appointing authority responsible for such irregularity is also liable for departmental action. At the State level, a Committee headed by the Chief Secretary has been constituted to review the implementation of reservation orders in govt. departments and public sector undertakings.

14.33 As mentioned earlier in the report, the State Govt. has reserved 100 per cent posts in favour of STs in Scheduled Areas under the provisions of Vth Schedule to the Constitution. On 31.3.1999, 10,587 vacancies reserved for Scheduled Tribes treated as backlog vacancies were lying vacant. The State Govt. took special steps to fill these vacancies and was able to fill 9,590 posts by 30.9.2003. The Tribal Welfare Deptt. organised special training courses for qualified ST persons to fill the backlog vacancies. An exclusive course was proposed to be organised for STs (as well as SCs) for Bachelor of Veterinary Science in Andhra Pradesh Agriculture University. However, the High Court granted stay on the orders of the government. The Tribal Welfare Deptt. organised a training course for drivers in heavy motor vehicle licence and about 800 vacancies of drivers in Road Transport Corporation were filled up. The State Govt. has also started sub-Employment exchanges in 8 ITDAs and 7 pre-examination training centres in different parts of tribal areas.

14.34 **The Commission appreciates the steps taken by the State Govt. in reserving 100 per cent posts in some categories of jobs for STs in Scheduled Areas under the Vth Schedule and recommends that other Scheduled Area States should follow the example of Andhra Pradesh. The Commission also welcomes the schemes initiated by the State Welfare Deptt. in giving suitable training to ST candidates so that vacancies reserved for STs lying vacant can be filled. . The Commission further recommends that vocational**

training centres should be established in the districts inhabited by the tribals and training in non-traditional trades, like welding, repairing of motors, TVs computer etc. should be imparted. The State Govt. should periodically carryout a survey of posts available in the Scheduled Areas and also whether required manpower among the STs is available, and if not, steps should be taken to build up a reservoir of ST manpower. Jobs available in private sector in the Scheduled Areas should likewise be also assessed.

14.35 False ST certificates -It was brought to the notice of the Commission during its tour that a large number of persons belonging to non-ST communities are obtaining false ST certificates to secure developmental benefits and enter into Government services. The State Government has created a special cell to screen the social status claims of candidates seeking admission into professional and other educational courses and appointments made in the State/Central Governments and other undertakings under ST quota. The Commissioner of Tribal Affairs has been authorized to enquire into the correctness of any community, nativity and date of birth certificate already issued in respect of any tribal either suo motu or on a written complaint by any person or on request made by any employer /educational institution appointing authority and if it is found that the said certificate is obtained false he shall refer the case to the Collector concerned or the Government for its cancellation. A systematic investigative work was started since 1980 and as a result of verification of social status claims, 2021 cases were found to be false claiming ST status, 188 cases related to admission to medical, 414 engineering, 600 polytechnic and 289 others and 530 cases were detected to be false in respect of Central and State services. After cancellation of ST certificates, action is taken against the person who obtained a false certificate under IPC.

14.36 It was brought to the notice of the Commission that many non-tribals after having obtained false tribal certificates have acquired and continue to hold tribal lands. It is reported that during the period of 1987-1990, the District Collector of East Godavari discovered this fraud and cancelled a number of false ST certificates which were brought to his notice. However, the holders of these false certificates approached courts and got the action stayed. A voluntary organization, 'Sakti' filed a number of cases seeking judicial review involving 15,000 acres of land. The high court remanded the cases back to the District Collector for final disposal.

14.37 The Commission therefore recommends that cases of fraudulent ST certificates should be examined and enquiries completed expeditiously. The State Government at the same time should monitor such cases pending in the courts of law. The Commission further recommends that action should be taken not only against persons who have obtained false certificates but also against such persons responsible for issuance of such certificates. The Commission further recommends that a person charged of obtaining S. T. certificate fraudulently may be suspended if in service, immediately after the charge sheet is filed in the Court of Law. His service benefits may be restored if not found guilty by the court. In case of those who have secured admissions in educational institution on the basis of fake/false certificates, their admissions may be cancelled under S.T. quota and considered out of general category or kept in abeyance. In case allegations of holding fake certificates are not found true, adequate relief may be given.

14.38 Research, Training and Monitoring

14.38.1. Research - The Tribal Cultural Research and Training Institute has taken up a number of studies on subjects, such as, working of educational institutions, hostels and residential schools, impact of programmes implemented by various sectoral departments and the Girijan Cooperative Corporation, implementation of Protective Legislations in scheduled areas and also evaluation of programmes implemented in the ITDAs. **Perusal of research studies undertaken by the Tribal Research Institute has shown that studies on subjects like land alienation, indebtedness, health care and unrest in tribal areas have not received due focus. The Commission, therefore, recommends that Research Institute should draw a calendar of projects separately for concurrent, evaluation and survey studies. Subjects like land protection, tribal-forest interface, safe drinking-water and health care should be studied every year on rotation in different tribal areas.**

14.38.2 Training - Training programmes are organized through institutions such as Tribal Research and Training Institute, Vocational Training Institute (VTI) and Pre-examination Training Centre (PETC). Different training modules are prepared for several functionaries involved in tribal welfare. The training in PRA (Participatory Rural Appraisal) to field functionaries make them to use PRA methods to prepare village development plans in consultation with tribal communities. The orientation training to field functionaries provides better understanding of the way of life of tribals. The training to the functionaries of VTDA's make them to understand the constitutional safeguards and other subject matters relating to agriculture, horticulture, education, health, etc. The training to district tribal welfare officers (DTWOs), assistant tribal welfare officers (ATWOs), hostel welfare officers (HWOs) was meant to provide capacity building and motivation for implementing activities effectively. The training /coaching provided through PETCs and VTIs to ST educated unemployed youth helped them to secure placement or to take up self-employment pursuits. Besides training, these Institutions are also involved in organizing seminars, workshops etc. on tribal welfare. Training programmes are organised for teachers working in school complexes. Training programmes for the functionaries of VTDA's consist of a uniform course content with modules on civil works, health, education, capacity building of community based organizations, maintenance of accounts, protective regulations and other economic development schemes. 36,622 trainees were trained which include 15,004 vice-presidents and 11,543 secretaries of VTDA's, 6,386 community health workers, 1,520 village level workers and 2,169 vidya volunteers since inception.

14.38.3 Monitoring- Tribal welfare department has issued guidelines for preparing Action Plans to monitor and develop appraisal system in regard to a few sectors, such as education, health, poverty alleviation and strengthening the administration. Under education, apart from distribution of scholarships, monitoring also cover enrolment, examination result, inspection of educational institutions and filling up of teacher vacancies. The appraisal system of health care facilities covers health check-ups of students and action plan to control epidemic.

The Commission recommends that similar monitoring mechanism for other line departments may also be commenced.

A short note on Tribal Unrest

The first recorded situation of tension dates back to 1803 when there was trouble in the Rampa country of East Godavari district, where certain new levies were imposed on Koyas and Kondareddis.

The Rampa rebellion of 1879, Konda Reddy and Koya revolts of Godavari district during 1922-24 and uprising of Gonds in 1940 in Adilabad district were some of the revolts against rulers before Independence. The main cause for Rampa rebellion was the introduction of Abkari Regulations preventing the tribals from drawing of toddy for domestic consumption and leasing the toddy revenue to renters. "From our point of view, the history of Rampa Rebellion is important in two respects: it shows firstly that aboriginals, even if inherently not of a warlike character are capable of considerable efforts when driven to extremities, and secondly that it is both inexpedient and dangerous to allow the control and exploitation of aboriginal populations to fall into the hands of unscrupulous and unsupervised outsiders, who, although not directly responsible to Government, are backed by the authority of the police and the law courts." (Prof. Haimendorf, Tribal Hyderabad, page 31).

In the erstwhile Madras Presidency "there have been troubles of outbreaks of the hill people (*fituris*, as they are locally called) in the Golconda hills in 1845-48, 1857-58, 1879-80, 1886 and 1891; in the Jeypore zamindari in 1849-50 and 1855-56 among the Savaras of Gunpur taluk in 1864 and 1865; and Korravanivalasa in Salur taluk in 1900." The cause of these revolts was exploitation of tribals by landlords, money-lenders and traders and unsympathetic administrators.

The Babjhari revolt in Adilabad district was due to non-issue of patta rights to the tribal cultivators while confirming patta rights to non-tribals. The other factor was exploitation of the tribals by the non-tribals and unsympathetic attitude of the officials. "In the aboriginals mind there is a deep sense of frustration and hopelessness: they feel that they are considered as people without rights, that they can never prevail against the wealthier outsiders who are gradually taking possession of their country, and that subordinate officials are not so much intent on enforcing laws and rules, but on gaining personal profits and that even in such matters as the demarcation of forest lines or police investigations money determines their actions. Whenever aboriginals want to approach an officer it costs money, and even if they penetrate through the barrier of peons, subordinates and clerks they seldom get a decision, but are told to submit an application to which they never get a reply either positive or negative." (Prof. Haimendorf 1945: Tribal Hyderabad, pages 135 & 136)

A refusal on the part of the tribals to pay money to the forest guards for the land they were cultivating, led to agitation and firing of police which resulted in the death of Kumaram Bhimu and 11 other Gonds. This incident led to the appointment of Prof. Haimendorf as an advisor of Tribal Affairs to Hyderabad Govt. who suggested comprehensive measures for protection of tribals to prevent land alienation and a Regulation called "The Tribal Areas Regulation 1359 Fasli No. III of 1359 Fasli" was enacted. Appendix III gives salient features of this Regulation which empowered the Social Welfare officers with judicial powers to settle the land issues of the tribals. This Regulation was, however, repealed by the Andhra Pradesh

Scheduled Areas Land Transfer Regulation 1959: The opening up of tribal areas by construction of roads and developmental activities resulted in the influx of non-tribals who occupied uncultivated land and grabbed the lands of tribals by various methods making the life of tribals desperate.

Naxalite movement in Srikakulam, 1970- The extremist movement, popularly known as 'Naxalite' movement gained ground among Jatapu and Savara tribals of Srikakulam district. Shri V. Raghavaiah has observed that the reasons of 'Naxalite' movement in Srikakulam was "loss of land voluntarily and involuntarily alienated to plains' money-lenders, landed proprietors and unscrupulous other middle men, the same sordid story of indebtedness, usurious rates of interest, rack-renting law's, delays in civil and criminal courts, attachments of debtors' properties and the labyrinthine process involved in securing reliefs; it is a well known fact that too many money-lenders have built up big fortunes in money-lending for over half a century in the tribal areas and have purchased thousands of acres of fertile land from the innocent, simple tribal people, even though such money lending and alienation of land of every sort has been unequivocally prohibited by the Governor's Regulations, applicable to tribal areas. These laws, good as they are, had been followed more in the breaches thereof than in compliance. " (Raghavaiah, V. 1971: Tribal Revolts, Nellore: A.P, page 54). Vempatapu Satyanarayana was one of the important leaders of the movement and created awareness among the tribals about the land alienation problems and payment of low wages to agriculture labourers. This ultimately led to confrontation with Govt. The arrest or killing of a number of ringleaders of Srikakulam, uprising only smothered the movement but could not fully eradicate it. This was however followed by a comprehensive programme of development and protection by the creation of Girijana Development Agency in Srikakulam.

Indervelly Gond uprising- Indervelly Gond uprising took place in 1981 in Adilabad district. Indravelli is a small town but due to improvement in communication facilities; it attracted large number of non-tribals, which resulted in land alienation and continuous struggle by the tribals. The main causes of Gond uprising were change in the demographic picture of the area, illegal grabbing of tribal lands and unsympathetic administrative machinery. A rally was called on a market day when tribals in large numbers attended the weekly market for purchase of their daily requirements. The police imposed Section 144 Cr. P.C. in Indravelli on that day and lathi charged the crowd and opened fire, which led to the death of 13 Gonds and 1 police constable. This tragedy again made Govt. to take steps for redressal of grievances of the tribals.

Clashes in West Godavari district - Direct clashes of tribals and non-tribals took place on 5.8.1996 at Busaraju-Pally in Buttayagudem Mandal of West Godavari district when non-tribals gathered in support of Scheduled Castes were not allowed to cultivate their lands. Further, incidents were reported on 4.12.96, 28.12.96 and on 30.12.96 in Buttayagudem and Gelugumilli Mandals. In West Godavari district, out of 136 villages situated in former Polavaram taluk, 102 villages were declared as Scheduled Areas by Presidential Order 1950. These villages consist of 73 Government villages and 29 estate villages in present Polavaram and Buttayagudem mandals. Large chunks of lands in these Agency areas were classified as Assessed Waste Dry (AWD) lands and these lands were freely assigned to non-tribals. Out of 7,961.57 acres of AWD lands, 5,523.16 acres in two mandals of Polavaram and Buttayagudem, under occupation of the non-tribals were regularized and pattas given to them. Koyas and Kondareddis are predominantly living in the

Scheduled Areas of West Godavari district. Clashes took place between the tribals and non-tribals in which 115 tribals were arrested and sent to jail. The tribals are continuing their struggle for getting Govt. land and AWD land in the mandals of Jeelugumilli, Buttayagudem and Polavaram.

It has been seen from the analysis of the past events that the main characteristic of tribal unrest is sudden outburst on account of persistent irritants mainly related to land and curtailment of traditional rights in forests besides exploitation by outsiders. The unrest is never sustained and subsides after attention is paid to it.

**Salient features of the Tribal Areas Regulation 1359
Fasli No. 111 of 1359**

(Extracts from Haimendorf's book 'The Struggle for Survival' Oxford University Press, about the difference between the notified areas regulation 1946 & 1949 of Hyderabad State and A.P Scheduled Areas land Transfer Regulation, 1959.)

In recognition of the need for the creation of a special agency for the implementation of the new policy vis-a-vis the tribals of the state, the Nizam's government established a new department known as the Social Service Department attached to the Revenue Department and headed by the adviser for tribes and backward classes. This department consisted of a number of gazetted officers, as well as of social service inspectors and organizers all of whom were posted in tribal areas. Existing special tribes officers, who were in the rank of deputy collector and had been drawn from the Revenue Department, were incorporated in the cadre of the social Service Department, whereas the more junior posts of inspectors and organizers were filled by graduates with qualifications in social anthropology or sociology. After gaining experience in administration many of these directly recruited graduates were promoted to gazetted posts and ultimately replaced the special tribes officers drawn from the Revenue Department.

The culmination of the entire tribal policy of Hyderabad State was the promulgation of an act known as the Tribal Areas Regulation 1356 Fasli (1946 A.D.). This regulation empowered the government to "make such rules as appear to them to be necessary or expedient for the better administration of any notified tribal area in respect of tribals and of their relations with non-tribals." The substance of this regulation was incorporated in the Tribal Areas Regulation 1359 Fasli (1949 A.D) and the rules giving effect to its provisions were issued by the Revenue Department under the title Notified Tribal Areas Rules 1359 Fasli on 16 November 1949. A schedule annexed to the Tribal Areas Regulation notified as "tribal" 384 specified villages in Adilabad District plus all the 169 villages of Utnur Taluk, and 156 specified villages in Warangal District plus all the villages of Yellandu Taluk minus 3 named villages and all the villages of the Taluk and Samsthan of Paloncha minus 6 named villages. The schedule described the area to which the Notified Tribal Areas Rules were to apply.

These rules vested the administration of the Notified tribal Areas in the first talukdar (collector) as agent, in the special social service officer as assistant agent. And in a panchayat to be established by the agent.

From among the fifty-five rules applicable to the notified tribal area the following may be quoted as the most important.

RULE 4 The agent shall be competent to appoint such person or persons as he considers desirable to be members of a panchayat for such village or villages as he may specify and to entrust such panchayat any or all of the duties specified in these Rules.

- RULE 5 No court of law or revenue authority shall have any jurisdiction in any Notified Tribal Area in any dispute relating to land, house or house-site occupied, claimed, rented or possessed by any tribal or from which any tribal or from which any tribal may have been evicted whether by process of law or otherwise during a period of one year preceding the notification of such an area as a Notified Tribal area.
- RULE 6 All suits of proceedings relating to matters covered by rule 5 pending before any court of law or revenue authority on the date of the notification of such area as tribal area shall be transferred to the Agent concerned.
- RULE 8 The Panchayat shall decide all cases in open Durbar in the presence of both the parties and at least three independent witnesses.
- RULE 10 No legal practitioner shall be allowed to appear in any case before the panchayat.
- RULE 11 No legal practitioner shall appear in the court of the Agent or Assistant Agent except with the Agent's permission.
- RULE 13 This rule provides that criminal justice in respect of certain offences in which a tribal is involved shall be administered by the Agent and the Assistant Agent. A number of offences and the relevant sections of the Hyderabad penal code are listed. (The list includes such offences as affray, Assault, theft, house trespass, adultery, criminal intimidation, etc.)
- RULE 16 The Agent may authorize a Panchayat constituted under rule 4 to try the following offences in which a tribal is involved as a party. And the Panchayat shall be competent to impose fines not exceeding Rs. 50. May also award payment in restitution or compensation to the extent of the injury sustained and enforce it by distraint of the property of the offender. (The appended list of offences contains most of the offences listed also under rule 13).
- RULE 26 Civil justice in cases involving the rights of any tribal shall be administered by the Agent, the Assistant Agent and the Panchayat, if any authorized under these Rules, subject to the condition that the agent shall be competent to exercise the powers of any court subordinate to the High Court.
- RULE 27 The panchayat constituted under rule 4 shall be competent to try all cases without limit as to amount in which both the parties are tribals and live within their jurisdiction.
- RULE 29 All the proceedings shall be viva voce and the Panchyat shall not be called upon to make either record or registry of their decision. After hearing both parties, and their witnesses, if any they shall pronounce a decision forthwith.
- RULE 32 Agent and assistant Agent shall not ordinarily hear suits tried by the Panchayat but they shall have discretion to do so when they think right.

RULE 53 No land at present cultivated by a tribal or in respect of which he claims that he has a right to hold it, shall sold in execution of any decree or order of any civil or revenue court whether made before or after the coming into force of the said Regulation.

RULE 55 The Agent shall be competent to recommend to Government the abolition of Patel and Patwari Watans in any notified tribal area and the appointment of tribal village officers in such area.

Anyone familiar with conditions in tribal areas will realize the great benefits conferred upon the tribes of Hyderabad State by these rule. Instead of having to deal with a multitude of officials and depending on the judgments of distant courts whose proceedings were utterly unfamiliar and incomprehensible to them, the tribals were now in the care of officers of the Social Service Department who were sympathetic to their cause and vested with sufficient powers to prevent the alienation of tribal land as well as the exploitation of tribal by unscrupulous moneylenders and others.

The Establishment of tribal panchayat backed by the authority of government gave the tribesmen confidence that they could run their own affairs without outside interference. Some of these Panchayat, whose proceedings I was able to observe when revisiting Adilabad District in the early 1950s, worked extraordinarily well, and though the rule did not prescribe the keeping of records, cases and decisions were carefully recorded. In one village of Utnur Taluk, Mankapur, which had a powerful and greatly respected headman, such a panchayat, attended by members from several villages, was still functioning in 1980, even though the Tribal Areas Regulation which had invested it with authority had long been repealed.

The Gonds of Adilabad District still speak with nostalgia of the time when the Tribal Areas Regulation was in force and officers of the Social Service Department worked among them, for at that time they were secure in the possession of their land and exploitation by outsiders had been greatly reduced. The presence of officers of the Social Service Department acted as a check even on the high-handedness of forest guards and patwari, who knew that corrupt practice and the extortion illegal fees would be reported to their superiors.

Even after the partition of Hyderabad State in 1956 and the merging of the Telengana districts with the Andhra districts in the new State of Andhra Pradesh, the Hyderabad Tribal Areas Regulation of 1949 remained in force for seven more years. Unfortunately for the aboriginals of the Telengana districts, this regulation was repealed in 1963 and replaced by the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959. While the latter regulation also protected the land of tribals prohibiting any transfer to non-tribals, it (did not contain any provision for the maintenance of tribal panchayat, and more importantly stripped the social service officers of the authority and judicial powers with which the Hyderabad regulation and rules had invested them).

The enforcement of the laws prohibiting the transfer of tribal land to non-tribal was now left to the ordinary revenue officials, who had neither the inclination nor the time to concern themselves with the welfare of the tribals. They were also much more exposed to the pressure of vested interest than the officers of the Social Service Department had been. Moreover, the authority of the civil courts, which the Hyderabad Tribal Areas Regulation had set aside in all

cases involving tribal land was now fully restored, and any non-tribal whose occupation of tribal land was challenged by a revenue official could, and still can, lodge and appeal in a civil court. The immediate consequence of all these changes was the alienation of large areas of tribal land in several of the taluks of Adilabad District.

Some relief to the tribals threatened by non-tribal land grabbers was subsequently provided by amendments of the Land Transfer Regulation, 1959, enacted in 1970 and 1971, which prohibit all transfer of land in scheduled areas, not only from tribal to non-tribal but even from non-tribal to non-tribal, by providing for conducting suo moto enquiries into non-tribal occupations of lands in tribals areas and for the restoration of such land to the tribal owner if the non-tribal is an illegal occupant, and by prohibiting attachment of tribal land in execution of money decrees. However, we shall see in chapter 2 that despite the absolute ban on transfer of immovable property in scheduled areas to non-tribals from a tribal or non-tribal except in the case of partition or devolution by succession (large areas of tribal land were in fact illegally occupied by non-tribals in the year, 1970 to 1979).

Protection of the tribesmen against the alienation of their land, which in Hyderabad State was the corner stone of tribal policy, seems to have taken second place in the thinking of planners as soon as tribal development was merged with the multisided activities of programmes known as Community Development and extending throughout India as part of the first Five Year Plan, which commenced in 1952. Community projects were not particularly geared to tribal needs, and in Andhra Pradesh only one out of four pilot projects covered tribal areas. In the second Five Year Plan there was a greater concentration on specific tribal areas, and the projects were now renamed Multipurpose Projects. In Andhra Pradesh four such projects covered predominantly tribal areas: one in Utnur Taluk of Adilabad District, one in Narsampet Taluk of Warangal District and two in Vishakhapatanam District.

Protective laws against land alienation

LTR Regulation, 1959 provides that:

- (A) In the Scheduled Areas transfer of immovable property by a member of Scheduled Tribe to any body other than a member of scheduled Tribe without permission in writing from the competent authority shall be null and void.
- (B) Where a transfer of immovable property is effected in favour of any member other than that of a Scheduled Tribe the Agent, Agency Division Officer or any other prescribed officer on application by any interested person or suo motu may restore to the property to the transferor or his heir.
- (C) Rules were framed under Section 8 of Regulation I of 1959.
- (D) This Regulation provided protection to the land of tribals in the Scheduled Areas of Srikakulam, Vizianagaram, Vishakhapatam, East Godavari and West Godavari district.

Regulation II of 1963: This Regulation brought uniformity of the law throughout the Scheduled Areas of the State by extending Regulation I of 1959 to the Scheduled Areas of Adilabad, Warangal, Khakkam and Mahabum Nagar districts and also repealed the Andhra Pradesh Talangana Tribal Areas Regulation, 1959 (F).

Regulation I of 1969: This Regulation provides for the abolition of Mahals in the Scheduled areas of Nugur, Alabaka and Cherla in Khammam district and for conversion of them into ryotwari system. The Regulation provides for appointment of settlement officers to conduct settlement operation in the erstwhile Mahals. It also provides that every tribal ryot in lawful possession of the land continuously for a period of not less than 1 year immediately before the notified date shall be entitled for ryotwari patta only if he is in occupation of land for a continuous period of not less than eight years immediately before the notified date and such occupation is not violative of provisions of Land Transfer Regulation, 1959.

Regulation II of 1969: The Regulation II of 1969 provides for abolition of Muttas in certain Scheduled Areas of the State and conversion thereof into Ryotwari system. The settlement officer appointed under this Regulation has to carry out survey and settlement operations to facilitate introduction of ryotwari settlement. Under this Regulation, the tribal ryots in occupation of lands for a continuous period of not less than one year before the notified date shall be entitled to ryotwari patta. Non-tribal ryot is entitled to ryotwari patta in respect of agricultural land unless he is in lawful possession of the said land for a continuous period of 8 years before the notified date and such possession was not hit by the provisions of A.P. Scheduled Areas Land Transfer Regulation, 1969.

Regulation II of 1970: The Regulation provides for ryotwari settlement of certain lands in the Scheduled Areas in respect of which no ryotwari settlement was effected. The Regulation applies to the land other than those comprised within Muttas and Mahals governed by the Regulations providing for the abolition thereof. After the survey, every ryot is entitled to ryotwari patta in respect of all cultivable lands, which were properly included in his holding.

If the land is situated in an estate taken over by the Government under Estates abolition Act, a person who would be entitled to a ryotwari patta under that act shall be granted a patta if he is in continuous occupation of that land from the notified date. For the lands not falling under the said category, a non-tribal ryot is not entitled to ryotwari patta unless he is in occupation of the said land for a continuous period of 8 years from the commencement of the said Regulation and the same is not void or illegal under A.P. Scheduled Areas Land transfer Regulation, 1959.

Regulation I of 1971: The Regulation provides for mortgaging without possession any immovable property situated in the Scheduled Areas to any Cooperative Society including Land Mortgage Bank or any Commercial Bank approved by the State Govt. with express condition that in the event of default, the property should be sold only to the tribals or cooperative societies composed solely of members of Scheduled Tribes.

Regulation I of 1978: The Regulation prohibits registration of documents relating to sale transactions in favour of non-tribals and all offences under this Regulation are made cognizable. Non-tribals in occupation of land even after decree of ejection are punishable with rigorous imprisonment for a period extending upto one year or with fine extending upto Rs.2,000/- or with both.

Money Lending Act, 1960: In spite of the regulation, non-tribals who were settled in the Scheduled Area Villages advanced petty loans to the tribals and grabbed their lands. The tribals are unable to pay the interest and in lieu of that, the non-tribals cultivate the land and the poor tribals are threatened if they reveal that the lands are not in their possession and that they are not cultivating them. This method is widely prevalent in the tribal areas of Srikakulam, Visakhapatnam and East and West Godavari District.

Guidelines for verification of title and possession of land in West Godavari Agency areas

Part of West Godavari District is an agency area notified under the Constitution. Administration in that area is regulated inter alia by the provisions of the Agency Rules as also APSALT regulation 1959. In recent times a large number of disputes have arisen between tribals and non-tribals leading to a very disturbing law and order situation. The matter engaged the attention of the High Court in W. P. NO. 7916/97 in which harassment of tribals was alleged. A learned single Judge of the High Court initially granted some interim orders. During the tendency of the writ petition the problem was examined. Government felt that the problem, which has several facets, requires a multi-pronged approach. The following objectives were sought to be achieved through issuance of appropriate instructions to the concerned authorities:

- A) Enlisting the cooperation of political parties and others in setting the problems amicably;
- B) By educating through appropriate information the agitating tribals about the scope of their legal rights.
- C) By a comprehensive analysis of the existing judicial adjudications; and
- D) The ascertainment through inquiry and study of title deeds and documents of the respective rights of tribals and non-tribals.

Since the ordinary machinery of judicial adjudication was also not able to cope with the problem, Government after consideration of various matters as mentioned above, issued certain guidelines to the Collector to facilitate the amicable resolution of these disputes with the assistance and aid of local lenders etc. The Writ Petition was finally disposed of by the Learned single Judge with certain elaborate directions. A writ was filed by interested parties in W. A. No. 244/2000 against the order. The single judge's judgment was initially stayed. The work in accordance with the guidelines proceeded for some months. Later the survey and title verification work was stopped due to withdrawal of clarification issued by the Government in this case in response of contempt notice to the Secretary (TW) to Government and Collector West Godavari. The writ appeal was finally allowed on 27.04.01. The judgment of the single judge was completely set aside.

After examination of the entire judicial proceedings Government has been advised that by reason of the appellate judgment the directions of the single Judge ceased to exist and there is no impediment to the to the State Government proceeding to amicably resolve the disputes between the tribals and non-tribals in accordance with the guidelines formulated by it. Accordingly these orders are being issued for the aforesaid purpose. The proceedings undertaken pursuant to the guidelines earlier formulated will continue and be completed. Where legal procedures have to be initiated under the relevant laws on the basis of the enquiries made and information gathered already those proceedings may be instituted.

The Collector shall conduct a district level meeting with all the parties and organizations and explain to them the modalities of the verification work and take their

written consent for total cooperation and willingness to abide by the outcome of the verification work.

Following are the guidelines to be followed by the officials, non-officials and non-government organizations working in the agency area for the conduct of the verification of titles and possession of lands in the agency area:

1. The organization concerned shall hold intensive discussions with the tribals and explain to them the kind of verification work that shall be carried out and its strategy and the possibility of the lands coming into their possession and the time frame within which these lands can come into their possession. They shall take specific care to ensure that the tribals are mentally prepared to accept the fact that no or very little lands might actually come from non-tribals into their possession in certain villages.
2. Meanwhile, representatives of the organization, representatives of the tribals, 2 or 3 Deputy Tahsildars from among the Survey Staff, sufficient number of Surveyors and, if required, Sub Collector himself shall either in the MOR's Office or in the Project Officers's Office shall obtain all possible information and prepare the following lists relating to verification work.
 - i) They shall obtain a map of the village and shade in different colours the lands belonging to tribals and non-tribals as per 1933 RSR and keep blank the lands which are adangal or poramboke.
 - ii) The Project Office, ITDA has already computerized the list of all the beneficiaries who have been assigned Government lands since 1933. This can also be shaded in a third colour.
 - iii) The list of all judgements pronounced till today by the Special Deputy Collector (Tribal Welfare) in favour of Government or tribals is already computerized. In some cases, field verification has been completed by the Mandal Revenue Officers. The NGOs concerned also have specific information relating to the present stage of cases. All these information can be compiled and a list of the stage of the cases based on office record should be prepared.
 - iv) Information relating to land ceiling cases should be obtained from Mandal Revenue Officer's Office and in some cases from the ARDO (LR), Eluru.
 - v) The list of post 1970 registrations is already obtained from the Sub Registrar's Office.
 - vi) The list of occupants of poramboke land should be prepared as per the possession recorded in adangal.
3. After informing both the tribals and non-tribals by a best of tom-tom in the village, the survey team along with representatives of NGOs or the political party concerned shall go to the village along with these lists and the 1933 RSR and the latest adangal.

They shall handover the copies of adangal and 1933 RSR and other lists to the villagers. They shall also question each non-tribal who has come into possession of the lands after 1933 as to his claim over land. The tribals shall be asked if they have any objections regarding the claim of the non-tribals. Some of the non-tribals may require some time to furnish the documents. Similarly, the tribals may also require time to study the records and to list out their objections. Thus, after the first meeting, a week's time may be given for both the parties and a second meeting can be held. Similarly, the information as to the latest stage of the LTR cases can be obtained from the non-tribals by asking them to produce proof of any stay order or other judgements that they have in their possession. The list of all tribals who have been assigned Government lands can be read out to ascertain whether they are in possession of the lands or not. The Sub Collector, the Mandal Revenue Officer, the Survey DTs, the Special Deputy Collector (Tribal Welfare) and the representatives of the concerned organizations should participate in this meeting.

4. In the second meeting, all the objections raised by the tribals should be taken into consideration as also the proof of titles produced by the non-tribals and the following lists can be prepared:
 - i) The list of irregular assignments, which should be cancelled and fresh assignments made by the Sub Collector within 3 weeks.
 - ii) The list of Government lands, which are either in possession of non-tribals or unassigned, to be assigned to the tribals within one week.
 - iii) The list of LTR cases to be filed before the Special Deputy Collector to be disposed off by him preferably within 3 months.
 - iv) The list of cases where appeals need to be filed before the Agent to government which should preferably be disposed of within a period of 4 months.
 - v) The list of cases which are pending before the Government or High Court which shall be pursued by the Project Officer, ITDA by appointed advocates at Hyderabad.
 - vi) The list of land ceiling and benami cases regarding which the tribals shall furnish specific information and which shall be filed before the concerned authorities within a period of 2 weeks.
 - (vii) The list of clear patta lands of both tribals and non-tribals which shall be respected by everybody.
5. Wherever it is found that sufficient land does not exist to satisfy the tribals, the organization concerned and the Project Officer, ITDA shall identify suitable schemes like formation of Vana Samrakshana Samithis and Economic Support Schemes to provide relief to the landless.

6. The District Collector shall provide sufficient number of competent Deputy Tahsildars and Surveyors and other staff as required to facilitate smooth conduct of the verification and survey work.
7. In villages where the tribals have occupied lands belonging to Scheduled Castes which are without pattas, the Collector shall make arrangements to rehabilitate them by providing lands under S.C. Land Purchase Scheme and houses under IAY, outside the agency area.
8. To create confidence amongst the tribals and a cordial atmosphere for survey and as already discussed in the Cabinet Sub Committee meeting, petty cases against the tribals shall be listed and action taken to withdraw those cases.
9. After completion of a village, a joint press statement shall be issued by the Sub Collector and the concerned organization as to the outcome of the survey. A copy of the final lists prepared shall be furnished to the Project Officer for computerization and reporting to the Commissioner of Tribal Welfare.
10. In order to avoid any complications, the villages shall be selected alphabetically in the mandal or as suggested by the NGO / Political parties.
11. A copy of the adangal and 1933 RSR / fair adangal shall be furnished to all villages sufficiently in advance.

Tribal Welfare Department – Updating of land records in the Scheduled Areas of Andhra Pradesh on the model of Utnoor experiment –

As you are aware, the state of land records in the scheduled areas of the State is very unsatisfactory, The ground position does not tally with the records and there are several pattadars without land while several persons have been cultivating lands without proper title. This situation led to several unabated land disputes in the tribal villages among the tribals and also between tribals and non-tribals. The present state of land records has also enabled the illegal occupation of ineligible encroachers on a large scale. This situation caused dissensions in the tribal villages where the small farmers often feel helpless. In the state of helplessness, the tribals came under the influence of left wing extremists who profess to take up the local issues and exploit the situation against the Government. It is, therefore, necessary to update land records in the scheduled areas to protect the large extent of Government lands from illegal and ineligible land grabbers as also to wean away the tribals from the influence of extremists and to ensure effective implementation of land reforms, land assignment programme and such other progressive measures of the Government.

In this connection, a comprehensive scheme for updating land records has been undertaken at Utnoor Revenue Division in Adilabad district during 1988-90. The Utnoor experiment yielded good results and as a result, most of the land problems were sorted out and also confusion over the land records could be dispelled in these villages. I would, therefore, request you to take up similar time-bound programme of updating land records in the scheduled areas of your district on the model of Utnoor experiment. I enclose a copy of the guidelines for the purpose of updating land records in scheduled areas.

GUIDELINES FOR UPDATING OF LAND RECORDS

The updating of land records requires comprehensive approach in Scheduled areas. The Programme may consist of the following stages.

1. Building up of fundamental data base on land in Scheduled areas which may consist of
 - i) Procurement of village maps.
 - ii) Building up of the following basis records for each village.
 - a) Khasra pahani / Adangal
 - b) Tenancy register
 - c) Wasool Baqi (Correlation statement)

- d) Sethwar
 - e) Register of Government lands
 - f) Register of declarations filed under Andhra Pradesh land reforms Act, 1973.
 - g) Data relating to forest lands etc.
2. Enjoyment survey of all village lands including Government lands by deputing a team of two surveyors for every village may be conducted. The surveyor team will also demarcate forest and village boundaries.
 3. Preparation of Master Register with the details about original pattadar and present pattadar, actual enjoyer of the land, nature of the same and title if any over the land.
 4. Field / local verification of the entries in the Master Register by Mandal Revenue Officer in the office of Sub-Collector / Revenue District officer by a team of Revenue staff, Verification entails obtaining and putting up of connected records and documents and indication of action taken on each survey number.
 5. Issue of notices to the parties under relevant laws applicable which may include the following in respect of Telangana region.
 - a) Record of Rights Act, 1971
 - b) Andhra Pradesh Scheduled Areas land Transfer Regulation, 1959.
 - c) Andhra Pradesh (Telangana Area) Tenancy and Agricultural Land Act, 1950
 - d) Andhra Pradesh Assigned Land (Prohibition on Transfer) Act, 1977 and rules issued there under.
 - e) Andhra Pradesh Land Encroachment Act 1905.
 - f) Andhra Pradesh Agency Rules.
 - g) Andhra Pradesh (Telangana Area) Land Revenue Act, 1317F.
 - h) Inama Abolition Act.
 - i) Indian Stamp Act.
 - j) Andhra Pradesh Mahals (Abolition and conversion into Ryotwari) Regulation, 1969.

IN RESPECT OF ANDHRA REGION

- a) Andhra Pradesh Land Revenue Act.
- b) Andhra Pradesh Revenue Rules.
- c) Record of Rights Act, 1971
- d) Andhra Pradesh Assigned Land (Prohibition of Transfer) Act, 1977 and Rules issued there under.
- e) Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959.
- f) Andhra Pradesh Land Encroachment Act, 1905
- g) Andhra Pradesh Agency Rules
- h) Andhra Pradesh Muttas (Abolition and conversion into Ryotwari) Regulation, 1969.
- i) Andhra Pradesh Scheduled Areas Ryotwari Settlement Regulation, 1970.

Conduct of village courts in tribal villages to sort out land problems in accordance with the relevant laws in the presence of villagers by the Sub-Divisional Magistrate. The cases of land disputes in Scheduled areas will be summarily disposed in the village courts.

After sorting out the land disputes in the village courts the declarations taken in the village courts are to be implemented in Revenue Records. As a result,

- a) Record of rights will be implemented and an updated record of right will be created especially in respect of land held by the tribals.
- b) All eligible tenants will be conferred ownership rights under Tenancy Act and their names will be recorded in the Pahani / Adangal.
- c) All surplus ceiling lands will be assigned to landless poor with delivery of physical possession and name of assignees will be recorded in revenue records.
- d) All lands that were restored to tribals under Land Transfer Regulation will be recorded in the pahani and the names of the tribals to whom the lands were restored under L.T.R. will be recorded in the pahani.
- e) Illegal encroachers of Government land will be evicted.
- f) The forest boundaries and the village boundaries will be clearly demarcated. All the village lands will be surveyed and sub divided. All Revenue Records will be made upto date so that the ground position will be reflected in the village maps and other village lands records.
- g) Eligible occupants possession over Government lands will be regularized.

Appendix VI

List of villages of Warangal district proposed for inclusion in the Scheduled Areas

1. Mangapet
2. Kamalapur
3. Tondayala Laxmipur
4. Kamatpalli
5. Boremarsapur
6. Chekupelly
7. Timanpet
8. Narstmhasagar
9. Mallor
10. Chunchupalli
11. Wadegudem
12. Ramanakkapet
13. Lollagudem
14. Rajupet
15. Barlagudem
16. Ramachandrunipet
17. Poredepalli
18. Demeda
19. Ledkugudem
20. Kathigudem
21. Bandarigudem
22. Brahmanapalli
23. Akinepalli

Collection and sale of Cashew usufruct from cashew plantations

In the circumstance reported by the Vice Chairman and Managing Director, A.P. Forest Development Corporation Limited, Hyderabad in his letter read above, the matter pertaining to handing over of the Cashew Plantations of the A.P. Forest Development Corporation Limited at Naramavarigudem village of Ashwaraopeta Mandal, Khammam District to the Vana Samarkshana Samithis on grounds similar to that of handing over usufructuary rights of Beedi leaf units to Vana Samarkshana Samithis as per the orders issued in G.O. Ms. No.66 Environment Forests, Science and Technology (For.III) Department dated : 4.5.99, was discussed in a meeting held on 28-6-99 at 3.00 P.M. in the Chambers of the Chief Secretary. Since these plantations are raised and maintained by A.P. Forest Development Corporation Limited at heavy investments, it was decided to form a Tribal Co-operative of the Tribals in neighbourhood villages of the Plantations and to sanction them the license for collection of Cashew fruit (usufruct) from the plantations on payment of an amount as remuneration to the A.P. Forest Development Corporation Limited to continue to earn returns on the investments made by them and maintain plantations at good health.

Accordingly Government hereby request the Vice-Chairman and Managing Director, A.P. Forest Development Corporation Limited, Hyderabad to take action for sanctioning license to collect the cashew usufruct to co-operatives of Tribals from the neighbourhood villages of Naramvarigudem Cashew Plantations being maintained by the Corporation at Naramvarigudem village of Ashwaropeta Mandal, Khammam District on the following terms and conditions:

1. The tribal Co-operative should pay the Forest Development Corporation an amount which will not be less than the average price obtained by A.P. Forest Development Corporation Limited on the preceding 3 years for sanctioning license for collection rights of Cashew usufruct.
2. The benefit of general/inflation is to be shared both by the Forest Development Corporation and the Tribal Co-operative, by enhancing the rates from year to year basis, so that the income of Forest Development Corporation Limited is not static.
3. The Forest Development Corporation Limited will continue to maintain the plantations as per the existing maintenance schedule.

The Collector, Khammam District is requested to workout the modalities for formation of Co-operative of Tribals' in consultation with the Social Welfare Department and task action to implement the scheme within 30 days and report compliance to Government.

Appendix-VIII

Integrated Tribal Development Agencies (ITDAs)

Sl. No.	District	ITDA Headquarters	Extent of Scheduled Area in Sq. Kms.	No. of Scheduled Villages	Pre-dominant Tribal Groups
1.	Srikakulam	Seethampelta	1318.31	108	Jatapus, Savaras, Gadabas, Konda Dhoras
2.	Vizianagaram	Parvathipuram		298	Jatapus, Savaras, Mukha Dhoras, Konda Dhoras
4.	East Godavari	R.C. Varam	6715.48	559	Koyas, Kondareddis, Valmiki Kammara
5.	West Godavari	K.R. Puram	1510.05	102	Koya, Kondareddis, Valmiki, Kammara
6.	Khammam	Bhadrachalam	6725.43	889	Koyas, Kondareddis
7.	Warangal	Eturunagaram	992.25	177	Koyas, Lambadis
8.	Adilabad	Utnoor	4587.49	412	Gond, Lambadis, Kolam, Pardhan, Naikpad, Andh, Thoti
9.	Kurnool	Srisailam*			Chenchu
10.	Nellore	Nellore			Yenadis

* This ITDA caters to the development of Chenchus, a PTG living in the districts of Kurnool, Guntur, Mahaboobnagar, Ranga Reddy and Nalgonda.

** This ITDA looks after the development of Yenadis living in the districts of Nellore, Chittoor and Prakasam.

Appendix-IX

Flow of funds State Plan to Tribal Sub Plan

(Rs. in lakhs)

S.No	Plan	State Plan		Flow to TSP		Percentage of	
		Outlay	Expendi- ture	Outlay	Expendi- ture	Col.6 to 4	Col.6 to 5
1	2	3	4	5	6	7	8
1	V	135376.40	144471.33	4535.38	4879.85	3.38	107.60
2	VI	352515.27	323707.00	16541.56	9839.33	3.04	59.48
3	VII	644699.50	597888.31	26611.77	25192.10	4.21	94.67
4	VIII	199580.40	236403.87	35872.42	27588.97	11.67	76.91
5	IX	380960.00	360419.97	66307.46	41854.23	11.61	63.12
6	2001-02	899101.86	796894.80	15641.76	12009.33	1.51	76.78
7	2002-03	1008274.75	855319.15	21216.32	26578.58	3.11	125.27

It will be seen from the above table that 6% of the funds were not spent in the tribal areas since 5th Year Plan period except during 8th and 9th Plan periods.

A brief note on Chenchus, Kondasavara and Kondareddi included in PTGs

1. Chenchu

Chenchu is the most backward tribal community in Andhra Pradesh. They live in the heart of Andhra Pradesh, about 9,000 out of 18,000 Chenchus live on either side of the perennial river Krishna with the Nallamalai forests on the southern side and the dense forests on the northern side. The remaining Chenchus live in villages on the outskirts of plain villages with a distinct socio-economic entity and practise settled agriculture but are backward in comparison to the plains people. The Chenchus in the Nallamalai hills live in small conical thatched huts in isolated groups and their economic system is essentially that of hunters and food gatherers. The Chenchus shift their settlement in search of a livelihood either as bombo cutters between December and May or in search of game and roots, tubers throughout the year. They collect honey and some of them live under leaves and cliffs with a number of honeycombs hanging from the cliffs. During the rainy season, they hunt birds and small animals. Their diet is nutritionally very inadequate, deficient in vitamin A and calcium while protein and calories are deficient in the rainy season. Due to depletion of forests, increase in population, competition from non-tribals, they are unable to obtain their food completely from the forests as in the past.

The development functionaries with all good intentions have taken up certain schemes for Chenchus but they have not cared to study their socio-cultural background and therefore some of the schemes proved failure. The housing schemes in Kurnool district failed because settlement of different persons at one place was taken up without consideration of local housing patterns and kinship relationship. A Chenchu is highly suspicious of his brothers because of levirate custom. A Chenchu who collects honey from the top of the cliffs has more reliance on his brothers-in-law rather than his own brothers. Similarly, the community irrigation wells, well engines, electric motors schemes etc. sanctioned for Chenchus are not properly utilised again for the same reason. The Chenchu farmers utilise to the maximum extent possible the irrigation wells and grow commercial crops wherever housing colonies or cooperative societies are sanctioned to Chenchus of this affinal kins rather than his consanguineous kins soon after marriage. Under APPTDP project implemented with the assistance of IFAD, iron ploughs were distributed to the Chenchus, whereas the Chenchus preferred to use their wooden plough and their demand is for giving them plough bullocks. The project authorities hired tractors for tilling the lands of the Chenchus and asked authorities them to take up the rest of the operations. In the absence of the plough bullocks, the Chenchus are not able to attend to agricultural operations like sowing of seeds and weeding. Aluminum bins were distributed to women thrift societies and grain-banks were started under the project. Chenchus subsist on roots and tubers, which they like to keep in the bamboo baskets. The aluminum bins are used by children for playing and not for the purpose for which these were supplied.

ITDA for Chenchus at Srisailam – Keeping in view the multifarious problems of Chenchus, a separate ITDA for this group was established during 1975-76 for their arround development. The Director of Tribal Welfare is the Ex-officio Chairman of the Project. The ITDA for PTGs (Chenchu) started functioning with its headquarters at Sundipenta, Srisailam,

Kurnool district from August 1, 1988 exclusively for the socio-economic development of Chenchus predominantly inhabiting Nallamalai hills. Srisailam is centrally located for the entire contiguous Chenchu region of Nallamalai hills extending over nearly 6500 sq. kms. The jurisdiction of ITDA extends over six districts namely Mahboobnagar, Prakasa, Kurnool, Guntur, Nalgonda and Ranga Reddy. The Chenchu population in the Project area is 29,600 as per 1991 census.

The activities during the year 2002-03 taken up under education and agriculture were as follows:

Education: 34 ashram schools functioning with 5010 boarders, out of sanctioned 122 Girijan Vidya Vikas Kendras (GVVKs), 77 were functioning with 1586 students, 113 Mabadi schools with 2111 students, 5 residential schools with 1576 students, 7 mini gurukulams were functioning with a strength of 74 students, 1 residential Jr. College with 227 students, 74 students in best available schools, 10 school complexes and 1 PMRC functioning for monitoring & guidance, 10 SCRPs positioned for academic guidance and the average pass percentage in SCC in 5 residential schools is 82%.

Agriculture: Total land in possession of Chenchus – 15,000 acres, no. of land holding families – 4062 and total land under cultivation- 10,584 acres. District Collector, Kurnool apprised the Commission of development projects executed for Chenchus, numbering 11,577 families of 323 habitations. He wanted that the landless might be provided soft loan for acquiring land. Hostels should be allowed to be run during the summer vacations and remedial coaching provided. Forest Department should consider employing tribals on their works as their first charge. High incidence of T.B. and malaria required to be handled on priority.

The Commission was informed by a representative of Chenchus, that although each hamlet has a school, most of the non-tribal teachers did not stay in the villages and were irregular in holding classes. The parents were also not sincere in reporting against the insincere teachers. The salary given to non-performing teachers in the name of tribal development amounted to a fraud.

In Nalgonda district, Chenchus numbering 787 live in 8 remote villages along the banks of the river Krishna. A brief account of activities undertaken for them is depicted below:

Activity	Total families (230)
1. Ration cards issued	230 families
2. Drinking water facilities (in two villages fluoride content is present in the water source)	5 villages (out of 8)
3. Electrification	5 villages
4. Land Allotted	96 persons (206.43 acres)
5. Anganbadi (None of the 146 Chenchu children below the age of 5 years attended the Anganbadi)	1
6. Schools	5
7. Houses	156 (22 in progress)
8. Old age / widow / landless labourer / pension	70

2. Kondasavara

Savara tribe people needed vocational training in animal husbandry and forest related activities. Owing to persistent drought for the past four years in ITDA Paravathipuram drinking water was an acute problem. The people preferred ponds and tanks than check dams. They urged that loans outstanding against them should be waived. The Commission also visited a few other Savara Villages, namely, Needagalluguda in ITDA Parvathipuram and Goidi and Mutayalu in ITDA Seetampeta. The Savaras also urged the Commission for assistance to develop their agricultural lands, drinking water supply, proper health care and primary education to the Savara children in Savara dialect.

3. Kondareddi

For the development of Kondareddi (PTG) living in 66 villages, the ITDA Bhadrachalam utilized Rs. 42 lakhs during 2002-03 on programmes such as housing, agriculture, horticulture – cashew, animal husbandry, Bamboo handicraft, education health and electricity. Giri Raja chicks unit at Yetapaka set up by the tribal women Self Help groups has found acceptance among 900 beneficiaries and the programme has received acceptance by the Kondareddis.

NGOs brought before the Commission the plight of most backward tribes who remained deprived of the development process. They desired that the strategy of tribal development should now be tuned to the requirements of PTGs and the most backward tribes among the STs.

The Commission observed that the state government is not giving grant-in-aid to any voluntary organisation for working among the PTGs. The Ministry of Tribal Affairs has given grants to three NGOs for running a mobile dispensary among Chenchus covering 30 villages in Kurnool district, a residential school for 100 Kondareddy students at Bhadrachalam and solar electrification for 34 Chenchu families in Appapur village in Srisailam.

Tribe-wise Literacy Rate –1991

Sl.No.	Tribe	Total	Male	Female
1.	Andh	26.63	37.20	15.12
2.	Bagata	22.18	34.23	10.23
3.	Bhil	29.88	42.53	15.38
4.	Chenchu	17.68	24.90	10.11
5.	Gadaba	16.06	22.92	9.02
6.	Gond. Naikpod	14.15	22.52	5.64
7.	Goudu	17.78	25.53	9.91
8.	Hill Reddi	26.62	34.42	18.23
9.	Jatapu	17.51	26.01	9.81
10.	Kammara	18.08	24.92	11.14
11.	Kattunayakan	19.57	29.23	12.12
12.	Kolam Mannervartu	9.46	14.57	4.01
13.	Konda Dora	14.96	22.13	7.61
14.	Konda Kapu	27.64	35.67	19.25
15.	Konda Reddi	17.92	23.49	12.33
16.	Kondh	5.19	8.06	2.18
17.	Koya	17.83	25.10	10.45
18.	Kotia	21.71	33.65	10.36
19.	Kulia	29.16	40.72	15.50
20.	Mali	17.47	27.56	7.32
21.	Mannedora	19.02	26.80	10.93
22.	Mukhadora	9.86	15.30	4.40
23.	Nayak	15.28	21.51	8.84
24.	Pardhan	33.63	47.93	19.31
25.	Porja	8.66	14.43	3.03
26.	Reddy Dora	22.59	30.22	14.57
27.	Rona, Rena	40.72	51.47	27.06
28.	Savara	13.68	20.28	7.00
29.	Sugali, Lambada	15.22	24.07	5.68
30.	Thoti	29.48	43.10	15.82
31.	Valmiki	39.87	52.94	26.53
32.	Yanadi	14.78	19.34	9.91
33.	Yerukula	25.74	36.07	15.08
34.	Un-classified	24.92	34.10	15.04
	State	17.15	25.25	8.58

Statistical data on educational set up in State for ST students

Enrolment - Enrolment of general and STs students in Andhra Pradesh in various stages of education for the year 1993-94 is given below:

Sl. No.	Stage	All enrolment			ST enrolment		
		Boys	Girls	Total	Boys	Girls	Total
1.	Pre-Primary	33167	24716	57883	762	479	1241
2.	I - V	3887158	3254304	7141462	320466	205245	525711
3.	VI - VII	904397	617684	1522081	43243	16147	59390
4.	VII - X	928492	560832	1489324	35930	10566	46496
5.	XI - XII	5022	3172	8194	116	49	165
	Total	5758236	4460708	10218944	400517	232486	633003

It will be seen from that the total enrolment of education from pre-primary to V class for the year 1993-94 was 5,26,952 (Boys – 3,21,228 + Girls 2,05,724) constituting 7.3% of the total general enrolment. Similarly total enrolment of ST students from pre-primary to Class XII was 6,33,003 constituting 6.17% to the total enrolment of general population. If we compare these figures with the data available for the year 1989-90, we find that there was only increase of 2,699 students (0.52%) over a period of 4 years from 1989-90 to 1993-94 indicating slow progress in enrolment of ST students. If we look at the ST girl students, out of the total ST students from pre-primary to Class XII the enrolment of girl students is 2,32,486 (36.71%), which is extremely low. The enrolment figures also indicate that the percentage of enrolment from pre-primary to Class V is 83% of the total enrolment.

The steps taken by the State Government in opening of schools has resulted in increased attendance of ST students at the primary stages of their education but still a sizeable percentage of ST boys and girls are not attending the schools. The main reasons for the students not attending the schools are subsistence level of economy, inaccessibility of good educational institutions, unsuitable school curriculum, communication barriers between the teachers and students, teachers and parents and stereo-typed school calendar, which are responsible not only for poor enrolment but also for heavy drop out rates.

2. Incidence of Dropout- Dropout rate of S.T. students in classes I to VII in 1993-94 was 84.72 as against 67.81 for the state as a whole (i.e. higher by 16.91). Despite improved educational infrastructure between 1993-94 and 1998-99, gap in dropout rate among STs instead of coming down has gone up by 18.45. This is a matter of anxiety and deep concern. Details are furnished in the table below:

Dropout Rate			
Year	General	S.T.	Gap.
1993-94	67.81	84.72	16.91
1998-99	61.71	80.16	18.45

The causes of drop out- The Anganwadi centres are not covering all the tribal villages/ hamlets where a child can get mid-day meal. The Anganwadi should function as

mini-primary school in addition to their other duties so that the tribals when they go to forest can leave their children in the Anganwadi. The dropouts from schools in tribal areas become misfit in their own community and other parents are reluctant to send their children to schools. One reason for the drop out of the students is that the present content, syllabi and school curriculum in primary stage of education are not relevant to their society. It is encouraging to note that the State Government is taking steps to prepare text books in nine tribal languages in consultation with Educationist and Linguist of Osmania University for Classes I to III to curtail the drop out rates. At the same time the State Project Director, DPEP has started schools under shiksha abhiyan to increase literacy in tribal areas and all the Project Officers have been authorized to change holidays and working hours in tribal welfare institutions keeping in view, the festivals of the tribals that they celebrate and working hours suited to their requirements.

In a study on the problems of tribal children in schools by Tribal Research Institute in the year 1999, it was mentioned that around 6,000 habitations were not covered by schools. Children's absenteeism was high during agricultural operations, NTFP collection and festive occasions. Teacher's absenteeism also hampered sustained interest in education both among parents and children. Dropout after class II is very high. Lack of proper teaching equipments to schools like table, chair, blackboard, teaching aids etc. was also an important handicap.

In Janmabhoomi programme dropout children are identified and admitted in the schools under back to school programme. School education committees VTDA's and Self-help groups are motivated to identify dropout children, child labour and unenroll children to join the schools. Teachers working in ashram schools are given special training in tribal dialects to communicate with the tribal children in a better way to reduce the dropout rate. **It is necessary that systematic studies are carried out in Mehboobnagar where dropout rate is as high as 90.27 and also in the districts of Srikakulam, Nizamabad and Medak where dropout rate among ST girls is very high i.e. 94.84, 94.76 and 94.07 respectively in 1993-94. State Government should take effective steps to contain wastage and stagnation by monitoring progress of vulnerable ST students.**

3. Initiatives taken by the State Government- In order to promote universal primary education and improved post matric levels of education, State Govt. has designed a wide network of institutions, which include Girijan Vidya Vikas kendras, ashram schools, hostels, residential schools and educational complexes. Initiatives in the form of a variety of scholarships, supply of notebooks, uniform, mid-day meals are made available to tribal students. State Govt. laid emphasis on (a) construction of buildings for schools, hostels and complexes and (b) appointment of quality teachers. The State Govt. facilitates admission of bright ST children to best available schools and it has also accorded approval for opening 4 english medium Schools where 295 ST students have been admitted. A brief of educational network of institutions run by Tribal Welfare Deptt. in the State is given below:

	<u>Institutions</u>	<u>Number</u>	<u>Students</u>
1.	Hostels (2003-04)	505	79,520
2.	Ashram Schools(2003-04)	501	1,30,257
3.	Residential Schools	65	29,271
4.	Girijan Vidya Vikas Kendras	4317	97,689 (Class I to III)

- | | | | |
|-----|--|-----|--------|
| 5. | Best Available Schools(2003-04)
(upto Class X) | 117 | 5,562 |
| 6. | Post Matric Scholars (2002-03) | | 60,652 |
| 7. | Incentives to Boarders for continuing education | | |
| 8. | School Complexes (271) for Monitoring and guidance | | |
| 9. | Resource Persons positioned for academic guidance | | |
| 10. | Joyful learning methodology | | |
| 11. | Teaching though tribal dialects | | |
| 12. | In-service training to teachers | | |

4. Residential schools for Scheduled Tribes- The Andhra Pradesh Tribal Welfare Residential Educational Institutions Society named as "GURUKULAM" was established in the year 1998 as a registered society. There were 65 residential schools in the year 2002-03, having enrolled 29,271 ST students. In case of girls and PTGs, 100% seats are reserved for STs students of that category, while in ST (General) residential schools and residential junior colleges, 70% seats are reserved for STs and 30% are filled up from the non STs.

Classes - The structure of the institutions is as follows:

- | | | | | |
|----|--|-------------------------|---|--------------|
| 1. | Mini Gurukulams | - 41 – 5200 ST students | : | Class I-V |
| | (for ST girls only in low female literacy pockets) | | | |
| 2. | Residential Schools | | | |
| | (a) STs | | : | Class VI-X |
| | (b) PTG | | : | Class III-X |
| 3. | Residential Junior Colleges | | | |
| | (a) Upgraded Residential Junior College | | : | Class VI-XII |
| | (b) Independent Residential Junior College | | : | Intermediate |

Incentives- The students are provided two pairs of dresses, PT dress, towels, shoes, text-books, note books, work books, cosmetics, bedding material including woolen blankets, trunk boxes besides food and the entire cost is borne by the Government. The approved rates for providing food and cosmetics are as follows:

- | | | |
|------|------------------|-----------------|
| i) | Class III to VII | Rs. 270/- p. m. |
| ii) | Class VIII to X | Rs. 330/- p. m. |
| iii) | Cosmetics-Boys | Rs. 20/- p. m. |
| | -Girls | Rs. 25/- p. m. |

The Post-Matric students in Intermediate classes are provided scholarship of Rs. 400/- per month out of which Rs. 350/- is spent on boarding and Rs. 50/- towards cosmetic charges. Girijan Cooperative Corporation supplies most of the food provisions to the institutions in the ITDA areas while vegetables, milk etc. are purchased on tender basis.

Initiatives in Low Literacy Mandals- Government of India sanctioned 41 primary residential schools exclusively for girls in low literacy areas. From 2002-03, mini gurukulams are functioning under the control of the principals of nearby A. P. Tribal Welfare residential schools to which they are attached.

5. School complexes for monitoring and guidance - School complexes identified in tribal areas monitor the improvement of quality in education institutions. Besides District Education Officer, Dy. Education Officer and Head Masters of Tribal Complexes, School Complexes, Resource Pervious (SC RP) have also been identified for this purpose. A plan for each complex is prepared for monitoring enrolment and retention of the children in the schools, and teacher performance. They visits to the schools by SCRPs, and holding training programmes for Subject Teachers/Specialists. Once in every month a review meeting is conducted by the Project Officer, ITDA, and filling up of teacher vacancies is invariably discussed.

6. Highlights of performance 2002-03

The enrolment in Class III to X increased from 11,709 in 1998-99 to 20,636 in 2002-03 and the enrolment in Intermediate substantially increased from 1951 in 1998-99 to 5378 in 2002-03.

Resident teachers are appointed on contract basis against vacancies of regular teachers with a remuneration of Rs. 8,000/- per month for PG teachers and for TG teachers with a remuneration of Rs. 6,500/- in agency areas. In non-agency areas the remuneration is Rs. 6,500/- for PG teachers and Rs. 5,000/- for TG teachers. The Project Officers/Principals are also permitted to take full time tutors from among qualified unemployed or retired persons with an honorarium of Rs. 5,000/- per month. For part-time teachers, a maximum of Rs. 1,500/- per month @Rs. 30 per class is permitted. The teachers availability has greatly improved the instruction in class and supervisory studies.

The teachers in maths, english, physical sciences are trained by reputed Institutions.

Special coaching for slow learners is arranged from January by analysing their weaknesses in unit tests, quarterly and half-yearly examinations.

In the 10th Class examination in March 2002, 85.97% students passed as compared to 67.89% of State average. The result has improved over the years, as shown below: -

7. Results in X Class

Year	Pass%			
	Boys	Girls	PTG	Total
2000	70.50	71.90	73.90	71.50
2001	86.04	70.67	85.89	82.23
2002	89.28	85.97	84.94	85.97

An analysis of examination results of Class X and Class XII of ST students admitted in hostels and those studying in Ashram Schools has shown that performance has been ranging from 70 to 76%, which is satisfactory.

8. Post Matric Scholarship to ST students- Post-matric scholarships are being awarded to ST students. Their number in 2002-03 was 60,652.

Govt. of India release 100% central assistance over and above the committed liability of the State government for sanctioning postmatric scholarships to the ST students in the State. Post-Matric Scholarships are being awarded to ST students according to Government

of India regulations towards payment of fees collected by colleges and the maintenance charges (including mess charges) of the students in hostels.

In Andhra Pradesh mess charges are sanctioned to the ST students at a rate much higher than the Government of India scholarships rate. A comparative statement of mess charges rates is as follows:

Category	GOI rates	GOAP rates*
Group A courses:		
Hostellers	425	525
Day Scholars	190	240
Group B & C Courses:		
Hostellers	290	525 / 400
Day Scholars	190	240
Group D courses:		
Hostellers	230	400
Day Scholars	120	150
Group E Courses		
Hostellers	150	400
Day Scholars	90	115

Post-Intermediate merit Scholarships to Students: Post Intermediate merit Scholarships are sanctioned to ST students to one boy and a girl in each district who secures the highest marks in intermediate public examinations to pursue higher studies. The rate of grant is Rs. 1,800/- per annum per student for the first year and Rs. 1,000/- per annum for the subsequent years of the higher course of study. The merit scholarships are awarded irrespective of parents/guardians annual income and it is in addition to normal scholarship.

Revised procedure for sanction and disbursement of Scholarship- Instances have come to the notice of the Government regarding misappropriation, embezzlement, and fictitious claims, irregular and irrational drawls of scholarship amounts by certain unscrupulous elements resulting in depriving of scholarships to genuine ST students. Therefore, the procedure for sanction and disbursement of scholarships was revised by the Government in 2002 and now scholarship is paid to the awardee by way of account payee cheque only.

9. Admission of ST students in Best Available Schools - Bright children among STs are selected by district selection committee under the chairmanship of collector in each district and the selected ST children are admitted in the best schools recognized by education department.

The amount of scholarship payable for a student is as follows:

Up to Class –VII	:	Up to Rs. 8,000/- per annum
For VIII, IX and X Classes	:	Upto Rs.12,000/- per annum

* For Student Managed Hostels Rs.250/- for all courses given by GOAP.

10. Bright Boys Scheme: Bright Boys Scheme is being implemented since 1973, under which the Hyderabad Public School was selected to impart quality education to ST children. As there is downfall in quality education provided by Hyderabad Public School as per the evaluation study conducted by the TCR & TI, the Scheme has been discontinued and in that place, four English Medium Schools have been sanctioned by Government for imparting quality education to the ST students at Hyderabad, Tirupati, Warangal & Visakhapatnam. Accordingly, entrance test was conducted at the entry class V and 295 students were admitted in the academic year 2003-04.

11. Special coaching to 10th class failed students: Tribal Welfare Department is taking special steps for giving coaching to 10th class failed students in school complexes located in ITDA areas to appear for SSC examination.

12. Conducting of cultural and sports meet: Every year one ITDA is identified as nodal agency to conduct cultural and sports meet called as "Chaitanya Sravanthi". The students selected at ITDAs are sent to Nodal agency ITDA to participate in the State level sports meet.

13. Incorporation of Tribal Education Action Plans into "Sarva Siksha Abhiyan" Plans- State Project Director, DPEP is willing to provide funds under "Sarva Siksha Abhiyan" for development of education in tribal areas. Accordingly, all POs of ITDAs were requested to prepare Tribal Education Action Plan and incorporate this into district "Sarva Siksha Abhiyan" Plan through District Collectors.

14. B.Ed. College- In respect of Tribal Welfare College of Education at Bhadrachalam, State Government has notified by an order dated 24.6.2000 that all the seats in the college shall be reserved for the ST candidates of all scheduled areas in the state.

15. Appointment of Teachers - State Government has issued revised orders on 10.04.2000 for appointment of teachers in Girijan Vidya Vikas Kendra Schools and all other Schools in Scheduled Areas. It has been provided that the teacher posts shall be filled up by local S.T. candidates and 33¹/₃ percent of the total posts would be invariably reserved and filled up for female candidates. The S.T. applicants who have passed 10th Class Examination are eligible for such posts.

16. Girls Education- The State Government has taken various initiatives and programmes to increase female literacy in the State. Some of them are listed below: -

1. Special facilities to girls

- a) Prematric & Post matric Scholarships
- b) Free boarding and lodging
- c) Free Dresses, trunk boxes etc. at primary and secondary level
- d) Separate schools/hostels for girls
- e) Seats reservation in residential schools/English medium for quality education
- f) 41 mini-Gurukulam in tribal areas

2. **Monetary Incentives to parents**
 - a) Bank linked economic support schemes
 - b) Additional Rice given to parents
 - c) Allotment of houses under housing programme
 - d) Sanction of pensions
3. **Other encouragements**
 - a) Mid-day meals
 - b) Organising street plays to spread awareness
 - c) Enrolment drives
 - d) Bridge course and Back to school programme
 - e) Creche centers by women self-help groups

17. Adult Education-People in the age group of 15 and above are covered under adult education programme. Schemes like Akshara Sankranti, Akshara Jyoti, Akshara Godavari, etc. are implemented to promote adult education among tribals. Vidya volunteers are appointed to take up the programmes for which they were paid honorarium. The impact of adult education programmes/ schemes has been that literacy among tribals has increased, sanitary conditions in the houses and awareness about health and immunization have improved.

THE ANDAMAN AND NICOBAR UNION TERRITORY

The Commission visited the Andaman & Nicobar Islands from 12 to 16 March 2004. During our tour, we visited the following islands: Car Nicobar, the Great Nicobar, Little Andaman, South Andaman, Middle Andaman and Strait Island. We were also fortunate in being able to make a trip to the North Sentinel Island.

2. The Andaman and Nicobar archipelago consists of 572 small and big islands and rocks, aligned north-south in the form of a broken chain of approximately 700 kms. between Cape Negrais and Myanmar in the north and Achin Head in Sumatra of Indonesia in the south. The total geographical area of the islands is 8,249 sq. kms. The geographical area of the Andaman Islands is 6408 sq. kms and that of Nicobar Islands 1,841 sq. kms. Administratively, it has two districts – Andaman & Nicobar. The maximum width of Andaman Islands is 52 kms, the average being 24 kms; the maximum width of Islands in the Nicobar district is 58 kms.

3. The Andaman & Nicobar Islands were originally the home of aboriginal tribes. Early stray accounts indicate non-existence of others. During the eighteenth and nineteenth centuries, however, the British authorities deported convicts from the Indian mainland, for which purpose a penal settlement was started in 1858. It was closed down in the 1930s. After Independence, the islands changed their character, from having been “Kala Pani” to becoming a haven for people who were displaced following the partition of the country.

4. According to the 2001 Census, the Union Territory of Andaman and Nicobar Island had a population of 3.56 lakhs persons of whom 29,469 persons reportedly belonged to scheduled tribe communities. The non-tribal community component is made up of a variety of persons, comprised of the deportees and convicts and their progeny, the displaced people from the erstwhile East Pakistan and others who have migrated to the islands on various accounts. The Union Territory is presently the abode of six aboriginal

tribes i.e. the Great Andamanese, Onge, Jarawa, Shompen, Sentinelese and Nicobarese, all of whom have been notified as scheduled tribes. Except the Nicobarese and the Shompen, who are said to belong to the Mongoloid race, the other four tribes have been classified to belong to the Negrito stock. A detailed study by the Cellular and Molecular Biology Laboratory, Hyderabad, arguably the first of its kind, indicated the descent of the four from early human beings who migrated eastward out of Africa. Further, except the Nicobarese, all the other five have been declared primitive tribal groups. The Nicobarese are, comparatively speaking, an advanced tribe. Tribewise population has been furnished by Andaman & Nicobar Administration as follows:

Andmanese	...	47
Onge	...	95
Jarawa	...	251 (estimated)
Sentinelese	...	100 (estimated)
Shompen	...	382 (estimated)
Nicobarese	...	26,000

5. There are few scenarios in the world rivaling the anthropological opulence of human-kind of the Andaman & Nicobar Islands. The instances cited of some Amazonian tribes in South America and some tribes of the Phillipines appear to be pale compared to the ancient indigenous fare here. What follows is the sum of our own observations added to the discussions we have had and the considerable literature now available.

The Nicobarese

6. The Nicobarese constitute the largest group, inhabiting 12 of the 22 Islands in the Nicobars district. Their major concentration is in the Car Nicobar Island. They are an advanced Mongoloid community, having coconut plantations and vegetable and pandanus gardens. Coconut and its product i.e. copra, are the mainstay of their economy. The 1991 ST literacy percentage was reported to be 56.62. Since literacy among the other five tribes can be taken to be near zero, it may be assumed that it relates mainly to the Nicobarese. But few members of the tribe have continued education beyond the high school. It is noteworthy that a college was earlier established in the Car Nicobar Island but had to be shifted as they refused to have it for want of employment of the educated.

7. The Nicobarese have a well-structured social system. At the village level, there is a captain who is the headman. The second and third captains of the village assist the first captain. The captains are chosen by the people themselves democratically i.e. by secret ballot. At the apex level, there is a traditional Tribal Council consisting of 15 first captains, who elect the chief captain and the vice-chief captain. Joint family system prevails among them and Tuhet (subscription) is offered by individual households for common activities.

8. At a meeting with the Captains on 12 March 2004, the following issues cropped up:

- (i) The Captains were exercised that non-tribals enter their Islands in contravention of the Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956. Another cause of the existence of non-tribal non grata population in the Nicobar Islands was that government servants serving long in these islands have a tendency to settle down in these islands; in their case, the deterrence of pension curtailment should be applied.
- (ii) For larger trade, commerce and social inter-course, there should be more frequent passenger and cargo shipping services.
- (iii) The north and east coasts were being eroded fast, particularly because of sand extraction for construction purposes from the beach. Use of alternative material would discourage sand extraction and prevent erosion. The Administration may have to look into it.
- (iv) It was remarkable that while the enrolment of children was 100 per cent, drop-outs were said to be 10 to 15 per cent. There were more than 500 students in the 5th class and more than 100 in the 10th class. As mentioned earlier, very few Nicobarese youth proceed beyond the school stage. For enabling young Nicobarese to continue their education beyond the high school stage, the Commission's Team urged in the meeting on 15 March with Chief Secretary and other UT officers at Port Blair that suitable incentives, including free to and fro annual sea passage from Port Blair, be provided. Incidentally, the building of a Navodaya school was still incomplete, while the school was running. Its second phase comprised of hostel dormitories and other school buildings should be expedited.
- (v) The medi-care scenario was more or less satisfactory as there were five sub-centres and there were ten doctors in the Bishop Richardson Hospital. However, five specialist posts i.e. that of

gynaecologist, surgeon, anaesthetist, pediatrician and physiotherapist were vacant. The common diseases were said to be malaria, filaria, TB. The Shompen were said to be mostly suffering from dermatitis. In the Car Nicobar Island, 75 per cent of the deliveries took place in the hospitals and there was no dearth of medicines.

- (vi) It was demanded that interviews for class IV posts be held in island.
- (vii) The electric transmission lines have been subject to snap owing to fall of coconuts from the trees. Underground cable network was suggested.

9. Presently, the chief problem in the Car Nicobar and surrounding Nicobarean Islands was that the price of coconut had been falling, making things difficult for the Nicobarese. Though NAFED had offered minimum price support, their payments were often delayed. Payments should be made promptly. Secondly, the fluctuating coconut price regime does not permit a stable economic situation. The possibilities of value-addition to the coconut economy, such as practised in Kerala, should be explored. Other avocations like animal husbandry, poultry also may be tried.

10. As indicated above, the Nicobarese have a well-set traditional social organization of first, second and third captains at the village level with super-structure of traditional Tribal Council consisting of the chief captain, the vice-chief captain and 13 captains. These bodies take all important social decisions concerning the community. The Administration, represented by the Nicobar District Magistrate, involves the captains in several ways in matters concerning development and welfare. But, no separate and specific official organisational structure has come about which would help participation of the traditional representatives, though the Tribal sub-Plan pattern has been operated. Two alternatives are open. One, introduction of a Sixth Schedule pattern with the formation of an Autonomous District Council wielding the same functions and powers as listed in the Sixth Schedule of the Constitution. Second, to convert the Nicobar district into a Scheduled Area under the Fifth Schedule of the Constitution, enabling application of the provisions of Articles 243, 243A-243ZG in Part IX of the Constitution. The Scheduled Area, if and when formed, would also attract The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.

The latter course seems to be more appropriate in the sense that the PESA Act would allow the A&N Administration the flexibility to frame a law which is relevant to the Nicobarese situation, in consonance with the guidelines contained in the Act.

The Great Andamanese

11. A majority of the members of the Great Andamanese group, belonging to the negrito race, said to total 48, reside in the Strait Island of the Andaman district. Social scientists aver that once they were the largest tribal group running into thousands roaming the Islands. But contact with "civilization" has gradually reduced them to a condition where they were near-extinct. At their numerically lowest in the late 1960s, just 19, they have been nurtured since by the Andaman & Nicobar Administration. It is surmised that had some cross-breeding with the non-tribal population not taken place, the prospect of its continued existence might have been dim. Even with medicare provided by the Administration, two members of this small group staying at the Strait Island were reportedly affected by tuberculosis. The physical condition of the other members also was not good.

12. The Commission's team visited 25 members of the group in the Strait Island. Some members were reportedly engaged in coconut plantation-cum-orchard on daily wage basis (Rs. 100 a day). In addition, the Administration has been providing them free rations, clothes, potable water, free medi-care, schooling, free houses etc. Besides, their settlement has been electrified and developed and has been connected through wireless. The Administration's parental care lavished on the Great Andamanese has enabled them to survive. But, it is hardly possible to miss the observation that it has also been responsible for sapping their vitality. This has not happened during the course of these four five decades; it has been the result of many decades. The British people first subdued and then made attempts to tame the wild forest people that they were at that time. It has also been alleged to that they were inducted into addictive habits like opium-eating and tobacco-chewing. Even now, many of them are addicted to alcohol and other intoxicants and have been wasting away. We shall discuss this point further after an account of the Onge tribe which follows.

The Onge

13. According to the Andaman & Nicobar Administration, the Onge, another negrito race, have been in contact with the so-called civilized society for over 100 years and, as already mentioned, their present population is 95. Originally, they were scattered in different bands over the Little Andaman Island. One band has been settled partly in Dugong Creek and partly in South Bay in the Little Andaman Island. Like the Great Andamanese, the Onge have been the recipient of overwhelming welfare attention. While they are employed in coconut plantations, they are provided free rations, houses, clothes, potable water, free medi-care, schooling as well as facilities for ensuring a relatively comfortable life like TV set, community hall, wireless communication etc. Though occasionally they still hunt boars and collect honey, this means that they do not have to earn their living themselves, resulting in the type of anomie in which the Great Andamanese are steeped in. They live in two worlds, one which is dead and the other powerless to be born. Inter-face with the "civilized society" has drawn them out of their natural habitat, fragmented their socio-cultural organization and replaced their hoary occupations and life-style with inappropriate paradigms. They were used to hunt and gather and their present life is more or less sedentary. They were used not to wear clothes and now successive generations of the civilized society bear upon them to wear clothes. They used to live in huts harmonizing with the eco-systems and they have been lodged in incongruous structures. Exposure to intense external interventions impacting on their individual and social psyche has driven them to seek refuge in alcoholism and other intoxicants. Psychologically, they seem to be oppressed under the crushing weight of a strange, bizarre patronage. They have been displaced, sedentarised and marginalized. Instead of proud territory-and-identity defenders, they seem to have turned disoriented and supine, begging for this that and the other during the visit of the Commission's Team. Dependence and charity seem to have knocked the spirit out of them. Like the Great Andamanese, they have almost lost the élan vital.

14. The experience with the Great Andamanese and the Onge should be regarded as a curtain-raiser for a policy for the Jarawa whom we deal with here.

The Shompen

15. It is surmised that the Mongoloid Shompen now numbering estimated 382 were the first aborigines to occupy the Great Nicobar Island followed by immigration of the Nicobarese. The British power established their presence there nominally since the mid-nineteenth century. Till 1969, Great Nicobar seemed to have been the home of only the Shompen and the Nicobarese. Since 1969, the Government of India initiated a scheme of settlement of about 2000 families of ex-servicemen on the south-eastern and western coastal belts of the Island. A headquarters was set up at Campbell Bay. Land was reclaimed by felling trees, laying down 51 kilometers of north-south road and 43 kilometres east-west road across the Island connecting Campbell Bay in the east to the Nicobarese village of Kopenheat in the west cutting across the Shompen area. As the Island was a total tribal reserve under the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956, the settlement area covering the six villages and Campbell Bay was dereserved.

16. The Shompen are hunters, gatherers, fishing-folk, arbori-culturalists, apiculturalists. They raise pandanus, colocasia, lemon, banana, chilli, tobacco, betel, arecanut, cocunut, tapioca on suitable land. Pandanus is the single most important plantation crop as it is a major source of food for them. They move across their territory round the area gathering fruits and roots. They hunt pig, monkey, monitor lizard, crocodile, megapod and other birds besides varieties of fish, molluscs. They keep on shifting their camps not far from each other to avoid the hazards of ill-kept sanitation and ill-health.

17. The Shompen appear to have come under pressure on account of location of the ex-servicemen settlements as well as plans to rehabilitate Sri Lankan repatriates, establish rubber plantations and create a free-port zone. Of the four projects, the first has been enough to drive the Shompen bands into the interior. It is also reported that contact of the Shompen with outsiders has left them weak and disease-prone; those in the interior and, hence, relatively unexposed have been found to be healthier and strong. The activities of outsiders like advancing encroachment on their land and utilization of forest

and other natural resources has not only tended to denude their subsistence economy, but even threatened their survival. It is reported that the Shompen bands which had frequent contact with outsiders through coastal Nicobarese have either been annihilated or the population of the band has dwindled. It has happened all over the world, and particularly in South America; the sections of the communities and even whole communities were decimated due to epidemic diseases brought in by outsiders. The Shompen are, therefore, extremely wary of such contacts. Some of the bands have retreated into the interior, barricaded by dense forest. The only exception are the Nicobarese with whom, after interminable conflicts culminating in the early twentieth century in neighbourly peace, they have symbiotic relationship. The fact is that even in the beginning of the twenty-first century, we have had no contact with most of the bands and we do not know enough about them. The meagre and tenuous contact is just as well for them for the reason cited above. In fact, we should not press on unduly in the matter, on purely humanistic grounds. Let them be given time to equip themselves the way they want to, for coming to terms with the outside world.

18. During our visit, our only contact was with 7 individuals including a couple among them and all related to each other, in the village Chingen in the southern part of the north-south road. The couple were staying with one Nicobarese, Paul Jaura. So far as we could gauge, the Shompen boy was ready to undertake some work among his people and he wanted a bicycle for the purpose. Perhaps, there would be little difficulty in providing him with a bicycle. But the basic issue would be the kind of work that he should undertake. On the face of it, it looks a rather minor matter. But it needs to be borne in mind that we are dealing with the future of not only about 400 people, but also with a profound philosophical question, particularly in the realms of humanism and anthropology. In fact, the question relates not only to the Shompen but also to the two other tribes, the Jarawa and Sentinelese. We have confronted the question in more detail under the Jarawa.

The Sentinelese

19. The Sentinelese live in North Sentinel Island in the Andamans district. They belong to the Negrito race. Very little is known about them, even less that what we

know about the Jarawa and the Shompen. One reason is that they have consistently demonstrated their hostility towards outsiders. Any individual or party approaching their coast has generally been greeted with a show of bows and arrows. Therein lies the secret of their survival. Had they submitted to the superior physical might of the outsiders or responded in friendly terms to their overtures, they might have, in all probability, gone the way of the Great Andamanese and the Onge. The Sentinel Island has been a quarantine-haven which insulated them and enabled them to continue to pursue their way of life. Their estimated population is said to be 100, but it appears to be more of a guesstimate. According to the A and N administration, the expeditions of 1991 were able to make the first friendly contact with them when they accepted gifts of coconut. The Commission's Team sought a view of the North Sentinel Island and placed some gifts on the shore, without making any contact with them. We were glad to note, however, that the "Administration is not in favour of continuing the regular contact expeditions as the contact of the Sentinelese with outsiders may lead to spread of foreign diseases among the Sentinelese. Their hostility towards others is an effective safeguard for their well-being". We support this decision of the Administration. As we observe in respect of the Jarawa and Shompen, the Sentinelese also should be allowed to equip themselves the way they can, to come to terms with the outside world. Democracy should not only offer a group of people with the liberty of choice, but should also enable members of that group to capacitate themselves in the manner they wish to, to enable the choice to be made freely and genuinely.

The Jarawa

20. The Negrito race, Jarawa, inhabits the western parts of South and Middle Andaman Islands. They are a foraging tribe, hunting, gathering and fishing. Along with the Sentinelese, they are the other tribe who have been able to keep external hostile forces at bay for these centuries. Their present number is estimated to be 266.

21. Since 1974, parties of A&N Administration have been attempting, from time to time, contact with the Jarawas gifting them coconut, banana, iron implements etc. The turning-point in the relations occurred in 1997 following treatment of a fractured leg of a Jarawa boy in Port Blair hospital. It is still not known how many and which bands of the Jarawa frequent which territory. However, it appears that one section among them

started frequenting after 1997 the Andaman Trunk Road as also neighbouring non-tribal villages. The inter-action had phenomenal repercussions. On the one hand, the Jarawa fell for non-tribal material objects like food, clothes even to the extent of begging. On the other hand, they became objects of curiosity, pity and lust of the non-tribals, tourist and non-tourists alike. They are becoming addicted to tobacco and other intoxicants. On the Calcutta High Court's intervention, the authorities have been asked to evolve a well-considered policy for the Jarawa, instead of ad hoc steps for meeting sundry situations.

22. We believe that the process of hammering out a policy through discussions and seminars at various levels has been taking place and the matter is likely to be placed before the Calcutta High Court before long. We find that, in the meantime, the Supreme Court in its order of 7 May 2002 accepted the report of Shekhar Singh Commission on sustainable development in the Islands and called for action on its recommendations. One of the recommendations of the Commission was to close within three months the Andaman Trunk Road to all vehicular traffic from Miletalak in South Andaman to the northern boundary of South Andaman Island, from Kadamtala in Middle Andaman up to Kaushalya Nagar. Further, no person except for the Jarawas living in the Jarawa Reserve should be allowed to enter the Reserve by any means unless he/she is permitted by the Principal Chief Conservator of Forest and the Secretary, Tribal Welfare, A&N Administration. The Commission was also categorical that no such permission should be granted unless the person is proceeding on bonafide work related to the welfare of the tribals or the protection of the area. The A & N Administration have, on their anvil, a draft regulation regulating entry into the Jarawa reserve. Should the Andaman Trunk Road be closed and very limited ingress allowed, it will be a major help by way of clean-slate start for implementation of an intensely debated and deliberated policy. We are of the view that the Jarawa reserve should be restored to its original amplitude and all encroachments and habitations in it be removed. The Jarawas should have free run of the reserve as of old.

23. Today, standing at the cross-roads, we have been called to witness at the bar of history. The "civilized" man possesses enormous might compared to what each or all of the five Bay Islander communities together, can muster. In fact, in the past, the notion of show of force has not been taboo for the Administration: It is so easy to fall a prey to the

idea of subjugating and civilizing them. But the question is: should the tribes' capitulation be our objective? Let us hark back to the words of the savants who said that the measure of a civilization lies in the manner a nation treats its minorities. The five tribes are not only miniscule minorities, but also represent priceless specimens of a hoary time-warp.

24. We seem to have already rendered two of the five i.e. the Great Andamanese and the Onge, third-rate copies of ourselves. Apparently, members of these two tribes tend to be moronic, as a result of intervention of the administration. It should give us pause to introspect.

25. The experience of the two tribes leads us to emphasise that, however lofty the ideals of a policy, it is almost always implemented at the grass root level by run-of-the-mill workers who may not have been sensitized and who may not be innately sensitive. They are, generally, not mentally equipped for the delicate nature of such tasks. Further, having to rough it out in remote inhospitable surroundings begets inurement and indifference. Hence, in the result, inevitably we have a human apparatus which, in its mind, routinises and even trivializes the mission. It is pointless to criticize them, but it is essential to understand the situation. The prime fault lies in expecting so much as is well-nigh impossible for them to conceive, much less to achieve. The need is for qualified, knowledgeable, committed personnel, a breed becoming increasingly rare.

26. In any event, the first step is to evolve the right policy for discharging the onerous responsibility cast on our generation for the three tribal heritage groups, the Shompen, Sentinelese and Jarawa. We are glad that the policy plant is not being grown in the hot-houses of either the A & N Administration's or the Central Government's secretariats. Since the issue has entered the public domain, it is hoped it will be smelted in the crucible of vigorous, diverse thoughts and opinions which are likely to ensure the relevance, genuineness and suitability of its essence. The next step should be concerted and resolute quest for the right type of personnel either in government or outside.

27. We would like to make a few general observations impinging on the policy to be evolved. **In the first instance**, now that the Supreme Court has approved the Shekhar Singh Commission's report for doing away the Andaman Trunk Road, it should as well be closed and alternative communication means located. **Secondly**, the provision in the

proviso to section 4 of the Andaman and Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956 to the effect that the Chief Commissioner (now Lt. Governor) may allot land in the tribal reserve exceptionally to persons other than a member of an aboriginal tribe in certain circumstances, should be abrogated. **Thirdly**, all non-tribal habitations, encroachments etc. in the tribal reserves, as demarcated in the A&N Administration's notification dated 2 April 1957, should be removed and the reserves be restored to the position indicated in the said notification, if truncated subsequently. **Fourthly**, the Jarawa and the other two tribes should be allowed the full right to unhindered movement in the respective reserves as defined in Andaman & Nicobar Islands (Protection of Aboriginal Tribes) Regulation 1956. **Fifthly**, and importantly, the Shompen, the Sentinelese and the Jarawa should work out, without undue intervention, things for themselves in their own time. For the purpose, they have to equip themselves in the way that they wish to, to come to terms with the external world. **Sixthly**, it should be clearly understood that there is no room for patronising or misplaced sympathy or an attitude of superciliousness to 'civilise' the three groups. They are our precious heirloom, a national heritage and should be looked after as such. **Seventhly**, there should be minimum interface between them and external welfare agencies. A bare minimal number of non-tribal personnel should be permitted to visit them, primarily on medicare mission. And **lastly**, we should agree on a policy, which is right rather than that which is good and we should learn to proceed deliberately, cautiously, gradually and slowly. The policy should calibrate the progression movements, as the composer does in a symphony. The three groups should be enabled to move forward on their own terms and in their own pace.

Arunachal Pradesh

The State of Arunachal Pradesh is situated in the North-Eastern tip of India and area-wise it is the largest State in the North-Eastern region of the country. The State has International land border with Bhutan in the West, China in the North and North-East and Myanmar in the East. It has Inter-State borders with Nagaland in the South-East and Assam in the South.

Arunachal Pradesh forms a part of the Eastern Himalayan ranges and is characterized by rugged and undulating terrain with many rivers and streams originating in the higher hills flowing down to form tributaries of the river Brahmaputra.

Arunachal Pradesh, the erstwhile North-East Frontier Agency (NEFA) administered by the Ministry of External Affairs, became Union Territory in 1972 and attained the Statehood in 1987. The State has 60 Legislative Assembly seats. There are 2 Parliamentary Constituencies and has only one Rajya Sabha seat. There are 16 Districts, 3649 villages and 83 Development Blocks in the State with Itanagar as the State capital.

2. Demographic Profile (2001 Census)

Total Geographical Area	83,743 Sq.Km.		
Population	10.91 Lakh		
Sex Ratio	901 Females per 1000 Males		
Density of population	13 per Sq. Km.		
Decadal growth rate	26.21%		
Literacy rate	State Total 54.74%		
	Male 64.07%	Female 44.24%	

Arunachal Pradesh is predominantly a tribal State. About 2/3rd of its population belongs to Scheduled Tribes i.e. 64.63% from all tribes including 16 major tribes notified as Scheduled Tribes under Constitution (Scheduled Tribes) Order from time to

time. Among the non-tribal population of the State – are traders, businessmen, employees, workers etc. The Chakmas had migrated long-time ago from present day Bangladesh, now estimated to be over 60,000 and that about 1400 of them have been enrolled as voters as was stated by the State officers in the meeting the Commission had with them.

3. The Scheduled Tribes (STs)

3.1 Arunachal Pradesh is predominantly a tribal State. As per original 'Constitution (Scheduled Tribes) Order 1950', amended in 2002, all tribes in the State including the following have been notified as the Scheduled Tribes:-

1.	Abor	11.	Sherdukpen
2.	Aka	12.	Singpho
3.	Apatani	13.	Hrusso
4.	Dafla	14.	Tagin
5.	Galong	15.	Khamba
6.	Khampti	16.	Adi
7.	Khowa		
8.	Mishmi, Idu, Taroan		
9.	Momba		
10.	Any Naga tribes		

Idu and Taroan at Sl. No. 8 and tribes at Sl. No. 13 to 16 have been inserted under the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002.

3.2 Apart from these tribes notified, there are over 100 sub-tribes in the State as per the State document given to the Commission. The State Government had sent a proposal to the Government of India to change the name of the Dafla tribe at Sl. No. 4 to 'Nyishi'. The State proposal also included change of name of the tribe Galong at Sl. No. 5 to Galo. But these proposals were not accepted by the Government of India. The Galo Welfare Society submitted a memorandum to the Commission during its visit to the State which says that the Galo tribe has been wrongly notified as Galong and that it should be named as Galo instead of Galong which is the original name of the tribe, it being one of the major tribes of the Arunachal Pradesh.

The Commission recommends that the proposal of the State Government in respect of Dafla and Galong may be reconsidered and change the name of Dafla tribe to Nyishi and that of Galong to Galo on the plea of the concerned tribes that the names of the tribes – Dafla and Galong connote something derogatory.

The Commission further recommends that the nomenclature “all tribes” under the Constitution (Scheduled Tribes) Order, 1950 should specify the individual tribes and so also in respect of over 100 sub-tribes in the State as reported by the State each of whom should be listed separately if they have been notified as Scheduled Tribes under the order. The Commission further recommends that the nomenclature “Any Naga Tribes” at Sl. No. 10 should specify the individual Naga Tribes.

3.3 The broken Hindi and Assamese serve as lingua-franca for the tribes of Arunachal Pradesh. English is being used as official language of the State.

4. Economy

4.1 Economy of the State is basically agrarian. Strategically very important, but it is one of the economically backward States in the country due to long isolation and separation from the main stream of the Nation. Other impediments to the faster economic development are the inhospitable topography, challenging climatic conditions, inadequate infrastructural facilities – roads and transport system and communication network.

4.2 Net State Domestic Product (NSDP) at current prices (2001-02) is Rs. 1,739 crore. Per capita NSDP at current prices (2001-02) is Rs. 15,785 against Rs. 17,962/- at the National level. National Human Development Report 2001 brought out by the Planning Commission estimated the value of Human Development Index (HDI) for Arunachal Pradesh at 0.242 and 0.328 for 1981 and 1991 respectively. The State ranked 28 and 27 respectively during these periods. In the North-Eastern States, Arunachal has the lowest HDI and Mizoram has the highest HDI.

4.3 The State of Arunachal Pradesh is one of the special category States heavily dependent on Central Assistance for plan investment because of the revenue deficit

on account of poor tax-base despite having rich natural resources. At the end of Ninth Five Year Plan i.e. in the year 2001-02 approved plan outlay was Rs. 661 crore and revised outlay was Rs. 660.91 crore and the expenditure actually incurred was to the tune of Rs. 554.91 crore. The shortfall in expenditure has not been explained by the State Government in its plan documents. Tenth Five Year Plan has the approved outlay of Rs. 3888 crore. In the year 2002-03, revised outlay approved was Rs. 676 crore whereas expenditure made was Rs. 528.36 crore. For the year 2003-04 revised plan outlay was pegged at Rs. 723 crore. The State has not yet firmed up the expenditure figures for the year. The plan document indicates that the State could not avail of the approved plan outlays and there was shortfall of 23% at the end of the Ninth Plan. This trend of shortfall in the realization of the approved outlay continues during the Tenth Plan period also. In order to avert the shortfall of plan resources, there has been substantial augmentation in the plan outlay of 2004-05 taking it to Rs. 896.33 crore. The reasons for these shortfalls have not been explained by the State. Perhaps, the State has never been implementing plan projects and programmes efficiently on time. There is perhaps a need to review the plan execution and remove the impediments to the timely implementation of the annual plan to ensure faster growth of the economy of the State. The short working session particularly in the higher hills, inadequate infrastructural facilities, problem of staffing etc. might have been the major reasons for the shortfall in expenditure.

It appears that the State Government some how missed approaching the successive Finance Commissions as a result of which they have not tackled the problem of revenue deficit on account of poor tax base despite having rich natural resources of the State. The State may now present their case before the 12th Finance Commission for building resource base and funds flow to meet the Non-Plan expenditure so that the State does not have to divert Plan funds to meet Non-Plan expenditure beyond the limit fixed by the Planning Commission i.e. at present 20% of the Plan funds.

4.4 The Commission recommends that to avert the shortfall of plan resources utilization, Planning Commission in consultation with the State Government may consider creating a Non-Lapsable Pool of Plan Resource for the State of Arunachal Pradesh. In the plan allocation, priority should be given to the infrastructural development for the

construction of all weather roads and building efficient transport system and communication network which could facilitate faster execution of development plans and programmes.

5. Agriculture/Horticulture

5.1 Over 80% of the population is dependent on agriculture. As per 2001 census, out of the total working population of 4,82,206, the number of cultivators is 2,81,822 and that number of agricultural labourer is 18,569. The agriculture is, therefore, the main-stay of the economy of the State. The State has realized that the proper planning and incentive mechanism are required for the change over from subsistence farming to commercial production by cultivating cash crops through intensified and mechanized agricultural operations. The green revolution has not touched the State of Arunachal Pradesh. The agricultural backwardness is attributed to:-

- (a) Physical features of the State having difficult terrain and lack of adequate capital investment for land development improvement necessitating terrace cultivation,
- (b) Low cropping intensity due to mono cropping and prevalence of traditional shifting cultivation,
- (c) Lack of adequate infrastructural support, assured irrigation facilities,
- (d) Lack of extension services.

5.2 In fact the Development Block Staff has not been providing any technical assistance or extension services for crop cultivation fruit tree plantation, use of modern technology etc. The Commission during its visit to a village Hija near Ziro, the District Hqrs. of Lower Subansari District, had interaction with the tribal people/cultivators in the presence of Deputy Commissioner, other officers and the development staff. When asked about the availability of technical assistance and extension services from the Block staff, the cultivators retortingly said that they knew better than the Development Block staff. The cultivators reported that they themselves produced paddy seeds and seeds of other crops. They are following the traditional farming methods. They do not use chemical fertilizers and use only organic manure. Insecticides, pesticides are rarely used. The Commission's team witnessed the transplantation taking place in the paddy fields which have assured irrigation facilities in this

village and they are also rearing fish in the paddy fields. They reported that the yield of their indigenous seeds are quite high but cannot say with certainty about the productivity of the yield actually realised. The fact remains that they have been repeatedly using seeds traditionally multiplied which can in no way help produce high yielding varieties of seeds without technical assistance. They do not get any technical backup and research and development support. The high yielding varieties of paddy seeds used in the plains of Assam, cannot perhaps be replicated in the high altitude valleys of Arunachal Pradesh. The seeds of high yielding varieties suiting the requirements of high altitude farming need be developed on the pattern adopted in the States of Himachal Pradesh and Uttaranchal with similar climatic conditions.

5.3(a) Gross cropped area in the State is estimated at 2,43,000 hec. Percentage of net area sown to gross cropped area is 81.48. Percentage of net area irrigated to net area sown is 19.70. Percentage of area under food-grain is 75. The total area under food crops is 1,88,627 hec. The food-grain production in the State is 2.18 lakh MT. Target is to reach the level of 2.87 lakh MT by the end of Tenth Plan. The agricultural policy announced by the Government in the year 2002-03 envisaged the plan of action for increasing the net crop area from 2 lakh hec. to 2.1 hec.; and by raising the percentage of seed replacement rate from the present 6% to 12% by the year 2007 by propagating the use of improved high yielding varieties. The State has now thought of the balanced use of fertilizers with a thrust on organic manure though some of the crops may need use of chemical fertilizer where irrigation is assured. However, the thrust is on the use of bio-fertilizers, green manure, compost etc.

5.3(b) Rice, wheat, coarse-grains, pulses are the major food-grains produced. The commercial crops propagated are oil-seeds, potato, sugar-cane, ginger, chilli, and vegetables.

The total area under fruit production is 45,935 hec. and the total fruit production is estimated at 92,136 MT. The total production of spices is 33,145 MT. Other commercial crops like potato, ginger, oilseeds, sugar-cane, vegetables etc. the production of which is estimated to be 1,51,000 MT in the State.

5.4 There is an emphasis given on horticultural plantation that can be taken up on the hill slopes also. Agro-climatic conditions are suitable for the production of tropical and sub-tropical horticultural crops and temperate fruits in the higher hills. The target for Tenth Plan towards the end of the plan annually is 1,28,876 MT. The major fruit crops are citrus, pineapple, plum, apple and banana, stone fruits, walnut etc. Most areas in Arunachal Pradesh are suitable for banana cultivation. The banana cultivation can in fact turn profitable which requires not much of care and control in the climatic conditions prevailing in the State. The emphasis is now on spices particularly the large cardamom and under the technology mission for horticulture, the large cardamom, ginger and black pepper are being propagated. The State has admitted that there are constraints faced in the propagation of horticultural crops in the State. The State does not have progeny orchards for the development of plant material and improved cultivars etc.

5.5 The soil on the hill slopes has the requisite depth for the horticultural tree plantation. There are gentle slopes where agricultural crops can be grown as settled agricultural production on a sustainable basis. The slopes can be terraced both for agricultural and horticultural crop production. Shifting cultivation can be allowed to continue on the steep slopes.

5.6 For soil and water conservation Tenth Plan provides for reclamation of land by constructing terraces. The State Government reported that the problem of soil erosion on the hill slopes have been increasing year after year mainly on account of deforestation and shifting cultivation. Tenth Plan has made a substantial provision for land development and land protection works and for the control of shifting cultivation etc.

5.7 A question invariably asked is about the absence of marketing infrastructure before taking up the cash crop production on commercial lines. The State has set-up an Agricultural Marketing Board. A number of Agricultural Produce Market Committees have been set-up in different commercially important places to provide adequate marketing facilities to the farmers. Agricultural/horticultural policy of the State has given emphasis on developing rural markets, transportation facilities, packaging

facilities, establishment of cold storages and cold chain for storage of perishable cash crops, use of refrigerated vans for transportation of vegetables. Feasibility of all these will depend upon the basic infrastructural development – roads and transport system the need for which is discussed under the head 'Infrastructural facilities' in this report. Agri/horticultural development policy of the State makes specific mention for promoting agro based industries, food processing industries, establishment of grading packing houses etc. which is intended to promote value added products through processing primarily to solve the marketing problems.

5.8(a) The Commission observed that these tribal cultivators should not be deprived of the benefits of frontier technology now available for increasing productivity and maximizing the production to meet not only their consumption requirement but also to help them augment their income by producing cash crops on commercial scale.

5.8(b) In these hills and valleys of Arunachal Pradesh, there are no alternative resource base for employment and income generation. The Commission, therefore, recommends that the Central Government and Indian Council of Agricultural Research (ICAR) should take appropriate measures to improve the agricultural/horticultural operations by providing modern extension services and technology support to the cultivators. The object of launching technology missions for horticultural development in the North-Eastern region was in fact to introduce improved method of cultivation and plantation etc. bringing in modern extension services and technical supports for the cultivators. What is needed is to introduce methods used for bringing green revolution elsewhere in the country. The cultivators of the State in most places are over 35 years away from the green revolution, the Commission observed.

5.8(c) The Commission recommends that the development of nurseries and progeny orchards should be given priority in the State for the production of horticultural plant material of improved varieties for all fruits as the climatic conditions are suitable for propagation of horticultural cash crops on commercial lines. The cultivators should be

encouraged to take-up fruit tree plantations in the jhumlands and spices can also be grown.

5.9 Jhum/Shifting Cultivation

5.9.1 The State reported that over 4.0 lakh hec. of land have been under the coverage of jhum/shifting cultivation which has now come down to 1.10 lakh hec. as a result of sustained efforts made to encourage settled cultivation. During the interaction with the State level officers, Commission was told that the land under jhum/shifting cultivation over which indigenous people had traditional rights for jhuming have been shown as forest land under the control of the Department of Forest. However, the cultivators have been making use of the jhumland for raising agricultural crops. Traditionally, there is a jhuming cycle maintained. Shifting cultivation is done now only in the hill slopes whereas in the valley areas with table land they now have the settled cultivation on sustainable basis. The traditional jhumland on the gentle/less steep hill slopes have been terraced for the settled cultivation. Jhuming is now done on steep slopes of the hills which can also be terraced for settled cultivation but that would require huge investment which a poor shifting cultivator cannot afford in the absence of soft finances.

5.9.2 In the first season of jhuming cultivation, maize is produced which is invariably sown with the on-set of the Monsoon. After the harvesting in Oct./Nov., buckwheat, other cereals and vegetables are grown on the jhumland, and in the next season with the on-set of Monsoon, paddy is grown which is harvested in Sept./Oct. This way, there are 3 crops taken and thereafter, the land is kept fallow for 5 to 7 years. The State Government is propagating social forestry through fruit tree plantation and other horticultural crops on the jhumland in order to conserve the depleting forest resources and to maintain eco-system of these fragile hills. But, the Forest Department does not consider fruit tree plantation as an agricultural activity. In fact, it was reported that the Forest Department has raised objections to the initiative taken by the cultivators for raising fruit trees as the climatic conditions are well-suited for raising horticultural crops. There exists at present a situation of impasse. The jhum/shifting cultivation itself is opposed by the Forest Department. In their opinion, jhumland is a forest land and, therefore, it is not an agricultural land whereas

jhuming/shifting cultivation is traditionally well recognized agricultural activity. As per the Balipara/Tirap/Sadiya Frontier Tract Jhumland Regulation, 1947, "Jhumland" means and includes all lands over which any member or members of a village or community have customary rights to cultivate by means of shifting cultivation or for grazing livestock, but does not include any land which has been or is under process of being terraced for the purpose of permanent cultivation with or without irrigation etc. A customary right to jhumland shall be deemed to be established in favour of an individual cultivator if he inherits the land in accordance with local custom, if he purchases the land in accordance with local custom etc. The only restriction is that jhumland to which a community has the customary right may not be transferred to any community or to any individual except with the permission of the land conservator i.e. Deputy Commissioner or any officer exercising the powers of the District Magistrate.

The operationalisation of the Forest (Conservation) Act, 1980 and the National Forest Policy made thereunder and further intervention by the Supreme Court of India after 1996 and due to many restrictions imposed on harvesting of the minor forest produce, the economy of the tribal people of Arunachal Pradesh has adversely been affected which has resulted in dwindling of employment opportunities and income generation. The Arunachal Pradesh (Land Settlement and Records) Act, 2000 has not yet been operationalised and land surveys have not yet started in the rural areas. The tribal people/tribal communities in the State who physically occupied land for centuries and are in possession with customary rights to cultivate should be given possessory rights. The forest-tribal interface is likely to take a serious turn if the land management system intended under the Act of 2000 is not put in place quickly which basically is to build a permanent land tenure system.

5.9.3(a) The Commission recommends that the present interface between the forest and the jhum/shifting cultivators should be resolved recognizing the age-old traditional agricultural practice of jhuming/shifting cultivation for raising food-grains which even today continues to be the means of food security in the interiors of the tribal habitats. It appears unfair to the shifting cultivators for the Forest Department to assume or treat jhumland to be a forest land and not an agricultural land in the

face of the evidence that for centuries these jhumlands were used for raising agricultural crop through a cycle of jhuming time and again on the same land. The Commission further recommends that on the jhumlands having steep hill slopes where terracing is not feasible horticultural fruit tree plantations should be encouraged. The Centrally funded projects such as Watershed Development Projects, Wasteland Development Projects, Integrated Jhumland Development Projects etc. should be launched for helping the shifting cultivators to have settled agriculture/horticulture as an evocation on a sustainable basis on the pattern these projects are being executed in other States of the North-Eastern region.

- (b) It was also reported that these shifting cultivators have to move to far flung areas outside their villages in accordance with tradition and customary rights for shifting cultivation. The permanent cultivation on a sustainable basis with the support of animal husbandry will help increase productivity and maximize production which will have multiplier effect on the overall economy of the tribal habitat resulting in employment and income generation.
- (c) While implementing the provisions of the Forest (Conservation) Act, the administration as it appears has not taken care to recognize the traditional customary and possessory rights of the tribal people over the land particularly the jhumland. Traditionally the jhumland has always been agricultural land because it is used for growing food-grains and fruits under a periodic cycle system which is why it is called shifting cultivation, the Commission observed.
- (d) The Technology Mission for horticulture in the State has started Mini Mission programmes for expanding the area under fruit tree plantation and vegetables, flowers, post-harvest technology and marketing of horticulture produce and processing etc. The Commission recommends that the Central Government under its Centrally Sponsored Schemes may maintain adequate funds flow for the Mission to help develop horticulture in the State at a faster rate. The horticulture development on commercial

lines, apart from generating employment and income, will help maintain fragile eco-system of the hills of Arunachal Pradesh. The horticultural development under the various Centrally Sponsored Schemes designed to wean away the jhumia families/shifting cultivators should receive impetus.

6. Land

6.1 In the State of Arunachal Pradesh, the ownership of land is vested in the community or the individual as per the tradition and usage of the tribal communities. It appears that except for the land used for common purposes of the community all land under cultivation and jhumland as well are in the possession of the individual cultivator which is inherited as per the tradition. The traditional rights of the people on the land are protected by Section 7 of the Bengal Eastern Frontier Regulation, 1873 amended in 1950 and in 1974 which prohibits alienation of land of the indigenous people to the people who are not the natives of the State. Under the said regulation it shall not be lawful for any person, not being a native of Arunachal Pradesh to acquire any interest in land or the product of land without the sanction of the State Government or such officers as the State Government shall appoint in this behalf. There are no cases of land alienation reported in the State.

6.2 The Balipara/Tirap/Sadiya Frontier Tract Jhumland Regulation, 1947 also provides safeguards to the rights of the tribal people over jhumland. The State has enacted the Arunachal Pradesh (Land Settlement and Records) Act, 2000 which provides for revenue administration, preparation of record of rights over land, assignment of land for special purposes, assessment of land revenue with respect to the use of land for agriculture, industrial or commercial purposes, for dwelling purposes and any other purposes. It also regulates the land use and land surveys and settlement operations to be carried out etc. The Department of Land Management has started organizing cadastral survey of land in phased manner beginning with the State capital Itanagar, other towns and the urban areas. At the end of the Ninth Plan period, 33,487 hec. of land was surveyed against the target of 80,000 hec. as per the estimates. During the Tenth Plan period, target for the land survey is pegged at 60,000 hec.

6.3 As per the report of the State Government till now there has been no resistance from the tribal people for the land surveys and settlement operations. The tribal people may be having certain apprehensions about these surveys and settlement operations. The Commission was told that the settlement operations in the rural areas have not been started as yet. The fact remains that the provisions of the Act of 2000 have not been operationalised and that State has not prepared any Revenue Manual.

6.4 The State has operationalised a system of issuing Land Possession Certificate (LPC) for individual land owners. State has made some allotment of land to the individual or institutions in urban centers as per certain guidelines of the State Government within the notified Government guidelines. The allottees are not allowed to sell or transfer land by way of gift etc. These allotments are made for different use either for residence or business or for institutional purposes on payment of lease rent or land revenue assessed. The power to grant LPC is vested with the Deputy Commissioner/Additional Deputy Commissioner after obtaining the State Government approval. The State has evolved an elaborate procedure for the issue of LPC which requires certification by Forest Department, Village Councils, village headmen, Anchal Samities etc. and a due notice is given to all concerned for no objection from public in general and other land owners in the village in particular. The State Government reported that the financial institutions are hesitant about accepting such land under LPC as security in the absence of the documentation of record of rights on the land in the State.

6.5 The State has, so far, not recorded any case of land alienation. The presumption is that there are no cases of land alienation. However, whispers are there about there being cases of land grab by outsiders in the distant past. There may be dark figures which remained undetected, the Commission observed. The cases may spring-up when the land survey and settlement operations are conducted under the Land Act of 2000.

6.6(a) The Commission is of the view that there is a need to assign priority to the survey of lands expeditiously for the orderly management of the land,

land settlement and for preparation of record of rights over the land held by the communities and the individual cultivators. At present, there are no land records except about the land donated by the communities/individuals to the State or acquired for public purpose. The record of rights is kept orally by the community and the people. There is a need to have revenue manual prepared after surveys have been completed which would help solve the disputes arising out of the process of grant of possession certificates already initiated for managerial and legal purposes. A formal documentation of the records of rights is necessary for the orderly management of land, and to avert certain major disputes that persists today between the Forest Department and the communities/individual land holders. It is now 4 years since the land Act of 2000 was passed but has not been operationalised.

- (b) There is also a need to make tribal people aware of the objects of the Act of 2000. The Commission observed that the tribal people in the areas Commission had visited were not aware of the provisions of the said Act. The State may need a brief prepared on the objects of the Act methods used for the operationalisation of the provisions of the Act, the purpose of land surveys and work initiated for preparing the record of rights over the land and their documentation etc. for information of the land owners and the cultivators.
- (c) The Commission recommends that in order to pre-empt forest-tribal interface and social unrest that is brewing up as a result of this kind of intervention, there should be a comprehensive review done of the subject of land management traditionally held by the communities/individual cultivators over all types of land including forested land.

7. Forest

7.1 As per the Forest Survey of India Report of 1999, 82% of the land area of the State is under the forest cover. Out of the total geographical area of 83,743 Sq. Km., the State has 68,847 Sq. Km. of forest coverage and the dense forest coverage is

57,756 Sq. Km. The State Government has notified 19,713 Sq. Km. area as reserved forest, sanctuaries, and National Parks etc.

Their distribution is as under:-

Reserved Forest	9552.32 Sq. Km.
Anchal/Village Reserved Forest	625.37 Sq. Km.
National Park	2290.82 Sq. Km.
Wild life & Orchid Sanctuary	7237.17 Sq. Km.
Protected area	7.80 Sq. Km.
Total	19713.48 Sq. Km.

7.2 It is pertinent to mention here that the State of Arunachal Pradesh is considered as one of the 12 Mega Diversity Hot Spots in the world. The State reported that there are 20 species of fauna, 4,500 species of flowering plants, 400 species of Pteridoehytes, 23 species of conifer, 35 species of bamboos, 20 species of canes, 52 rhododendron species and more than 500 species of orchids.

7.3 Assam Forest Regulation 1891 has been extended to the whole of Arunachal Pradesh. The State Government has been given the powers under the regulation to constitute reserved forest comprised of any land at the disposal of the Government by following the procedure prescribed. The land at the disposal of the Government under this regulation means the land in respect of which no person has acquired a permanent heritable and transferable right of use and the occupancy under law for the time being in force; or any right created by grant or lease made or continued etc. There is a procedure laid-down for the treatment in settlement of claims in respect of any land made part of the reserved forest. In respect of the claims relating to the practice of jhum cultivation, the forest settlement officer is required to record a statement about the claims and submit the same to the State Government with his own opinion, on receipt of which the State Government makes an order permitting or prohibiting the practice wholly or in part. The practice of jhum cultivation is deemed to be a privilege subject to control, restriction and abolition by the State Government and not to be a right. Under the regulation the claims to a right of way, water course, of pasture or to forest produce etc. are to be considered by the forest settlement officer and pass necessary orders with regard to the exercise of such rights by the claimants.

Under the Arunachal Pradesh Anchal Forest Reserve (Constitution and Maintenance) Act, 1975 amended in 1981 and 1984 the State has constituted Anchal forest reserves and village forest reserves covering 625.37 Sq. km. After meeting of expenditure on the management of Anchal Forest Reserve, the State Government shall transfer to the concerned Samities and Zila Parishad every year equal share 50% of the net revenue of the year less the amount the State Government is entitled to recover on account of the capital expenditure made by the State Government. Similarly, the State Government shall transfer to the Village Panchayat every year 50% of the net revenue of the year less the amount the State Government is entitled to recover on account of the capital expenditure made for the development and maintenance of village forest reserve.

7.4 The State Forest Policy is to maintain the ecological balance and conserve biodiversity. Before 1996, forest had been the largest source of revenue for the State. There is now a substantial revenue losses after the imposition of restriction of timber operations. Losses suffered during the period 1996-97 to 2000-01 are to the tune of Rs. 300 crore.

Timber operations are carried out in a limited way conforming to the directives of the Supreme Court on regeneration of forest. The Department thinks that there is a need to readdress urgently the problems arising out of implementation of the Forest Act, the provisions of which prevent the local people from providing tree cover through horticultural and plantation crop which in fact can become a big source of employment. Traditionally the forest are the main-stay of the people of the Arunachal Pradesh.

It appears that the tribal communities who are the natives traditionally had the command over all the natural resources i.e. land, water, forest in the State of Arunachal Pradesh. The land under settled cultivation and under the jhuming/shifting cultivation are with the individual cultivators who have the possessory rights governed by the customary laws. The rest of the land which includes forested land as well have traditionally been under the command of the community and that community as a whole has been exploiting the resources by exercising the traditional grazing rights and right to collect minor forest produce, medicinal herbs etc. The question of Department of Forest having ownership on forested land, the Revenue Department

over waste land etc. can be established only on determination of the possessory rights of the individual cultivators and the communities etc. through land surveys and the revenue settlement operations. The land which is not claimed by the individual cultivators and the communities can be declared as the land under Forest Department or the Revenue Department only when the land surveys and the revenue settlement operations are completed followed by the forest settlement. As of now, the communities and the individual cultivators having possessory rights have the command over the entire land and natural resources and these rights are governed by the customary laws. This is borne by the fact that the land area of the State Capital – Itanagar was donated by the individual cultivators and the communities.

7.5(a) The Commission recommends that the forest policy should be so designed to allow fruit tree plantation and cultivation of other commercial crops particularly on the traditional jhumlands over which the tribal people have the command and have exercised customary rights for ages, it being the main source of livelihood for the poor cultivators. Land survey and enumeration of the forests are a priori for the scientific management of the forestry sector, the Commission observed.

(b) It is important to note that the net revenue earned from the village forest reserve is to be shared by the State Government and the Village Panchayat. The amount received by the Panchayat as the share of the net revenue is to be utilized for the development activities of the village concerned. The individual families in the village do not get their share from this revenue. Traditionally, the villagers have the right to non-timber forest produce and timber rights and grazing rights as well. In the areas now forming part of the village forest reserve under the regulation the villagers may or may not be able to exercise their traditional rights in the forest, the Commission observed.

8. Education

8.1 In Arunachal Pradesh, there were only 3 primary schools at the time of Independence. Today, there are 1,325 primary schools and quite a good number of middle, secondary and higher secondary schools with 7 colleges, one university and one professional institute.

8.2 The enrolment of boys and girls at primary level had increased during the 10 year period 1991-2001. The enrolment of girls during 10 year period showed 57% increase. The residential schools run by NGOs – R.K. Mission, VKV & DP Mission have shown better results as per the Government documents. 110 hostel buildings under NLCPR funds are under construction.

8.3(a) **The State has a Horticulture-cum-Forestry college at Pasighat. This can be upgraded as a deemed University by providing post-graduate faculty on the campus itself, the Commission observed.**

(b) **The State Government admits that the State is lagging behind in the field of higher education in comparison to the situation obtaining in other North-Eastern States. The lone University is facing shortage of funds and inadequate faculties which will be a major impediment to achieving the excellence in higher education. In the Human Resource Development sector, approved outlay in the Annual Plan 2002-03 for this sector was Rs. 106 crore. In the Annual Plan 2003-04, the projected outlay was Rs. 128.82 crore which is 16% of the total plan outlay for all sectors put together at 802.41 crore. The Commission recommends that the plan funds for the HRD needs augmentation. The Vice-Chancellor of Arunachal University in a brief meeting with the Commission raised few problems which the University has been facing in all these years. The University has a poor financial resource base and is currently facing funds constraints. It has the faculties with inadequate infrastructural facilities. The Vice-Chancellor was of the view that all these difficulties can be addressed by according Central University status to Arunachal University. The annual cost of such a decision in**

his assessment will not be more than Rs. 15 crore. The Commission agrees with the views of the Vice-Chancellor in this regard.

9. Health

9.1 In the State, there are 3 general hospitals, 12 District Hospitals, 31 Community Health Centres, 78 Primary Health Centres, 378 Sub-Centres, 37 Homeopathy Dispensaries, 2 Ayurvedic dispensaries, 39 Dental Units and 4 Hansen Disease Sanatorium. There is no referral hospital in the State, though there is proposal to have one in Itanagar. Usual National Programmes to combat major health problems are being implemented. The Infant Mortality Rate (IMR) and Maternal Mortality Rate (MMR) are comparatively high in Arunachal Pradesh. The State Government admitted that though there has been some improvement in health-care infrastructural development, yet most of the health-care facilities are not well-equipped with basic infrastructure. The Commission was told by the indigenous people of village Hija near Ziro in Lower Subansiri District for long long time now the health units in the area did not provide any medicine. The medicines are not being distributed and the reasons for the same are not known to the people. This may be the situation in many tribal habitats in the interior areas. Inadequate staffing in the health-centres and non-deployment of Doctors and para-medical staff were also reported by the people.

9.2 Considering the low density of population widely scattered in small habitations or altitudinal and climatic variations found within the short distance and difficult slopes in many areas of the State, the health infrastructural development norms have to be relaxed in favour of the State. The following Sample Registration System (SRS) data for the State is as under:-

Birth Rate

<u>Year</u>	<u>India</u>	<u>Arunachal Pradesh</u>
1992	29.2	26.6
1999	26.1	22.3

Death Rate

<u>Year</u>	<u>India</u>	<u>Arunachal Pradesh</u>
1992	10	9.4
1999	8.7	6.0

Infant Mortality Rate

<u>Year</u>	<u>India</u>	<u>Arunachal Pradesh</u>
1994	74	61
1999	70	43

- 9.3(a) The health units/centres should be adequately staffed with the Doctors and para-medical staff. There should be at least one medical specialist and a Surgeon with basic equipments like test-labs, X-Ray, machine, ultra-sound unit in the PHCs and the District Hospitals, the people demanded. The Commission recommends that traditional herbal healers and bone setters should be enlisted for their services to revive the traditional health-care practices.
- (b) The Commission is of the view that there is a need to investigate why the medicines have not reached the area for distribution among the tribals in all these years. There are no chemists shops in the areas. The villages around Ziro in Lower Subansiri District are accessible through a State Highway maintained by the Border Roads Organisation and, therefore, the transportation could not have been a problem. The situation in the far flung interior inaccessible areas may be still worse which is astonishing in the face of a large number of institutions/centres/units spread over the State's territory.

10. Industry

10.1 The State is industrially backward with only about 1221 registered SSI units, 18 medium scale industries which are mostly forest based and have gone out of the production with the restriction imposed on commercial felling of the trees in the forest. There is no major industry in the State. The private entrepreneurs as reported are reluctant to invest owing to the constrains like communication bottlenecks, inadequate power supply and lack of entrepreneurship etc. However, hydel power projects have

the great potential and many large projects have come up in the State which is discussed in the paragraph – 'Infrastructure' in this report.

10.2 **As per the industrial policy** declared in recent years, the State has decided to encourage investors from outside the State to invest in the State and an important condition is that 100% equity ownership of individual units set-up by entrepreneurs from outside will be allowed for a maximum period of 30 years whereafter such equity holdings should be reduced to 49% to enable the State Government/Undertakings or the local Arunachal tribal entrepreneurs to hold 51% of the equity share. And, the entrepreneurs from outside will be allowed to hold land on lease for a period of 30 years which can be renewed for further period of 30 years. The lease may be used as security for the loan from the financial institutions. This unique pattern of investment is intended primarily to protect the interest of the indigenous people of the Arunachal Pradesh. It appears that not many entrepreneurs from outside would be encouraged with these conditions.

10.3 The priority industries are those based on the agricultural/horticultural and plantation produce, textile and handicrafts, infrastructure such as power and communications, electronics and knowledge based industry etc. There are certain subsidy schemes for capital investment, transportation and interest subsidies schemes announced for the development of industry in the State. There are 13 Districts Industries Centres setup in the State to provide services and support facilities to the industrial units. With the enforcement of the Forest (Conservation) Act of 1980 and the Forest Policy of the State, there is not much scope for forest based industries. With the development of agriculture and horticulture on commercial lines there will be enough scope for setting-up agro-based industries, food and fruit processing units in the State. Fruit processing is economically viable only if it is a medium size unit with the 'state-of-the-art technology' to ensure quality production with higher percentage of juice recovery. The small units with low tech plant and machinery will have low juice recovery percentages rendering the units economically and commercially unviable. The medicinal herbs processing is another eco-friendly industrial venture. The State has a long list of medicinal herbs which can be extracted, processed in the State itself.

Some of the rare high altitude alpine medicinal herbs need be propagated and extracted for manufacturing life saving medicines.

10.4 Some incentives, concessions and facilities apart from the existing State subsidies can be made available to attract the native entrepreneurs and that the industrial areas can be declared tax free zone to attract investment. The package of incentives for eco-friendly industrial development in the State which has the tribal preponderance.

10.5 Next in the line of priority industries are traditional handloom and handicraft sectors. Arunachal Pradesh has rich heritage of art and crafts, weaving, cane and bamboo works. Efforts are needed to preserve this heritage. There are a number of craft centres set-up by the State for imparting training in different trades and arrangements made for marketing of handloom and handicrafts products. The Commission had an opportunity to visit one such craft centre near Ziro in Lower Subansiri District, where local youths are trained in traditional weaving and allied activities in handloom and handicraft sectors.

10.6 (a) **We recommend that medicinal herbs naturally grown in the forest can be propagated on the jhumland and in all types of forest areas in the State. Herbal gardens can be developed by taking technical assistance from the Ministries of Health, Forest and Environment which have the programmes to promote medicinal herbs production. The Commission also recommends that small industrial areas/estates can be developed with infrastructural facilities for setting-up agro-based industries, fruit processing units, medicinal herbs processing units. For the reasons discussed in para 11.3 above, only the medium size units with high-tech plant and machinery need be set-up in the State at 2 or 3 central location to cover the requirement of the entire State.**

(b) **The Industrial Policy on the equity share as discussed in para 10.2 may need a review. The tribal interest will be well served even by**

making the land lease for the unit as an equity share of the native partner or the State Government Undertakings as the case may be.

- (c) Eco-friendly local produce/material based industrial development in the State will have a multiplier effect on the economy resulting in employment and income generation for the indigenous people of the State, the Commission observed.
- (d) The Commission is of the view that the traditional handloom and handicraft should be revived and some of the handicrafts which are on the verge of extinction need be preserved. There should be programmes for design development and skill generation in this sector. There is a need to upgrade the knowledge of the traditional weavers about the basic production inputs and about marketing management and marketing technology. The Tenth Plan has an approved outlay of Rs. 76.35 crore and for the Annual Plan 2003-04 projected outlay is Rs. 13.29 crore for this sector.
- (e) The State has its proven mineral resources, the scientific exploration and efficiently guided exploitation can generate employment opportunities and revenues for the State. Considering the fragile ecosystem of the State with rich forest and vegetative growth, the extraction of the lime-stone will be devastating, the Commission observed. The State has done some geological surveys and it has yet to carry out geological surveys and large scale mapping in about 55% of the States' geographical area. The draft Arunachal Pradesh Minor Mineral Concessions Rules, 2001 have been prepared which has not yet been given final shape. At present in the Petroleum Sector certain areas have been leased such as Ningru Petroleum Mining lease area and Kharsang Oil Fields to Oil India Limited and also to Consortium of Oil Companies for the exploration of the oil resources.

Crude Oil and Natural Gas have been located in Kumchai, Diyum and Kharsang, but there are no estimates made about the potentiality. The Limestone and coal deposits have also been located with some

estimates. Commission recommends that these natural resources may be harnessed by taking care of the fragile eco-system of the State.

11. Infrastructural facilities

Roads Connectivity and Transportation

11.1 For roads and bridges, inland water transport, road transport, civil aviation etc. the Tenth Plan has an approved outlay of Rs. 824 crore and for the Annual Plan 2003-04 the projected outlay is Rs. 133.4 crore, out of which for the roads and bridges the provision in the Annual Plan 2003-04 is Rs. 120.7 crore. At the time of Independence there as less than 100 Km. length of roads and today, it stands at 15,263 Km. which is a substantial progress. This length of roads includes National Highways and other roads constructed by the Border Roads Organisation. There are not many State High-ways as such except those leading to the borders. As per the figures given by the State Government, out of 3,857 villages only 1,743 villages are connected by road. In order to give boost to the rural connectivity, the PMGSY was announced by the Government of India during the year 2000-01 with an object of connecting habitations with the population of 250 person and above in the rural areas by means of all weather roads. The Commission had an opportunity to interact with the village elders, panchayat members and traditional village council members in village Hija in lower Subansiri District. They reported that the main village path was renovated under the PMGSY during the last two years. The villagers said that this road was not constructed/renovated properly and that the soling work done was poor.

11.2 The State Transport Service has 232 buses plied on 152 routes connecting the administrative centres of the State with high operational costs and with low margin of profit. It is good that the State document does not talk about the losses in this sector.

11.3 **Under the Non-Lapsable Central Pool of Resources**, there are 45 projects sanctioned with an estimated costs of Rs. 327 crore and the funds so far released under NLCPR is to the tune of Rs. 184.8 crore. The expenditure incurred is Rs.158 crore. The trend analysis shows that the pace of the utilization of the funds released under NLCPR has been slow which affects the funds flow itself. This may be largely

because the funds for these 45 projects come from the non-lapsable pool which has now become almost never-lapsable pool.

11.4 The Shukla Commission Report – “Transforming North-East” – had recommended Rs. 1,048 crore to clear the backlog in minimum services and infrastructural needs of Arunachal Pradesh. The impression is that Arunachal Pradesh did not get a fair deal from the Commission, as the conditions prevailing in the State was not given due weightage. Considering the peculiarities of the terrain, climatic conditions there should have been separate norms adopted for establishing the infrastructure indices in respect of this hilly and forested State of Arunachal Pradesh. The State documents say that whatever recommendations the Shukla Commission made have not been fully implemented. There is a need to abridge the gaps in infrastructural sectors. Some funding has been done under NLCPR to tackle the backlog of basic minimum services. The status of the project funded under NLCPR has been given under different sectors in this report.

Power

11.5 The State reported that the untapped hydel power potential of the State is estimated to be 49000 MW. There are a number of mini/micro hydel projects under execution. The exploitation of hydel power resources, laying transmission and distribution lines for connecting major power generating stations and central sector power inlets points require heavy investment which is beyond the means of the State Government. The present power scenario in the State is as under:-

Peak power demand	= 105 MW
Firm power generation both hydel and DG Sets	= 42 MW
Total shortfall	= 63 MW
Total installed capacity both hydel and DG Sets	= 59.72 MW

11.6 (a) According to the Government statistics 2,455 villages have been electrified out of the 3,859 villages in the State. The transmission losses continue to maintain the rising trend.

11.6 (b) There are 11 projects funded in the power sector with an estimated cost of Rs. 118 crore. Funds so far released are to the tune of Rs. 49 crore and that 3 power projects have been completed. The investment under the Pool for power sectors are on transmission lines and rural electrification etc.

11.7 The State reported that the power sale agreement has been signed with the Power Trading Corporation to sell 50 MW of surplus power out of the allocation from central sector power of North-Eastern region allocated to Arunachal Pradesh. The sale of 48 MW free power from Ranganadi Hydel Project will yield Rs. 65 crore annually.

11.8 The Commission visited North-Eastern Electric Power Corporation (NEEPCO) Project during its visit to the State. This project has the installed capacity of 405 MW which has already been commissioned. The supply of power from this and other projects are made to the North-Eastern States and outside the region also, as stated by the Engineer-in-charge of the project. The State of Arunachal Pradesh gets free power supply at the rate of 12% of the production. The catchment areas of this power project has poor power supply due to inadequate transmission and distribution lines.

11.9 (a) The catchment area of the Ranganadi Project of NEEPCO which the Commission visited has inadequate electric power supply. The villages in the catchment area are not getting regular power supply. This may be the case in other villages as well primarily due to the gap in the demand and supply position. 12% free power supply from this NEEPCO Project can meet the total shortfall in the State, which can be feasible only when transmission and distribution lines and other necessary infrastructural facilities are laid. A part of their proceeds from the sale of 12% free power supply under the allotted quota from the Central Sector Power Projects should be used for laying of the transmission and distribution lines and that priority be given to the catchment areas, the Commission observed.

The Commission recommends that the tribal habitats/villages falling in the catchment areas of all the hydro-power projects including the Ranganadi Power Project may be provided free supply of power for domestic use and some concession may be allowed for power use in

commercial activities out of the 12% free power. In all the villages/habitats in the project catchment areas up stream as well as down stream areas entire electric power requirement for street-lighting may be provided free of charges out of the 12% free power.

- (b) According to the Power Engineers, jhum/shifting cultivation is causing silting problem in the Dam under the project. The Commission recommends that part of the income from the sale of free power supply can be invested in the terracing of the jhumlands which could help the cultivators increase the productivity and maximize the production. The terracing as a measure of soil conservation will help ease the problem of silting of the Dam. The Commission further recommends that the NEEPCO may consider terracing the jhumlands as a control measure taken for preventing the silting of the Dam.
- (c) Further, a part of the 12% free supply of power from the project can be earmarked for the streetlighting in the catchment areas.
- (d) The Commission recommends that the NEEPCO may consider adopting villages in the catchment area for the land development and soil conservation works which would help prevent silting apart from generating employment and income for the inhabitants of the catchment area.
- (e) The Engineers were not aware of the status of the eco-development programmes of the project where 10% of the project cost is earmarked for eco-development in the catchment areas. The State Government and the Central Government may like to take stock of the eco-development works done under this NEEPCO Project and also assess the benefits derived by the people of the catchment area from the eco-development project. The District Officials and the people of the area are not aware of such an eco-development project which is built-in the project cost itself, the Commission observed.

Border Area Development Programme

11.10 The Government of India had extended the Border Area Development Programme (BADP) in the year 1997-98 for the Indo-Myanmar Border of the State with a provision of Rs. 4 crore. In the later years, the programme has been extended to Indo-China and Indo-Bhutan Borders. This programme is being executed in 23 border Blocks along the International land border. The outlay proposed for the Tenth Plan under the programme is to the tune of Rs. 65 crore. For the Annual Plan 2002-03, allocation was to the tune of Rs.13 crore. Look – East Policy enunciated almost over 14 years ago which was revived after the ASEAN Summit in the recent years holds a promising economic growth for the North-Eastern States. The State Government thinks, as per the State Government document that the policy will help Arunachal Pradesh to acquire access to the global markets. In fact, the issue of border trade has attracted the attention of the planners in the North-Eastern States. There is a demand for opening-up of historic Stillwell road to facilitate border trades. In Arunachal Pradesh, the Pangchaw Pass which is about 6 Km. from the International border in Tirap District is considered as a significant opening for the border trade. Points like Zemithang approximately 18 Km. from the International border in Tawang District, Gelling about 5 Km. from the International border in Upper Siang District and Kibithoo approximately 30 Km. from International border could be viable areas for border trades provided transportation and infrastructural facilities are developed. The Look-East Policy lays emphasis on the need for road links between the geographically contiguous India and ASEAN countries.

12. Panchayati Raj

12.1 The Panchayati Raj system has since been set-up under Arunachal Pradesh Panchayati Raj Act, 1997. It is a 3-tier system with Gram Panchayats at the village level, Anchal Panchayat at Block level, Zila Parishad at the District level. The elections to the 3-tier Panchayati Raj were conducted in April, 2003 and the system is now fully operational. It is expected to play a greater role in the development sector leaving social issues to the traditional Village Councils. The State has set-up State Election Commission and State Finance Commission. The State has a number of tribes having diverse traditional and customary laws. The functions of the Panchayat are different from that of the traditional customary system. The local disputes are settled through

traditional customary laws as per the Assam Frontier (Administration of Justice) Regulations, 1945 even today.

12.2 It appears from the ground realities assessed that the functions of the Panchayati Raj is confined to the development works and that the social and community affairs are looked after by the traditional village Councils now comprised of village elders – Gaonburahs. In fact, before the enactment of Panchayati Raj Act, 1997, the State Panchayat system was introduced in the State way-back in 1968 under the North-Eastern Frontier Agency Panchayati Raj Regulation of 1967.

13. Traditional Village Councils

13.1 The traditional Village Councils are functioning in the State. The Commission had interaction with the traditional Village Council – “Bulyang” in Hija Village in lower Subansiri District. It is basically a Council of village elders. The State Government has recognized the role of the traditional Village Council comprised of the village elders and it has appointed in consultation with the Village Councils a number of Gaonburah – Village elders depending upon the size of the villages in conformity with the customary laws. Gaonburahs literally means village old-men i.e. village elders. The Village Council functions like Gram Sabha under the Panchayati Raj system. Hija village has like all other villages a platform set-up in the middle of the village for holding meetings of the Village Council – village elders – Gaonburahs to deliberate and decide on social issues and community affairs. It has a role to play in development matters as well. The Village Council elders – Gaonburahs explained before the Commission certain problems faced by the village which is inhabited by the Apatani tribe. They talked about the maintenance of the village paths leading to the agricultural fields and the forest areas, which are not being properly maintained. They demanded that the forest areas should be fenced to protect the crops grown in the agricultural fields from mithun and wild animals. The road which links the village with the Highway was re-built under the Pradan Mantri Gram Sadak Yojna. The village elders reported that the road was not built properly. The scheme provided for widening and soling of the road. The village people were not aware of the size of the expenditure made on the construction of this road. The Block Development Officer in the presence of the Deputy Commission and the village elders reported that the funds

provided were not adequate for the rural roads and village paths. This Block used to get around Rs. 40 lakh per year for various schemes. Now, it receive around Rs. 15 lakh annually for all development activities. The village does not have a proper piped water supply. Street lights are not operational as the electric power supply has been stopped, the villagers said. The villagers need a community hall. The village medical centre in the area has a Doctor but there are no medicine supplied to the centre for further distribution. Now, it is over a couple of years, this area has not received medicines. These problems raised by the Village Council have been discussed elsewhere in this report.

13.2(a) The Commission recommends that the Forest Department in consultation with the Village Councils should set-up fencing around the forest area in the village to protect the agricultural crops from destruction and damages caused by mithun and wild animals. The fencing around the forest should allow a number of inlets and outlets to facilitate movement of the villagers for the collection of minor forest produce and for grazing purposes over which the communities/indigenous people have the customary rights.

(b) Some of these forest areas are jhumlands and village common lands in the ownership of the communities where the individuals have the possessory rights. In the State officers meeting, where there were many senior officers belonging to the tribal communities of Arunachal Pradesh the Commission discussed the problems arising out the of forest tribal interface. This was as a result of the declaration made by the Forest Department assuming such lands as forest lands and constitution of some Anchal forest reserves and Village forest reserves by bringing rules and regulations into effect of the Forest Policy under the Forest (Conservation) Act, 1980 etc. The investment on the fencing is in fact in the interest of the Forest Department provided such a fencing allows unhindered customary usage of the forest by the tribal communities.

(c) The Commission also observed that in the absence of the supply of the medicines, the health-care is not taken care of by the health infrastructure set-up in the rural areas of the State.

- (d) **The Commission recommends that the population alone should not be taken as criteria for allocation of funds. The expanse of the area and relative economic backwardness of the villages also should be the criteria for the allocation of funds to the Development Blocks and for the various development projects sanctioned by the sectoral Departments.**

14. Culture

14.1 The Tenth Plan provides for undertaking surveys and research to preserve and protect the indigenous tribal culture of the people through publication of monographs, articles and booklets pertaining to tribal life and culture, languages, history and archaeology of the State. The Department of Art and Culture has very small Annual Plan Budget of Rs. 1 crore for art and culture.

14.2 **The Commission recommends that Special Central Assistance may be provided for the State of Arunachal Pradesh as one-time package for the research and development efforts to preserve the age-old indigenous cultural heritage of the State.**

There is an urgent need to undertake documentation of folk-lore, folk-songs, cultural practices festivals and history of the tribal people of the State and unless that is done some aspects of the cultural heritage will become extinct. There has been some sensitivity on account of a lurking fear of cultural invasion from outside which should be allayed through R&D efforts and also through protective measures.

Assam

The State of Assam is situated in the North-Eastern part of the country. It is bounded by 7 States viz. West-Bengal, Meghalaya, Tripura, Mizoram, Manipur, Nagaland and Arunachal Pradesh. It has International land borders with Bhutan and Bangladesh. Some vital statistics of the State are as under:-

Total Geographical Area	78,438 Sq.Km. out of which 10,991 Sq. Km. area falls in the tribal habitats where tribal population has the preponderance.
Population (Census 2001)	266.38 Lakhs
Scheduled Tribes	3308570
Sex Ratio	971

The Scheduled Tribes (STs)

Under the 'Constitution (Scheduled Tribes) Order 1950', amended from time to time, the following tribes have been listed as the Scheduled Tribes in the State:-

I. In the Autonomous Districts:-

1. Chakma
2. Dimasa, Kachari
3. Garo
4. Hajong
5. Hmar
6. Khasi, Jaintia, Syntong, Pnar, War, Bhoi, Lyngngam
7. Any Kuki tribes, including*:-
8. Lakher
9. Man (Tai Speaking)
10. Any Mizo (Lushai) tribes
11. Karbi
12. Any Naga tribes
13. Pawi
14. Syntheng
15. Lalung

* (i) Biatac, Bieta, (ii) Changsan, (iii) Chongloi, (iv) DOUNGEL, (v) Gamalhou, (vi) Gangta, (vii) Guita, (viii) Hanneng, (ix) Haokip, Haupt, (x) Haolai, (xi) Hengna, (xii) Hongsung, (xiii) Hrangkhwal, Rangkhoh, (xiv) Jongbe, (xv) Khawchung, (xvi) Khawathlang, Khothalong, (xvii) Khelma, (xviii) Kholhou, (xix) Kipgen (xx) Kuki, (xxi) Lengthang, (xxii) Lhangum (xxiii) Lhoujem, (xxiv) Lhouvum, (xxv) Lumpheng (xxvi) Mangiel (xxvii) Misao, (xxviii) Riang, (xxix) Sairhem, (xxx) Selnam, (xxxi) Singson, (xxxii) Sitlhou, (xxxiii) Sukte, (xxxiv) Thado, (xxxv) Thanggeu, (xxxvi) Uibuh, (xxxvii) Vaiphei.

II. In the State of Assam excluding the Autonomous Districts:-

- | | |
|----------------------|--------------|
| 1. Barmans in Cachar | 11. Hajong |
| 2. Boro, Borokachari | 12. Singhpho |
| 3. Deori | 13. Khampti |
| 4. Hojai | 14. Garo |
| 5. Kachari, Sonwal | |
| 6. Lalung | |
| 7. Mech | |
| 8. Miri | |
| 9. Rabha | |
| 10. Dimasa | |

Under the Scheduled Castes and Scheduled Tribes Order (Second Amendment) Act, 2002, some substitution and additions have been made. Under the item 'in the Autonomous Districts' at entry 11 'Mikir' has been substituted by 'Karbi' and at entry 15 'Lalung' tribe has been inserted.

Under the item 'in the State of Assam excluding the Autonomous Districts' after entry 9, the tribes at 10 to 14 have been inserted under the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 2002 and listed as Scheduled Tribes - 10. Dimasa, 11. Hajong, 12. Singhpho, 13. Khampti, 14. Garo.

The tribes – Kachari, Garo, Hajong, Dimasa and Lalung appear in both the lists described as above.

The Young Paite Association, Karbi Anglong, in its memorandum submitted to the Commission, claims that the Paite people residing in Karbi Anglong are different from Kuki tribe culturally and linguistically. This community has been recognized as Scheduled Tribe in the States of Manipur and Mizoram. They have demanded that the Paite community be recognized as ST (Hills) in the State of Assam. The representatives of the Association were advised to send a proposal with necessary justification to the Ministry of Tribal Affairs, Government of India.

The tribal population in the State is mainly divided into two major territorial groups considering their geographical concentration and socio-cultural factors. These are:-

Scheduled Tribes (Hills)

Scheduled Tribes (Plains)

As per 2001 census, out of the total population of 266.30 lakh, the total ST population of the State was 28,74,441 i.e. 12.82% of the population of the State. The distribution of 12.82% is given as under:-

Scheduled Tribes (Hills) = 1.96%

(Autonomous Council Areas under the Sixth Schedule)

Scheduled Tribes (Plains) = 10.86%

Autonomous Council (Plain Areas) other than under the Sixth Schedule

There are Autonomous Councils created for some tribal groups in the Plain Areas of the State and to these Councils, provisions of the Sixth Schedule do not apply. After the upgradation of the Bodo Autonomous Council (BAC) to the Bodo Land Territorial Council, there are now three Autonomous Councils in this category in the Plain Areas of the State created under the State Acts viz. (1) Rabha Hasong Autonomous Council (RHAC) created under Rabha Hasong Autonomous Council Act, 1995, amended in 2001; (2) Tiwa Autonomous Council (TAC) created under Tiwa Autonomous Council Act 1995, amended in 1997 and in 2001; and (3) Mising Autonomous Council (MAC) created under Mising Autonomous Council Act, 1995.

These Autonomous Council Acts have almost uniform provisions as to the Constitution, powers and functions of the Councils set-up. The General Councils of the TAC and RHAC have 30 Members each, of which 26 are elected and 4 are nominated by the Government, whereas the General Council of the MAC has 40 Members, of which 35 are elected and 5 are nominated by the Government. 34 subjects covering almost all the sectors of economy have been placed under the control of the General Council. These Autonomous Councils have Executive Councils which consist of Chief Executive Councilor and 3 Executive Councilors elected according to the provisions made. The Village Councils have been given 29 subjects. These Acts of 1995 provide for a Village Council with 10 Members. The General Council, Executive Council and the Village Councils all have 5 year term of office. There are two funds – General Council funds and Village Council funds. The sources of these funds are – State Plan

funds and other resources – under CSS and special funds from Central Government. The land revenue and the local rates collected are deposited into the Village Councils.

The Act provides for protection of rights of non-tribals and other ethnic groups. The General Councils have been given powers to reserve jobs for the Scheduled Tribes within its jurisdiction subject to the provisions of the law for the time being in force. Powers and functions of these Autonomous Councils are almost similar to those of the Autonomous Councils under the Sixth Schedule.

For the development of these Council Areas funds out of the TSP and General State Plan are released to these Councils as grants-in-aid. Funds flow to the Autonomous Councils in the Plain Areas from general plan, TSP and grants-in-aid for the transferred subjects exclusive of the **salary component** during the Annual Plan 2003-04 are as under:-

1. MAC	Rs. 6.81 crores	3. RHAC	Rs. 3.66 crores
2. TAC	Rs. 1.76 crores	4. BAC	Rs. 29.56 crores

Bodoland Territorial Council (BTC)

The erstwhile Bodo Autonomous Council has been upgraded to Bodoland Territorial Council by amending the Sixth Schedule of the Constitution – under the Act called the Sixth Schedule to the Constitution (Amendment) Act, 2003.

Bodoland Territorial Council (BTC) consists of not more than 46 Members, of whom 40 shall be elected on the basis of adult suffrage of whom 30 shall be reserved for Scheduled Tribes, 5 for non-tribal communities, 5 open for all communities and the remaining 6 shall be nominated by the Governor having same rights and privileges as other Members including voting rights, from amongst the un-represented communities of the Bodoland Territorial Council Areas District, of which at least 2 shall be women.

The interim Executive Council assumed office on 08.12.2003 and it shall be for a period of six months during which the elections to the Council shall be made.

The State Government reported that as per the Memorandum of Settlement signed between BLT representatives and the State Government, 3108 villages form part of

the Bodoland Territorial Council Area comprised of 4 new Districts namely - Kokrajhar, Chirang, Baska and Udalguri.

40 subjects covering almost all the sectors of economy have been given to the BTC and it will have powers to make laws with certain provisos. Under the arrangement, it appears that the BTC have the control over these 40 subjects.

Apart from the annual allocation under the State Plan, the Bodoland Territorial Council (BTC) will be provided Rs. 100 crores every year for development of socio-economic infrastructure. The Memorandum of Settlement also envisages for the establishment of Central Institute of Technology and institutions for various technological and vocational disciplines such as Food Processing, Business Management Bio-Technology etc. The State Government has also reported that the schemes under the Non-Lapsable Pool have been taken in the Bodoland Territorial Areas Development Districts. Some schemes like 100 beds civil hospital at Udalguri; drinking water supply at Gossaigaon; mini stadium at Chapaguri; a number of school buildings; and for a game centre at Kathalguri, Kokrajhar etc. – estimated cost of all these projects together is Rs. 21.32 crores.

Tribes Advisory Council

The provisions of the Fifth Schedule of the Constitution have not been made applicable to the State of Assam. The State, at present, has not set-up Tribes Advisory Council, although there is a provisions in the Fifth Schedule that the States without Scheduled Areas can also have Tribes Advisory Council set-up. Some of the tribal leaders of the Plain Areas have suggested setting-up of Tribes Advisory Council in the State during the interaction the Commission had with them.

There is an Advisory Council for the ST (Plains) constituted in accordance with the rules for the constitution of the Advisory Council for the welfare of the Scheduled Tribes living in the Plains Districts of Assam. These rules were notified in May 1967. Advisory Council is comprised of Members of Lok Sabha and Assam Legislative Assembly belonging to the Scheduled Tribes of the Plains Districts of Assam representing any Constituency. There are ex-officio Members, apart from such other Members as may be nominated by the Governor. The Vice-Chairman of this Advisory

Council shall be elected from amongst the non-official Members. The rules do not specifically stipulate that the non-official Members should be from the tribal communities only.

The 33 Member Advisory Council re-constituted in July, 2001 is headed by the Minister-in-charge, Welfare of Plains Tribes and Backward Classes etc., MLAs and ex-officio Members. It has the President of All Assam Tribal Sangha as one of the Members of the Advisory Council.

The functions assigned to this Council are – (1) to advise the Government of Assam on all matters pertaining to the welfare of the STs of Plains Districts; (2) to assess the requirement of the Scheduled Tribes in the Plains Districts of Assam and formulate the schemes for their welfare; (3) review the working of the schemes sanctioned; (4) advise the Government on any matters affecting the interest of the Scheduled Tribes of Plains Districts of Assam. These functions are in some-way similar to those under the Sixth Schedule to the Constitution.

The Advisory Council is consulted in the process of finalization of the Annual Plan. It appears from the criteria and the procedure followed for the preparation of the TSP that there is no Project Advisory Committee at the ITDP level for consultations and for people's participation in the development of the Tribal Sub-Plan. However, each ITDP has a project Implementation Committee which has the membership of non-official tribal as well.

The Commission recommends that the Tribes Advisory Council may be set-up in the State under the provisions of the Fifth Schedule of the Constitution. As described in the foregoing paras, the tribes of Assam fall in four categories viz. 1) Scheduled Tribes (Plains) in the plain areas, 2) the Autonomous Council Areas (Plains); 3) Bodoland Territorial Council Area and; 4) Scheduled Tribes (Hills) in the Autonomous Council Areas under the provisions of the Sixth Schedule. There are certain common matters concerning tribal development, tribal welfare, Constitutional safeguards for the protection of the interests of the Scheduled Tribes and the tribal affairs which need a common forum for the tribals to deliberate

upon and tender advice. A provision may be made for setting-up a Tribes Advisory Council in the State of Assam on the pattern provided under the Fifth Schedule of the Constitution. It will provide opportunities to the tribals to advise the State in all Legislative, Executive and Development matters concerning all tribes in Assam.

Tribal Area

The areas specified in the Part-I of the table under the paragraph 20 of the Sixth Schedule, i.e. the North Cachar Hills District and the Karbi Anglong District are the 'tribal areas' in the State of Assam. Each of these Districts have the Autonomous Council under the provisions of the Sixth Schedule.

The Tribal Development/Welfare in the Plain Areas are covered under the Tribal Sub-Plan whereas for the Autonomous Council Areas under the Sixth Schedule a separate Hill Area Plan has been devised.

Tribal Sub-Plan

The Plain Areas Tribes of the State are covered under the Tribal Sub-Plan. Under the TSP, priority has been given to the promotion of self-employment and poverty alleviation, human resource development and also for providing the basic services such as health-care, drinking water supply, roads and communication infrastructure, agriculture and allied sectors. It is important to mention here that the agriculture and allied sectors continue to be the main-stay of the tribal economy. The TSP projects and programmes cover 26 sectors of development – almost all the sectors of economy and social services. In the Annual Plan for the year 2003-04, the total funds flow from State Plan to TSP was to the tune of Rs. 134.80 crores i.e. 12.29% of the total State Plan of Rs. 1096 crores for the identified sectors.

The funds allocation to the Autonomous Council Areas (Plains) for the Annual Plan 2003-04 exclusive of salary component from General Plan, TSP and CSP are as under:-

* The information about constitution of Committee of the MLAs as required under Article 371 is still awaited from the State Government.

MAC	: Rs. 6.81 crores
LAC	: Rs. 1.76 crores
RHAC	: Rs. 3.66 crores

All the annual plan funds to these Councils are given as 'Assistance to Autonomous Councils' under TSP, SCP and General separately in the Departmental budget. No Special Central Assistance is directly released to these Councils in the Plain Areas.

The Bodoland Territorial Council will be provided Rs. 100 crores every year for infrastructure development in addition to the annual plan flows.

Special Central Assistance as an additive to the Tribal Sub-Plan are being utilized for income generating programmes and infrastructural development in the tribal areas. The figures pertaining to last ten years show that the Government of India allocated in 1992-93 Rs. 1077.61 Lakhs and expenditure incurred by the State Government was Rs. 956.61 Lakhs. That in 2001-02, the Government of India released Rs. 3058.99 Lakhs against which the State Government expenditure was Rs. 2499.99 Lakhs. This gap is there throughout in all these ten years which shows that the Special Central Assistance flows are not being utilized fully.

The Commission recommends that special attention need be paid to implement the tribal development programmes under Special Central Assistance ensuring full utilization of the funds. The additional funds allocation would be justified only if the State Government is able to fully utilize the funds. In order that the tribal interest in enlarging the scope of economic development is served, the State Government should step up the level of efficiency in implementing the development programmes.

There is no separate budget head for TSP but a separate sub-head has been created for TSP in the budget for each sectoral Department.

The funds flow from General State Plan to the TSP is in proportion to the Scheduled Tribes (Plain) population percentage. Special Central Assistance to the TSP is released by the Ministry of Tribal Affairs, Government of India as an additive to the State TSP. The Annual TSP allocation is finalized in the Planning Commission, Government of India and that the TSP allocation is communicated to the State by the

Planning Commission. The Department dealing with the Welfare of the Plains Tribe make the sectoral allocation which are communicated to the concerned sectors for implementation.

The District Rural Development Agencies implement the schemes assigned to them on the pattern obtaining all over the country. There are views that the ITDPs/ITDAs should be allowed to operate the funds meant for the Scheduled Tribes under DRDA.

The Commission observed that the Ministry of Rural Development, Government of India should consider this point and examine the feasibility of assigning of the schemes under DRDAs to the ITDPs/ITDAs for implementation. There are many schemes under ITDPs which benefit non-tribals as well. The schemes under DRDA when assigned to ITDPs for implementation would cover the schemes for non-STs as well. There are very few schemes under ITDPs which are exclusively for the Scheduled Tribes in the ITDP Areas.

The schemes and programmes which do not fall under the purview of the TSP and the Sectoral Departments are implemented by the Assam Tribal Development Authority and Assam Plain Tribes Development Corporation.

Integrated Tribal Development Projects (ITDPs)

There are 19 ITDPs/ITDAs in the State for the Plain Areas with tribal population. As per the information made available to the Commission by the State, out of these 19 ITDPs, 11 have the preponderance of the ST population. Rest of the 8 ITDPs do not have the tribal preponderance, however, none of them has tribal population less than 30%. Most of these ITDPs have three to six Development Blocks except for ITDPs Majuli, Sibsagar, each of them having only one Development Block and the other three ITDPs viz. Jorhat, Tinsukia/Sadiya and Silchar, each of them have two Development Blocks.

Assam Tribal Development Authority (ATDA)

Assam Tribal Development Authority (ATDA) has been constituted under the Assam Tribal Development Authority Act, 1983. The Chief Minister of the State is the

Chairman of this Authority. The Authority is comprised of the MLAs and the ex-officio Members. This Authority has been set-up for the development of Plains Tribal Areas of Assam. It meets once in three months unless it is specially called at shorter intervals.

The functions assigned to the Authority are – to prepare short-term and long-term plans for all round socio-economic development of the areas covered under the Act. It has powers to review development schemes and called for reports in respect of the development programmes in the areas under the Authority. The Authority has its own funds called the Tribal Development Authority fund into which all sums received from the Government for the development of the area is credited. This fund is non-lapsable. The provisional budget for the year 2003-04 was Rs. 8.74 crores. The source of fundings were – Special Central Assistance, Central Sectoral Schemes, State Plan and the Loans etc. The schemes taken up by the Authority are the schemes other than those in the Tribal Sub-Plan. In fact all schemes and projects for the tribes of the Plain Districts can be brought under the TSP and these can be implemented by the TSP agencies and the sectoral Departments with a centralized coordination. The State Government may like to go into the efficacy of having the ATDA as an additional development agency.

Hill Areas Plan

Development Funds Allocation to the Autonomous Councils under the Sixth Schedule of the Constitution

The allocation during the financial year 2003-04 to the Autonomous Councils set-up under the Sixth Schedule of the Constitution namely North Cachar Hills Autonomous Council and Karbi Anglong Autonomous Council are as under:-

(Rs. in lakhs)

Plan	Period	Allocation	Expenditure	%age	Period	Allocation	Expenditure (upto 2 nd Qtr.)	%age
State Plan	2002-03	9,259.95	8,367.73	90.36%	2003-04	10,638.00	4,837.45	45.47%
Additive Plan (Special Central Assistance)		5,111.00	5,065.94	99.11%		5,000.00	2,017.23	39.47%
Total		14,370.95	13,433.67			15,749.00	6,854.68	

The ratio of sectoral allocation between the Karbi Anglong Autonomous Council and North Cachar Hills Autonomous Council is made as per the report of the Phene Committee. The annual plan funds under the State Plan and Additive Plan and other earmarked funds are distributed in the ratio of 70:30 i.e 70% for Karbi Anglong and 30% for North Cachar Hills Council. There are other programmes like Watershed Development Project for Shifting Cultivation Areas and Non Lapsable Central Pool of Resources to which this ratio of 70:30 is not applicable. This ratio is also not applicable for the distribution of grants-in-aid under Article 275 (1) of the Constitution of India, as the funds flow under Article 275 (1) is entirely based on the project report in respect of each scheme/project submitted by these Autonomous Councils.

The Additive Plan is provided by the Planning Commission as 100% grants in the ratio of 70:30 to Karbi Anglong and North Cachar Hills respectively. During the year 2003-04 under the Additive Plan, a sum of Rs. 51.11 crores was released. There is no increase in the flow of funds under this for 2003-04. The funds flow from the State Plan to the Hill Areas Plan for Autonomous Councils is at the rate of 90% as grants and 10% as loan. In all these years, under the non-lapsable central pool of resources (NLCPR), an amount of Rs. 29.16 crores was released for these Councils for various schemes. During the year 2003-04, an amount of Rs. 1.61 crores allocated to these Councils for implementation of various schemes under Article 275(1) of the Constitution of India.

Agriculture

Agriculture continues to be the main source of livelihood of the tribals in the Plain Areas as well as in the Hill Areas of the State. In the TSP areas emphasis is given on the Integrated Agricultural Engineering, Compact Area Development Schemes and for agriculture marketing schemes etc. These schemes have the object of helping the small and marginal farmers by providing transport subsidies and encouraging the farmers for practicing double/triple cropping considering the limited land available for cultivation.

Agriculture and Horticulture have the contribution towards the ST family budget to the tune of 40% in terms of the proportions the various sectors of economy have in the ST

family budget. Approximately 70% of the population of the tribal habitats of the State subsists upon the agriculture sector. The main agricultural crops are paddy, maize, mustard, pulses, jute, sugarcane and various vegetables round the year. The main horticulture crops are pine-apple, citrus, mango, lichi and banana etc. The State has identified some areas which are suitable for certain horticultural crops both in the Plain Areas and the Hill Areas. The Department of Agriculture has already initiated schemes for the expansion of certain horticulture crops under the Technology Mission and Centrally Sponsored Schemes. The extension services for both agriculture and horticulture farming are being provided.

The Commission observed that the extension services delivery system has not made its impact on the agri/horticulture farming in the tribal habitats particularly in the Hill Areas. The Commission during its visit to the State had interaction with the farmers of a couple of ITDPs in the Plain Areas and also with a number of farmers in Karbi Anglong and North Cachar Hills Autonomous Council areas. There is a need to have a massive awareness programme and that there is no programme through extension services to educate the farmers on the use of high yielding varieties of seeds for grains production and for the improved varieties of fruit trees for commercial production to help increase the productivity and the level of income which can turn to be a major source of employment and income generation for the tribal farmers.

The ICAR and Assam Agriculture University have the major role to play in all these aspects of agri/horticulture development. Though, the State has claimed having achieved some success in propagating the modern methods of agri/horticultural farming by introducing high yielding varieties, practice of integrated farming system, integrated nutrient management and plant protection management by encouraging organic farming etc. to help the ST families both in the Plain Areas and the Hill Areas achieve increased productivity and higher returns from the farming, yet the ground realities show that a lot more is required to be done to build and develop this important sector of economy on scientific lines to increase the productivity and maximize the income from farming as agriculture sector continues to be a main-stay as far as the tribal economy of the State is concerned.

Coordination of the efforts put-in by the Development Blocks and ITDPs is essential. The Development Blocks which have the well equipped extension services infrastructure should be used by the ITDPs. The efforts on this account need be integrated and that the ITDPs need not have separate infrastructure for the extension services. For an effective delivery of extension services professionally and technically well equipped extension officers/technologists should be deployed through the Development Block machinery with the backup from the experts of the Department of Agriculture and Horticulture at the District and State levels with a machinery for the transfer of technology from 'lab to the farms' with the assistance of ICAR, Research Institutes, Agriculture University and Centrally Sponsored Technology Mission. An important aspect of the extension service is on the timely delivery of agricultural inputs – improved varieties of seeds, plant material, chemical fertilizers, plant protection material, technical assistances and technology support for production of vermi-compost and organic manure etc. which is lacking particularly in the Hill Areas – Autonomous Council Areas.

Jhum Cultivation

The traditional jhum cultivation is being continued in the Hill Areas – Autonomous Councils particularly. In the Karbi Anglong Autonomous Council itself 630 Sq. Kms. area has so far been put under the jhum cultivation and 54000 families have done jhum cultivation in all these years. For the North Cachar Hills Autonomous Council Areas, the area so far put under jhum cultivation has not been specified but about 30,000 families have done jhum cultivation in all these years.

As per the status report, an ecological imbalance has been caused due to destruction of forest resources – trees, medicinal plants, bamboos etc. The practice of jhum cultivation has caused massive soil erosion and loss of moisture in the soil and depleted the green coverage of fragile Hill Areas of the Autonomous Council Areas. The top soil is removed due to the adverse affect of rainfall on the soil. There has been a drop in rainfall at an alarming rate over the years. All this is attributed to jhuming/shifting cultivation. The Integrated Jhumia Development Programme aims at

control of shifting cultivation and rehabilitation of jhumia tribal families for sustainable economic activities such as planting of trees, creation of orchards, terracing and bunding the land already put under the jhum cultivation.

There are Integrated Jhumia Development Projects (IJDP) and Mini Jhum Control Projects (MJCP). The object of these projects have been to wean away the jhumia families from shifting cultivation and settle them with land-based sustainable occupation. There are a number of Centres set-up for the implementation of these programmes about 20 each in these Autonomous Council Areas and these centres covered 1055 families in Karbi Anglong and 102 families in North Cachar Hills District areas. The jhum control measures taken through these projects have had little impact in the absence of perennial and sustainable activities provided to the jhumia families. The strategy now adopted is for intensive cash crop production like tea, rubber, coffee, cardamom with the help of Rubber Board, Tea Board, Coffee Board and in some cases as joint ventures. During the financial year 2003-04, an amount of Rs. 3.50 crores was allocated for the rehabilitation of jhumi cultivators under the jhumia control programmes/projects. In all these years from 1991-92 to 2003-04, every year, except for two years between 1994 and 1996, the annual funds released have ranged from Rs. 1.32 crores to Rs. 3.50 crores.

These schemes also have the object of providing alternative source of income by promoting cottage industry, handloom and handicraft, textile, livestock farming etc. Integrated Jhumia Development Projects (jhum control programme), Integrated Jhumia Development Programme, Compact Area Development Programme, Mini Compact Area Development Programme, Watershed Development Programme for the control of shifting cultivation area have been launched all with the object of providing an alternative to the traditional jhum cultivation on a sustainable basis by encouraging settled cultivation through terracing and agriculture land development and also by promoting self-employment in allied sectors such as animal husbandry, dairying, piggery and poultry farming, cottage and agro-Industrial, business sector, handloom and handicraft sector. These schemes are expected to provide employment and income resources on a sustainable basis.

Under the Watershed Development Project Ministry of Agriculture, Government of India have launched Watershed Development Projects for shifting cultivation areas of North-Eastern region with 100% grants to the State Plan schemes from the Eight Five Year Plan period. The project aims at overall development of jhum areas on watershed basis for restoring ecological balance in the Hill Areas and for meeting the socio-economic condition of the jhum cultivators in the tribal communities. For the year 2003-04, an allocation of Rs. 3.50 lakhs was given for the implementation of this project. There is a budget provision of Rs. 60 lakhs for the year 2003-04 for the Autonomous Councils at the rate of 30 lakhs each for each of these two Autonomous Council. The supplementary demands have been submitted for Rs. 3.35 crores under the project to the Government of India.

The Commission observed that the funds made by the State Government for the control of jhum cultivation and rehabilitation of jhumia cultivators on sustainable basis have been in the right direction and are laudable. There are Centrally Sponsored Catchment Area Development Programmes and National Waste Land Development Programmes under execution in the Autonomous Council Areas – Karbi Anglong and North Cachar Hills, for shifting the shifting cultivators to take up sustainable activities for a settled cultivation through agriculture crops as well as through horticulture crops, socio forestry and cash crop plantation etc. The State Government may need enlisting the cooperation of the tribal community leaders and of the Autonomous Council members for getting the land survey completed; building the land records and documentation of record of rights of the cultivators in land; assigning the land already put under jhum cultivation to the jhumia for settled cultivation; and building a mechanism to help them pledge the land assigned to them against the loans for Agricultural Land development etc.

The Commission observed that bamboo cultivation on scientific lines under the integrated Bamboo Development Programme of the National Mission on Bamboo Technology and Development launched by the Planning Commission would help generate employment and income on a sustainable basis in the Hill Areas of Assam inhabited by the tribals.

Irrigation

In the irrigation sector, there are no schemes which can be taken up exclusively for the benefit of the tribals in the Plain Areas. The general irrigation schemes cover both tribal and non-tribal land. Despite this factor, there are outlays in the Tribal Sub-Plan which was around 18% of the State Plan during the Ninth Plan period. In the Tenth Plan period allocation to TSP is around 32% of the total State Plan for the minor irrigation schemes.

Animal Husbandry

In the TSP area a number of institutions have been established to provide treatment and for disease control and to propagate improved cattle breeding. There are schemes for distribution of livestock and the extension services in the TSP area and the Autonomous Council areas in the Plain Areas. Piggery and poultry farming are quite popular and Special Central Assistance is being provided to the tribals for income generating schemes as an augmentation to the TSP funds.

The upgraded cattle farming is intended to increase the milk production. There being emphasis on this aspect of cattle farming during the Tenth Plan period it is expected to generate employment and income on a sustainable basis. The State Government reported that the per capita availability of milk in Assam at present is below 90 gms. which is far below the recommended level of 250 gms. per head. To meet this deficit, the State Government has taken up Milk Village Scheme by the Dairy Development Wing of the Department of Animal Husbandry. This scheme covers the tribal habitats in the Plain Areas under TSP and the tribal areas under the Sixth Schedule of the Constitution. The scheme includes the provision of technical assistance, inputs and training of the beneficiaries and financial assistance to pay insurance premium for cattle insurance and also for cow-shed construction and to meet fodder requirement etc.

The Commission observed that the State Government has not done any impact study of Milk Village Scheme and other promotional and development schemes in the animal husbandry sector specifically for the tribal habitats and tribal areas. The impact study is an essential tool to

monitor the success of the programmes particularly the Dairy Development Programme in the tribal areas.

Forest

The State Government reported that there are no reserved forests in the Tribal Sub-Plan area. Therefore, there is no displacement of tribals in the process of declaring the reserved forest in the State. No tribal has been displaced from the forest for the last 50 years, as the areas occupied by the tribals have been excluded from the reserved forest area at the time of final notification of the classification of forest in Assam based on the land survey done. The State Government has reported no problem associated with the implementation of National Forest Policy in respect of the tribal areas in the State. Tribals are allowed to derive benefits from the forest. The rights and concessions enjoyed by them are recorded. They collect fuelwood, fodder, bamboo and other minor forest produce for their domestic use. The State Government recognizes the symbiotic relationship that exists between tribals and forest. The minor forest produce is described as non-timber forest produce which can be harvested. Minerals and wild animals or other derivatives are excluded. Bamboo and cane are not included within the meaning of the term - forest produce as bamboo and cane have been defined as trees in the Assam Forest Regulation.

The total forest area covered in the State of Assam as per the Forest Report 2001 is 27714 Sq. Km. The depletion of forest by way of encroachment, and Inter-State border disputes etc. is 2997 Sq. Km. The State reported that the economic condition of tribals and other people living in the fringe villages of National Parks and wildlife sanctuaries have improved over the years due to growing eco-tourism.

Forest Villages

As per the Government document, there are 524 Forest villages with the total population of 1,60,179 comprised of 20,694 families as per 1971 Census. ST population constitutes 47.11% of this total population of the forest villages. The forest villagers are entitled to certain facilities from Forest Department such as grazing and collection of grass and timber for construction of houses free of royalty. The tribal forest villagers are mainly agriculturists, but there are substantial augmentation of their income resource by way of collection of minor forest produce in the forest areas.

Bamboo bearing areas of the State have been leased out to the Paper Mills in the State and bamboo collection is made by Hindustan Paper Mill Authorities. Many tribal families now get only some employment in bamboo felling and collection operations carried out by the Paper Mills. On the whole, availability of minor forest produce and non-timber wood etc. has become scarce for these tribal forest villagers, the Commission observed.

The Commission is of the view that these 524 forest villages with the total population of 1,60,179 as per the 1971 census should be notified as revenue villages, as the villagers of these forest villages are reported to be mainly agriculturists. This will help these villages to have basic services and infrastructural facilities as are provided to the revenue villages.

Social Forestry Programmes have been given priority during the Tenth Five Year Plan by integrating this programme with other development activities which is expected to build a larger scope for alleviating the poverty of the tribal people. Land available outside the forest areas are the animal grazing land, banks along the rivers/streams, roadside land etc. which have been taken up for social forestry alongside the joint forest management programme. All the nineteen ITDP areas under TSP areas are being covered gradually under the social forestry programme.

In the tribal areas of State, social-forestry schemes have been propagated not only for the protection of the forest and bio-diversity but also as a means of alternative employment and income generation. Funds flow to TSP in the year 2003-04 for social-forestry was to the tune of Rs. 2.78 crores.

The Commission recommends that social-forestry particularly bamboo plantation should receive impetus as this can create employment on a sustainable basis in the areas where the agricultural production is not feasible.

Land

Most part of the land is in the ownership of the communities and the village chiefs in the Autonomous Council Areas whereas in the Plain Areas mostly land is in the

individuals. It was also reported that there are land holdings under the individual ownership in the Autonomous Council Areas also.

The provisions of the Assam Land and Revenue Regulations, 1886, as amended from time to time provides for the protection of the interest of the tribals in their land. All revenue, settlement and allied reform measures can be taken under the provisions of the said regulations. The provisions of these regulations totally prohibit transfer of property from a tribal to non-tribals in certain pockets/belts/blocks numbering 47 of the State. The provisions further provide that a person cannot acquire any right or title either by purchase or length of possession if such land was transferred to him in these 47 belts/blocks in violation of the provisions of these regulations. Further amendments carried out in 1970 provides for penal action against both transferer and the transferee of the land in these belts or blocks where the transfer of such land was effected in contravention of the provisions of the Chapter X.

The State Government has reported that a number of reform measures have been taken for acquisition and distribution of surplus land under the ceiling among the farmers in the State including the tribal areas, house sites for landless tribals and land survey and updating the land records etc.

The Commission observed that a number of tribal families are reported to have been covered under the scheme of the distribution of surplus land under the ceiling and house sites etc. but there are no figures separately for tribals in the State. The statistics in this regard would be important in respect of Plain Area Tribes. However, for the Hill Areas land continues to be in the ownership or under the control of the community and the village chiefs naming a few individual land-holders. The State Government and the Autonomous Council authorities do not have any specific land tenure measure planned for the assignment of the community land or land under the control of the tribal chiefs to the cultivators or jhumias for a settled cultivation on sustainable basis so that the cultivators/jhumias are able to invest in the land they cultivate to increase productivity and maximize the returns.

In the TSP area the Revenue Department has taken up the work of land-reforms and they have undertaken the cadastral survey in the areas covered by the tribal habitats under Assam Land and Revenue Regulation, 1886 amended from time to time. Allocation of plan funds to TSP in the year 2003-04 for land reforms is Rs. 60 lac 28% of Rs. 210 lac for the State Plan which is quite substantial contrary to the general assumption that tribal areas do not require land reform because the land there is under the control of the community barring stray individual land ownership cases.

The North Cachar Hills District has adopted the Assam Land and Revenue Regulation, 1886 amended from time to time. Except for the reserved forest, railways and urban areas, all the land in the interior areas of NC Hills are village common land, barring a few individual land holdings as reported by the revenue authorities of the Council. The villagers pay house tax for the village community land use. The individual villagers have been given the right of occupation and they have no other rights on the land. If any family of the said village shifts to another village, it ceases to have any right to occupy the land in the village. This is in accordance with the tradition and customary law as well. There are cases where individual villagers have started occupation of the village land permanently by taking up paddy cultivation and horticulture. In such cases, the Council grants occupation of the land with the consent of the village authority on annual khiraj patta which are generally renewed on year to year basis. The Revenue Officer of this Council area reported that the Council has started the operation for mapping the area of land occupied permanently and also for preparation of records of rights of the occupants. The patta holders enjoy all rights over the land i.e. the right of occupation, inheritance and transfer. These rights are valid for 30 years at the first instance which are renewable for further period provided patta holders do not violate conditions of the pattas. Under the North Cachar Hills Land Revenue Act of 1953 and 1982, the Autonomous council exercises the powers of the State Government in respect of administration of land revenue in the District. One of the Executive members is in charge of the land as Revenue Minister of a State and exercises power of the Commissioner as well.

The Commission appreciates that the NC Hills Autonomous Council has built-up a good system of record of rights, land management and for regulating the transfers etc. The Commission recommends that this revenue system in respect of community land as well as land under

individual ownership/patta can be built-up as a model revenue manual and that special grants-in-aid may be provided under Article 275 (1) of the Constitution or under any Special Central Assistance scheme. The Council has also a settlement officer appointed and it has started cadastral survey including settlement operation under the land reforms schemes building and updating revenue record as an essential base for assessment of land revenue, the Commission observed.

Bonded Labour

The Plan documents show that bonded labour is not prevalent in the State of Assam including in tribal areas.

Rural Indebtedness

The Government document show that there exists indebtedness among ST (Plains) and that some unscrupulous money-lending agencies are responsible for the indebtedness among the ST (Plains). Assam Indebtedness Relief Act, 1975 is in operation. In the ITDP areas Gram Panchayat Sambay Samities (GPSS) have been constituted to extend help to the tribal families avail of credit facilities.

The Commission observed that laws regulating money-lending and indebtedness have not been effective in the State in respect of scheduled tribes of the Plain Areas. GPSS mentioned as above, does not have enough resources to provide financial assistance to the tribal families for higher investment in the agricultural sector and for starting small business etc. The financial institutions/banks and the National Scheduled Tribes Finance and Development Corporation have not yet been able to assist the tribes of the Plains.

In the Autonomous Council Areas under the Sixth Schedule of the Constitution the land, most part of it, is in the ownership of the village community and some land with the tribal chiefs – though a few small holdings are with the individual owners. It is only because of the community land ownership with the community control over the land that there are neither any cases of land alienation nor there exist any scope for this kind of exploitation in the Hill Districts.

Infrastructural facilities – Roads/Tele-communication

The priorities in respect of infrastructural development – roads and transport for the Tribal Sub-Plan area, are the same as that for the general State Plan areas. However, there has been emphasis on the measures for the improvement of the existing roads, to give better road transport facilities in the State including the tribal habitats. In the Tenth Plan period, approved outlays for the roads and transport for the State is Rs. 275.07 crores, out of which allocation to TSP as provided is Rs. 43 crores. The priority assigned during the Tenth Plan in this sector is for improvement of the existing roads, metaling and blacktopping etc.

The development of roads and transport network is essential for the economic development particularly of the Hill Districts. The Autonomous Council Areas of Karbi Anglong and North Cachar Hills District have pleaded before the Commission during its visit to these Council Areas that the development of road network should be accelerated. Not much attention has been paid to this important infrastructure in these Council Areas. The Commission was told that even the roads which have been built in all these years including those built by the Border Roads Organisation are not being properly maintained and there were complaints of the poor quality of construction of these roads. The Commission recommends that apart from the funds flow from the State Plan there should be a special funds allocation made by the Planning Commission for construction of new State highways and rural roads as well as for the maintenance of these roads. The commission also recommends that a couple of inter-state highways and at least one National Highway must pass through both these Council Areas under the Sixth Schedule of the Constitution.

The Commission was told that the performance of the Tele-communication Department has been dismal to say the least in these two Autonomous Council Areas. We are of the view that the Ministry of Tele-Communications should provide adequate telecom network in these two Autonomous Hill Districts and it should also start the Cellone network of the BSNL.

Handloom and Handicraft and Textile

Weaving has been the way of life for the tribal women of Assam. The tribal textile designs have a rich heritage. Handloom has a vital role in the development of economy in the tribal areas/tribal habitats as a supplement to the family budget and this industry has a tremendous potential for employment and income generation.

The Tenth Five Year Plan provides for Rs. 52.15 crores for handloom and textile sector out of which Rs. 14.40 lakhs has been earmarked for the Tribal Sub-Plan for the Plain Areas. Flow of funds to TSP appears to be substantial almost 29% of the total provision for the State. The schemes include expansion of training programmes, publicity/advertisement, production of handloom fabrics etc.

The Commission observed that there is a need to have resource mobilization for the optimum use of existing potentials including human resource – skills and expertise in this traditional sector. The handloom industry should be developed as an organized sector through the tribal weavers cooperatives; modernization of looms by way of programme for improving the skills; diversification of production; design development as per market demand; arranging supply of inputs to the weavers and finally marketing tie-up arrangements.

The Commission observed from the views expressed by the State Government functionaries and the tribals during the interaction with them that there has not been much technical and financial support coming from the national level promotional organisations. We recommend for this vital sector of economy, having tremendous potential for employment and income generation for the tribal people as also to protect the tribal heritage, financial and technical assistance to be provided particularly for design development on traditional lines to generate market demands for building commercial base on sustainable basis. There is a need to strengthen the technical assistance and extension services delivery system in this sector for tribal habitats both in the Plain Areas and the Hill Areas as well.

Village and Small Scale Industries

The Tenth Plan outlay for the State Plan for the Village and Small Scale Industry is Rs. 54.50 crores out of which allocation to the TSP is Rs. 2.4 crores. This allocation is meant to execute training programmes particularly of unemployed youth for setting-up small and tiny sector units. Entrepreneurship training is the main component of this programme. Loan to SSI Units, margin money for loans are other important schemes covered under the Tenth Plan allocation. The State's new Industrial Policy 1997 provides for a new package of incentives to ensure balanced regional development by promoting village artisans, small ancillary centres in the State which covers tribal habitats and tribal areas as well on the basis of techno-economic potential survey. For the tribals incentives provided under this new Policy are – interest subsidy, power subsidy, generating sets subsidy, feasibility report subsidy etc. There are provisions for supply of improved tools under the Policy. There are no reports available about the impact of this new Industrial Policy in the tribal areas.

Sericulture

As per the Report of the State, about 50% of the tribal people in the State have taken up sericulture in the Tribal Sub-Plan area. The cultivators are provided financial assistance for sericulture. For cocoon marketing, cocoon marketing units have been set-up at Kokrajhar, Udalguri, Dhanbanga for which allocation of Rs. 1.40 crores was provided in the financial year 2003-04.

Education

The universalisation of the elementary education is the main target of the State Government in the field of education and for achieving this object, infrastructural development such as school buildings, labs etc. have been given priority. Sarva Shiksha Abhiyan is the main component for the universalisation of the elementary education.

As per the State Report, majority of the ST population of the State still remains below the expected level of educational achievement. The enrolment of ST children as compared to the children of general classes is lower. The drop out rate is stated to be comparatively higher. There are 5811 primary schools and 1433 middle schools in the TSP areas of the State. The schemes taken up for educational development of the

Scheduled Tribes in the elementary and middle stages are for opening-up more primary/middle schools; supply of free text-books; providing furniture grants to the schools; construction/maintenance of school buildings (PMGY) and scholarships/other incentives etc.

The State Government has entrusted to the Karbi Anglong and NC Hills Autonomous Councils the subject of elementary and secondary education and these Councils exercise the executive powers of the State Government in respect of the subject transferred to them.

Health

The plan allocation to the TSP for the Tenth Plan period is Rs. 38.16 crores in the Health Sector. This allocation is for the construction of health institutions and other recurring and non-recurring expenditure. The object of the health sector is to wipe out all sorts of health hazards by providing primary health-care particularly in the remote tribal areas. The tribals in the Tribal Sub-Plan areas are getting health-care both under the Tribal Sub-Plan scheme as well as general areas schemes in the health sector. The State Government reported that during the Ninth Plan period there was a target to build 15 primary health centres and 5 community health centres etc. in the TSP area which were actually achieved.

The State Government has entrusted to the Karbi Anglong and NC Hills Autonomous Councils the subject of health and family welfare and these Councils exercise the executive powers of the State Government in respect of the subject transferred to them.

Job Reservations

The job reservations in the State Government and Public Sector Undertakings are being provided at 10% for the Scheduled Tribes of the Plains and 5% for the Schedule Tribes (Hills). The rationale, it appears, is population ratio of the tribes in the Plains and Tribes in the Hill Areas - Autonomous Council Areas. The same pattern of percentage is also made applicable for filling-up of the reserved seats for admission to the medical colleges and technical institutions.

All Assam Tribal Sangha submitted a memorandum to the Commission during its visit to Assam demanding creation of employment opportunities and faster socio-economic development of the tribal people of Assam. Their specific demand is that the reservation in jobs and services should be provided to the tribals in the State as per the population percentage which is not being provided in practice. They have also demanded that the State Government of Assam should stand necessary guarantee to the Assam Plains Tribal Development Corporation for the loans sanctioned by the National Scheduled Tribe Finance and Development Corporation for the tribal beneficiaries. The Sangha has also raised some points in respect of distribution of scholarships, setting-up of residential schools in the tribal areas etc. The Commission observed that their demands may be examined by the State Government.

Anti Exploitation Measures

Under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the State Government has constituted a Special Court and deployed Special Public Prosecutors in each Districts of the State. The Court of Session in the Plains Districts and the court of Deputy Commissioner in Hill Districts have been designated as Special Court under this Act by the State Government.

Autonomous Councils under the Sixth Schedule of the Constitution

There are two Autonomous Councils namely:-

- 1) Karbi Anglong Autonomous Council for the Administrative District of Karbi Anglong with geographical area of 10,434 Sq. Km.
- 2) North Cachar Hills Autonomous Council for the Administrative District of North Cachar Hills District with geographical area of 4888 Sq. Km.

Both these Administrative Districts were part of United Mikir and North Cachar Hills District formed on 17th Nov., 1951 which was bifurcated into two separate Administrative Districts on 11th Feb., 1970. The Mikir Hills Autonomous District was re-named as Karbi Anglong Autonomous District on 19th Oct., 1976. Even before the bifurcation into two separate Administrative Districts, the District had two Autonomous

District Councils, one for the Mikir Hills (now Karbi Anglong) and another for North Cachar Hills.

Under the Sixth Schedule to the Constitution (Amendment) Act, 1995, these two Autonomous District Councils have been renamed as – North Cachar Hills Autonomous Council and Karbi Anglong Autonomous Council.

The Karbi Anglong Autonomous Council has 30 Members of which 26 are elected and 4 are nominated by the Governor of Assam. There are 26 elective Constituencies in the Karbi Anglong Autonomous Council area for election to the Autonomous Council. The Council has five year term unless it is dissolved before the term is completed.

The Legislature of the Council is headed by a Chairman and a Deputy Chairman elected by its Members. There is a Secretary-in-charge of the Legislative Wing of the Council. The Autonomous Council meets three times in a financial year. The Council has inherent powers on the subjects like primary education, land and revenue, forest etc. The management of land other than the reserved forest has traditionally been the inherent powers of the Council. The council has adopted the Assam Land and Revenue Regulation, 1886 amended from time to time to exercise control over the management of the land. Although, the aforesaid regulation has been adopted yet not all the provisions of the said regulations have been applied for the management and control of land. In actual practice, the village customary chiefs or headmen is vested with the powers to control the land as has been the tradition.

The Council has powers to assess and collect the land revenue in respect of land in accordance with the principle set in the Assam Land and Revenue Regulation, 1886 amended from time to time. The Council has powers to make laws for allotment or use of land other than reserved forest; management of any forest other than reserved forest; management of canal and water pools for the purpose of agriculture, regulating the practice of jhum cultivation; appointment or succession of village chiefs or headmen, regulating inheritance of property; marriage, social custom etc. The Council also regulates the money-lending and trading by non-tribals.

The North Cachar Autonomous Council has 27 Members of which 23 are elected and 4 are nominated by the Governor of Assam. The Legislature of the Council is headed by a Chairman and it has also a Deputy Chairman and both are elected by its Members. The Council has a Secretary appointed. The Council meets three times in a year i.e. once in four months. The Executive powers given to the North Cachar Hills Autonomous Council are the same as that entrusted to the Karbi Anglong Autonomous Council. This Council has also adopted the Assam Land and Revenue Regulation, 1886 amended from time to time. The subjects allotted to this Council are the same as allotted to the Karbi Anglong Autonomous Council.

Administration of Justice in these Autonomous Council areas are to be regulated as per the provisions in the paragraph 4 of the Sixth Schedule to the Constitution. The NC Hills Autonomous District Council has framed NC Hills Autonomous District Council Administration of Justice Rules, 1955 and that Subordinate District Council Courts have been constituted. The Karbi Anglong Autonomous Council has not yet constituted Council Courts. There are customary law Courts under the traditional customary judicial system of Karbi headed by customary heads which have been functioning since time immemorial.

These Autonomous Councils have enacted the Laws, Rules and Regulations to protect the interests of the tribals which inter-alia regulate the transfer of land from tribal to non-tribals as well as from tribal to tribal.

In April, 1995 a "Memorandum of Understanding" (MoU) was signed between the Chief Minister of Assam, Autonomous State Demand Committee (ASDC), Karbi Students' Association, North Cachar Hills Students Federation and Dimasa Students Union in New Delhi in the presence of Union Home Minister granting some more powers to these two Autonomous Councils within the frame work of the Sixth Schedule to the Constitution. Under this MoU 30 subjects were transferred to the Autonomous Councils.

In pursuance of the said MoU, the Sixth Schedule of the Constitution was amended by an Act of 1995 under which the Karbi Anglong Autonomous District Council was re-named as Karbi Anglong Autonomous Council and North Cachar Hill Autonomous District Council was re-named as North Cachar Hills Autonomous Council. By

inserting para 3A in the Sixth Schedule, Legislative powers were given to both these Councils in respect of the transferred subjects. Paragraph 20 B A was inserted by which the Governor can exercise his discretionary powers after consulting the Council of Ministers and the North Cachar Hills Autonomous Council or Karbi Anglong Autonomous Council, as the case may be, and take such action as it considers necessary in his discretion. **These provisions allow considerable autonomy to these Councils in the matter of legislation and development for these Council areas, the Commission observed.**

Both the Councils have been given **executive powers of the State** in respect of these 30 subjects transferred to the Councils. Each of these Autonomous Councils has 11 Member Executive Committee including Chief Executive Member who is elected by the Members of the Councils. The Executive Members are appointed by the Governor on the recommendation of the Chief Executive Member. Under the Executive Committee, there are a Principal Secretary, five Deputy Secretaries all deputed by the State Government and there are other additional three Deputy Secretaries and two Secretaries appointed by the Councils themselves. The posting of the officers on deputation to the Councils are made by the State Government in consultation with the Councils. The Councils give administrative approval and financial sanctions for the schemes prepared by the Departments which are executed by the District Officers under the Councils. The funds provided in respect of the transferred subjects for both Plan and Non-Plan Sectors are allocated by the State Government on six monthly basis to the Councils and these Councils in turn release funds to the respected Departments executing the Departmental schemes.

The Commission observed that there is a need to prepare the record of rights of individual cultivators of the community lands as per the guidelines provided under the Assam Land and Revenue Regulation, 1886 – amended from time to time, which in fact has been adopted by these Councils. The documentation of revenue records of the community land allotted to the individual cultivators is intended to help these cultivators avail of the soft loans from the financial institutions/cooperative /commercial banks for investment in the agricultural development which is essential for increasing the productivity and maximizing the returns from the land under cultivation. The revenue manual of the community

land under the chiefs and headmen as per the traditions need be prepared for the guidance of all concerned and also for taking financial help as well as the subsidies for agriculture, horticulture development available from the State/Central Government. There should be a legal instrument devised in consultation with the community and the chiefs or headmen for helping the cultivators to pledge the land where the land under cultivation is in the ownership of the community or the tribal chief to help the farmer/cultivator to obtain necessary soft loans, facilities and subsidies etc. The North Cachar Hill Autonomous Council has initiated land reform measures, a good system of record of rights, land survey and settlement operation. We have given some details about this in this report under the sub-head 'land'.

The Commission was told by the Council during its visit that the Plan funds provided as 100% Central Assistance has been static for the last several years which has adversely affected the economic development of the Councils. These Councils have their minimum expenses to run the administration which as the percentage of total funds made available is very high, because the overall funds provided is so small to make the minimum expenditure on administrative infrastructure appear larger giving the impression of a situation where availability of funds for execution of development works is very small.

The Commission observed that there is a need to strengthen the Council's finances. These Councils have weak resource base. There is not much scope for these Councils to expand the tax resource base, the funds flow to Plan as well as Non-Plan is too small and major part of it is spent on administration of their Councils leaving very little for the development activities. Almost 70% of the funds are spent on administration which does not appear to be due to any indulgence in extravaganza because in absolute terms the funds spent on the administration appears to be commensurate with the needs of the minimum administrative infrastructure that the Councils have to set-up. In order to reverse the pattern of expenditure – 70% (Administration) and 30% (Development), the Commission recommends for the increased funds flow to these Councils.

The Commission would like to propose that a weightage should be given on the relative economic backwardness of these Councils in the distribution of Hill Areas Plan funds between the Councils. The Autonomous Council Areas are the Hill Areas where the cost of development will be comparatively higher than that in the Plain Areas. Apart from the size of the area, the type of terrain and soil conditions should also receive weightage.

These Hill Areas have very poor infrastructural facilities like road, transport and telecommunication and that the funds for development should be augmented to accelerate the development of these infrastructural facilities which is a key to the overall development of the area. The very object of having Autonomous Councils for these areas is to give special attention by providing measure for an accelerated economic development. The population alone should not be the criteria for allocation of funds to these Councils. In the case of North Cachar Hills Autonomous Council Area there has been decrease in the Plan allocation from Rs. 49.49 crores in 2000-01 to 48.80 crores in 2002-03, further to Rs. 44.61 crores in 2003-04. The Karbi Anglong Autonomous Council is also facing the similar financial crisis. The Commission, therefore, recommends that there is an urgent need to review the criteria of funds flow to these Autonomous Councils both from State and Central Pool – State Hill Plan, Additive Plan, Special Central Assistance, Non-Lapsable Pool of Resources and funds under Article 275 (1) of the Constitution.

Although, there are no statistics built-up separately for these Council areas, the economic growth rate in these areas have been too low taking the State economy as a whole. The Commission further recommends that a study should be undertaken by the Planning Commission to ascertain the impact of development efforts made in all these years in these Council areas.

These Councils have also demanded that there should be direct funds flow from the Central Government rather than routing it through the State Plan in respect of funds

which flow from the Planning Commission and the Central Ministries. A point was also made that the successive Finance Commissions have not given special award to the Autonomous Councils despite the established factor of weak resource base these Councils have. The Finance Commission award is for the State as a whole and it expects the State Government to ensure that the Council Areas also receive the benefit of the award.

The Commission is of the view that the 12th Finance Commission can have an exercise done to assess the ground realities through realistic studies of the resource base of these Council Areas situated in the Hills of the Assam and make recommendations to overcome the deficit in ways and means possible for these Councils. There is no purpose served by transferring 30 Departments/subjects to these Councils by amending the Sixth Schedule of the Constitution in 1995 without adequate funds flow. These Councils feel that the ban on timber operations have virtually cut the forest revenue of these Councils.

There are virtually no industrial activities in these Council Areas. Agriculture and the public sector employments are the only source of employment. There is a saturation of job opportunities in the absence of the development of industry, trade and commerce. The unemployment problem among uneducated youth in these Council Areas is a matter of concern. There is not much scope for raising the employment opportunities in the Government and Public Sector.

Expansion of development activities by enlarging the funds flow to these Council Areas for the development alone can help mitigate problems arising out of the unemployment. Some forest and agro based, cottage and small sector eco-friendly industrial projects should be promoted in these Council Areas. Fortunately, some parts of these Council areas are connected by rail link. The road construction, bridges should receive impetus. Programmes under PMGSY can help a little bit but there should be a network of roads and transport services built in these Council Areas to link them with the other parts of the State and with the neighbouring States as well. There is a need to make special allocation for the infrastructural development not only to provide employment but mainly to help build the economy of the area. The Border Roads

Organisation is reported to have constructed some road stretch from Mahur to Laisong a few years back. There was a question mark put on the quality of the construction and presently it is not being maintained, rendering it unfit for traffic. The road from Lumding to Silchar which is now NH-54 Extension is considered to be a lifeline road for the NC Hills Autonomous District. As a part of East-West corridor, we would suggest Ministry of Surface Transport to look into the reasons for the slow pace of construction and the maintenance of the built-up part of the road, as people of the area have demanded that this road should be made operational for vehicular traffic.

Chhattisgarh State

INTRODUCTION

1.1. Chhattisgarh State came into existence on 1.11.2000 with the bifurcation of Madhya Pradesh State. It is known for evergreen forests, rich mineral resources and great potential for energy.

Basic Data

1. Geographical area of State - 136.03 lakh hac.
2. No. of districts - 16
3. No. of villages - 19,720
4. Janpad panchayats - 146
5. Gram panchayats - 9139
6. Population (2001 census) in lakhs

		S. T.
Total	208.33	66.16
Male	104.74	32.87
Female	103.59	33.29
7. Density per sq. km. - 154
8. Sex ratio 2001 – 990 General, 1001 ST
9. Literacy rate (2001 census)

Total	- 65.12
Male	- 77.86
Female	- 52.28
10. Area under irrigation - 20.66%
11. No. of villages electrified - 18,075
12. No. of villages and hamlets having problem for supply of safe drinking water - 54,818
13. Total no. of Scheduled Tribes (STs) - 42 _____ (Appendix I)
14. Total no. of seats in the Lok Sabha - 11 (of whom 4 ST)
15. Total no. of seats in Rajya Sabha - 5 (1 ST)

Major Tribes- Gond, Kanwar, Baiga, Halba, Bhatra, Oraon

Primitive Tribal Groups (PTGs) – (5)

Abujhmaria, Baiga, Birhor, Kamar, and Pahadi Korwa.

1.2. The Commission toured from June 5 to 14, 2003 in 11 out of 16 districts, namely, Jashpurnagar, Surguja, Korba, Bilaspur, Dhamtari, Kanker, Jagdalpur, Dantewada, Rajnandgaon, Durg and Raipur. They held discussions with the State Chief Secretary and his team of officers at Raipur and with District Collectors and other district level officers in the field. The Commission also had interaction with NGOs, tribal leaders, MPs, MLAs and Panchayatiraj functionaries. The Commission held indepth discussions with President Bharatiya Vanvasi Kalyan Ashram and also Tribal leaders representing different tribal communities of Jashpur district, namely, the Munda, the Kawar, the Oraon, the Nagesia and the Pahadi Korbas at Jashpur nagar.

1.3. Member of Parliament representing Jashpur and Chairperson, Municipality, Jashpur

nagar also met the Commission. At Kanker, views of M.L.A. and Chairman, Zilla Panchayat were taken note of. General Secretary, Bharatiya Janta Party apprised the Commission of the problems of Dantewada district. Nearly 30 non-officials representing Chhattisgarh state met the Commission and gave their evidence at Raipur.

Problems specific to districts

1.4. The Commission was apprised of special problems in each district visited as given below:

1. Surguja district	<ol style="list-style-type: none"> 1. Lack of connectivity, transport and communication system in 2003. 2. Three percent higher secondary schools have shown zero percent result. 3. Lack of development in settlement of Pando tribe at Jheega Jolka in Surajpur Tahsil.
2. Korba and Bilaspur districts	<ol style="list-style-type: none"> 1. Alienation of tribal land by industrialists by fraudulent methods.
3. Dhamtari district (Nagri Tribal Area)	<ol style="list-style-type: none"> 1. Lack of medical personnel in PHCs of Nagri. 2. Lack of development of Kamar (PTG). 3. Lack of development in Kukrel village (recently converted from Forest Village to Revenue Village) in Nagri Block. 4. Lack of development in Belarbehra in Nagri Block.
4. Kanker district	<p>Inaccessibility, lack of culverts and roads, inadequate water and power supply are the main constraints of development. Teachers visited the school once a fortnight. Kerosene oil was not available to the villagers at PDS shops.</p>

<p>5. Bastar district 6.</p>	<ol style="list-style-type: none"> 1. The Forest Department did not permit the district administration even to instal handpumps in villages located in forest areas for drinking water purposes. 2. Tribals were unhappy for not receiving bonus for MFP items like <i>Tendu</i> collected by them during 2002. 3. Ban imposed by the State Govt. on sale of Malik Makbuja Timber (trees standing on the agricultural lands of tribals). 4. Almost cent per cent tribal families lived below poverty line. Land has not been consolidated and the survey of forest and revenue Land is also not very clear. Although dams were constructed at some places, there was no irrigation for want of canals. MLAs are interested in opening the schools without waiting for infrastructural facilities. Some teachers attended the schools on Independence and Republic days only. In Narayanpur area 100 teachers were not given full salaries due to their prolonged absence.
<p>6. Dantewada</p>	<ol style="list-style-type: none"> 1. Transport and communication are most neglected. 2. Two-thirds of the district is affected by naxal elements. 3. Govt. staff does not stay in villages.
<p>7. Durg district</p>	<ol style="list-style-type: none"> 1. Dropout rate of tribal students from Class I to X was 90%. 2. Building of model school for tribal students at Dondi is in bad shape.
<p>8. Common problems of tribals in the State</p>	<ol style="list-style-type: none"> 1. Lack of awareness among tribals of various schemes of development. 2. Need for development of PTGs and Most Backward Clusters of Tribal villages. 3. Need for community hall in every tribal village. 4. Simplification of procedure for issuance of community certificate to tribals.
<p>9. Jashpur district</p>	<p>Socio-economic inequalities and loss of tribal culture, tradition, customs and rituals resulting from the change of faith, need more intensive development works along with measures for preservation of their identity.</p>

Felt needs and basic requirements of STs

1.5 Wherever the Commission interacted with the tribal people, general aspirations, demands and problems were concentrated on (a) issuance of land *patta* to the landless, (b) house for homeless, (c) regular supply of safe drinking water, (d) generation of employment opportunities, (e) sources of minor irrigation, such as check dam, etc., (f) approach road to the

village / hamlet and also to those villages which fall under reserved and protected forest areas, (g) although, they were not hopeful of satisfactory healthcare round the year, yet they urged that medical care may be arranged at least for three months during monsoon, when people die of malaria, water borne diseases and snake bites, (h) victims of cloudburst and lightening required quickest possible care, and dependents of those who die needed monetary relief for rehabilitation, and (i) other priority areas for intervention were checking further alienation of tribal land, electrification of tribal hamlets and quality education in the schools. Some of the tribals demanded that Freedom of Religion Act banning conversion of tribals by fraud and allurements should be effectively implemented.

Highlights of Governor's Report for the year 2001-02

1.6 In accordance with the provisions contained in the Fifth Schedule of the Constitution of India, Governor, Chhattisgarh State in his Annual Report for the year 2001-02 highlighted the under mentioned policy issues:

- (1) A proposal to notify Tribal sub-Plan area of the State as Scheduled Area has been sent to Govt. of India.
- (2) State Govt. provided special incentives to its employees working in the Scheduled Areas.
- (3) Setting up of a Tribal Research Institute.
- (4) On the advice of Tribes Advisory Council, it has been decided to allow tribals to brew their own liquor upto five litres for self consumption and that no case against a tribal for excise related offence shall be registered by the Police or the Excise Officer until and unless permission of SDO (civil) or the District Magistrate has been obtained.
- (5) Computerisation of land records has been started in tribal districts of Bastar, Durg, Rajnandgaon, Surguja and Raigarh.

Tribes Advisory Council (TAC)

1.7 Government of Chhattisgarh constituted TAC on 25 November, 2000. TAC consists of 28 persons and is headed by the Chief Minister with Minister for Scheduled Tribes Development as Deputy Chairman. Tribal MLAs, two tribal MPs from Lok Sabha and one tribal MP from Rajya Sabha are also members of the TAC as well as Chairman of the State Scheduled Tribes Commission and Secretary, Tribal Development is the Secretary of the TAC. Action taken by the government on various recommendations made by TAC is given at Appendix II.

1.8 The State Government has not favoured the nomination of the Chief Secretary or Secretary to the Governor for their inclusion in the TAC for the reason that they may not necessarily belong to Scheduled Tribes. We had suggested in our questionnaire whether the Government would like to nominate the Chief Secretary and the Secretary to the Governor to the TAC for the reason that Chief Secretary has to play an important role for the 'peace and good governance' of the Scheduled Areas and the Secretary to the Governor should act as the eyes and ears of the Governor to keep him informed of the sentiments and views expressed by the members in the TAC meetings. There was no question of these persons being tribal or non-tribal. **The Commission after their visit in the state and discussions with the tribal leaders**

recommend that the Chief Secretary as the head of the administration in the state and the Secretary to the Governor should be special invitees of the TAC. Under Clause 4 (1) of the Fifth Schedule of the Constitution the membership of the TAC should not be more than 20.

Criteria for Identification of Scheduled Areas

1.9 State Govt. considers that criteria for identification of Scheduled Areas are alright in so far as compactness and reasonable size of the area, under-developed nature of the area and marked disparity in economic standard of the people are concerned. As regards criterion of preponderance of tribal population, this does not hold merit now, as there is continuous migration of non-tribals to the existing Scheduled Areas in search of new economic pursuits and thereby STs number is narrowing down. It has been suggested that a Gram Panchayat should be taken as an administrative unit. In case of Chhattisgarh, only 81,861.88 Sq. Kms. area has been notified as the Scheduled Area as against 88,000 Sq. Km covered under Tribal Sub-Plan Area, thus nearly 6138.12 Sq. Km. area is still left out of the purview of the Scheduled Area. State Govt. has suggested that entire Tribal Sub-Plan area may be notified as a Scheduled Area by the Govt. of India.

1.10 The Commission recommends that proposal for the notification of Scheduled Area so as to make tribal sub-plan area co-terminus with Scheduled Area may be examined by the Government of India.

2. Tribal Unrest in Scheduled Areas

2.1 Eight districts of the State namely Jashpur, Surguja, Kawardha, Durg, Rajandgaon, Bastar, Kanker and Dantewada are naxal affected. These districts have boundaries with the districts of the States of Jharkhand, Orissa, Maharashtra and Andhra Pradesh and Naxalites have easy access to the districts of Chhattisgarh. Most of these districts were part of Indian princely states. At the time of Independence, these districts were peaceful and the tribals had congenial relationship with the forest department which subsequently deteriorated. Lack of development in these districts is an important factor in fomenting unrest among the tribals. The then ruler of Bastar State was instrumental in awakening the tribals. Social reformers also were able to mobilize the tribals and gradually they realized that they were being exploited by various government agencies and outsiders.

2.2 The Government of India established a Dandkaranya Development Authority covering the tribal areas of Orissa and present Chhattisgarh State for the rehabilitation of East Pakistan (Bangladesh) refugees who were given land as well as other means of livelihood for their relief and rehabilitation. On the other hand, tribals did not receive due attention which also contributed as one of the causes of tribal discontent. The linking up of Raipur with Jagdalpur facilitated the entry of non-tribals into Bastar. Between 1992 and 1996, a nexus of officials and timber merchants conspired to strip Bastar of a significant amount of timber. The forest department started mono tree cultivation depriving tribals of their fuel, fodder and grass requirements. This, however, was stopped on account of protest by environmentalists. Exploitation of tribal women at the hands of non-tribals in developing urban centers led to great

resentment among the tribals, although some steps were taken to meet the situation.

2.3 The naxals from the neighbouring states penetrated these tribal areas and were able to mobilise the tribals against lack of development, inadequate attention by the state authorities specially the forest department. To meet the situation, the administration created three districts out of former Bastar district and a Divisional Commissioner was posted at Jagdalpur. The emerging industrial centers of Bhilai, Durg, Rajnandgaon also created a hiatus between the tribals and non-tribals. The tribal lands were acquired for setting up a steel plant and various ancillary industries. A railway line was laid only for carrying iron ore from Bailadilla to Visakhapatnam. The mining of iron ore resulted in depriving the tribals even from getting potable water for them and their cattle and the iron content in the streams and rivers adversely affected the crop production. Many of the agricultural fields were rendered unfertile by the new industries that came up in the tribal areas.

2.4 In the garb of encouraging tribal handicrafts the Government encouraged non-tribals to enter these areas and the tribal artisans were reduced to the status of piece wage workers for production of bell metal artifacts and wooden articles. Bulk of the benefit was derived by the non-tribal traders. Hotels and eateries were established by the non-tribals but the tribals did not derive any benefit from these developments.

2.5 The cumulative effect of the deprivation by which the tribals suffered was harnessed by the naxals in consolidating their stronghold in the tribal areas. The naxals have become powerful in those areas where the Government machinery was demoralised. To further their ideology and keep the tribals under their influence, the naxals didn't allow the construction of culverts or any developmental works. There are very few voluntary agencies working in these areas with exception of some with selfless service to the tribals in the field of education and health care who are not obstructed by the naxals in their day to day activities.

2.6 The Commission was pained to meet in sub jail at Kankar a few young ST boys who were booked as associates to naxals. Particulars of a few inmates with whom the Commission interacted on 8/6/03 were as under: -

S. No.	Name	Nature of crime	Educational status	Since when in Jail
1	Umesh	Naxal	X Fail	9 months
2	Laloo	Felling of 7 trees in forest	X Pass	1-1/2 months
3	Ram Lal and his wife Laxmi Bai	Naxal	X Pass	6 months

2.7 The Commission was informed that out of 121 under trial persons, 60 were booked as Naxals (u/s 151 IPC), 12 of whom belonged to Maharashtra State. On 9/6/03 the Commission paid a visit to district jail at Jagdalpur. 48 persons were booked under naxal related activities of whom six were women

2.8 In view of the aforesaid, the Commission recommends that to counter the activities of the naxals it is necessary to encourage voluntary agencies to play a balancing role by taking up various developmental programmes with the participation of the tribal

people. Voluntary agencies should play an important role in the naxal affected areas. They should post one multipurpose worker from among the tribals at every Gram Panchayat level with the consent and cooperation of the Gram Sabha. The voluntary organization should encourage and teach improved methods of cultivating herbal crops, give health care emergency services and render help to tribals in managing PDS shops. At the same time, the State Government should enter into a dialogue with the naxals frequently at various levels to bring about harmony in the area. Adequate package of rehabilitation measures for them should be preplanned by the district administration in consultation with the banks, tribal finance and development corporation and other line departments, so that energy of tribal youth is properly and usefully channelised after their release from jails.

3. Protective Safeguards

(a) Land Alienation

3.1 Transfer of land by tribals to non-tribals is prohibited under Sections 165, 170 and 170. 170 (a) and 170 (b) of the Land Revenue Code. Under the PESA Act, 1996, consultation with Gram Sabha is done prior to acquisition of land in the Scheduled Areas.

3.2 In Bilaspur district, land owned by tribals passes on to non-tribals fraudulently by different modus operandi. One such method is land given in 'Charity' to the Government, which in course of time is put to auction and non-tribals get it. It was informed that in such cases where tribal is a donor, auction of land may be restricted among the tribals only. Second mode was putting land of tribal to auction by the Banks as per rules. Thirdly, land is taken by the Govt. in public interest due to process of urbanization under section 165 (c) of the Land Revenue Code and thus the land in course of time passes on to the non-tribals. At Bilaspur it was stated that it would be very difficult for the tribals to protect their lands from alienation in future due to heavy allurements by the powerful segments of society. In a study conducted by the M.P. Tribal Research Institute in Bilaspur district during 1997, it was found that non-tribals have been purchasing lands belonging to those non-tribals, who had lands adjoining the tribals, for which there are no restrictions. Subsequently, the non-tribals encroach upon the nearby lands of the tribals who find it very difficult to get possession over such encroached lands.

3.3 The Commission recommends that cases of wrongful possession of tribals' lands held by the non-tribals should be dealt with sternly and quickly by "Special Revenue cum Police Squads" or any other machinery set up under the SC and ST (POA) Act, 1989. It further recommends that some percentage of share in favour of tribals out of the tribal property thus alienated in the urban areas, such as, hotels, industries, multi-storey buildings, shopping complexes, colonies, etc. may be earmarked.

3.4 Computerisation of Land Records- Work relating to computerisation of land records, is likely to be completed in fifty-one tahsils of Bastar, Durg, Rajnandgaon, Surguja and Raigarh districts out of 98 tahsils in the State. The Commission recommends that record of land as on computer should be displayed at every Gram Panchayat.

(b) Money Lending Prohibition Act

3.5 It is generally on account of natural calamities, uncertainty of rains damage done to agricultural crops and self-consumption needs that the tribals are not able to repay the loan and

consequent burden mounts up. In a study on causes of indebtedness among the tribals of Bastar and Raigarh districts (and also Mandla and Dhar districts of Madhya Pradesh), M.P. Tribal Research Institute had reported in 1997 that out of 254 surveyed families a large number of them had borrowed money for meeting requirements of day to day essential commodities followed by requirements for agricultural pursuits and trade in bamboo and other commercial pursuits. It was suggested by the Research institute that a wide network of daily requirement depots should be set up in tribal areas so that tribals did not go to the money lenders and were saved from their clutches and that the consumer articles must be made available to tribals at convenient locations round the clock. This single step will go a long way in changing the economic dependence of tribals on money lenders.

3.6 The Commission is of the firm view that moneylenders can only be replaced by effective scheme for grant of consumption loans and public distribution system. We have recommended elsewhere in the report that fair price shops should be set up for every 2 to 3 villages in a radius of 2 kms. in tribal areas and at least one such shop should function late in the evenings in every Gram Panchayat.

(c) Bonded Labour

3.7 In accordance with the provisions of Bonded Labour (System) Abolition Act, 1976, 931 cases were registered in 2002-03 and an expenditure of Rs. five lakhs was made for rehabilitation of released bonded labourers. The Commission expresses their concern on the prevalence of bonded labour system in the state even after two and a half decades of its abolition. **The Commission recommends that close vigilance may be kept by the district authorities and offenders booked under the provisions of the Act.**

(d) Child Labour

3.8 Child labour is prohibited for those below the age of 14 years under Child Labour (Prohibition and Regulation) Act of 1986. Although, no specific survey has been undertaken for determining the actual number of child labourers, the State Govt. has however, introduced two schemes namely "Padhbo Padhabo School Jabo" and "Noni Babu Johar". Under the National Child Labour Project, 100 schools have been set up in 5 districts of the State namely Rajnandgaon, Durg, Bilaspur, Raigarh and Surguja where vocational training has been given to 5663 child labourers. This figure includes data on tribal children also, as separate data for tribals are not maintained.

(e) Excise Policy

3.9 STs have been allowed to brew country liquor not exceeding five litres per household, for self-consumption and for meeting social and religious requirements. Issue of licences for sale of retail country and foreign liquor is governed in accordance with the rules, which came into force on 1.4.2002. Table showing revenue received and number of excise contractors is given below: -

S. No.	Year	Income (Rs. in crores)		No. of Contractors
		Total	Tribal sub-Plan Area	
1.	2001-02	316.96	58.80 (19%)	30
2.	2002-03	362.48	54.69 (15%)	59

3.10 Under the PESA Act, 1996, the Gram Sabhas have been empowered to regulate and prohibit sale of liquor in the Scheduled Areas. During 2002-03, total number of cases registered for violation of excise policy was 4745 as against 6187 in 2000-01, which makes it amply clear that sale of illicit liquor has declined over the years. **In almost all the districts visited, members of the Women Self-Help Groups have urged the Commission to put a blanket ban on the sale of liquor by the contractors. The Commission advised them to persuade the Gram Sabha / Gram Panchayat members to adopt a resolution and move the District Magistrate for taking appropriate action to ban sale of liquor in the shops.**

(f) Implementation of Panchayat Extension to Scheduled Areas Act, 1996

3.11 In Dantewada district, the Commission was informed that Gram Panchayats had no say in the administration of Chhattisgarh Panchayatraj (Sanshodhan Adhiniyam) 2002 and no heed is given to the proposals passed by the Gram Panchayats. Chairman of District Panchayat has neither been delegated powers to write confidential roll of Chief Executive Officer nor conferred the status of Minister of State so far. Woman Chief was still without a security guard.

3.12 The Commission recommends that wide publicity should be given with regard to the provisions of the Chhattisgarh Panchayatraj (Sanshodhan Adhiniyam) 2002 and officials and non-officials imparted re-orientation training at Block levels. Literature on the subject may be circulated widely in the educational institutions / hostels / police stations etc.

4. Forest

4.1 As on 1.11.2000 when Chhattisgarh State was formed, area under forest was 59,772.4 sq. km. (44.2%) out of total geographical area of 1,35,133 sq. kms, as under:

<u>Type of Forest</u>	<u>Area in Sq.kms.(1999 data)</u>
Reserved	25,782.167
Protected	24,036.100
Unclassed	9,954.133
Total	59,772.400

(an increase of 238 Sq.kms. over previous survey)

4.2 Thus, as against 32% forest cover in the country, the state has 44% area under forest which is a noteworthy feature. Sal tree is widely grown in the state and it has been declared the State Tree of Chhattisgarh. Tribals' domestic requirement of fuel-wood, fodder, MFP and construction timber is the first charge on forest. They have been extended certain privileges of collecting headloads of fuel wood (*Jali, Kati, Mari and Padi lakdi*), grass for cattle and thatching roof, small quantity of limited timber for house repair etc. out of the forest free of cost. In case of additional requirement these and other essential materials were being made available through *nistar/upbhokta* depots, at concessional rates – 50% to 80% of the market rates. State Government in their revised policy of 1996 on extending Nistar facilities (such as collection of fuel wood, bamboo, small timber and grazing for cattle) to villagers have made following provisions:

- (i) the policy of Nistar facilities in Bastar district and to Basor community shall remain unchanged.
- (ii) In other areas, the previous policy will remain unchanged for those villages, which fall within five km. radius of forest boundary.
- (iii) The residents of Municipal Corporation, Municipality and Town Panchayat shall have to purchase forest produce from the local market and the Forest department shall not supply any forest produce to such institutions.
- (iv) The residents of villages outside the radius of 5 km. of forest boundary shall collect forest produce through their Panchayats at market rates.
- (v) The residents of villages within 5 km. radius of forest boundary shall collect forest produce through village Forest Committees, Forest Protection Committees set up in accordance with the Joint Forest Management.

4.3 Joint forest management is being encouraged for management of forests. Village and Forest protection committees have been constituted for protection of forests on revenue and forests lands. **In the Scheduled Areas, Gram Sabha should be actively associated with the various committees set up under Joint Forest Management.**

Minor Forest Produce (MFP)

4.4 MFP generally collected from the forests are tendu leaves, sal seeds, herra, bahera and gum and other items include medicinal plants such as *musli*, *kalmegh*, *shikakai*, *kusum*, *malkagni*, *dhawai flower*, *karanj seed*, *kosa*, *chirota* etc. Edible products are *tamarind*, *mohua*, *achar*, *amala* and various tubers such as *ken* and *hathi kand* and *tikhur*.

4.5 In Chhattisgarh, nationalised MFP (*tendu patta*, *sal seed*, *harra* etc.) is collected through minor forest produce societies at field level. The collection, drying, packing and local transportation is being undertaken by these samitis. Marketing of these products is done by Chhattisgarh MFP Federation. During May-June every year, *tendu* leaves are collected by the tribals and given to the Federation. The Commission was informed that MFP Federation collected the *tendu* leaves only for 7 to 10 days in the season and produce remained untapped in the forest for about next 20 to 30 days in 2003. In Jagdalpur district, against the target of 22000 standard bags of *tendu* leaves, 35,000 bags were collected. The forest officials' view was that they collected the commodity as per the target fixed by their head office annually. This is done keeping in view the godowning capacity, market trend and transportation to safer places before onset of monsoon. District Collector, Jashpur informed the Commission that extremists from Ranchi area did not allow the local tribals to collect *sal* seeds and the commodity was lying in abundance in the forests. Target for *harra* was collection of 1000 qtls and against this 1120 qtls were collected.

4.6 Most of tribal leaders complained that bonus for MFP collected in 2002 was not distributed so far. As regards privileges conferred upon tribals to collect MFP from the forest, District Collector, Kanker informed the Commission that tribals have been given usufruct rights over the produce in the forests and they can freely collect herbs and minor forest produce. State Government was considering a proposal to grow forests in 8000 acres of revenue land where local people will have usufruct rights.

4.7 Study report on the collection and marketing of MFP in Rajnandgaon and Kanker districts brought out in 2002-03 by the M.P. Tribal Research Institute has mentioned that the

collectors of MFP, mostly tribals, neither got timely payment of MFP collected by them nor the bonus amount due to them. *Tendu patta*, for instance, is not collected in full and much of it remains untapped in the forest areas. **The Commission recommends that instead of fixing annual targets for collection of MFP, entire available material should be purchased from the tribals. Bonus out of sale proceeds should be disbursed to tribals within 365 days of its collection. More godowns should be built to store MFP.**

National Parks and Sanctuaries

4.8 There are three National Parks located one each in Bastar, Dantewada and Surguja districts. Eleven Sanctuaries in the state are located in Danewada (2), Surguja (2), Raipur (2), and one each in Dhamtari, Kawardha, Raigarh, Jashpur and Bilaspur districts. Information regarding number of tribal families living in the National Parks and Sanctuaries was not readily available with the authorities at the State level. It was also informed that no scheme was launched for relocation of settlers in any of the National Parks and Sanctuaries in the State.

Trees on land owned by tribals (Malik Makbuja)

4.9 The Madhya Pradesh Protection of Aboriginal Tribes (Interest in Trees) Act, 1956 was repealed and another legislation titled, "The Madhya Pradesh Adim Jan Jation Ka Sanrakshan (VrVrakshon me hit) Adhinyam 1999 was brought into force to protect the interest of aboriginal tribes in the trees standing on their holdings with a view to provide sufficient protection against indiscriminate felling of trees and to save the tribals from exploitation and to bring the law in consonance with the other laws and the changed situation on the field. The Act extends to the whole of Madhya Pradesh (inclusive of Chhatisgarh). Salient features of the legislation are -

- that no trees of the specified 20 species standing on the holding of a Bhumiswami belonging to an Aboriginal Tribe shall be cut, griddled or pruned except with the permission of the Collector.
- The permission to cut the trees in a year shall be restricted only to such number of specified trees as may fetch the Bhumiswami such amount of money, not exceeding fifty thousand rupees in a year as is considered by the Collector to be adequate to meet the purpose specified. The ceiling could be raised to one lakh of rupees under special circumstances.
- the amount received shall be deposited in a Bank of the district in the joint account of the Collector and the Bhumiswami.
- a defaulter on conviction shall be liable to rigorous imprisonment which may extend to three years and fine upto ten thousand rupees.
- all offences under the Act are cognizable.

4.10 During their visit to the State, the Commission was informed that the tribals were not permitted to sell the trees standing on their lands for the last five years causing hardships and miseries. Reacting to the observation, the State Government apprised the Commission that Hon'ble Supreme Court had imposed a ban on cutting of all trees in Bastar district in February 1997 and later for the entire state in December, 1999. The ban on cutting of Malik Makbuja trees was however lifted in 2002.

4.11 In a survey conducted in 1998 on trade in Malik Makbuja trees standing on individual land holdings in Bastar district, it was noted that permission to cut timber was accorded by the authorities very late, i.e., within six months to 3% persons, 6 to 12 months to 34% persons, 12 to 18 months to 38% persons and more than 18 months in respect of 25% persons. Salient features of the report are as under:

- (i) A tribal sold on an average 6 trees as against 10 by a non-tribal.
- (ii) Trees are sold generally to get cash money for house construction, purchase of bullocks, agricultural implements, solemnizing marriages and medical treatment.
- (iii) 57% persons got less than Rs. one lakh, 31% Rs. 1 to 3 lakhs, 10% Rs. 3 to 5 lakhs and 2% Rs. 5 lakhs and more.
- (iv) Middlemen and government employees have been reported to be exploiting the tribals and cases of corruption are being investigated by C.B.I.

4.12 The Commission recommends that

- (a) **Section 4(2) of the Act referred to above may be modified and Project Officer, ITDP may also be included alongwith the Tehsildar, Sub-Divisional Officer (Revenue) and the Divisional Forest Officer for enquiry and submission of the report to the Collector for granting permission to fell the trees.**
- (b) **The ceiling of Rs.1.00 lakh (One lakh) under Section 4(3) of the above Act may be raised to Rs.5.00 lakhs (Five lakhs) enabling a person to sell the trees under special circumstances. This power may be vested with the State Government.**
- (c) **Among tree owners, those who are widows, sick people to look after and propose to send their children for higher education outside the district, should be given preference to sell their trees.**
- (d) **The Forest department in co-ordination with Banks and the PO ITDP should ensure that trees are treated as surety and loans made available to tribals against trees for carrying out improvements in raising crops and other economic pursuits, such as, purchase of pump sets, construction of wells and houses etc. The State Govt. may suitably formulate a scheme, as has been done by Gujarat state, whereby trees are offered as co-lateral security for the purpose of bank loan and officers of the Forest, Corporation and Development departments provide guarantee.**

Settlement of pre and post 1980-1993 forest 'encroachers' on land and distribution of "Pattas" to ST allottees.

4.13 Pattas have been distributed to all eligible encroachers up to 1976. The issue with regard to post 1980 encroachments is pending before the Hon'ble Supreme Court. **The Commission recommends that all 'so called' encroachments of forest lands by the tribals should be regularized.**

Plantation Fund

4.14 Govt. of Chhattisgarh has modified certain Rules under Sections 240(1) and 241 of their Land Revenue Code, 1959, on 1.4.2002, whereby a landowner has to seek permission of the Divisional Forest Officer for cutting of timber trees and obtain transit pass under the provisions of Chhattisgarh Transit (Forest Produce) Rules, 2001. The landowner is required to plant double the number of trees required to be felled in his own land or has to deposit an amount @

Rs. 150 per tree in the "Plantation Fund". No Bhoomiswamy belonging to BPL is required to deposit such an amount. Trees standing in the revenue lands shall be notified as Protected Forest or Panchayat Forest and managed by the Joint Forest Management Committee of Panchayat Forest Committee.

4.15 In order to have improved tribal-forest interface the State Government has enunciated People oriented State Forest Policy – 2001 and suggested the following measures in this regard:

- (a) To accord approval to execute development works in forest areas upto 5 hectares of land by the Forest Department.
- (b) To develop People Protected Areas to protect important species of medicinal plants, bio-diversity and conserve ecology and also to conserve the Mahanadi catchment area.
- (c) To augment stocks of fodder, fuel and pasture in the Forest Development Agency Areas through Forest Divisions.
- (d) To make Peoples Protected Area into Poor Peoples Pool of Assets.
- (e) To ensure food security for men and fodder for cattle.
- (f) To make Chhattisgarh a Herbal State.

4.16 In regard to improve Tribal – Forest interface, the Commission supports the above mentioned suggestions of the State Govt. In addition, the Commission recommends the following:

- (a) Godowning capacity of *tendu* leaves may be raised from 20 lakh standard bags to 40 lakh bags, so that not a single leaf collected by a tribal is returned unpaid.
- (b) Herbal dispensaries may be set up by the Forest department in each Forest Range.
- (c) Women Self Help Groups may be organized for forest related activities.
- (d) Processing units for herbal medicines may be set up in Scheduled Areas.
- (e) A specialized wing of Forest Officers may be formed to look after the PTGs and another wing for plantation and production of Non-Timber Forest Produce, such as, medicinal plants, herbal species, bio-diesel plants (*Jatropha curcas*, *Pongamia pinnata*) and agro-forestry. This will improve availability of fuel wood, fodder and timber for basic needs and also raise employment generation for forest dwellers.

5. Health Care

5.1 Health related data for India and Chhattisgarh show that people of the state require better medical care, though it has rich treasure of indigenous medicines. A few health indicators are given below:

<u>Index</u>	<u>India</u>	<u>Chhattisgarh</u>
Decennial growth rate	21.34	18.06
Sex ratio	933	990

Human development index	45	39
Birth rate (2002)	26.7	25.8
Death rate (1997)	8.9	10.6
Infant Mortality Rate (per thousand)	68	79

5.2 For the state population of 208 lakhs there are only two medical colleges. Number of ayurvedic and homeopathic colleges are one and two respectively. Modern equipments are not available in most of the hospitals. Testing laboratories of prescribed standards are absent. In order to cover 136.03 lakh sq. kms. area of the state, 17 civil hospitals, 114 CHCs, 513 PHCs, 3818 sub-centres and 48 mobile health units (in 48 blocks out of 146 blocks) are highly inadequate. The criteria for setting up health centres though relaxed as under in regard to tribal areas required further relaxation on the basis of geographical area:

S. No	Scheme	(Population)	
		General Area	Tribal Area
1.	Community Health Centre	1,20,000	80,000
2.	Primary Health Centre	30,000	20,000
3.	Sub-Health Centre	5,000	3,000

5.3 The Commission recommends that criteria of population for establishing CHCs, PHCs and SHCs in Scheduled Areas may be relaxed as 40,000, 10,000 and 1500 respectively, keeping in view geographical area, elevation above mean sea level and density of road length.

5.4 The Commission was further informed that only 25% of sub-centres, 50% of PHCs and 75% CHCs have buildings. Besides this, there is shortage of staff and specialists. Availability of residential accommodation for doctors and staff is also unsatisfactory. Some private hospitals, such as, mission hospitals at Ambikapur, Kunkuri (Raigarh), Dhamtari, Ramakrishna Mission Hospital at Narainpur and Shahid Hospital at Dalhi Rajhara have been rendering good service to the society. Health awareness campaign launched by the Health Volunteers known as "Indira Swasthya Mitanin" has become popular in the state.

5.5 The Commission was informed that a few common diseases prevalent in the tribal areas are malaria, pneumonia, malnutrition, water-borne diseases and leprosy in some areas. Snake bite cases are also reported during May end to September every year. M.P. Tribal Research Institute conducted a study on extent of leprosy and goiter in Bilaspur district during 1999-2000. Number of leprosy affected persons were reported to be 15,161. With the adoption of multidose treatment prevalence rate of leprosy has been brought down from 66 cases for 1,000 to 13 cases by 1996-97. Efforts are necessary to wipe out the disease completely. As regards prevalence of goiter, 379 cases (62%) out of 613 pertained to tribals of Scheduled Areas and mostly the victims were old persons.

5.6 In tribal areas, people were unhappy while narrating the health infrastructure. Non-availability of buildings at various sub-centers, vacant posts of lady doctors and specialists and non-functional equipments (X-Ray, etc.) were repeatedly heard by the Commission. Life saving medicines, at times, were not in the stock at many PHCs. As distances between PHCs and CHCs and the district hospitals were long, and means of transport and communication scarce, the tribals were left with no other alternative but to visit private doctors and quacks and pay huge money. On an average 25% to 50% health staff was not available in the health

institutions located in the tribal areas. X-Ray machines were not reported to be operational at 80% locations, either due to machine failure or non-availability of radiographer/technician. For delivery purposes, 90% to 95% pregnant women relied on family care and the village dais. The Commission during its tours studied the health infrastructure available in the tribal areas. In Bastar district 23 PHCs and 102 Sub-centres did not have adequate buildings, 10 posts of class I Doctors out of 18 posts were vacant and 30 posts of Health Workers (female) were vacant. In Jashpur district, five posts of Medical Specialists out of six, 10 posts of Assistant Surgeon, 19 posts of Compounders, 49 posts of male Health Workers, 16 posts of female Health Workers were lying vacant. There was shortage of staff in other posts as well. Out of 10 places, at only 2 places, X-ray machines were functional.

5.7 State Government in their Health Policy document has indicated that they would accord priority for the following:

- (a) to set up a Mobile unit in each Development Block.
- (b) to provide incentives to doctors posted in tribal areas.
- (c) free eye testing and supply of spectacles.
- (d) to control malaria on war footing.
- (e) to control deficiency of iodine, vitamin 'A', sickle cell anemia, thalassaemia.

5.8 The Commission hopes that the goals of health policy document would be fulfilled and recommends that each tribal habitation, big or small should have a Health Promoter from among the local educated tribal girls and location of health institutions should be decided on the basis of geographical area, road density per 100 sq. km. and population and also the prevalence of area specific diseases. District Administration may be given authority to recruit medical personnel for specified period from the adjoining states. A separate Health sub-cadre for the Scheduled Areas of the state should be created.

6. Drinking Water

6.1 There are about 54,818 villages inclusive of hamlets which have been notified as problem villages so far as drinking water is concerned. District wise position of number of such villages in 11 districts visited by the Commission is as given below:

District	No. of problem villages inclusive of hamlets
1. Surguja	7925
2. Bastar	7527
3. Dantewada	5206
4. Raipur	4314
5. Kanker	3816
6. Jashpur	2969
7. Dhamtari	2884
8. Bilaspur	2839
9. Rajnandgaon	2320
10. Korba	2297
11. Durg	1954

6.2 It may thus be seen that problem of supply of safe drinking water is acute in Surguja, Bastar and Dantewada districts including the forest villages. In Surguja, the Commission was

informed that 14,800 handpumps had been installed and 400 of them were out of order. There are places in the district where machines could not be transported on account of no approachability. About 80% of water source in the district is not safe from health point of view. Tatapani area of Balrampur Block has acute problem of drinking water and piped water needed to be made available. Different problem villages needed different types of water supply arrangements. In Kanker district, there were 22 problem villages which had iron content in water. In Bastar District, iron content was reported in 175 villages.

6.3 A member of Janpad at Bachel in Dantewada district in his memorandum stated that there was acute iron content in the drinking water at village Badebacheli, Patwari Circle No. 18, Revenue Inspector Circle Dantewada with the result that the villagers neither got safe drinking water nor could harvest normal crops. There has been poor production of crops since 1980 and the tribals have not been compensated by the National Mineral Development Corporation (NMDC) or by the State Government. They fear that in course of time they would not be able to harvest crops even for their livelihood.

6.4 The Commission recommends that availability of safe drinking water in Scheduled Areas should be accorded top priority. NMDC should also shoulder the responsibility of treating the water and ensuring supply of safe drinking water in areas falling under their command. The State Government should examine the reported fall in the production of agricultural crops and if this is established give the farmers alternate lands with assured irrigation facilities.

7. Education

7.1 Education has been accorded top priority. There are two Departments responsible for imparting education i. e. Deptt. of Education and Deptt. of Tribal Development. Deptt. of Education looks after the work relating to education in whole State except for the Scheduled Areas which comes under Deptt. of Tribal Development. The Tribal Development Department is running 297 higher secondary schools, 322 high schools, 2241 middle schools and 9263 primary schools. The Department has provided 328 residential primary schools for boys and 129 for girls. They are also managing 95 residential schools for girls and 68 for boys. In addition 978 pre-matric hostels and 109 post matric hostels for boys and girls are also functioning.

7.2 Deptt. of Tribal Development has made efforts to improve the literacy percentage as a result of which there is a gradual increase in literacy percentage among the tribals as may be seen from the table given below:-

Literacy rate among Scheduled Tribes

Year	Male	Female	Total
1961	9.18	1.20	5.17
1971	17.14	3.14	10.09
1981	23.46	5.41	14.36
1991	39.69	13.86	26.70

7.3 Enrolment of S. T. students during last three years has been satisfactory for classes I to

V but there is heavy dropout thereafter. Number of S. T. students from primary level to middle level declines by 72% and from primary level to senior secondary level by 86.64%.

7.4 Universal Primary Education (UPE) - State Govt. has taken a policy decision to set up at least one primary school in every village and a middle school at every 3 Km.

7.5 Examination Results - Examination results of academic session 2002-03 of tribal students in classes V, VIII, X and XII were 77.33%, 75.18%, 34.52% and 64.19% respectively. It was disheartening to observe that performance of tribal students falls at class VIII and class X level of Board Examination. Govt. of Chhattisgarh had issued instructions to 80 higher secondary schools to follow CBSE pattern of education. With this sudden switchover, the teachers as well as students, more so tribal students, found it difficult to cope with the subjects and the syllabi. As a result, pass percentage in secondary certificate examination in most of the schools was reported to be less than 20%. The parents, the teachers and the students were unhappy on this account.

7.6 Quality Education- State Govt. has taken several steps to provide quality education to the tribal students, some of which are as under:

(a) **CBSE pattern of education-** CBSE pattern of education was introduced in classes IX to XII in 80 schools w.e.f. 2001-02 session and it was extended to classes VI to VIII w.e.f. 2003-04. Total number of S.T. students admitted were 24,014.

(b) **Jawahar Talented Student Scheme** - The scheme introduced in 2002-03 provides for admitting talented ST students in good schools at district and state levels in classes VI, IX and XI on the basis of marks obtained in preceding board examinations. Selected students are well looked after and entire expenditure on their lodging, boarding, uniform, text-books and stationery etc. is met by the govt. Total number of seats sanctioned for such students at district level was 256 and at state level 36.

(c) **Merit Upgradation Scheme** - Coaching is provided to ST students for upgradation of their merit enabling them to appear in competitive examinations for Pre-Medical and other professional courses. The scheme has been introduced in 5 model higher secondary schools at Durg, Jashpur nagar, Rajnandgaon, Bilaspur and Bastar for S.T. students.

(d) **Indira Information Technology Scheme-** 18,636 tribal students of Classes IX to XII were admitted for computer education during 2003-04.

(e) **Appointment of teachers on contract basis-** State Government has taken a policy decision to appoint teachers on contract service. Local teachers with knowledge of local dialects are preferred.

(f) **Coaching-** ST students are provided coaching facilities for seeking admissions to the professional institutions and getting recruitment to various services including civil services. The coaching facilities are arranged through Chhattisgarh State study circle for 100 candidates every year.

7.7 Other measures –

- i) English has been introduced in the State from class I onwards.
- ii) 100 seated residential schools numbering 156 would be started soon for tribals.
- iii) As against the existing capacity of 53,000 seats in hostels for tribals, the capacity would soon be raised by another 22,000 seats.

7.8 Future Plan of Action- The state has adopted following diverse strategies based on time bound plan for providing necessary educational infrastructure in tribal areas of the state during the years 2003-2010:

1. All children to go to the school by 2003.
2. All children to complete five years of primary schooling by 2007.
3. All children to complete eight years of elementary schooling by 2010.
4. Focus on elementary education of satisfactory quality with emphasis on education for life.
5. Bridge all gender and social category gaps at primary stage by 2007 and at elementary education level by 2010.
6. Universal retention by 2010.
7. Bastar and Surguja Package:

<u>New Institutions to be set up in 2003-04</u>	<u>Bastar</u>	<u>Surguja</u>
(a) Ashram Schools	156	50
(b) Girls Hostels		
Pre Matric	6	26
Post Matric	3	21
P. G. Hostel at Raipur	2	
(c) Girls Complex	-	1
(d) Girls Sports Complex	-	1

Observations

7.9 Inadequate *pucca* buildings for schools, insufficient equipment, teacher absenteeism, single teacher schools, vacant posts of teachers, non-availability of teachers in science and mathematics, irregular arrival and departure of teachers were main reasons for poor quality of education in tribal areas. Over and above, cent percent children were declared successful in their school examinations upto primary level with the result they are unable to cope with the load of syllabi of higher classes. Thus, they either fail in the examination or prefer to drop out of the school education. Teachers in drunken condition cannot be role models for tribal students and parents. In many places teachers, commuted 70-80 kms one way to reach their place of posting and had no energy left to teach the pupils. "A few parents remarked that a class V student did not know the table of Nine and the quality of education is poor. What purpose will this education serve in future, he commented." The Commission was informed during their field visits that crucial stage for arresting dropout is class V and that rate of dropout among ST children after Class VIII is 70% to 80% and that after Class X it works out to 80% to 90%. [Modification of school syllabus by incorporating teaching in agricultural and forest practices are considered appropriate for popularizing education].

7.10 The Commission makes following recommendations to improve quality of education in tribal areas:

Primary Education

1. **Anganwadis set up under ICDS programme should be developed into Pre-primary schools and each hamlet should have at least one such Anganwadi. Self-Help Groups and NGOs should be actively associated.**
2. **Every primary school should have at least two teachers, one of whom should be a lady teacher. Teachers quarters must be provided in all existing villages having schools and sanction of school building and teachers quarters should be issued simultaneously for the new institutions.**
3. **Wholesome mid day meals should be given till class V.**
4. **Residential schools may be set up in those cluster of villages where ST female literacy rate is less than 10%.**
5. **As the literacy rate of ST females as per 1991 census is less than 2% in Geedam, Bastanar and Kuakonda Blocks of Dantewada district, a special package of "Literacy Drive" may be launched during X Five Year Plan itself by associating Govt. as well as NGOs. This will require efforts on war footing for all the age groups of females in these Blocks. In this connection the Commission recommends that the State Govt. should take benefit of Ministry of Tribal Affairs scheme of advancement of education in the pockets having low ST female literacy rate.**

Secondary Education

6. **Every Middle/High School/H. S. School should have attached hostels for boys and girls and quarters for the teachers.**
 7. **A Model Residential H. S. School may be set up in each Block headquarter.**
 8. **Children who are not able to continue their studies further should be identified and Back to School programme launched.**
 9. **A Vocational School/I. T. I. may be set up in each Tribal Block.**
 10. **Teachers, who are not sincere, may be weeded out annually and new recruitment may be made only on contract basis.**
 11. **Toilet facilities for girls should invariably be provided in Secondary Schools.**
- General**
12. **A Transit Hostel for short stay for STs at all district headquarters and important towns, such as, Bhilai and Bailadilla may be constructed facilitating them to take vocational training coaching etc.**
 13. **Tribal educated youth may be guided to appear in civil services, defence services, banks and other public and private sector institutions at all the district headquarters.**
 14. **Portable generators may be provided to those departmental hostels and Ashram schools where electricity has not been supplied.**
 15. **A 20-seated post matric hostel each for girls and boys may be set up at New Delhi.**
 16. **LPG (gas) may be provided to departmental hostels/Ashram schools.**

8. ECONOMIC DEVELOPMENT PROGRAMMES

Agriculture

8.1 Area under net cultivation in the state is 48.63 lakh hectares and area under double crop is 9.15 lakh hectares. Eighty per cent of the total population of the State is dependent on agriculture. Main crops grown are paddy, wheat, maize, jowar, bajra, kodo, pulses and oil seeds. Area under food crops, pulses and oil seeds is 43.37%, 21.16% and 7.51% respectively and the remaining area is used for miscellaneous crops, vegetables and horticulture. Mango and jackfruit are popularly grown by tribal groups. Area under irrigation is only 11.46 lakh hectares. Tribal districts of Bastar, Kanker, Dantewada, Korba, Surguja and Jashpur nagar are by and large rainfed and hardly one-tenth of the cultivatable land is under irrigation. In Kanker district, improved seeds of *arhar* and *urad* were distributed among 8000 farmers. Traditional crop of paddy is grown in 2.5 lakh hectares and pulses and oil seeds in 8000 hectares. The other crops, such as, maize, groundnut and *surajmukhi* also have sufficient potential. In Dondi tribal area of Durg District, the Commission met Shri Daya Ram Mandavi, a Gond tribal at his village—Dhuria on 11.6.03, who was a recipient of State Level Dr. Baghel Award of Rs. 2 lakh for being a progressive farmer. His message to tribals is – “keep cattle healthy and crops green”.

9. Minor Irrigation

9.1 The Commission visited Dabena tank in Kanker district on 8.6.2003. Its construction began in 1987 with an estimate to irrigate 82 hectares of land belonging to 54 tribals. As against cost of project of Rs. 152.92 lakhs the irrigation department provided only Rs. 50 lakhs during the past 15 years and therefore, the work is not yet completed. It was informed that clearance of Forest Deptt. was awaited on account of compensatory afforestation for which Rs. 5.96 lakhs have to be paid to the Forest Deptt.

9.2 Minor irrigation schemes executed in Dondi Block of Durg district included dug wells, tube wells and small stop dams which have proved beneficial to the tribals according to a study conducted in 2000-2001 by M.P. Tribal Research Institute. Lift irrigation through wells was successful in 80% cases as against 89% tube wells. The beneficiaries had to use diesel at higher price as electricity was not available to some of them.

9.3 The Commission recommends that minor irrigation schemes should cover construction of water harvesting structures, check dams to create water bodies for implementation of lift-irrigation schemes to enable the Scheduled Tribes to cultivate rabi crops.

10. Sericulture

10.1 Tussar and mulberry are the two varieties popularly cultured on *Saja*, *Sal* and *Arjun* trees. Nearly 37,000 persons got employment annually and a person earned Rs. 2500 to Rs. 3,000. State Govt. has established 108 Tussar centres and organised 800 women self-help groups in the State. Sericulture project at Bilaspur costing Rs. 117.16 crores has been commissioned in 2001-02 with the assistance of Japanese Bank for International Cooperation. The project aims to grow tussar in 4,000 hectares and to provide employment to 9,900 persons through self-help groups. Another project with the assistance of UNDP has also been launched in Bilaspur district. In an evaluation study of impact of sericulture schemes in Bilaspur district conducted by M. P. Tribal Research Institute in 1999-2000, it was found that 52% of beneficiaries belonged to STs (679 out of 1316). The area covered by 30 sericulture centres was spread over 3682 acres of land of which 81% (2962) acres was under plantation. The tribals earned their livelihood out of various works such as silk worm rearing, and thread

reeling etc.

10.2 Mulberry development, a non-traditional sericulture activity has been expanded to cover 1,177 acres so as to grow 2,354 quintals by 2004-05 and to assist 1,626 persons to enable an individual to earn about Rs. 19,000 per annum. Sericulture is popular in Kanker district. Nearly 203 families are engaged in silk rearing and processing at 15 different centres. The workers are engaged for about 13,742 mandays in the production of about 4.50 lakh cocoons. As marketing is no problem, the industry has good potential and prospects. Additional coverage of 100 acres was being planned for 2003-04 at an estimated cost of Rs. 15.83 lakhs.

10.3 The Commission recommends that sericulture schemes should be stepped up in tribal areas by providing technical know how to improve the economic conditions of STs.

11. Cooperation cum Marketing

11.1 Three tier co-operative structure in the State is as under:

- | | | |
|---------------------|---|---|
| (a) State level | : | Apex Bank |
| (b) Distt. level | : | Distt. Cooperative Central Bank |
| (c) Grassroot Level | : | Primary Large sized multipurpose
Cooperative Societies (LAMPS), Agricultural Societies
(PACs) and Farmers Service Societies (1333). |

11.2 It is mandatory for the LAMPs in Scheduled Areas to have their presidents from among the ST persons. For the benefit of STs, the District Co-op. Central Bank provides cash credit to LAMPs/PACs to purchase seeds and manure. Paddy at minimum support price is purchased by them as sub-agent of the State Cooperative Marketing Federation. Moreover, MFP Co-operative Societies are also working for purchase and marketing of MFP.

11.3 At Co-operative Bank level, the plan of credit and credit linked marketing is drawn annually. District Co-operative Central Banks are working as credit institutions at secondary level in tribal areas and provide consumption credit alongwith agriculture credit. It has been reported by the State Govt. that LAMPs/PACs sometimes faced hardships in obtaining credit from District Co-operative Central Banks as they have been incurring losses in activities related to PDS. Two lakh Kisan Credit Cards and loan of Rs. 279.75 crores for kharif and rabi during 2001-02 bear testimony for this. The scheme of grain-golas is useful for STs. Medium term and long term loans to individual members are given through District Co-operative Agriculture and Rural Development Banks. Although differential rate of interest scheme has been operative but it is not popular among the tribals. For the present, LAMPs have been purchasing paddy on support price and nothing else. They were engaged in the sale of wheat, rice, sugar and kerosene oil only and that too was not very effective. Trade in MFP done earlier by the LAMPs has been taken over by the MFP Federation. As regards recovery of loans, the position is far from satisfactory. State Govt. has informed that LAMPs have not been viable as their area of operation is very large.

11.4 The Commission recommends that jurisdiction of LAMPs may be reduced and managerial subsidy provided to revive the LAMPs.

12. Chhattisgarh State Antyavsai Cooperative Finance and Development Corporation (CFDC)

12.1 CFDC provides assistance to tribals by implementing schemes of NABARD for which loan upto Rs. 10,000 is given to those whose annual income is not more than Rs. 19,750 in rural areas and Rs. 27,750 in urban areas. Under the schemes sponsored by the National Scheduled Tribes Finance and Development Corporation, assistance is made available for purchase of tractor-trolley, jeep-taxi, auto rickshaw and mini trucks to those with an annual income not exceeding Rs. 39,500 in rural areas and Rs. 54,500 in urban areas. Loan up to Rs. 10 lakhs is advanced to eligible persons who contribute 5% of the project cost. Under the Tribal Women Empowerment Scheme term loan upto Rs. 50,000 on concessional rate of interest is made available to BPL persons. During 2002-03, an amount of Rs. 1140.49 lakhs (Rs. 950.68 lakhs loan and Rs. 189.81 lakhs subsidy) was made available to 2900 ST beneficiaries under the above schemes.

12.2 According to study report on the evaluation of working of Finance and Development Corporation in Raigarh district during 2002-03, it was noted that tribal beneficiaries supplied with a pair of bullocks and milch cows had benefited from the assistance and not those who entered into trade of grocery shops. Transport sector has however improved the economic status of tribal beneficiaries.

12.3 No material has been furnished to us to indicate in what manner the scheme has been performing, nor the extent of recovery of loans. It needs to be evaluated. Further we observed that the cooperative structure has not made much headway in the State. Nevertheless, we would like the cooperative structure to be put on firm foundations, as this is possible considering the communication ethos of the tribal societies.

13. Roads

13.1 The road connectivity in the tribal areas is far from satisfactory which is evident from the following:

State road density – 25.89 km. per 100 sq. km

TSP road density – 12.00 km. per 100 sq. km. The initiatives taken by the State Govt. are to construct 2606 Kms. road length as per under-mentioned plan:

- (1) East West Corridor - 4 roads (2) North South Corridor-2 roads

13.2 State Govt. has also prepared a Master Plan for construction of roads in Bastar district for Rs. 241 crores (870.39 kms.). Considering the constraints in the construction of roads in the naxal-affected areas, the State Govt. has handed over 240 kms. of roads to the Border Roads Organisation. Construction of 17 roads for Rs. 14.87 crores has already been started in the tribal areas of 8 districts of the State with the grant under Article 275(I) of the Constitution. The number of villages covered with *pucca* roads as on 31.03.2002 was 7,825 out of 19,720 villages in the State. The progress of road construction has been slow during last two years due to unrest in some of the tribal pockets of Bastar and Surguja districts. In Kanker district, road network is very poor. It is due to poor transport system that Naxal elements take shelter in the villages and many a time they do not allow the contractors to build roads. The local labourers are advised by the Naxals not to accept road construction work. In Jagdalpur, no contractor was willing to submit tenders for construction of road from Chhote Dongar to Orchha due to the pressure of Naxals. The Commission was informed that in some tribal villages of Bastar district, the villagers had decided to ban the entry of Naxalities, so that pace of developmental

work does not suffer.

14. Integrated Rural Development Programme

14.1 Whereas participation of tribals under the Swarojgar Yojana was about 44% in the State, their participation in labour oriented employment schemes was only 35%, as shown hereunder:

(i) **Swarna Jayanti Swarojgar Yojana**

	<u>Total</u>	<u>No. of Beneficiaries</u>	
		<u>S.T.</u>	<u>%</u>
2001-02	26907	12,161	45.2
2002-03	25950	11,533	44.4

(ii) **Sampurna Rojgar Yojana**

	<u>No. of Beneficiaries (Man days in lakhs)</u>		
	<u>Total</u>	<u>S.T.</u>	<u>%</u>
2001-02	375.09	124.89	33.3
2002-03	377.68	141.46	37.4

14.2 Implementation of Integrated Rural Development Programme in Bastar district has not been able to enable a single beneficiary to cross the poverty line during VIII plan period, according to a study report brought out by M.P. Tribal Research Institute. It has been reported that (a) half of the assistance was used for meeting domestic requirements (b) the beneficiaries had no experience of running trade activities (c) Govt. and banks employees did not evince interest in educating the tribals and motivating them, (d) 56% beneficiaries did not repay loan and only 22% repaid part of the loans. There is an impression that loans advanced would be written off. The scheme was implemented half-heartedly.

(iii) **Prime Minister Gram Sadak Yojana (PMGSY)**

14.3 Under PMGSY, 34.75 km. road was laid in two Blocks of Surguja district, namely, Premnagar and Odgi during 2000-01. During 2001-02, 14 roads were approved of which nine roads were to be completed by May 2003 and five roads by August 2003 end. Delay was reported to be on account of Naxal activities in the district. During 2002-03, 32 roads with a road length of 293.65 km. at a cost of Rs. 54.68 crores have been approved. Five roads of the above are likely to be funded out of Asian Development Bank.

14.4 The Commission recommends that road network may be increased in Scheduled Areas at a faster pace by entrusting the additional responsibility to both the Border Roads Organisation as well as the CPWD, in addition to State PWD. All hill top villages and those having more than 250 population in Scheduled Areas may be connected by road network on priority.

Development works out of M.P. / M.L.A. Fund

14.5 The Commission was informed that projects out of M.P. / M.L.A. Funds were mainly

taken up for construction activities, such as, stage making for cultural events, community hall and road filling in towns. The tribal leaders demanded that teachers' quarters and school buildings may be constructed out of M.P. / M.L.A. Fund and infrastructure developed in the interior villages. Women Self-Help Groups may be promoted and made viable so that Banks also helped them with adequate finances. **The Commission recommends that Tribes Advisory Council should consider this issue so that tribal villages in the Scheduled Areas receive due attention for development works out of MP/MLA funds.**

15. Communication Strategy and Communications

The State Government has laid emphasis on use of computers in their Mass education programme and formulated a scheme known as "Indira Suchna Shakti".

16. Electricity

Tribals living in revenue as well as forest villages placed before the Commission their demand of connecting every hamlet with electricity for domestic purposes. The power supply is not available in many villages and even if electricity is provided to a village, only main hamlets were covered and not all the hamlets / *majras* / *tolas*. In Kanker district only 944 villages out of 1003 were connected under one point formula. Electricity to another 59 villages could be arranged only after clearance of forest department was received. Out of 2420 hamlets 1572 have been electrified and 848 hamlets shall be covered after the receipt of sanction for Rs.20 crores. In Jagdalpur district, 95% villages have been electrified with one point connection, but 700 hamlets out of 1500 are still under darkness. The State Government took a decision in 2001 to provide electricity upto 10 units free of cost to those STs who are notified as B.P.L. families. During 2002-03 the limit of 10 units was raised to 15 units. Out of 19,720 inhabited villages in the state, 18,251 (92.55%) villages have been electrified. Most of the non-electrified villages are forest villages, for which a proposal to cover them with solar energy has been sent to Government of India. During 2000-2003 state government has also laid down electric lines to cover 1872 habitations / hamlets. State government envisages to electrify all the villages by 2007. As regards covering all the hamlets, only 315 tribal habitations were covered during 2001-02 as per Report of the Governor, however, electric connections were extended to 1872 *majras*/*tolas* during 2000-2003 (break-up of tribal areas has not been separately furnished). In view of slow pace of coverage of **tribal areas, the Commission recommends that higher allocations over and above outlays under TSP may be earmarked for electrification of tribal habitations.**

17. Minimum Wages

Minimum wages for agricultural operations fixed by the State Govt. are uniform for both men and women at Rs. 52.66 per day but much less payment was made by the Govt. agency as well as contractors and well to do farmers who employed tribals as agricultural labourers in the villages. A man generally got Rs. 40 and a woman Rs. 35 only. **The Commission recommends that Labour Inspector's powers to enforce the Minimum Wages Act should be delegated to the Project Officers of I.T.D.Ps. in the Scheduled Areas of the state so that prescribed wages were paid and action initiated against institutions/industry paying less wages to the tribals.**

18. Public Distribution System (PDS)

18.1 PDS has been introduced since 01.06.1997. As during January 2003, the position of issuance of ration cards was as under:

	<u>No. of ration cards (in lakhs)</u>
APL	24.57
BPL	18.60
Antodaya	2.83
Annapurna	0.26

18.2 The tribal students staying in hostels have also been issued ration cards and food grains are made available to them at B.P.L. rates. A fair price shop has been set up in urban areas for a population of 5,000 persons and for the rural areas, one shop is set up in each Gram Panchayat. Thus, there are about 4,500 fair price shops in tribal areas, out of a total of 7,839 shops. Where as the cooperative societies have 4,479 shops under their control, the private persons have been allocated 3,360 shops. As cooperative societies did not find the operation of fair price shops economical in the districts of Raigarh, Jashpur, Surguja, Korea, Bastar, Kanker and Dantewada individual traders were entrusted with the responsibility. In order to have proper check on the functioning of fair price shops, village Panchayats have been empowered to exercise vigilance over such shops. For the present, fair price shops supplied wheat, rice, sugar and kerosene oil but they can also be asked to supply edible oil, salt and soaps, etc. During 2002-03, out of 1101 unapproachable distribution centers in the state, the number was quite large in Surguja (163), Bilaspur (137) and Kawardha (102) districts.

18.3 Observations made by the Commission during their visits are as under:

Kanker district- Number of BPL families was 35,000 out of 46,000 and yet people were not able to lift rice from PDS shops. This is attributed to irregular supply of ration by private traders. It was reported that even the LAMPS have not been able to do the job properly. The District Administration has now approached the Gram Panchayats and the Gram Sabhas to shoulder the responsibility for supplying foodgrains through their Self-Help Groups. In Naxal affected areas of Bhanupratappur, no one was interested in running PDS.

Bastar district- There were 598 PDS shops to cater to a population of 7.38 lakhs. Number of BPL families were 1.27 lakhs as almost 100% tribal families lived below the poverty line. Although the ration was available, the supply of Kerosene oil was negligible and it was alleged that it is pilfered to non-tribal areas.

Surguja district- Kerosene oil was a scarce commodity and much sought after. The private traders charged even Rs. 15 per liter for this item. Number of BPL families (49391) were more than APL families (46225). Number of Antodaya families cardholders was also quite large, i.e. 6053 families. Ration supply is irregular as 214 shops are located in inaccessible areas. As regards shortage of Kerosene oil, State Government has informed that they received short supply of quota from the Government of India (Petroleum and Natural Gas Authority). Whereas Chhattisgarh State received supply of kerosene oil at the rate of 0.75 litre a person per

month, it was higher for Madhya Pradesh (0.86 litre), Maharashtra (1.44 litre), Gujarat (1.61 litre) and Goa (1.63 litre). Among the three newly created States of Jharkhand, Uttaranchal and Chhattisgarh the distribution average was 0.85, 1.18 and 0.75 litres respectively.

18.4 In a study carried out in Durg and Dhamtari districts, M.P. Tribal Research Institute brought out in that report in 2002-03, that one PDS shop caters to 2 to 12 villages, whereas for tribal areas it should have been not more than 3 villages. As more than 50% shops are run in rental houses, the foodgrains are not well protected, which leads to wastage. Many a time the ration cardholders return empty handed for want of adequate stock or for the reason that the shop operates for not more than 2 to 3 days in a week or due to non adherence of scheduled timings of business hours. Supply of Kerosene oil has been reported to be highly inadequate and irregular. Distribution of edible oil and salt should be made a regular feature of the PDS system.

18.5 The Commission recommends that availability of Kerosene oil tankers must be increased and PDS shops must be set up for every 2 to 3 villages in a radius of two Kms. and at least one shop should remain open round the clock in every gram panchayat. The working of PDS institutions should be closely monitored by the district administration and they should ensure that Kerosene oil is always available with PDS shops. The Panchayats and Gram Sabhas may be activated in Scheduled Areas for this purpose. The Commission also recommends that all the families of PTGs may be treated as poorest of the poor and covered under the Antyodaya Yojana. Wherever Self Help Groups are associated with the supply of foodgrains, security deposit of Rs. 2500 in their case may be waived and banks should give them loans at differential rate of interest to run PDS shops.

19. Displacement

The State Government has followed the Model Rehabilitation Policy, 2002 formulated by Govt. of Madhya Pradesh for the rehabilitation of those who are displaced due to the construction of various projects such as mining, industry, irrigation and water resources. The state government has informed that project affected persons are given adequate compensation and relief as laid down in the policy. All efforts are made to ensure that the displaced persons purchased land out of the cash compensation paid to them. As far as possible, the displaced community is rehabilitated as one entity at the place of settlement and in case a person demands separate settlement, his request is also considered.

20. Administrative set-up of Nodal Department

20.1 The Scheduled Tribes and Scheduled Castes Development Department is headed by a Cabinet Minister and assisted by a Minister of State. At officers' level, there is a Principal Secretary in the Department with a separate Director, Tribal Development to execute programmes. At field level, there are 12 Assistant Commissioners, 4 District Organisers, 18 ITDP officers, 9 MADA Project Officers and 2 Cluster Project officers. The Department is the nodal department for all matters relating to tribal development, Tribal sub-Plan, Special Central Assistance and for PTGs. State Government has also set up a Scheduled Tribes Commission for the development of STs on 12.11.2000.

20.2 Main responsibility of the Department lies in the implementation of various educational development schemes, such as, pre-matric and post-matric scholarships, hostels and ashram schools for boys and girls, educational institutions from primary schools to Higher Secondary

Schools in tribal areas and grant-in-aid to NGOs etc. Economic and regional development schemes administered by the Department are self-employment schemes, S. T. Finance & Development Corporation and other local development works, such as, construction of dug wells, drainage, approach roads, buildings for schools and their repairs. Social development schemes under the charge of the Department are implementation of SC&ST (POA) Act, training to dais, legal aid, community marriages, promotion and preservation of culture, awards to folk artists and awards in the field of bringing awareness and social awakening among the tribals.

20.3 Initiatives taken/proposed to be taken during 2002-04 were (a) setting up of a Study Circle for providing coaching facilities to ST candidates for appearing in All India Services and for seeking admission into professional institutions (b) providing assistance to ST candidates to join flying clubs to get licence as Pilots and (c) establishing 206 ashram schools, 66 hostels and 1 sports complex as a package for Bastar and Surguja districts.

21. Tribal sub-Plan (TSP)

21.1 Tribal sub-Plan Area of the state consists of 18 Integrated Tribal Development Projects, 9 Mada Pockets and 2 Clusters. The State Government has set up Project Advisory Boards in all the 18 ITDPs. A person nominated by the State Govt. who is either a Minister belonging to the STs or an MLA or Chairman, District Panchayat or Chairman, Janpad Panchayat, heads it. Financial powers for sanctioning project to be implemented within the same financial year have been delegated upto Rs.10 lakhs to such Boards. In regard to the implementation of TSP, Project Advisory Boards have been given wide powers to tailor the schemes according to the local needs, however in regard to PTGs proposals sent by Project authorities are reviewed by the State Government before they are sent to Govt. of India. Although, TSP for the year 2001-2002 was prepared by the Tribal Welfare Department, a similar exercise for 10th Five Year Plan period was done by the line deptts. and consolidated at the state level. Govt. of Chhattisgarh has taken a policy decision to allocate funds to the TSP much more in proportion of tribal population to the total state population.

21.2 As against the proportion of 32.45% ST population to the total population of the State, flow to TSP was higher, as shown in the table below:

Year	State Plan	Flow to TSP	(Rupees in Crores)
			Percentage
2001-02	1326.67	429.29	32.36
2002-03	2025.73	793.35	39.16
2003-04	2822.45	1069.41	37.88

21.3 A few sectors, such as, tribal welfare, education, forest, irrigation, agriculture, health and public health engineering have been earmarked comparatively more funds for the development of tribals. In order to monitor the flow of funds towards TSP, the State Govt. has created a separate Budget Demand, which is closely reviewed by the Tribal Welfare Department. After the funds have been allocated for TSP, these are further distributed among the ITDPs in the ratio of 60:40 i. e. taking into account the total geographical area and the population respectively. Funds are further allotted to different departments for developmental activities and the Tribal Development Department monitors the implementation and progress of the schemes. Thus the department functions as a nodal agency. A study of allocations made and budget utilized during 2002-03 reveals that Rs. 117 crores, Rs. 92 crores, Rs. 34 crores, Rs.

32 crores and Rs. 29 crores were allocated to Departments of Public Works, Water Resources, Forests, Agriculture and Public Health respectively. The expenditure by the PWD exceeded by Rs. 12 crores while there was a shortfall of Rs. 12 crores by the Water Resources deptt., Rs. 7 crores by the Agriculture deptt. and Rs. 2 crores by the Forest deptt. Utilization of funds was more than 100% in a few sectors such as energy, public health and family welfare, women and child welfare. **The Commission notes that higher funds than the proportion of tribals towards the TSP have been allocated and recommend as follows:**

- (a) Higher allocation of funds for minor irrigation works should be allocated and the schemes should be identified and executed in consultation with the Scheduled Tribes.**
- (b) A Tribal Area Development Planning Unit in the Tribal Development Department may be formed for effective planning.**
- (c) In order to make posting in tribal areas attractive, well being of the children of employees and their families should also be made an integrated part of TSP Strategy. In view of this, post matric and pre-matric hostels should be thrown open for them.**
- (d) Residential complexes for employees at different locations for serving a group of 15 to 20 villages should be set up in Naxal affected eight districts, namely, Dantewada, Bastar, Kanker, Durg, Rajnandgaon, Kawardha, Jashpur and Surguja.**
- (e) The Commission has observed that Project Officers of ITDPs have very little influence over line departments and they looked at Sub-Divisional offices for support. The rank and status of Project Officers needed to be raised. Young IAS/IFS officers having powers of Additional Collector may be appointed as Project officers. In case adequate number of IAS officers are not available, two ITDPs may be placed under the charge of one IAS Project Officer. Posting of Forest officers belonging to IFS and even the Police Officers belonging to IPS as POs may also be considered at appropriate places.**
- (f) The Commission has observed that POs of ITDPs are not monitoring the regulatory laws like land alienation, money lending, mining act, excise laws etc. The TSP strategy is not only to promote their economic and educational development but also check the exploitation of the tribals.**

22. Primitive Tribal Groups (PTGs)

22.1 According to a survey of five PTGs, namely, Abujhmaria, Pahadi Korwa, Baiga, Kamar and Birhor conducted in 2002, their population in the State was 1,12,892, which works out to 2% of tribal population of the State. Earlier they were dependent on shifting cultivation and lived in forests, but today they are landless in terms of revenue record. Whereas Kamar, and Baiga have by and large taken to agriculture, the other three tribes, namely, Abujhmaria, Pahadi Korwa and Birhor still prefer to live in forests. A brief profile of each of them is given at Appendix III.

22.2 State Govt. has prepared a plan for 2002-2003 to 2006-07 for Rs. 40 crores for family beneficiary oriented programmes as well as community based items and development of infrastructure for all the PTGs. During 2002-03, land was allotted to 305 landless persons and assistance given to 1600 land owners among the PTGs for land development. The State Govt. considers that plan of development for PTGs should accord priority to food security, drinking water and healthcare followed by education, employment and development of infrastructure. In

Abhujmarh area of Bastar district, tribal children are imparted education in classes I & II in their local dialect and only those teachers are posted in such areas who are conversant with the tribal dialect. State Govt. has sent detailed proposals for the development of PTGs and a special proposal for Pahadi Korba to the Ministry of Tribal Affairs in the Govt. of India.

22.3 Inclusion in the list of PTGs- The State Govt. has stated that existing criteria of classifying communities as PTGs has become outdated and this criteria should exclusively be relatable to educational and economic backwardness. The State Govt. desires that two tribal communities namely Pando and Bhunjia should also be notified as PTGs. The State Govt. has in the meanwhile, set up a Development Agency for Pandos in Surguja district and another Agency for Bhunjias of Raipur, Dhamtari and Mahasamund districts during 2003-04 at a cost of Rs. 70 lakhs each.

22.4 In regard to the development of PTGs, the Commission recommends that-

- (a) Govt. of India may examine inclusion of Pando and Bhunjia tribes in the list of PTGs.
- (b) A portfolio of development of each PTG village-wise may be prepared for next 20 years and two sets of plans drawn, one forest based and the other horticulture cum agriculture based. The Forest Department should be closely associated and entrusted with the development of PTGs opting for forest related activities.
- (c) The State Govt. should set up a Sub-Committee of TAC on PTGs as a policy making body and also a "PTG Mission Authority " to execute the programmes for the PTGs.
- (d) The PTGs must be extensively taken round the State on field visits so that they are acquainted with other tribal groups.
- (e) 2% of jobs in group 'C' and 'D' posts at district level may be reserved for PTGs against posts reserved for Scheduled Tribes in the State. For village level posts, such as Forest Guards 100% recruitment should be done from among the PTGs in the Scheduled Areas.
- (f) In order to develop the PTGs and to bring them at par with other tribal communities, it is necessary that dose of economic assistance is boosted up.
- (g) Allocation of funds for PTGs should be made separately by the State Govt. out of their budget.

OTHER ISSUES

23. Self Help Groups (SHGs)

23.1 Nearly 2 lakh women in the State have been activated to form 16,000 self-help groups. The participation of women in tribal areas is around 70,000 in approximately 600 SHGs.

23.2 The Commission recommends that women SHGs should be encouraged to shoulder the responsibilities of District Administration by involving them in the efficient management of maternal and child health care, repair of hand pumps, processing of minor forest produce, nursery raising, PDS shops, pre-primary education and stoppage of liquor vending.

24. Non-Governmental Organisations (NGOs)

NGOs numbering 198 out of 209 in the State have largely taken up educational

activities, such as, running 17 balwadis, 54 primary schools, 32 middle schools, 19 higher secondary schools, 29 hostels and 47 ashram schools. Five NGOs have devoted themselves in the field of healthcare and the remaining six are engaged in other socio-economic activities. NGOs which are running five and more institutions in the State are Vanvasi Sewa Mandal (56), Mata Rukmani Sewa Mandal (42), Sanatan Sant Samaj (21), Catholic diocese Bishop House (17), Harijan Sevak Sangh (15), Mahatma Gandhi Mahila Evam Bal Kalyan Sansthan (10), Akhil Bhartiya Kalyan Ashram (6), Rama Krishna Ashram (6) and Deendayal Sewa Samiti (5). Pioneering work has been done in Jashpur district by Akhil Bhartiya Vanvasi Kalyan Ashram and in Bastar district (undivided) by Rama Krishna Ashram. Catholic diocese has been active for several decades in Chhattisgarh State.

25. Tourism

State Government has informed that they have a proposal to open an Institute of Hotel Management and Catering Technology at Raipur. There is scope for recruiting local youth to operate as Guides, however, State Government did not spend any money towards promotion of tourism in tribal areas during 2002-03. **The Commission are of the view that a very cautious approach may be followed while promoting tourism in the Scheduled Areas.**

26. Training, Research and Evaluation

The State Government is considering a proposal to set up a Tribal Research and Training Institute and as and when a training centre is set up, the functionaries of NGOs will also be imparted training alongwith government employees. No survey/evaluation studies have been conducted so far. Benchmark survey has been undertaken for only PTGs and the information is made use of for preparing development plans. **The Commission recommends that the State Government should set up a Tribal Research Institute with a Training Centre and a Tribal Museum. In the meanwhile, Universities and Research Institutes could be entrusted with research studies. Independent State level monitors could also be engaged on project mode temporarily.**

27. Personnel Policy for Tribal Areas

27.1 Government of Chhattisgarh follows the policy laid down by Madhya Pradesh for providing incentives to its employees working in the scheduled and tribal areas in the following manner:

- (1) Employees posted in Scheduled Areas get special allowance ranging from 5% to 15% of basic pay according to three different categories.
- (2) Employees residing in Government quarters are provided relaxation in their house rent allowance/license fees.
- (3) Employees working in Scheduled Areas get seven days casual leave and 10 days earned leave in addition to normal entitlement.
- (4) Children of such employees who are posted in tribal areas get admission in nearest tribal hostel/ashram.
- (5) Following restrictions in leave travel concession have been relaxed:
 - (i) There will be no restriction of distance while posted in other than their home district.

- (ii) While posted in home district the restriction of distance will be 20 kms. (in general areas the distance restriction is 80 kms.)

Policy of appointment, posting, promotion and transfer of Government employees in the Scheduled Areas.

27.2 Govt. of Chhattisgarh follows the policy of appointment, posting, promotion and transfer of government employees in Scheduled Areas as laid down in Govt. Order dated 11.1.1984 of Govt. of Madhya Pradesh for its 30 departments, salient features of which may be seen at Appendix IV.

27.3 * As pointed out earlier, the Commission during their visit to tribal areas noticed at several places the paucity of government employees and their frequent absenteeism, despite the aforesaid personnel policy and the incentives given to employees in the tribal areas. Tribal Leaders at many places expressed the view that many government employees have become delinquents and don't perform their duties.

27.4 The Commission feels that employees in the tribal area should be fewer, a better lot and best cared for pool of manpower and recommends that-

- (a) for smooth functioning of field level institution, appointment of employees on the posts in category 'D' and certain posts in category 'C', such as, police constable, excise constables, forest guards, forest watchers, ICDS/Anganwadi workers, should be reserved for local tribals, invoking the Fifth Schedule of the Constitution. Tribals on such posts should be recruited first and sent for in service training later.
- (b) Employees posted in Scheduled Areas should be transferred/attached/shifted to other areas of the State only by the State Government on the recommendation of the District Collector. An employee must serve at least for one-third of his career in tribal areas, may be in two spells, so as to serve the tribals who constitute one-third of the State population.
- (c) Categorisation of the State for the purposes of incentive should be in three grades such as Grade I for district and Tahsil Headquarters, Grade II for Block Headquarters and places having bus facility and telephone communications and Grade III should be for inaccessible locations. Lucrative incentives linked with punishment should be spelt out to the government employees working in the three categories as above.
- (d) Monetary awards and Certificates of Merit should be introduced and presentations made on the eve of Republic Day every year at state and district levels.

28. Reservation for STs in State Govt. services

Percentage of reservation for STs in services is only 20% as against their 32.46 % proportion in total population of the State. Demand of the STs was to raise the reservation percentage to 33% in the entire State and 50% in Class III and IV posts in the Scheduled Areas. The Commission recommends that reservation in services for STs should be in proportion to their population in the State, i. e., 33% and this should be done without any loss of time. Reservation for STs in Groups 'C' and 'D' in Scheduled Areas should be higher.

29. Visit to Bailadila Iron Ore Project, National Mineral Development Corporation Limited, Dantewada District.

29.1 National Mineral Development Corporation Limited (NMDC) is operating 3 fully mechanized iron ore mining projects producing about 15 million tonnes a year. NMDC spends money for development works in the surrounding villages. It spent Rs. 110.31 lakhs on schemes relating to education (Rs. 32.49 lakh), road & buildings (Rs. 48.77 lakh), drinking water (Rs. 7.77 lakh) and health (Rs. 9.44 lakh). The group wise manpower status and representation of STs as on 1.01.03 was as follows:

GROUP	TOTAL NO.
"A" – E-01 and above	195
"B" – S-10, JO & E-0	364
"C"-S-03 & S-09	788
"D"-S-01 & S-02	403
TOTAL	1750

29.2 Since the project is located in South Bastar District of Chhattisgarh, which is a tribal area, preference is given to local S. T. candidates in recruitment so that they may get the benefit of employment in the project. For this purpose NMDC has been recruiting local SC/ST candidates even more than the prescribed reserved posts for them. **The Commission recommends that for local recruitment the percentage of reservation for STs should be in accordance with their percentage of population in the State.**

29.3 In direct recruitment, the reservation percentage for SC, ST and OBC candidates for all categories of posts is as under:

Category	All India basis (by open competition)	All India basis (other than open competition)	Local Recruitment
SC	15%	16.66%	14%
ST	7.5%	7.5%	23%
OBC	27%	25.84%	13%

29.4 The Commission paid a visit to Iron Ore Project Bailadilla (Bacheli) in Dantewada district on 9.6.03 and held discussions with General Manager. The PSU has set up a Model School for providing quality education. It provides two years vocational training to the youth of 20 villages located within a radius of 10 kms. In the 120 bedded hospital, 50% to 60% patients are tribals suffering from infection, septic, stomach disorders, anaemia, malaria, TB, etc. not only its employees but also local tribals. The hospital is well equipped to provide specialized treatment and only in very special cases, the patients are referred to Raipur. The PSU even tries to get specialist doctors from Hyderabad to give treatment at Bacheli itself. During the year 2002, the hospital treated 38461 outdoor patients, 4024 indoor patients

belonging to STs. 137 major and 438 minor operations were performed on STs.

30. Visit to Bhilai Steel Plant (BSP)

30.1 The percentage of STs in the BSP as on 1.01.2003 was as follows:

Employment Group	Total	ST	%
'A'	3,173	137	4.3
'B'	10,334	851	8.2
'C'	25,483	4190	16.44
(Excluding Safai Karmachari)			
'C' (only Safai Karmacharis)	754	112	14.85
Total	39,744	5,290	

30.2 The number of posts reserved for ST in promotion in 2002 was as given below:

Group	Total number of vacancies filled	ST	% of ST
'A' (E-O only)	-	-	-
'B'	2271	186	8.19
'C' (Excl. S.K.)	5913	1001	16.93
'C' (Safai Karamchhari)	246	37	
Total	8430	1224	14.52

30.3 No. of ST posts dereserved and filled by general candidates in the year 2002 was as follows:

Group	ST
'A'	00
'B'	03
'C'	02
Total	05

30.4 The representatives of SC/ST Association of BSP brought to the notice of the Commission their grievances, some of which related to a) submission of false SC/ST certificates by job seekers, b) non-allotment of land to SC/ST Association for constructing their own building, and c) hardships in getting SC/ST certificates from district offices.

30.5 Other activities of BSP for welfare of ST

Bhilai Steel Plant has taken several measures for the welfare of STs as under:

- (1) BSP Management has made education free for ST students in its schools from the academic year 2002-03.
- (2) 36 students of ST community who are below poverty line have been adopted by BSP and they are being given free education and free boarding and lodging facility.
- (3) As per the Scholarship Schemes of SAIL and BSP, wards of BSP employees are given scholarships for higher education (PM's Trophy, Scholarships, Merit-cum-Means Scholarships, Jawahar Lal Nehru Science and Technology Scholarships). Wards of

employees of ST community are given proportionate scholarships.

- (4) Management of Bhilai Steel Plant holds quarterly meetings with the office bearers of Registered ST associations of BSP. So far 50 meetings have been held.

31. Acquisition of land belonging to tribals for National Mineral Development Corporation (NMDC) in the Scheduled Area of Bastar district.

31.1. On 18.05.2001, NMDC requested the District Collector Bastar to acquire some land in Nagarnar and adjoining villages for setting up a plant to treat slime coming out of iron ore mines at Bacheli and Kirandul of Bailadilla project. Accordingly, a notice was issued by the District Collector on 21.05.2001 to convene a meeting of Gram Sabhas concerned and a news item to this effect was published in local "Dainik Dandakaranya on 27.05.2001 and notices were issued on 04.06.2001 to the affected persons alongwith basic information of the proposed plant. Special meeting of the Gram Sabha at Nagarnar and Kasturi villages was held on 11.06.2001 and at Manganpur and Amagrda on 13.06.2001. The meetings were attended by the District Collector at two places one at Nagarnar and the other at Bahamni, and by other officers of the district administration and the NMDC at all the places. Whereas some villagers welcomed the project, a few others expressed their opposition. Having undertaken the exercise of "consultation" with the Gram Sabha and as required under Land Acquisition Act, 1894 and M. P. Panchayatiraj (second amendment) Act, 1997 and M. P. Panchayatiraj (Amendment) Act, 1999, action for acquisition of land was commenced on 29.09.2001.

31.2 Apprehending acquisition of land belonging to tribals, a complaint was sent by the villagers of Maganpur to the National Commission for Scheduled Castes and Scheduled Tribes, Govt. of India, New Delhi on 23.08.2001 followed by another complaint dated 13.09.2001. Again on 1.10.2001, Kisan Sangharsh Samiti Nagarnar, Bastar submitted a memorandum to the Chairman, National Commission for Scheduled Castes and Scheduled Tribes, Govt. of India, New Delhi praying for redressal of grievances.

31.3 The complaint was forwarded to the Govt. of Chhattisgarh for a high level enquiry and subsequently the matter was discussed in the Commission at New Delhi on 22.11.2001 in accordance with the provisions contained in Art 338 (5) of the Constitution of India with Shri M. K. Raut, Secretary, Panchayat and Rural Development Deptt. Govt. of Chhattisgarh, The Commission also looked into the reply furnished by the District Collector, Bastar. In their enquiry report of 7.12.2001, the National Commission for SC/ST concluded that-

1. "The policy and also the procedures, which have been laid down from time to time for the establishment of industries in the Scheduled Areas, have not been followed in the case of proposed steel plant in Bastar.
2. The choice of site has been made without going into merits of alternatives available. In the instant case, there appears to be misrepresentation of facts about quality of land. Nor has the need for the extent of land examined. The decision has been taken arbitrarily.
3. The statutory Guidelines formulated by the State Government themselves have not been followed. In respect of the mandatory consultation with the Gram Sabha before Land acquisition Act, there was no informed consultation. No formal resolutions were passed in the Gram Sabhas expressing their opinion as envisaged in the Guidelines which is mandatory as also the statutory rules about Gram Sabha meetings.
4. The decision to issue notification under Section 4 of the Land Acquisition Act has been taken on the basis of the so-called administrative reports in clear violation of the Guidelines. The administrative reports have no place in the law and the rules. Thus, both the Guidelines and statutory rules for consultation and issue of notification under Section 4 have been violated. The proceedings of Land Acquisition, therefore, have to be construed as null and void ab initio.
5. There is convincing evidence to show that the record of the Gram Sabhas concerning the

mandatory consultation have been fabricated. Moreover, false records have been prepared in the form of so called administrative reports.

6. The Guidelines of the State Government envisage special responsibility for the Collector and the representative of the Project. Their participation in the consultation meetings is obligatory. These officers, therefore, have to share the responsibility and deemed to be answerable for the fabrication and falsification. The responsibility may be fixed and suitable action be taken against all concerned.
7. Even the impugned process of land acquisition has violated mandatory provisions. There are reasonable grounds to believe the substance of notification under Section 4 was not displayed at convenient places in the concerned villages. Moreover, notification under Section 6 was issued 13 days ahead of the mandatory period of 30 days after the Section 4 notification. The notification under Section 6 cannot be deemed to be in accordance with law. All proceedings after Sec 4 including final award, payment of compensation, mutation in land records should reasonably deemed to be illegal.
8. The provisions concerning environmental clearance as envisaged in the Ministry of Environment and Forest Notification of 27 January 1994 have been violated. Even some work relating to the project has been started which is totally prohibited under the said notification. The proposed erection of boundry wall etc. will be illegal.
9. The administration has not cared to appreciate the principles of natural justice, which are central to peace and good governance in Scheduled Areas as envisaged under the Fifth Schedule of the Constitution. The people's genuine concerns have been sacrificed in the name of rules and procedures.
10. The local administration has not appreciated the responsibility of State, whom it represents, towards the protection and advancement of tribal people in the Scheduled Areas.
11. The local officers have failed to appreciate the spirit of the Extension Act and the central position of the gram Sabha in the democratic polity. The trivialization of the process of consultation with Gram Sabha is regrettable. The State Government should ensure that the message of the new law and even their own Guidelines is imbibed by the officers and conveyed to the people. Informed consent of the Gram Sabha based on relevant plans has to be accepted as an inviolable precondition for the process of land acquisition to start.
12. The State Government should have a comprehensive resume of the policy and procedures concerning establishment of industries in the Scheduled Areas and prepare a frame for future in the crucial area of industrialization. In any case no force should be used in disputes relating to land acquisition.
13. The process of establishing steel plant in Bastar should be re-started. The guidelines issued by the GOI in 1974 read with provision of the Extension Act should reasonably be accepted as the minimal base to build on. In other words, a comprehensive plan for the Zone of Influence of the proposed industry should be prepared, which ensures a place of honour in the new setting for all those affected, directly or indirectly.
14. The State Government may also prepare a policy frame for industrialization in the Scheduled Areas in light of the recommendations of the Committee of Selected MPs and Experts and the direction of the Hon'ble Supreme Court in Samata case. These basically envisage that command over resources remains with the community, which has already been incorporated in the Extension Act read with Article 263 M of the Constitution and that the local people are partner on terms of equality in the industrial enterprises."

31.4 The report was forwarded to the Chief Secretary, Govt. of Chhattisgarh, Chairman, National Mineral Development Corporation, Hyderabad and the Collector, Bastar on 10.12.2001 for taking appropriate action.

31.5 In reply to inquiry report made by the National Commission for SC&ST in their letter No. 9/27/2001 C.G./ESDW/11 dated 10.12.2001 alleging irregularities in the land acquisition

proceedings and the consultation with the Gram Sabhas as required under the PESA Act, the State Government in their letter dated 10.04.02 has refuted all charges except (v) above which is under investigation by the Police.

31.6 The Commission has observed that Madhya Pradesh Panchayati Raj Act, 1997 and 1999 were not fully implemented in holding prior consultation with the Gram Sabhas before process of acquisition of land was started. It would have been better if the consent of the villages had been obtained and the provisions of the Panchayati Raj Act were followed scrupulously. Even before the process of land acquisition was started, the rehabilitation programme for the Project Affected Persons (PAPs) should have been drawn up in consultation with the concerned Gram Sabhas to allay fears of PAPs. The principle of "land for land" was not followed and also landless workers were not adequately taken care of. The incident of putting the PAPs behind the bars was not tribal-friendly. The National Commission for SC & ST was correct in their findings that the provisions of State Panchayati Raj Act were not fully followed.

31.7 The Commission recommends that a Resettlement and Rehabilitation (R&R) Plan for the affected tribals should be prepared in consultation with the concerned Gram Sabhas and National Commission for Scheduled Tribes should be associated in it.

Appendix I

List of Scheduled Tribes

1. Agariya
2. Andh
3. Baiga
4. Bhaina
5. Bharia Bhumia, Bhuinhar, Bhumia, Bhumiya, Bharia, Paliha, Pando
6. Bhatra
7. Bhil, Bhilala, Barela, Pateliasp
8. Bhil Mina
9. Bhunjia
10. Biar, Biyar
11. Binjhwar
12. Birhal, Birhor
13. Damor, Damarua
14. Dhanwar
15. Gadaba, Gadba
16. Gond; Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koliabhuta, Koliabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola, Koitar, Koya, Khirwar, Khirwara, Kucha Maria, Kuchki Maria, Madia, Maria, Mana, Mannewar, Moghya, Mogia, Monghya, Mudia, Muria, Nagarchi, Nagwanshi, Ojha, Raj Gond, Sonjhari Jhareka, Thatia, Thotya, Wade Maria, Vade Maria, Daroi
17. Halba, Halbi
18. Kamar
19. Korku
20. Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chatri,
21. Khairwar, Kondar

22. Kharia
23. Kondh, Khond Khand
24. Kol
25. Kolam
26. Korku Bopchi, Mouasi, Nihar, Nahul Bodhi, Bondeya
27. Korwa, Kodaku
28. Majhi
29. Majhwar
30. Mawasi
31. Munda
32. Nagesia, Nagasia
33. Oraon, Dhanka, Dhangad
34. Pao
35. Pardhan, Pathari, Saroti
36. Pardhi, Bahelia, Bahellia, Chita Pardhi, Langoli Pardhi, Phans Pardhi, Shikari, Takankar, Takia [in (i) Bilaspur and Katghora tahsils of Bilaspur district, (ii) Durg and Balod tahsils of Durg district, (iii) Chowki, Manpur and Mohala Revenue Inspector's Circles of Rajnandgaon district, (iv) Bindra-Nawagarh, Dhamtari and Mahasamund tahsils of Raipur district]
37. Parja
38. Sahariya, Saharia, Seharua, Sehria, Sosia, Sor
39. Saonta, Saunta
40. Saur
41. Sawar, Sawara
42. Sonr.

Appendix II

Statement showing action taken by the Govt. on various recommendations made by the TAC.

S. No.	Decision Taken	Action Taken
1.	The name of Tribal Welfare Deptt. may be changed to Tribal Development Deptt.	Action taken
2.	Increase in the rates of scholarship/stipends.	An increase of Rs. 10 in the rates of scholarships and Rs. 100 for stipend has been agreed to.
3.	Increase in arrival allowance to Post Matric students	Increase of Rs. 300 in first year has been agreed to.
4.	Construction of compound walls in Ashram schools for girls.	During 2000-01 compound walls have been constructed in 11 girls' Ashram schools.
5.	Training to teachers in english	9,000 teachers have been trained for teaching English in classes I and II.
6.	CBSE pattern of education may be introduced	During 2001-02, CBSE syllabus was introduced in 80 higher-secondary schools.

7.	Increase in the flow to Tribal sub-Plan	As against tribal population of 32% in the State population, flow to Tribal sub-Plan has been raised to 38%.
8.	Excise Policy may be made tribal friendly	A tribal family can brew country liquor upto 5 liters for self-consumption.
9.	Govt. of India should be moved not to disinvest Bharat Aluminum Company Limited (BALCO)	Govt. of India was requested to consider the recommendation.

Appendix III

A brief note on Primitive Tribal Groups

(1) **Abujhmaria-** They live in 2900 sq.km. area of Bastar district and eke their livelihood by doing shifting cultivation in 162 35.75 acres of land. As the area is Naxal affected their progress has been slow and can be developed only when irrigation, soil conservation, horticulture, fishing, poultry, sericulture, bamboo craft are developed.

(2) **Pahadi Korwa-** They live in the districts of Jashpur, Surguja and Korba of State. They are nomadic in nature and do shifting cultivation, go for fishing and thrive on MFP. Efforts to rehabilitate them on cultivable lands in the plains have not succeeded and they prefer to live in hills and forests.

(3) **Baiga-** They inhabit the districts of Kawardha and Bilaspur of the State. Mostly their habitations are in the reserve forests. In the revenue lands they do agriculture without the support of irrigation and live at subsistence level.

(4) **Kamar-** They live in Gariaband and Nagri area of Raipur and Dhamtari districts. Earlier they were engaged in shifting cultivation but of late have taken to agriculture in plains. Animal husbandry, poultry and pig rearing could be popularised among them.

According to a survey conducted in 2002, number of Kamar families was 3,910 making a total of 17,412 persons. Their rate of literacy in 1995-96 was 16.20 and this increased to 40.16 in 2002. The Kamars inhabit 3 blocks of Raipur district and one block of Dhamtari

district i. e. Nagri. The Project has proposed to accord priority to construction of houses and distribution of land to the Kamars followed by supply of bullocks, land development, irrigation, bamboo handicraft, fisheries nets, agricultural implements, fertilizers, goatery, piggery and poultry, milch cattle, agriculture and horticulture, electric connection, bee keeping, health care, drinking water and approach roads.

(5) **Birhor**- They number around 1105 and inhabit the districts of Jashpur and Raigarh. Their growth rate is only 2% per annum. They earn their livelihood out of rope making as they are not very proficient in agriculture. They suffer from malnutrition, ill health and diseases. They have now come forward to take up goatery, poultry and fishing.

Appendix IV

Salient features of policy of appointments to government posts:

- (a) government employees may be posted on vacant posts in Scheduled Areas first and in case of no vacancy they may be posted to general areas, i. e. , other than Scheduled Areas.
- (b) in respect of gazetted officers, for whom posts are not available in Scheduled Areas, they will first be posted in any of the 15 Tribal districts and in the event of no vacancy in such tribal districts, they will be posted to non-tribal districts.
- (c) employees posted in Scheduled Areas shall not be attached to any office outside the Scheduled Areas.
- (d) this policy shall be applicable in respect of ad hoc employees also.
- (e) in case it is not possible to post all the new appointees to Scheduled Areas, this may be done on subsequent occasion within next five years. A person posted in Scheduled Areas may not be transferred outside for at least two years.
- (f) a person may be treated eligible for promotion only if he/she has served in Scheduled Areas for atleast two years.
- (g) those who have served in Scheduled Areas for more than five years shall be given preference for transfer to non-Scheduled Areas.
- (h) an employee in Scheduled Areas may not be relieved to non-Scheduled Areas on transfer till his reliever has joined.
- (i) an employee may not be posted at one place for more than five years.

Report on Dadra & Nagar Haveli

INTRODUCTION

1. The Union Territory of Dadra & Nagar Haveli (DNH) is situated on the western coast of the country, 187 kms from Mumbai. The Marathas assigned 72 villages to Portuguese and these groups of villages came to be known as Dadra & Nagar Haveli since 17th December, 1779. The DNH was liberated on 2nd August, 1954 and a local body known as free Dadra & Nagar Haveli managed the affairs till its formal merger with the Indian Union on 11th August 1961.

1.1 The Commission consisting of Chairman Shri Dileep Singh Bhuria and Members Dr. B.D.Damore and Shri S.K.Kaul toured in DNH from 23rd to 25th June, 2004. At Silvassa, on 24th June, the Commission visited Panchayat Amboli and in the afternoon met the non-officials, Administrator and other officials. On 25th June, the Commission visited Khanvel to see the work of voluntary agencies, a Govt. hostel, PHC and met a number of ST persons (**Appendix I & II**).

1.2 There are seven STs in DNH – Varli (68,822)*, Dhodia (18,496), Kokna (18,430), Dubla (including Halpati) (2,505), Kolidhor (including Kolgha (919), Kathodi (98) and Nayaka or Naikda (8).

1.3 The number and area of ST operational holdings as per 1991 agricultural census was as follows:

Size Class (in ha.)	Scheduled Tribes		Size Class (in has.)	Scheduled Tribes	
	Holding (No.)	Area (Has.)		Holding (Nos.)	Area (Has.)
0.00 to 1.00 Marginal	5484	3003.66	4.00 to 10.00 Medium	600	3378.14
1.00 to 2.00 Small	3805	5059.98	10.00 and above Large	72	1068.54
2.00 to 4.00 Semi-Medium	1702	4671.00			

1.4 A brief demographic picture is given below:

1. Area (in sq. Kms.) : 491

* Population figures given in brackets are as per 1991 census.

2. DNH comprises of 72 villages including Silvassa and Amli, the Census towns, divided into 11 *Patelads* for revenue purpose.

3. Population

Census	Total	Male	Female	Sex ratio
1991	1,38,477	70,953	67,524	951
2001	2,20,451	1, 21, 731	98, 720	810*

4. ST population

Census	Population	%age of ST to total population	Sex Ratio
1991	1, 21, 104	50.45	1021
2001	1, 37, 225	62.25	1028

5. Land (in has.)

Land under agriculture :	23, 627
Land under forests :	20, 359

6. Languages spoken : Gujarati, Hindi, Portuguese and Marathi

7. Literacy

Census	Total	ST
1991	40.71	20.21
2001	60.03	N.A.

8. Lok Sabha seat : 1

9. No. of BPL families (1997 survey) : 17, 235

2. Protective measures

2.1 Land

Survey and Settlement

2.1.1 The first survey and settlement of land records and assessment was completed during the year 1964. In this survey the total area promulgated was 48,882.82 has. comprising of 72 villages including all occupied and unoccupied lands. There were 38,000 holdings. In 1965 land records were

* The fall in sex ratio is due to influx of male workers from outside working in industrial units.

notified and a fresh survey has been undertaken recently. The survey work in Silvassa and Amli villages has been completed and the work is in progress.

DNH Land Reforms Regulation 1971

2.1.2 Dadra & Nagar Haveli Land Reforms Regulation 1971 came into effect from 1st May, 1974. The main object of the Regulation is to abolish 'Alwara' and 'Teram' tenures, to confer occupancy rights on 'Alwara' and 'Teram' holders and their tenants, to impose a ceiling on possession of agricultural lands, to provide for acquisition and distribution of land held in excess of such ceiling and to regulate the relationship between the landlords and tenants, in the Union Territory.

The salient features of the Regulation are as under:

Section 3 : Abolition of 'Alwara' and 'Teram**' tenures and land vested to Govt.

Section 4 : Grant of occupancy rights in respect of land vested to Government

Section 8 : Prescribed ceiling area for possessing the land.

- (a) 7.5 hectares in the case of land capable of yielding two or more crops in a year; or
- (b) 11 hectares in the case of the land capable of yielding only one crop in a year; or
- (c) 16 hectares in the case of any other land.

The details regarding occupancy rights granted to the land holders are as under:

1. No. of cases/returns filed for grant of occupancy rights	11369
2. No. of cases disposed of	11369
3. No. of persons granted occupancy rights	18646
(a) Alwara Holders	11240
(b) Tenants (i) STs	7155
(ii) SCs	195

* Alwara means a document evidencing the grant of concession to enjoy land given under article 50 of the Organizacao Agraria.

** Teram means a lease of land granted under article 84 of the Organizacao Agraria

4. Number of persons granted occupancy rights for the village site land 305

2.1.3 Section 4(6) and 4(7) of Regulation 1971 provides relevant checks against alienation of tribal lands. There is a ban on all cases of transfer of land without previous sanction of the Collector. The Administration has informed that statistics about agricultural land transferred from tribal to tribal and tribal to non-tribal are not readily available. However, tribals have sold total lands measuring 618.82 hectares (including agriculture/non-agriculture land). Some of the tribal representatives brought to the notice of the Commission that Administration invited applications from the persons who had indulged in un-authorised transaction of agricultural lands in violation of the provisions of Section 4(6) of the DNH Land Reforms Regulation 1971, for regularization. **The Commission was further informed that about 450 such cases were reported to the Administration for regularization and the proceedings in these cases were initiated. In some cases land was forfeited by the Administration under Section 4(7) of the Regulation. The purchasers whose lands were forfeited have requested to grant them land on payment of occupancy price. Although considerable time has lapsed after forfeiture of the land, these cases are still pending. This is a matter which should be looked into by the Administration sympathetically.**

2.1.4 The Administration has furnished a number of cases arising out of proceedings during the course of implementation of the Land Reforms Regulation 1971 in the matters of deciding cases by prescribed authority for (i) land held in excess of prescribed ceiling, (ii) forfeiture of grass lands of land owners held in excess of prescribed limit, and (iii) selection of lands by land-holders while giving lands in excess of ceiling. **The Administration has informed that approximately 500 hectares of land has been acquired from various public purposes under the provisions of the Land Acquisition Act but no tribal has been rendered landless. The Administration has not**

indicated how many ST persons were involved whose lands were acquired and whether they have enough cultivable land left to make their living.

2.1.5 Distribution of surplus land vested to Govt.

Under DNH Land Reforms Regulation 1971, 3,722 landless ST persons were given 2920.90 has. of surplus land since the enforcement of the Act.

2.1.6 Prohibition for sale of land

Section 4(6) provides that no agriculture land including any part thereof in respect of which occupancy rights are deemed to have been granted to any person under this Section shall be transferred by way of sale, lease, mortgage, exchange or otherwise except in accordance with such rules as may be made in this behalf and, where such transfer is by way of sale also on payment to the Government of such premium if any as may be specified in such rules.

2.1.7 Transfer of Occupancy

Rule 17 of DNH Land Revenue Administration Rules, 1972 lays down the procedure for transfer of land and restrictions. A copy of the relevant provisions is given at Appendix III.

2.1.8 Tribal land converted into non-agricultural industrial use

Under the provisions of Section 42 of the DNH Land Reforms Regulation, 1971, the Collector is empowered to grant permission for conversion of agricultural land into non-agricultural use. During the period from 1993 to 2004, 14225 has. of tribal agricultural land was allowed to be converted into non-agricultural industrial use. However, the total area converted into non-agricultural industrial use is 220.19 has. Under rule 17 (4) of the DNH Land Revenue Administration Rules, 1972, the Collector will not permit the transfer unless he is satisfied that the consideration for the transfer is adequate and that the transfer will not be against the interests of the transferor.

2.1.9 A number of STs met the Commission and narrated the manner in which

they were exploited by the non-tribals in taking possession of their lands after conversion of agricultural land into non-agricultural use and not making full payment as agreed to by them. On declaration of Tax holidays in DNH, the land of the STs had been grabbed at nominal price by land mafias and sold after obtaining no objection certificate. It was reported by the tribal representatives that the nefarious activities of land-mafias and other vested interests have made a number of tribal families landless. **The Administration is aware of such cases and the Collector before issue of no objection certificate is required to satisfy himself under rule 17 (4) of the DNH Land Revenue Administration Rules 1972 that the consideration for the transfer is adequate and that the transfer will not be against the interest of the transferor and therefore the Commission recommends that the ST transferor of agricultural land should be properly counselled. A special counselling unit should be established and attached to the office of the Collector/ Land Registration Officer so that whenever papers for conversion of tribal land for non-agricultural use are brought to the Collector/ Registrar's Office for issue of N.A. permission/registration, it will be compulsory for the tribal land seller to undergo one or more counselling sessions before land papers are registered. The tribal seller should be helped to understand the market value of his land and to understand the implications of selling his land. He should be guided in the investment of the money received from the sale and told to get all the payment before he vacates his land. The whole process should be an attempt to help the tribal land owner to get a fair market price for his land, if at all he decides to sell it, after it is converted. The counselling unit personnel can help him to negotiate with the buyer for a fair market price. Too often, the tribal land seller is the loser, and the non-tribal buyer or middle man gets rich at the tribal expense. This counselling rule should also be the practice for the tribal land seller, even when a tribal is purchasing it from a tribal. Many a times, 'front-man tribals' have been produced or named, to enable the purchase of tribal land by someone**

behind the 'front-man tribal' who is a non-tribal. The Commission further recommends that the Govt. of India In the Ministry of Home Affairs should investigate the activities of land mafias thoroughly so that interests of STs are protected from the land-sharks.

2.2 Forest

2.2.1 DNH was predominantly covered by thick forests when the Portuguese occupied it. They were interested in making maximum revenue from the forests and consequently the forests were over exploited. After the Portuguese left DNH in 1954, a free Dadra and Nagar Haveli came into existence under which exploitation of forests continued unchecked upto 1961 when DNH was declared a Union Territory.

2.2.2 In 1967, the recorded reserve forest was notified covering an area of 203.21 sq. kms. The recorded forest area constitutes 41.46% of total geographical area of UT. Out of this, reserve forest constitutes 97.63% and protected forests 2.37%. In the year 2000, out of reserve forest area, an area of 92 sq. kms. was declared as Wildlife Sanctuary. The Administration further declared in 1988 all land within the boundaries of canals and roads alongside the canal etc as protected forests. A complete moratorium is imposed on commercial felling of trees since 1982-83. In 1999 Goa, Daman and Diu Preservation of Trees Act, 1984 was extended to the Union Territory.

Rights and concessions

2.2.3 During the Portuguese rule, the tribals had the right of cutting twigs and branches for rab burning, grazing in reserve forests except area under preservation, collection of firewood, etc. The tribals are allowed to collect MFP such as gum, *Amla* and *Bidi* leaves, prepare liquor from *Mahua* flowers and use of *Mahua* fruits for extraction of oil for their domestic consumption. They are allowed free and concessional grant of timber for construction of their houses once in life time and for repairs once in 10 years.

Teram plots

2.2.4. Teram plots were leases granted on yearly basis by the erstwhile Portuguese regime. With the enactment of the Forest (Conservation) Act, 1980 further leases were discontinued. The practice of seasonal cultivation in the name of Teram Plots has however continued even after 1980. There are 792 Teram plot holders holding 835 Teram plots involving a total area of 613.30 hectares. of reserved forests and wildlife sanctuary. The matter of regularization of these lands have been referred to the Government of India and the issue was also brought to the notice of the Supreme Court by way of an affidavit filed by the Administration.

2.2.5 In addition to the Teram lands, the STs have been cultivating lands in forest areas for generations which are termed by the Administration as "encroachments" or "Chorti plots". They had been cultivating these lands even prior to 2nd August, 1954 when the DNH territory was liberated. The Administration has dealt with Teram plot lands and *Chorti* plot lands cultivated by tribals as per customary rules, recovering the assessment from the tribals plot holders. Under the Dadra and Nagar Haveli Land Reforms Regulation, 1971 , occupancy rights to Teram plots and *Chorti* plots land holders were granted to the ST land holders.

2.2.6 The Administration is exploring allotment of plots in non-forest area in a consolidated manner on the fringes of the forest area. Under Joint Forest Management, the Forest Department is taking up plantation of species like *Mahua*, *Imli*, *Amla*, etc. on Teram plots giving an assurance to the STs that the fruits shall be harvested by them.

2.2.7 The State Govt. has set up the four under-mentioned committees to verify the ground position viz a viz records alongwith the history of individual cases on encroachments, evidence produced and prepare a list of eligible and ineligible encroachers:

- (i) Range level committees comprising Range Forest Officer, Sarpanch of Gram Panchayat, elected member and Patel Talati and Forest Guard

- (ii) Review Committee comprising of the Asstt. Conservator of Forests, Mamlatdar and Range Forest Officer to examine report of the Range level Committee.
- (iii) District level Committee comprising of the Distt. Collector, Deputy Conservator of Forests, Resident Deputy Collector, Social Welfare Officer and Asstt. Conservator of Forests to assist the field officers in identifying the encroachments and evicting the ineligible encroachers.
- (iv) Union Territory Level Committee with the Administrator as the Chairman, Secretary (E&F), Secretary (Social Welfare), Collector, AIGP and Conservator of Forests as Members to monitor the entire issue.

These Committees were expected to complete their work by Feb., 2004 and a clear picture of the ground situation in respect of both eligible and ineligible encroachers would emerge.

2.2.8 The Commission was informed that it will be very difficult to find large areas fit for cultivation to be allotted to the Teram plot holders. The Administration has complicated the issue by declaring a Wildlife Sanctuary in 2000 knowing fully well that STs have been cultivating the lands in the forest areas from the time of Portuguese rule. The Commission, therefore, recommends that the UT Administration should inform the Ministry of Environment and Forests of the ground situation and the efforts made by them to locate land for settlement and in the absence of availability of good agricultural land that can be allotted to the Teram plot holders, the Ministry should approach the Supreme Court for allowing the Administration to give inalienable but hereditary rights to Teram plot holders who are cultivating the lands in the reserve forest.

MFP

2.2.9 The Administration has allowed the STs to collect fuelwood, fodder, MFP free of charge. Mahua flowers and fruits, beedi leaves, gums of all kind and honey are the MFP collected by the tribals, which are used by them for consumption. Some small quantities of MFP are also sold in local markets,

though not permitted. The subject of MFP has been transferred to the District Panchayats.

Panchayati Raj

2.3 In pursuance of 73rd Constitutional amendment, Panchayati Raj was introduced in the Union Territory of DNH. Under Schedule 11 of Article 243 (g) of the Constitution, devolution of powers in respect of 29 subjects are to be made. It is, however, seen that on 18-8-2001 devolution of powers in respect of only three departments have been fully placed under the District Panchayat and one or two schemes of agriculture, veterinary and electricity departments have been placed with the Panchayats for implementation. The activities of construction of rural village roads, rural water supply schemes, minor irrigation schemes and civil works pertaining to the Panchayats executed by the Public Works Department have been placed under the control of the District Panchayat. Similarly, Primary Education Department schemes comprising of primary education from I to VII standard, implementation of mid-day meal programmes and Sarva Siksha Abhiyan are still to be transferred to the District Panchayat. Community development programmes comprising of panchayat, rural roads, health and sanitation, grant of loan and subsidy to individual farmers for construction of irrigation wells, renovation of houses and all other centrally sponsored schemes in area of poverty alleviation programme have been placed under the District Panchayat. Under agriculture, the distribution of improved seeds and chemical fertilizers have been assigned to the District Panchayats but the field level functionary of agricultural assistant has not been placed under the disposal of District Panchayat. Package of schemes relating to cattle development and poultry development are being implemented by single Veterinary doctor without providing him with stockman and infrastructure. Maintenance of streetlights and implementation of *Kutir Jyoti Yojna* for LIG families is under the District Panchayat but the field level workers for maintenance of street lights has not been provided. Being a Union Territory, there is no legislature and no other democratic set up except the P.R.I.s, and **the Commission, therefore,**

recommends that the Panchayats should be empowered and all the subject matters mentioned in the 11th Schedule of the Constitution should be transferred to the District Panchayat/Panchayats without any further delay. The Commission also recommends that since there is no legislature, the only elected apex body being the District Panchayat, the President - cum - Chief Counsellor should be consulted by the Administration in respect of policy matters, framing and amendments of Rules/Regulations, preparation of budget and implementation, planning etc. The Commission further recommends that a Pradesh Council should be set up to ensure proper interaction between the people's representatives and the Administration. The Commission observed that the officers in DNH administration were saddled with a number of departments. CEO, District Panchayat handles three or four important posts. Similarly, the officer incharge of DRDA is also looking after a number of other departments and thus they are not able to give full attention to the important work of District Panchayat or DRDA.

2.3.1 There are hundreds of industries existing in DNH. They are legally bound to pay the house tax to the Panchayat. The majority of the industries do not pay the tax and repeated request of the Panchayats are ignored. A provision therefore should be made to recover the house tax from the industries and Panchayats should be empowered to initiate legal action against the defaulters.

3. Economic sector

3.1. Industry

3.1.1 The first industrial unit was established at Piparia, Silvassa in the year 1965 in Cooperative sector. Three industrial estates were established at Masat (1978), Khadoli (1982) and second phase of Silvassa (1985). 8.29 has. of tribal land was acquired 97.14 has. of Govt. and other land was utilized for setting up these industrial States. At the end of the year 2003, 2033 industrial units were functioning, providing employment to 41,728 persons. The tax holiday incentives

providing 100% exemption from income tax alongwith 15 years of sales tax exemption has accelerated industrial development. Apart from the industrial undertakings set up in industrial estates, a large number of industries have come up in the rural areas just adjacent to the agricultural fields. The Administration has informed that whenever they give permission for conversion of agricultural land for non-agricultural use for setting up of industries, it is laid down that 80% of the jobs will be provided to the local people. **The Commission was informed that no industry is giving employment as per their condition during its visit to two industrial units viz. Century Wire Rope Ltd. and M/s Nitin Casting Ltd. and found that no local person including ST was employed as skilled and unskilled worker. In both enterprises, labour (skilled and unskilled) employed belonged to other states of the country.** The ingress of the outsiders has created problems for the local people. It was reported that some of the industries are pollution-prone units. These units manage to get electricity depriving tribals of electricity for domestic use. Similarly, they have monopolized the use of water and at many places the local people do not get potable water. Water of chemical units spills over agricultural fields of the tribals and render them unproductive. There is a Pollution Control Committee. Pollution control measures should be strictly enforced and agricultural lands rendered unfit due to pollution should be restored by the industrial units. Further, 50% of the members of Pollution Control Committee should be elected representatives of the STs.

Mining

3.2 It was reported that illegal stone mining is going on in DNH on the banks of Damanganga river. Most of these stone quarries are situated in the densely populated area thereby endangering the lives of tribals. The quarry owners are doing chemical blasting near the prohibited area of Madhuban Dam River Project. This dam provides irrigation water to the DNH and the southern part of Gujarat. **The Commission recommends that the Administration should take urgent steps to stop illegal stone mining.**

Tourism

3.3 DNH has immense possibility as a tourist spot. It has rivers, forests and many tourist spots and the Administration is taking steps to provide necessary infrastructural facilities. **The Commission recommends that the Administration should ensure that the ST persons become partners in the promotion of tourism and for this purpose STs should be given training at the various centers located in the neighbouring states of Gujarat and Maharashtra and given grants and loans to set up motels and shops to get permanent livelihood by self-employment.**

Co-operation

3.4 The UT Administration has informed that cooperatives provide credit at reasonable rates of interest, render financial assistance to the tribal agriculturists, distribute essential commodities besides marketing of agricultural produce as well as MFP. Large Size Multi Purpose Cooperative Societies (LAMPS), Primary Agriculture Cooperative Societies (PACS), Thrift Cooperatives, Consumer Cooperatives with a majority of tribal members are organized for the beneficiaries covered under the IRDP beneficiaries namely, Dairy Cooperatives, Poultry Cooperatives, Rural Cottage Industrial Cooperatives, Women Cooperatives etc. At the end of the year 31st March, 2004, 160 cooperative societies were working in the UT. 2 PACS and 6 LAMPS have advanced short term loans amounting of Rs. 24 lakhs to beneficiaries besides selling of essential commodities. Instead of selling agriculture produce through LAMPs, the tribals are selling it in *hats* i.e. weekly bazaars as it is in meager quantity. Except one PAC /LAMPS all are in profit. One Cooperative Sugarcane factory has also been registered but has not commenced its work.

4. Social Sector

4.1 Education

4.1.1 There are 127 Primary schools (113 Govt., 13 aided and 1 unaided) and 91 Upper Primary schools (85 Govt., 4 aided and 2 unaided). The percentage of

enrolment stage-wise of ST students in schools as on 30-09-2003 was as follows:

Stage	% of ST students
Primary (I to V)	75.47
Upper Primary (VI to VIII)	70.82
Secondary (IX to X)	63.80
Higher Secondary (XI to XII)	54.67

Drop out rates at Primary & Upper Primary level for the year 2003-04 was as follows:

Classes	Boys	Girls
I to V	21.38	36.55
I to VIII	35.49	56.48

Educational facilities

4.1.2 Free education is provided to all students up to higher secondary school level. Cooked mid-day meals are provided to all students studying at primary level i.e. up to std. V. Free text books, two pairs of clothes are being supplied to each student every year. One pair each of shoes and socks is supplied to each SC/ST student every year. Cash award of Rs. 500/- is given to ST students of standard VIII to XII who secure 55% or more marks in respect of boys and 50% or more marks in case of girls. Talented students who secure first three ranks with a minimum of 60% and above marks in SSC Board and HSSC Board examination are given Rs. 1001/-, Rs. 501 and Rs. 301/- respectively.

4.1.3 The territory is sandwiched between Gujarat and Maharashtra state hence there is demand for Marathi medium in areas adjacent to Maharashtra and Gujarati medium in areas close to Gujarat. Moreover, the area is industrially developed providing employment to the migrants from all over India and hence there is a demand for English & Hindi medium schools also. Thus there is an increasing demand for schools of English/Hindi medium. Due to the resource crunch, the UT Administration is finding it difficult in coping up with the demand. All the Secondary & Higher Secondary Schools are being run with acute shortage of teachers and hence the performance of the students is affected

adversely.

4.1.4 At Khanvel, teaching in science stream is not available. The boys have to go in for arts and commerce stream only. The medium of instruction is Marathi in Mandoni Patelad. At Silvassa, the medium of instruction is Gujarati. There was shortage of teachers in schools. The high school at Mandoni has arranged employment of teachers on daily wages. There is no play ground, no hall and no library for the school. At the primary school in Mandoni village, there was great congestion of students. Teachers who are employed on daily wages get about Rs. 5000 per month whereas regular teachers get a minimum of about Rs. 8000 per month. There is no college / University in DNH. It is proposed to establish an Arts and Science college. The students go to Una in Gujarat for higher studies. There is no Teachers' Training Institute in DNH.

4.1.5 **The Commission recommends that special coaching in classes V to VIII in hostels and free coaching in govt. aided and unaided schools should be provided for ST students to help them to pass their examinations creditably. The Commission further recommends that to encourage education among ST students, scholarships should be given to all ST students ranging from Rs. 50/- p.m. to Rs. 100/- p.m. in classes IX to X and XI to XII respectively.**

Hostels

4.2 The Administration is running 15 social welfare hostels; out of which five are exclusively for girls. The SC/ST inmates are provided free lodging and boarding. 8 hostels are run by non-official agencies. Total intake capacity of hostels run by the Administration is 1550 inmates. The Commission saw one hostel and found out that there was over-crowding in the hostel. The expenditure on these hostels was being met under non-plan budget. The Administration has approached the Ministry of Tribal Affairs to sanction funds under Centrally Sponsored Programme for construction of five girls and 4 boys hostel buildings for 844 inmates. The Administration was sanctioned rupees one lakh by the Ministry of Tribal Affairs in March, 2002 but the money was not released. **The Commission recommends**

that the Ministry of Tribal Affairs should sanction funds for the construction of hostels for ST boys and girls and also ensure that adequate funds are provided by the Administration to meet the expenditure on food, books etc for the inmates. The Administration has approached the Ministry of Home Affairs for enhancement of hostel expenditure from the existing rate of Rs. 200/- p.m. per hosteller to Rs. 600/- p.m. This should be agreed to by the MHA.

Polytechnic

4.3 There is one polytechnic working at Khanvel with a capacity of 60 seats each for diploma courses in civil, mechanical and electric engineering and 30 seats each for diploma in electronics communication, computer and information technology. 117 seats are reserved for ST students but it is found that only 75 ST students were studying. Out of them, 60 were admitted in electronic engineering, 7 each in civil and mechanical engineering and 3 each in computer course.

4.3.1 It was represented that ST students studying in 11th and 12th standard at Rakholi and Dudhani were not able to perform their science practicals because the necessary equipments was not available in the schools. It was demanded that either equipments for science experiments should be provided at these schools or the students should be provided hostel accommodation at Silvassa to avail of this facility. **The Administration should make efforts to ensure that the seats reserved for STs are filled up by eligible candidates which would require strengthening of science stream education at the high and higher secondary schools education.**

Health

4.4 IMR in DNH was 61 in the year 2001. It was found during a visit to PHC in Mandoni that the diseases mostly prevalent were skin diseases due to unhygienic conditions. Emergency patients are sent by PHC to Silvassa hospital. No sweeper has been posted for the last one year. At PHC Mandoni Patelads,

there was no clerk, driver, pharmacist and peon. There is water shortage also.

4.4.1 There is a District Civil hospital, 1 CHC, 6 PHC, 3 dispensaries, 1 mobile health dispensary and 36 sub-centres. Free medicines and health services are provided. The Govt. Of India has prescribed relaxed norms for establishment of CHCs, PHCs & sub centers in the tribal areas. **It is found that there is a shortfall of one CHC, one PHC and 4 sub centers. The Commission recommends that the shortfall should be overcome during the 10th Plan period.** The tribal representatives informed that in Civil Hospital named the Vinoba Bhave Civil Hospital at Silvassa, specialist doctors are not attending the tribal patients and they are forced to go to private hospitals for minor operations while the Govt. doctors are conducting private practice. **The Administration should investigate the matter and take suitable action.**

Reservation of seats in educational institutions

4.4.2 Govt. of India has reserved 43% seats for STs in various courses like Medical (MBBS, BDS), Degree & Diploma Pharmacy & Engineering (Degree & Diploma) and other teaching courses like PTC, D.Ed., C.P.Ed. courses. 4 seats are reserved for DNH Territory by the Govt. of India in the medical colleges for the candidates who are domiciles of DNH. The Administration has not indicated how many ST students were selected against the seats reserved for them in various courses. The tribal representatives who met the Commission demanded that the quota of the reserved seats in Medical Colleges should be raised to 8 and that reservation should also be provided in the PG course to overcome the shortage of specialist doctors. **The Commission recommends that Government of India should consider the demand of reservation for PG course for DNH Territory and those who are admitted against the reserved quota should execute a bond that they will do 5 years of service in the Union Territory.**

Anganwadis

4.5 There are 138 Anganwadis functioning in the Union Territory. Under the

programme of ICDSs, Anganwadi, the main functions taken up are supplementary Nutrition, Immunization, Pre-Primary Education, Health Checkup, Nutrition and Health Education and Referral services. 138 Anganwadi workers and 142 Anganwadi helpers are working.

Water Supply

4.6 The Administration has stated that STs suffer from water-borne diseases to a considerable extent. There is no filtration plant to provide potable water in Silvassa, Dadra and Khanvel (main villages). The Administration has informed that though 96 water supply schemes are operated but only 36 villages are covered. The Administration intends to equip all water supply schemes with water purifying additives injecting apparatus for supply of drinking water. In Mandoni zone there is no scheme of water supply to the villages of Chisidrani and Vasanda. In a number of villages of Dundani zone, water supply scheme does not exist. During the summer months in many Panchayat areas water is supplied by tankers.

Sanitation

4.7 DNH receives heavy rainfall during monsoon season. No sewage system exists. Solid wastes are disposed of by dumping. Industrial wastes are major problem to the health of the local people.

Electricity

4.8 DNH does not have its own power generation plants and gets power from the Central Power Sector Station located in the western region. 96% of the total supply of 40 megawatt is consumed by the industries. Many tribals have constructed their small *kaccha/pacca* houses on their own land without obtaining permission from the competent authority and they are not being provided electric connection for want of occupancy certificate. **The Commission feels that relaxation may be given in issue of occupancy right certificates and electric connections.**

Housing

4.9 The earlier scheme of constructing 182 houses in clusters for the STs in villages of Naroli, Dadra, Vasona and Chichpada along with basic amenities like drinking water, sanitation and pre school education was abandoned as the STs like to live at their place of work. Under IAY scheme 940 houses were constructed by giving a subsidy of Rs. 2,20,000/-. There is another scheme of renovation of houses by giving a grant of Rs. 1,400 and loan of Rs. 600/- for purchase of Mangalore type of tiles.

Roads

4.10 It was presented by the tribal representatives that the construction of state highway through villages has resulted in destruction of their properties and lands. **It is suggested that the Administration should prepare by-pass roads for villages affected by State highway to divert the heavy traffic and save the properties and lands of the tribals.**

NGOs

4.11 The Commission visited Short Stay Home for Women and Girls at Khanvel run by Bharatiya Adim Jati Sevak Sangh. The short stay home situated in a rented building is providing useful service to the tribal women and girls by giving them shelter in the home and efforts are made to send them back to their homes after counselling the parties concerned. **The Commission recommends that Administration should allot a piece of land and give adequate financial assistance to Sangh for construction of a short stay home.**

4.11.1 The Bharatiya Adim Jati Sevak Sangh had submitted a proposal to the Ministry of Tribal Affairs for starting a residential school for 100 ST students at Khanvel on 22nd May 2001. The Ministry had asked for a report from the Administrator, DNH. The Secretary to the Ministry of Tribal Affairs had written a letter in July, 2001 to Administrator, DNH to send the inspection report in respect of the proposal submitted by the Sangh. The case is pending for the last two years. **The Commission recommends that the Administrator, DNH should expedite their report to the Ministry of Tribal Affairs so that they can**

proceed further in the matter. In this connection, the Administration must take into account that there is a great need for more residential schools in DNH because it is very difficult for the tribal children living in far away villages to reach the schools during the rainy season. At present, there are only two residential schools, one Govt. school and other private in Khanvel area.

4.11.2 The Commission also visited a hostel being run by Vanvasi Kalyan Ashram (VKA) at Khanvel which is assisted by the Administration. There are 110 ST students in the hostel. The Administration is spending Rs. 220/- per month on ST students in their hostels but it was surprising to find out that they have sanctioned only Rs. 57,000 per annum to VKA which comes to about Rs. 52/- per month per inmate for 10 months. VKA is spending Rs. 400/- p.m. per hosteller. The Administration has proposed to the Ministry of Home Affairs that they should be allowed to spend Rs. 600/- per inmate per month. When the Administration feels that the amount of Rs.220 is inadequate to meet the expenditure of a student in their hostel, they should atleast sanction Rs.220/- to the voluntary agency which is managing the hostel. **The Commission recommends that the Administration should enhance the scholarship rate for the hostel inmates to bring it at par to what they are spending on the inmates in the hostels run by them and as and when the rates of inmates for government hostel are increased, the voluntary organizations running hostels for ST students should be given increased rates of scholarships for hostellers.**

Fair Price Shops:

4.12 78 fair price shops are functioning in DNH. Wheat, rice and kerosene oil are distributed through fair price shops. 13484 BPL card holders are given 25 Kg of rice per month at the rate of Rs. 6.00 per Kg, 10 Kg of wheat per month at the rate of Rs. 4.65 per Kg and 10 Litres of Kerosene oil per month at the rate of Rs. 9.50 per Litre. Under Antyodaya Anna Yojana scheme (AAY) same quantity of rice, wheat and kerosene oil is given to 2, 420 persons at the price of Rs. 3, Rs. 2 and Rs. 9.50 respectively. Under Anna Purna scheme, 380 persons are given 10

Kgs. of wheat or rice-free per month. The number of STs who received benefit under these programmes is not known.

4.12.1 During the visit to Amboli Panchayat, the Commission found that in Amboli Patelad there were 1,716 BPL, 550 AAY and 57 under Anna Purna card holders. Out of 7 shops running in the Amboli Patelad, 4 shops were being run by STs and three by persons belonging to other communities. During the course of the meeting with the villagers, the Commission was informed that supply of rations by the fair price shops is not regular and the tribals have to visit these shops every now and then to get their food grains and kerosene oil etc. **The tribal representatives further informed that rice under AAY is seldom available to poor ST persons and they are forced to purchase rice at higher rate. They also do not get the prescribed quantity of kerosene oil and are compelled to purchase it from the open market at higher rate. The Commission recommends that Administration should ensure supply of commodities to the card holders regularly.**

Services

4.13 10.45%, 10.26%, 43.46% and 67.39% STs are employed in services and posts in Groups A, B, C & D respectively. ST representatives informed that in recruitment/promotions, the local tribals are not appointed and the reservation principle is not being followed strictly. About 800 daily wagers working in PWD, Forest and other departments have not been regularized. It was alleged by the voluntary agencies that without ascertaining the validity of caste certificates, teachers were appointed.

5.0 General Recommendations

The Scheduled Tribes formed a majority (62.25%) of population in 2001 in the Union Territory of Dadra & Nagar Haveli. The percentage of ST population in DNH in 1971, 1981 and 1991 was 86.89, 78.82 & 78.99 respectively. 14 villages were submerged due to construction of Madhuvan Dam. The compensation given to the tribals was so small that they were not able to buy land near their

new settlement. On account of various developmental schemes, there was great demand of land near Silvassa. The non-tribals were able to find ways to get possession of tribal lands at very low price. The nefarious activities of money lenders and traders have forced the tribals to surrender their land to them. The rapid industrialization that is taking place in the DNH surrounded by Gujarat & Maharashtra, the influx of non-tribals employed in industries due to income tax and sales tax exemptions and easy availability of power will change the demographic picture in the coming years. The lure of money has resulted in STs obtaining no objection certificate for conversion of their agricultural land to non-agricultural use to the tune of 14,225 hectares. Although the total area converted into industrial use is 220,19 hectares. This means that the STs are ready to cash on the demands of industries in search of land for setting up their plants. The Commission during its tour met a large number of tribal men and women, who narrated their woeful experiences in not getting the due money from the middle men / industrialists, although they have handed over the possession of their land and are facing income tax proceedings. The Administration has imposed on the industries the condition that 80% of the employees shall be recruited locally. But this will automatically not mean that the interest of STs who constitute more than 62% of the UT population will be correspondingly protected in the matter of their placement in the industries. The 'non-tribal local residents' who are from other parts of the country, being more articulate have already cornered the major chunk of employment opportunities and left the STs high and dry. **The Commission, therefore, recommends that the Administration should take following steps to safeguard the social and economic interests of STs:**

- 1. Setting up of a Counselling unit for guiding the STs before permission is granted by the Collector for conversion of agricultural lands for non-agricultural use.**
- 2. The Counseling unit should be attached to the land registration**

office to make the STs understand the implications of land transfer, not to hand over possession of land unless full payment is received by them, investment of funds in a proper manner for their economic development.

3. The Administration should provide and strictly enforce that atleast 80 percent of the recruitment by the industries should be filled up by the STs domiciled in the U.T. of DNH and the industries not fulfilling their obligation may be given time to do so, failing which they should be closed.
4. In all the Government schools, science stream should be introduced with supply of necessary equipments and appointment of qualified teachers. The proposed Arts and Commerce College should also impart teaching in science subjects.
5. Adequate number of hostels should be constructed with enhancement of expenditure on food, books etc. in all Government hostels and the voluntary agencies should also be given necessary financial help on the same pattern.
6. The *Teram* and *Chorti* plot holders should be given inalienable and heritable rights over the lands, they have been cultivating since the time of Portuguese rule and extended necessary help under various agricultural and rural development programmes. The President-cum-Chief Counsellor of District Panchayat and Sarpanches should be associated in identifying the plot holders and grant of cultivable rights to them.
7. A Committee consisting of Administrator, Collector, CEO, Panchayats, Director DRDA and President-cum-Chief Counsellor of District Panchayat and MP should be formed to discuss, formulate and watch the implementation of all developmental and regulatory laws.

Appendix - I

**List of non-officials who met the Commission in Dadra & Nagar
Haveli at Silvassa on 24.06.04**

S.No.	Name in Full	Address
1.	MOHAN S. DELKAR, M.P.	UNION TERRITORY OF DADRA & NAGAR HAVELI
2.	KESHUBHAI V. PATEL	PRESIDENT DISTRICT PANCHAYAT
3.	MISS C.S. DELKER	VICE PRESIDENT
4.	RAMESH B. PATEL	D.P. MEMBER
5.	CHOWDHARY DEVAJI N.	D.P.MEMBER, MANDONI
6.	V.R. THIARYA	MEMBER
7.	URMILABEN N. PATEL	RUNBHA SARPANCH
8.	BABITABEN R. PATEL	SILVASSA SARPANCH
9.	SUCKHABEN M. DHILOO	KILVANI SARPANCH
10.	BHARATI JAIN	GHAHARA SARPANCH
11.	PRABHUBHAI S. PATEL	RUKHDI
12.	M. N. VIAT	
13.	ANITABEN B. SURUM	KHUVEL D.P.
14.	ARUNABEN F. PATEL	D.P. DODARA
15.	LALITA D. PATEL	SARPANCH NAROLI
16.	PATEL PRAVINBHAI K.	MEMBER OF DIST. PANCHAYAT, SILVASSA
17.	LUKUNUBHAI A. TUMER	DUPEEL SURPANCH
18.	SHRI PATLIYABHAI K. RADIA	MEMBER OF DIST. NAROLI
19.	ASHOKBHAI P. PATEL	DADRA PANCHAYAT MEMBER
20.	CHANDU V. PATEL	C.P. SARPANCH, SILVASSA

Appendix - II

LIST OF OFFICERS WHO ATTENDED THE MEETING HELD AT SILVASSA,
UNION TERRITORY OF D&NH ON 24.06.2004

S.No.	Name	Designation
1.	SHRI ARUN MATHUR, IAS	ADMINISTRATOR, DD & DNH
2.	SHRI J.K. DADOO, IAS	COMMISSIONER & SECRETARY (FINANCE) DD & DNH
3.	DR. RANBIR SINGH	COLLECTOR, DNH
4.	SHRI RICHARD D'SOUZA	CONSERVATOR OF FORESTS
5.	SHRI S.S. VAISHYA	DMHS, DD & DNH
6.	SHRI R.N. SHARMA	ADM/RDC, SILVASSA
7.	SHRI K.S. MEENA	DIRECTOR (S.W.)
8.	SHRI G.R. PRASAD	G.M. SC/ST & OBC CORPN. AND P.A.S.O.
9.	SHRI R.J. MINSTRY	EXECUTIVE ENGINEER, III (IRRIGATION)
10.	SHRI JACOB YOHANANAN, EXECUTIVE ENGINEER - I	EXECUTIVE ENGINEER - I (BUILDING)
11.	SHRI M.K. KOCHUMAN	EXECUTIVE ENGINEER, II (ROAD)
12.	SHRI Q.S. DESAI	DEVELOPMENT & PLANNING OFFICER
13.	SHRI R.C. PATEL	PRINCIPAL, I.T.I.
14.	SHRI L.M. CHATE	S.D.S.C.O. - I
15.	SHRI P.H. VASHI	S.D.S.C.O. - II
16.	SHRI N.H. PATHAN	SUPERINTENDENT (COLLECTORATE)

17.	SHRI K.L. ROHIT	MAMLATDAR
18.	DR. J.M. RAO	C.M.O./C
19.	DR. V.K. DAS	MEDICAL SUPERINTENDENT
20.	SHRI N.R. SHAH	STATISTICAL OFFICER
21.	SHRI JOHN	ASSTT. SECRETARY (FINANCE)
22.	SHRI R.B. CHAUHAN	A.R.C.S.
23.	SHRI R.N. ROHIT	C.D.P.O.
24.	SHRI MOHAMMAD ALI	C.O.P.
25.	SHRI SANTOSH KUMAR	D.C.F. (WIDE LIFE)
26.	SHRI A.D. NIGAM	D.C.F. (TERRITORIAL)
27.	SHRI S.A. PAWAR	DY. DIRECTOR (AGRICULTURE)
28.	SHRI H.P. PAWAR	DY. DIRECTOR AGRICULTURE
29.	SHRI A.R. PATEL	LABOUR ENFORCEMENT OFFICER
30.	SHRI B.R. TAMBELL	EXECUTIVE ENGINEER (ELECTRIC)

Provisions of Rule 17 of the Dadra and Nagar Haveli Land Revenue Administration Rules, 1972 regarding transfer of land and restriction

17. Transfer of occupancy:- (1) A person who intends to transfer any occupancy in agricultural land shall make an application to the Collector, provided that no such application shall be necessary where:-

- (a) the land is being mortgaged in favour of the Government or cooperative society or a bank for raising a loan for a purpose connected with the cultivation of the land; or
- (b) the land is being sold in execution of decree of a Civil Court or for recovery of arrears of land revenue or Government dues recoverable as arrears of revenue.

(2) On receipt of such application the Collector may, subject to the provisions of sub-rule (4) and (5) and after such enquiry as he may deem necessary, permit the transfer if he is satisfied that the transaction is bona fide, or refuse to permit the transfer for reasons to be recorded in writing.

(3) The Collector shall subject to sub-rule (2), permit the transfer only in a case where the transfer will not contravene the provisions of any law (including rules made thereunder) for the time being in force and any of the following conditions is satisfied, namely:-

- (a) The land is being sold, gifted, exchanged, leased or assigned in favour of a person who bona fide requires the land for an approved non-agricultural purpose.
- (b) The land is being sold, gifted, exchanged, leased or assigned in favour of an industrial undertaking which requires the land for an

agricultural purpose directly connected with the industrial operation carried out by such undertaking.

- (c) The land is being sold, gifted, exchanged, leased or assigned in favour of an educational charitable or public religious institutions.
 - (d) The land is being sold, gifted, leased or assigned in favour of a Co-operative Farming Society.
 - (e) The land is being sold in favour of an agriculturist and the vendor is either permanently giving up the profession of agriculture or is permanently rendered incapable of cultivating the land personally.
 - (f) The land is being given in gift whether by way of trust or otherwise and such gift is made bonafide in favour of a member of the occupants family.
 - (g) The land is being exchanged –
 - (i) with land of equal or nearly equal value held as occupant and cultivated personally by a member of the same family; or
 - (ii) with land of equal or nearly equal value situated in the same village with the object of forming a compact block or with a view to have better management of the land.
 - (h) The land is being leased by a person under disability in accordance with the provisions of section 32 of the Dadra and Nagar Haveli Land Reforms Regulation, 1971.
- (4) Where the transferor is a member of the Scheduled Castes or the Scheduled Tribes and the transferee is not a member of such Castes, or tribes, the Collector shall not permit the transfer unless he is satisfied that the consideration for the transfer is adequate and that the transfer will not be against the interest of the transferor.

Report on Daman & Diu

INTRODUCTION

1. Goa, Daman and Diu was liberated from the Portuguese rule in 1961 and on attaining statehood by Goa, Daman & Diu became a Union Territory in May, 1987. Daman is 193 Km from Mumbai and is surrounded by Dist. Valsad of Gujarat State on three sides. Diu is located at the southern most tip of Saurashtra near Veraval and is about 760 Kms away from Daman. The demographic indicators are given below:

	Daman	Diu
Area (in sq. Kms)	72	40
Total population (2001 Census)	1,13,989	44,215
ST population	13,881	116
%age of ST population to total population	12.18%	0.26%
Sex ratio (F/1000 M)(2001 Census)	591	1,117
Sex Ratio 0 –6 years (2001 Census)	906	959
BPL families	182	3
Names of important STs	Dubla Dhodia Varli Naikda	Siddi
Literacy	Total ST	75.34 64.63 52.69 71.82

2. Siddi tribals reside in Diu only. There are no other STs. STs are in majority in six villages in Daman, namely, Zari, Naila Pardi, Deva Pardi, Kathiria, Bhamti and Pariyari. The major ST in Daman is Dubla (8,963) which comprises approximately 80% of ST population. The next major tribes are Dhodia (1,505), Varli (812) and Naikda (75). Dhodia tribe resides mainly in Zari village and Varli tribe mainly in Varliwad of Jampore village.

3. The Commission comprising of Shri Dileep Singh Bhuria, Chairman and members Dr. B.D.Damore and Shri S.K.Kaul visited Diu on the 22nd and 23rd June, 2004. At Diu on 22nd June, the Commission visited the houses of Siddi

tribals at Ghogha in Diu town and met the non-tribals. On 23rd June, Commission met the Administrator and District officials and fishermen at Diu.

DAMAN

Tribal Sub Plan (TSP)

4. In Damam TSP has been implemented w.e.f. 2nd Oct, 1976. Various schemes implemented by the TSP cell during the year 2003-04 and proposed during 2004-05 are indicated below:

Table – I

(Rs. in lakhs)

Name of Sector	2003-04 Actual expenditure		2004-05 Proposed outlays	
	Total (U.T.)	Flow to TSP	Total (U.T.)	Flow to TSP
1) Agriculture & allied sectors				
i) Crop Husbandry	32.78	1.66	45.00	-
ii) Animal Husbandry	18.40	-	18.00	4.50
iii) Dairy Development	-	-	2.00	2.00
iv) Minor Irrigation	10.51	0.51	15.00	4.50
v) Power	1300.30	9.99	1044.00	10.00
2) Education				
i) General Education	295.30	49.84 (%)	353.00	63.50 (%)
ii) Technical Education	145.12	10.00 (%)	149.00	10.00 (%)
iii) Sports & Youth Services	10.98	-	10.00	-
iv) Art & Culture	16.36	0.99	17.00	6.00
v) Medical & Public Health	282.85	11.00	290.00	18.00
vi) Water Supply & Sanitation	208.40	3.60	390.00	20.00
vii) Housing	83.00	6.00	87.00	6.00
viii) Welfare of SC, ST & OBC	18.10	4.83	17.85	10.00
ix) Community Developemnt	144.50	4.50	219.00	9.50

Flow to Tribal sub Plan (TSP)

5. The table below indicates the UT Plan outlay and flow to TSP.

Outlay and Expenditure under UT Plan and Tribal sub Plan

Table No. II

(in crores)

Year	U.T. Plan		Tribal Sub Plan		%age of Cl.4 to Cl. 2	%age of Cl.5 to Cl. 3
	Outlay	Expenditure	Outlay	Expenditure		
IXth Plan (1997-2002) 1	2	3	4	5	6	7
1997-98	27.71	27.00	1.97	1.97	7.11	7.30
1998-99	33.39	31.86	1.40	1.39	4.19	4.36
1999-00	36.60	36.22	1.35	1.35	3.69	3.73
2000-01	41.12	39.79	1.20	1.17	2.92	2.94
2001-02	42.19	41.27	1.19	1.19	2.82	2.88
Xth Plan (2002-2007)						
2002-03	44.92	44.72	1.20	1.20	2.67	2.68
2003-04	45.46	45.25	1.05	1.04	2.31	2.30

6. It will be seen from Col. 6 of the above table that Administration never provided 12% of the total UT plan outlay for the Tribal sub Plan as envisaged in the TSP strategy. In fact there is a distinct fall in the percentage of money provided for TSP and during the years 2002-03 and 2003-04, the outlay provided for TSP was only 2.67 and 2.31 percents respectively. **The Commission recommends that 12% of the Plan outlay must be provided for TSP.**

Forest and land

7. 186 hacs. of land is classified as forest out of which 23 hacs. has been declared as reserve forests. The remaining 163 hacs. is proposed to be declared as reserve forests. It is understood that there is a legal dispute about this as villagers were getting MFP and firewood etc. for their domestic consumption from this land. According to 1991 census, 6.97%, 14.32%, 0.58% and 78.13% of STs were working as cultivators, agricultural labourers in household industries and other workers respectively. Most of the STs are working in industries.

8. After the Portuguese left Daman, all the land owners were given occupancy rights. Some land owners had given their lands to tenants, most of whom were tribals. These tenants have been given class II occupancy rights and cannot transfer their lands to any person without the permission of the Collector.

Education

9. There are 35 primary, 11 middle, 13 secondary and 4 higher secondary schools. Out of these, 8 primary, 4 middle, 2 secondary and 1 higher secondary school are located in areas with tribal concentration. Out of 540 teachers employed in the schools only 21 teachers belong to STs; 18 in primary schools and 3 in secondary schools. The Administration is running under TSP, two Ashramshalas for tribal boys in the age - group of 8-15 years. The Administration has not furnished the number of tribal students who are attending the schools. All the students are provided free textbooks, stationary and two sets of uniforms. Cash incentives are also given to the parents of tribal boys and girls studying in classes I to X and remedial coaching is also provided. In addition, one year job oriented training is imparted to tribal students at TTI in various trades like carpentry, cutting, tailoring, metal turning and welding at the secondary stage of education and are given a monthly stipend of Rs. 300/-. Under Special Central Assistance, job oriented computer training was introduced in 1995-96 and 54 ST students were trained upto the year 2003-04.

Industrial Training Institute and Polytechnic

10. There is one ITI, one Polytechnic and one degree college in Daman. There is no degree level professional college in the UT. Out of 140 seats in ITI, the number of ST students was only 11 in 2001-02, 20 in 2002-03 and 14 in 2003-04. All trainees at ITI are provided free training and stipend of Rs. 100/- per month. The ST students are given an additional amount of Rs. 50 per month. It is noticed that in the ITI as against 16 seats available for admission to the course of computer operator and programming assistant, no ST student was admitted to this course during 2001-02 and only 1 in 2002-03 and 2 in 2003-04. Similarly, there was no student in 2003-04 in the trades of electronics, welding and plastic processing. The position in regard to the number of ST students studying in the Govt. Polytechnic was dismal. Out of 33 seats, there was no ST student during the year 2001 -02 in the three trades in which training is given in the Polytechnic. In the years 2001-03 no ST student was in the mechanical and chemical engineering trades. In 2003-04, 2 ST boys each, were admitted in mechanical and chemical engineering courses. **The Commission recommends that the UT administration should take steps to give coaching to ST students studying in the high schools and higher secondary schools in the subjects of science and mathematics so that they can be admitted to ITI and Polytechnic.**

Medical and Engineering seats

11. 2 seats each are allotted to the UT by the Govt. of India for admission to MBBS, BDS, BHMS, Architecture, B.Pharm., courses and 17 seats for engineering and 10 for Diploma courses. During the year 2001-02 only one ST student was admitted against allotted seats in the BDS course and none against the quota of allotted seats for various courses during the years 2002-04. **It is**

therefore quite clear that Administration has to make strenuous efforts to motivate ST students to go in for science stream in the higher secondary schools so that they qualify against seats allotted to UT in various degree and diploma courses.

Electrification

12. The UT Administration is undertaking under the TSP a programme of electrification by streetlights on village roads. During 2002-03, 0.05 km of electric lines were provided.

Housing

13. The UT Administration is giving assistance for construction and repairs/renovation of houses. 27 ST persons were assisted for construction of houses and 12 ST persons for repair/renovation of houses during 2002-03.

Drinking water

14. During the years 1993-94 to 2002-03 water connections were provided to 2120 tribal houses. In 2002-03, three bore wells with hand pump were provided in villages of Pariari, Dabel and Kachigam. In 10th Five Year Plan, 29 bore wells are proposed to be provided to seven villages.

Dadra & Nagar Haveli and Daman-Diu SC, ST, OBC and Minorities Financial and Development Corporation Limited

15. The Corporation was set up in 1993 and provides assistance for setting up small scale industries, transport, procurement, storage and supply of agricultural produce etc. Loans are provided to tribals at 6% rate of interest. During the years 1999-2004, 22 ST persons in Daman and 2 ST persons in Diu were given loans.

Health facilities

16. Three mobile dispensaries are functioning which visit all the villages at least once in a week. 5 sub centers are functioning in tribal areas.

Economic Activities

17. Fishing is the main primary economic activity. Financial assistance is provided to fishermen for purchase of small fiber boat, outboard engine, fishery requisites etc. Out of 29 and 21 beneficiaries during the years 2002-03 and 2003-04 respectively, only one SC/ST beneficiary in each of these years was helped. All fishermen/women engaged in fishing business are insured for a sum of Rs. 50,000/- for death & Rs. 25,000/- for partial disability. 100% premium is borne by Government of India. Fishermen are also given assistance (maximum upto Rs. 40,000/-) for construction of houses and upto Rs. 20,000/- for repairs to their houses. No ST person was given assistance in the later mentioned scheme during the years 2002-04. Separate figures of ST persons helped under the former scheme has not been furnished by the Administration.

DIU

Economy

18. Siddis numbering only 116 is the only tribal community living in Koliwada and Ghogha in Diu town. In Diu, Tribal sub Plan was not started due to miniscule ST population. The main economic activities revolve around fishing and tourism. During the visit of the Commission at Diu, a 60 metres long fishing/dry dock platform constructed at a cost of Rs. 18.35 lakhs was inaugurated by the Chairman. There are five such platforms already existing. These dry dock platforms are useful to the fishermen for berthing of fishing vessels, loading the essentials in the boat such as ice, kerosene, diesel when they go for fishing and

unloading the fish catch, drying the fish, weaving the fishing nets and other allied activities relating to fishing.

19. During the course of the meeting with the fishermen, the Commission met a number of fisherwomen who narrated their pitiable condition. Their husbands along with their boats were detained by Pakistan authorities when they inadvertently crossed into Pakistan waters. This matter has been taken up by the Union Territory Administration with the Ministry of External Affairs.

20. Under the 20 point programme, 15 families were allotted house sites and they have constructed their houses. There were complaints that electricity and water connections has not been provided to two houses. Government Hospital in Diu and Primary Health Centre at Ghoghla are within 500 mtr radius of the tribal settlements. Free health services are provided in all these hospitals. 10 persons are employed in Govt. service, including 7 males and 3 females, 3 persons in shipping line, 2 persons own autorickshaws, 1 news paper agent and some are working as fishermen and drivers. The major problem of the educated Siddis was lack of employment. **The Commission met one girl who is studying in the 1st year B.ed. course and the administration agreed to consider her case sympathetically when she completes her course for a suitable employment.** There were a number of young boys and girls who have passed matric/higher secondary schools and searching jobs. The Commission recommends that these boys and girls should be motivated to join ITI for getting suitable employment.

21. Recommendations:

- (i) The Administration should allocate 12% out of the UT Plan outlay for TSP and take steps for focused attention for all round development of STs.**
- (ii) Data on the implementation of several developmental programmes belonging to SC/ST are clubbed together and ST**

beneficiaries are not tabulated separately which should be done for all schemes.

- (iii) It is necessary to draw a systematic plan to improve the educational attainment of ST students by giving them additional coaching in subject like Maths, Science and English so that they can take advantage of reserved seats for securing admission in degree and diploma courses.**

State Report on Goa

Introduction

1. Goa lying on the west coast of India is situated between the borders of Maharashtra and Karnataka. The State was liberated from Portuguese rule of 451 years on 19 December, 1961 alongwith the present Union Territory of Daman & Diu. It became the 25th State of the Indian Union when it was conferred the Statehood on 30 May, 1987 and Daman & Diu were delinked from it to be declared a separate Union Territory of the Indian Union.

1.1 The Commission undertook a tour of Goa from December 30, 2003 to Jan 1, 2004 for an on the spot study of the problems of STs. The Commission met the officials and tribal NGOs and other tribal representatives and had wide range and useful discussion with them at various places in the State.

1.2 Goa at a glance

1.	Area	:	3.702 sq. kms.
2.	Revenue Distts. (No.)	:	2
3.	Revenue Talukas (No.)	:	11
4.	No. of inhabited villages	:	360
5.	Main towns	:	7
6.	No. of important beaches	:	9
7.	Languages spoken	:	(i) Konkani, (ii) Marathi, (iii) Hindi, (iv) English and (v) Portuguese
8.	Total population	:	13.48 lakh (2001 census)

9. ST population

Census Year	No.	%age of total
1991	376	0.32
2001	566	0.042

10. Sex Ratio (General)

Year	Ratio
1991	969
2001	892

11. Literacy rate

Year	%age
1991	NA
2001	NA

1.3 With the delinking of Daman & Diu district from Goa in 1987, no ST community was left in the State as all of them were notified as STs in relation to Daman & Diu. However, a negligible number of STs were left out and not notified as such in Goa. It was only as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002 (Order 10 of 2003) that three communities viz, Kumbi, Gawda and Velip were notified as STs. **The State Government should undertake a rapid survey and estimate the population of STs to help in drawing up developmental programmes for STs.**

Tribal sub Plan

2. On account of their small number, the State Govt. has not formulated any strategy for the development of STs.

Protective Measures

3. 5807.70 hectares have been declared as Revenue forests in 8 villages – Paton, Tudor, Potran, Bati, Cumbari, Vilonia, Portram and Viliena I. However, formal enquiries have been completed in respect of 5623.16 hecs. An additional 324.70 hecs. has been declared as unclassified forest in the Sanguam range.

Wild Life Sanctuaries

4. The State Govt. have declared wild life sanctuaries within the protected forests, (i) Madei Wild Life Sanctuary (Area 164.21 sq. kms) (ii) Natraveli Wild Life Sanctuary (Area 154.82 sq.kms) and (iii) Natevali Wild Life Sanctuary (Area 56.23 sq. kms). The declaration of sanctuaries are for protecting, propagating wild life and environment.

4.1 A number of tribals represented to the Commission that the local tribal residents were not at all consulted while declaring such areas as wild life sanctuaries. Though these organizations were one with the govt in protecting the flora and fauna and environment of the wild life but they consider that the on - going mining activities consequent to the grant of mining leases by the State Govt. posed a greatest threat to the wild life. The sanctuaries alone would affect 43 villages affecting a population of 16,000 which includes tribal population who are depending on their livelihood through collection of minor forest produce (MFP).

4.2 **The Commission recommends that the State Govt. should take adequate steps to protect the interests of the tribals. The provision of Section 24(2) C of the Wildlife Protection Act, 1972 may be invoked which allows the inhabitants the right of a participatory model of conservation by their involvement.**

House sites to STs

5 **The State Govt. should make suitable provision in the Land Revenue Code for allotment of house sites to the houseless STs and financial assistance preferably under Indira Awas Yozana for construction of houses.**

Education

6. **The State Govt. should identify areas and establish hostels for ST students so as to minimize drop outs and improve retention by grant of various incentives.**

Vocational Training

7. **The State Govt. should start pre employment schemes for placement of STs in the various industrial units.**

Disposal of municipal waste in tribal areas

8. At present the municipal waste is being allowed to be disposed of in the village Bendurdem of Kepem Taluka. **The Commission recommends that the Govt. should look into the complaint of the tribals who met the Commission to ensure that discharge is not allowed to be dumped in the tribal village as well as in Curca village in Tiswandi Taluka which is inhabited by 90% tribals.**

Irrigation

9. In a coastal State like Goa where floods and cyclone stimulate silt to come down from the catchment areas cause severe damage to the agricultural land ecology. The provision of irrigation facility not only ensures full time employment in the agricultural sector, it also makes available drinking water in the villages who are quite often faced with drinking water shortage.

9.1 The State Govt. has not formulated a separate irrigation scheme for tribal farmers as the "ST population in Goa is very few" according to the State Govt. **The Commission feels that since the development of STs is a constitutional responsibility, they should be provided assured irrigation facilities, how so ever, small their number may be.**

Tourism

10. Due to its idyllic location, natural scenic beauty, abundant greenery, attractive beaches, temples and churches with distinctive style of architecture, colourful and lively feast and festivals and, above all, hospitable people with a rich cultural milieu, the State has earned considerable amount of foreign exchange relating to tourism. 20 percent of the State population earn their livelihood directly or indirectly through tourism related activities.

10.1 The important beaches of the state are Abjuna, Colva, Arambol, Vagator, Calangute, Miramar, Dona Paula, Agonda, Palalem. The ancient Geevottam partagal *Math* noted for Vedic studies, lies in the vicinity of a sanctuary.

10.2 **The tribals who live close to the beaches, sanctuaries and architectural sites should be financially assisted to establish shops and restaurants to take advantage of the flourishing tourist industry.**

Goa Mediclaim Scheme

11. The State Govt. introduced Goa Mediclaim Scheme in Jan., 2000 to provide special medical facilities in reorganized hospitals outside and within the State in super specialities for which facilities are not available in the Govt. hospitals of the State. All permanent residents of Goa figuring in the Voters List or holding permanent Ration Card, including minor dependents, whose family income does not exceed Rs. 50,000/- per annum, shall be eligible for the medical facilities under this Scheme.

11.1. The Commission feels that this is a unique scheme and its publicity in vernacular language may be given to the STs so that they can avail of this scheme as and when needed.

Social Security Scheme

12. Under the Goa Dayanand Social Security Scheme financial assistance is provided to the vulnerable sections of society. The first phase of the scheme shall cover beneficiaries from communities of Toddy Tappers/Coconut Pluckers/Rickshaw Drivers/Taxi Drivers/Motor Cycle Pilots/Fishermen (Traditional)/Agricultural Labourers/Hamal/Bus and Truck Drivers/Bus Conductors and Bus/truck Cleaners, Senior Citizens and those presently covered under the Dayanand Smriti Niradhar Madat Yojana, the Scheme of Financial Assistance to young Widows, and the Scheme of Grant of Family pension to the Old, Destitute and the Handicapped Persons for blindness, hearing special speech impairment.

12.1 The Commission feels that this scheme would also benefit the STs in view of their low profile occupations. The State Govt. should do well to give wide publicity of the scheme among the STs.

Reservation of posts and services for STs etc.

13. The State Govt. has constituted a vigilance cell on in September, 1999 under the Director General of Police for investigation of social status claims of STs. The Vigilance Cell with Dy. SP Crime Branch (CID), PI Crime Branch (CID) and PI (ACB) shall function under the charge of S.P. (CID). A Scrutiny Committee has also been constituted for verification of caste certificate (social status certificate) issued by the Dy. Collector and the Sub-Divisional Magistrates consists of Secretary (Social Welfare), Director Social Welfare and a member to verify caste certificates issued by the competent authority.

13.1 The Commission feels and expects that the State Govt. must ensure that no bogus certificate is issued to counteract the lure for admission to education institutions and for posts and services in the State and Central Govt. and grant of education benefits/other economic incentives to the STs.

State Report on Gujarat

Part I

Introduction

1.1 Gujarat state which was earlier part of bilingual State of Bombay came into existence as a separate state in May, 1960. The State is situated on the west coast of India. It is bounded by the Arabian sea in the west, by the states of Rajasthan in the north and north-east, by Madhya Pradesh in the east and by Maharashtra in the south and south-east. The state has an international boundary with Pakistan at the north-western fringe and the two deserts, one north of Kachchh and the other between Kachchh and the mainland Gujarat are saline wastes. The state has a long coast-line of about 1600 kms. longest among all states of the country.

1.2. Statistical profile of the State

1.2.1. (a) Area	1.96 lakh sq.kms.		
(b) TSP area	0.29 lakh sq. kms. (15.01%)		
1.2.2. Administrative units	Number		
Districts	25		
Tehsils	226		
Towns	242		
No. of inhabited villages	18,618		
No. of Gram Panchayats	13,330		
1.2.3. TSP			
(1) Integrated Tribal Development Projects	-	9	
(2) Modified Area Development Approach Pocket	-	1	
(3) Clusters	-	4	
(4) Pockets	-	16	
(5) Primitive Tribal Groups	-	5	
(6) Inhabited villages	-	5,884	
1.2.4. Population (in lakhs)		<u>1991</u>	<u>2001</u>
Total		413.10	505.97
ST		61.62	74.81
		(14.92%)	(14.79%)
1.2.5. ST in TSP	-	50.89 (82.58%)	
1.2.6. Dispersed STs	-	10.73 lakhs (17.42% of ST population)	
1.2.7. Percentage of decadal growth	Total	<u>1991</u>	<u>2001</u>
	ST	21.19	22.48
		27.08	21.19
1.2.8. Population below poverty line (1998 DRDA) - 8.46 lakhs			
Percentage Rural - 29.11, Urban 36.66 (STs) (NSS figures)			
1.2.9. Sex ratio	Total	<u>1991</u>	<u>2001</u>
	ST	926	933
		971	977

1.2.10. Literacy rates

	STs		Total	
	1991	2001	1991	2001
Male	48.25	-	73.13	-
Female	24.20	-	48.64	-
Persons	36.22	-	60.88	-

1.2.11. (a) Reserved seats for STs

Vidhan Sabha Lok Sabha

26 (2002) 4 (2004)

(b) Elected against unreserved seats

1 (-do-) 1 (-do-)

The Scheduled Tribes (STs)

1.3. The state had 29 listed ST communities as per Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. The ST population of Gujarat being 37.74 lakhs (1971 census) rose to 37.57% as a result of the Constitution Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 on account of removal of area restrictions. In other words, the percentage of total population increased from 13.99% to 14.07% respectively. As per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, notified on 8th June, 2003, the number of 29 ST communities in the State has been reduced by three. The names of the delisted communities are: **Koli, Paradhi, Vaghari-all from district of Kachchh.** Further, against entry number 9 of the list, Dodhi has been inserted at the end which would now read as 'Dodhia-Dodhi'. In entry No.26 after Siddi, Badshan has been inserted to read as 'Siddi-Badshan' and three more entries have been added.

Scheduled Areas

2.1. The Scheduled Areas under 5th Schedule in Gujarat were originally declared in 1950 and have been specified by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31/12/1977, after rescinding the 1950 Order. The need for re-specification of the scheduled areas in 1977 arose due to conforming the scheduled areas with the TSP areas on account of the implementation of the new strategy of TSP launched in 1975-76 – 5th Five Year Plan. The State Government has yet to submit a proposal to the Government of India, Ministry of Tribal Affairs for additional areas to be included in the Scheduled Areas. The Commission during its visit were given representations by various voluntary agencies and tribal representatives for inclusion of the following areas in the list of Scheduled Areas:

1. Danta and Hamirgadh tehsil of the Banaskantha district.
2. Sankheda tehsil of Baroda district.
3. All villages of the MADA pockets i.e. Choriwad, Karoli, Jambughoda and Choriyasi.
4. Cluster of Kathola, Mora, Govindi, Vadali, Bharpur, Ankleshwar, Uttara, Bhatgam, Rahej, Olpada, Palsana, Kamrej, Amod, Ganver, Sisodara Ganesh and Amirgadh.

In so far as point No.1 is concerned, these two tehsils were recommended by the State Government to Dhebar Commission and this Commission recommends that all these areas should be included in the proposal that the state government has yet to submit to the Ministry of Tribal Affairs for inclusion in the list of Scheduled Areas.

Tribes Advisory Council (TAC)

3.1. The Government of Gujarat constituted TAC on 19 August, 1960. The TAC consists of 20 members. The Chief Minister is the Chairman. The Chief Minister is the Chairman of the TAC while the Minister of Tribal Development is its Vice-Chairman. The members are appointed by the Government in consultation with the Governor. The Governor nominates members other than representatives of STs under the TAC rules. The Chief Secretary to the State Government and Secretary to Governor are not associated as members of the TAC.

3.2. The State Government has informed that it does not consider it imperative to consult TAC before enacting any legislation affecting the interests of tribals living in the Scheduled Areas. The State Government also feels that there is no scope for the members of the TAC to take initiative in highlighting issues affecting the advancement of the interest of the STs, *suo motu*.

3.3. As regards the preparation of Annual Reports on the Administration of Scheduled Areas, it has been found that the administrative reports are not in any way different from the annual administrative reports of any department of the State Government. These reports, as they should, do not reflect the working of various protective safeguards like land alienation, money-lending and working of excise policy in the Scheduled Areas. The working of the various provisions of the Gujarat Panchayats (Amendment) Act, 1998 also do not find any mention in the administration report on the Scheduled Areas.

3.4 The Commission recommends that the members of the TAC should be invited to suggest agenda items for discussion, and all legislations affecting the interests of STs should be discussed by the TAC so that ST MLAs can give their views and suggestions before a law is enacted and or amended if need be. Further, it recommends that a small cell should be created in the Governor's Secretariat to ensure that the Annual Report to be submitted by the Governor to the President indicates not only what the Tribal Development Department has done but also what other wings of the government are doing or propose to do in future. The Report should highlight the steps taken for peace and good governance including the working of protective safeguards like Gujarat Panchayats (Amendment) Act, 1998, land alienation, money-lending, etc. and the problems of migration, regularization of pre 31.12.1993 tribal settlers in forests. The Annual Administrative Report should have a chapter on the action taken report (ATR) on the important issues discussed by the TAC in the previous meetings.

Protective measures

Land alienation

4.1. The Commission had asked the State Government whether any evaluation has been undertaken regarding the implementation of the alienation laws in their question NO.3 to the questionnaire in the chapter on Land. It is surprising that the Tribal Development Department gave a reply that no evaluation has been carried out. However, the Tribal Research and Training Institute, Gujarat Vidyapeeth had conducted studies on the problem of land alienation from time to time. The first study on the problem of land alienation was conducted by the Institute at the instance of the Ministry of Home Affairs in one village each in the districts of Surat, Vadodara and Panchmahals. The second study was conducted by the then Director, Shri R.P. Lal of the Institute in 1988 in 25 villages in all the tribal districts excluding Dangs and 1240 households belonging to different tribal communities were covered under the survey. Another study on land alienation was conducted by SETU, Ahmedabad in 1998-99. The fourth study was made by Centre for Social Studies, Surat in 2001 sponsored by the State Tribal Development Department. The fifth and the latest report of the study made by the Institute in 2003 has been made available to the Commission. In this report, the Institute had given 40 case studies of alienation in Pardi and Umargam talukas of Valsad district and 21 case studies from Amirgadh and Danta talukas of Banaskantha district. The cases mentioned in the case studies relate to various ingenious methods adopted by the non-tribals to take possession of tribal lands.

4.1.1. The Commission made efforts to meet the tribals whose lands had been alienated/taken possession by non-tribals mentioned in the case studies and intimated the names of tribals and non-tribals in advance to the Collector, Banaskantha to ensure that the concerned persons meet the Commission at Ambaji. However, not a single tribal and non-tribal person was brought by the district administration to the meeting place. Therefore, at the meeting of the Commission with the Collector and officers at the district headquarters, the Superintendent of Police was given another list of tribals and persons mentioned in the case studies and the persons concerned appeared before the Commission. During interrogation the facts stated in the case studies were corroborated but the revenue officers could not explain how the lands of the tribals had gone out of their hands to the non-tribals in violation of the laws against alienation. It was quite clear during the course of the discussion in the districts that the Collectors do not initiate *suo motu* action in alienation cases for investigation.

4.1.2. These case studies were brought to the notice of the Chief Secretary by the Commission and he promptly "directed that Revenue Department must enforce laws against alienation of lands belonging to tribals. The law is very clear, it relates to title and aspects of title such as possession. Non-tribal

cannot be in possession of tribal land even though on record land has not been transferred to the non-tribal. Secondly, Tribal Development Department has to give districtwise break up of all the various cases researched by TRI and R.D. shall ask Collectors to take immediate action. To bring these cases to logical conclusion, C.S. also suggested that in case where the non-tribal appeals to the higher authority. R.D. should consult the Tribal Development Department and have good quality legal resources to protect the tribals and ensure implementation of laws in right spirit". In this context the Chairman of the Commission suggested that the Gram Sabha be given power as contemplated in PESA Act. Administration would become much easier then because Gram Sabha would know pretty well where non-tribals are occupying or controlling tribal land. The Commission hopes that the Revenue Department will ask the district authorities to make enquiries in all alienation cases for suitable action.

Princely States

4.1.3.1. During Moghul period the land was in abundance and Bhils were living in forests, leading a prosperous life. When the Moghuls were able to bring under their control several native states in Rajputana, some Rajput chiefs came to Gujarat and defeated Bhil chieftains in many battles. The tribals had to run away and settle in hills. The economic degeneration and relative isolation of tribals took place between the 12th and the 16th century. The states of Baria, Naswati, Chhotta Udepur, Rajpipla, Vansda and Dharampura etc. in tribal region were established by the Rajput chieftains and the Bhils left these areas to settle in interior forests. The Gaikwad after establishing their control, invited Patidars in Kheda who cleared forests and settled down in tribal areas of Baroda in South Gujarat. The Dublas of Valsad and Surat, Vasavas of Bharuch and Rathwas of Baroda traditionally cultivating lands were rendered agricultural labourers and Patidars became legal owners of the land. Parsis, who came in 15th and 16th century to the tribal areas settled in rural south Gujarat and became land owners and Dublas became their bonded labourers.

British policy

4.1.4. The problem of land alienation was so deep-rooted in the tribal areas that as early as in 1901, the British Government incorporated section 73-A in the Bombay Land Revenue Code 1879 prohibiting transfer of occupancy held by the tribal cultivators and in areas where survey settlement was not done without permission of the competent authority. In Dahod Taluka, 58% Khalsa land was declared inalienable. The repeated famines during the first half of the 19th century from 1901 to 1947 forced tribals to mortgage their land to non-tribals.

Agricultural labourers

4.1.5 Gujarat has witnessed rapid alienation of tribal land since its formation in 1960. The table given below indicates decrease in the percentage of tribal cultivators and increase in the percentage of agricultural labourers as well as in other vocations. The increase in agricultural labourers clearly indicates that land is passing out of their hands and they are compelled to work as agricultural labourers and work in other vocations for their sustenance.

Table – I

Year	Percentage of ST Cultivators	Percentage of ST Agricultural labourers	Percentage of ST in Other vocations
1961	59.18	31.09	9.73
1971	48.34	42.33	9.33
1981	45.94	40.10	13.96
1991	45.70	39.19	15.11

During the British rule, the tribals were brought under political control and the construction of roads facilitated the entry of non-tribals into the tribal areas and consequently the non-tribal money lenders, merchants, forest contractors and government officials started exploiting the tribals. The British Government introduced Raiatwari system under which the tiller of land became owner of the land and the tribals who had mortgaged their land were rendered landless. Like the Gaikwads, the Britishers settled farmers of Kheda district in Panchmahals district to increase their land revenue. The following points require attention to understand how alienation of tribal lands continued after the creation of Gujarat state.

Unsurveyed areas

4.1.6. Out of 32 tribal talukas covered under TSP area in the state, lands in about 16 talukas were treated as surveyed and settled and so tribal lands of about half the TSP areas were without any restriction on alienation, and the tribal lands were freely alienated under pressure of circumstances or due to underhand dealings of the interested parties. There was no legal provisions whatsoever to prohibit alienation of tribal land in these 16 talukas. Section 73-A will be applicable to unsurveyed and unsettled areas if there is a publication of government notification to that effect. These areas were governed mostly by the ex-princely states and merged/integrated with Indian Union in the year 1948. There was practically no restriction on alienation of tribal land during the period of more than 12 years from 1948 to 1961 until the state Governemnt issued notification applying Section 73-A to ex-princely states covering areas of 16 talukas. It is also noticed that the administrative machinery to detect alienation was established only in 1977 by creating 5 Units headed by Deputy Collectors.

Tenancy rights

4.1.7. In 1973, Gujarat state amended Bombay Tenancy and Agricultural Land Act, 1948 under which –

- (a) In no case shall a tenancy be terminated for personal cultivation and non-agricultural use by the landlord, if the tenant is a member of the Scheduled Caste or Scheduled Tribe (Section 31B[4]).
- (b) Surrender of tenancy rights in favour of landlord has been barred. All surrenders can be made only in favour of the State Government and such land will vest with the State Government free from all encumbrances for disposal according to the provisions of the Act in accordance with the priority list.

Before the above amendments came into force, the landlords had right to terminate the tenancy of tribal tenants on the ground of personal cultivation or non-agricultural use of land upto a specified period. The information from the State Government is available only with regard to 14 tribal talukas and one tribal pocket about the lands lost by tribal tenants for personal cultivation by landlords and lands surrendered in favour of landlords from which it seems that 3,317 tribals voluntarily surrendered 3,203 hectares of land and 1,450 tribals lost legal right over 2,095 hectares of land for personal cultivation by landlords. Thus, a total of 4,767 tribal tenants lost 5,298 hectares of land on the above two counts and were, therefore deprived of becoming deemed purchasers. The figures if available from all the tribal talukas would indicate that the land lost by the tribals would be much higher and this could have been prevented if the amendment had been done earlier than 1973.

Allotment of surplus land

4.1.8. The Gujarat Agricultural Ceiling Act, 1960 had made a provision that a person belonging to a ST shall have precedence over other persons for the allotment of land declared surplus by payment of an occupancy price equal to the amount of compensation to the landholder whose land has been declared surplus. The amount of compensation of cultivated land ranges from 80 to 200 times the assessment of the land, which the poor tribals are unable to pay back. **The Commission recommends that concessional occupancy price at the rate of six times the assessment should be charged to the ST allottees and for this purpose interest free loan shall be given to be recovered in 12 annual equal installments and the remaining occupancy price should be met by the Government.**

4.1.5. Fragmentation

4.1.9. Fragmentation is a serious problem in the tribal villages as different parcels of lands held by a tribal landholder in a village are generally situated at different places and the fertility of each parcel of land differs. Therefore, each and every heir of a deceased landholder prefers to have his share by sub-dividing each parcel of land with differences in the fertility of the soil. But the names of all the heirs of deceased are shown against each parcel of land under joint possession though the position on the ground is different. In the record of rights, therefore, there appears to be no fragments, while on the ground the position is otherwise. **The only reasonable solution appears to be to persuade the different heirs to manage the cultivation of such lands jointly and to share the expenditure involved and divide the produce of the lands among themselves. This is the only way in which the position at the ground level and in the records can be retained undisturbed.**

Consolidation

4.1.10. The consolidation of the holdings of the tribal villages is difficult because of undulating and hilly terrain and large varieties of soil is observed that the consolidation in the tribal villages has not been successful. The work of preparing the records of rights as far as the tribal villages are concerned is also very complex. During the time of ex-princely states, they used to take forced labour commonly known as 'Veth' from every landholder called *Khatedar*. The tribal preferred to keep all his land in one *khata* only. This was one of the reasons why all tribal lands were entered in the name of the eldest male heir of the family. The practice of demanding forced labour does not exist at present but the custom of primogeniture persists and the heirs of a dead person maintain a joint *khata* in the name of the eldest brother, while cultivating their share of land for personal benefit separately. Whenever a tribal has to alienate his land to a money-lender, due to ban on land alienation, the entry into the concealed transaction with his creditor are not reflected in the records of rights. The staff of the revenue department, who have undertaken the resurvey and revision survey in the tribal areas ignore the existing partitions of parcels of land separately cultivated by each heir. **The Commission feels that suitable steps have to be taken to ensure that the record of rights actually reflects the position on the ground.**

Land acquisition

4.1.11. In all the large-scale irrigation projects, tribals in the state have been the losers of their land as these projects are generally located in hilly and rocky tribal tracts. The tribal lands are compulsorily acquired and they are rendered almost landless and homeless. The fruits of irrigation go to the people living in downstream areas in the plains and who are usually the non-tribals.

Alienation laws

4.1.12. The State Government added section 73-AA, 73-AB, 73AC and 73 AD giving additional powers to Collectors who could disapprove the transfer of lands of tribals in the names of non-tribals. The salient features of the various alienation laws* are as follows:

1. 73-A Stay on powers to transfer
2. 73-AA Ban on transfer of land from Tribals to tribals and from Tribals to non-tribals.
3. 73-AB Hypothecation of land to Government/Bank/Cooperative society allowed and in case of default in repayment of loan, land can be sold to a non-tribal only with the sanction of the Collector.
4. 73-AC No legal/constitutional support can be availed through Civil Court in such matters.
5. 73-AD Bans registration of documents relating to transfer of land belonging to ST unless sanctioned by the Collector under Section 73-A or Section 73-AA.

Despite these legal provisions, non-tribals have found a variety of ways to get around the law, to take advantage of the tribals' vulnerability and acquire control over their land.

Cases registered under Sections 73A, 73AA

4.1.13. After the passing of Bombay Land Revenue (Gujarat Second Amendment) Act, 1980, the Revenue Department of Gujarat has started documenting districtwise registered cases under Sections 73A and 73AA. According to statistics# of the Revenue Department, during the years 1981-1997, a total of 39,622 cases were registered for transfer of land under Sections 73A and 73AA. Out of these, 33,537 cases were cleared in favour of tribals, while 4,116 cases were decided against them. As a result of the applications decided against the tribals, 6,887.44 acres of land was alienated with the permission of the Collector. During the same period, a total of 2,289 applications were received for land transfer and out of these, in 869 cases permission was granted, while in 1,256 cases, the permission was not granted. Moreover, 1,969 cases were pending involving an area of 7,897.80 acres.

* Appendix I

Appendix II & III

No data are available about land restored under the provision of 73-AA from the Revenue Department. The Commission was not furnished the required information.

Present challenges

4.1.14. The growth of market-oriented agriculture in Gujarat has increased the demand for land to produce cash crops like cotton, sugarcane, tobacco, etc. and simultaneously, has also increased the value of land and made it marketable. Initial industrial development in the state, which was intensified with the implementation of the New Economic Policy in 1991, created more and more demand for land and natural resources of tribal areas. The Government of India has been pursuing a policy of checking concentration of industries in metropolitan areas and encouraging dispersal of industries to backward areas of the country. Under implementation of New Economic Policy, Government of Gujarat offered several incentives to encourage entrepreneurs to establish industrial units in tribal areas. Since 31st March, 1983, "scheduled" areas of Gujarat are eligible for concessional finance in addition to central subsidy for establishing industries.

4.1.15. As a result of the commercial orientation of agriculture, industrial development in tribal areas and various multipurpose and major irrigation projects in the "scheduled" areas, tribals have been losing ownership rights over their land. Land and forest are two important sources of livelihood for tribals. After independence, tribal land continues to pass into the hands of non-tribals on a large scale. The process of land alienation has victimized the tribals in the following ways:

- * Moneylenders and rich tribals take over possession of land of poor tribals for recovery of debts;
- * Tribal land is auctioned legally by Credit Co-operative Societies and banks to recover dues. The auctioned land is purchased by non-tribals as well as by rich tribals;
- * Apart from alienation of land to private persons, the Government has acquired substantial tribal land for various developmental projects.

4.1.16. **The Commission recommends that the State Government should enact a separate legislation to cover alienation of tribal lands and its restoration incorporating the following suggestions:**

1. **Alienation of tribal lands all over the State should be prohibited.**
2. **Alienated tribal lands should be restored to the tribals removing the bar of limitation.**
3. **Admission by the tribals against their own interest should be made inadmissible evidence in court proceedings regarding the tribal lands.**

4. In all cases relating to tribal lands, an officer not below the rank of Mamlatdar should be joined as a party to safeguard the interests of the tribals.
 5. Non-tribals who take possession of tribal land in contravention of legal provisions should be imprisoned and fined.
 6. Whenever a tribal does not agree to take back possession of his land, such land should be vested in the State and should be allotted to a tribal who is landless or marginal cultivator and belongs to the same village.
 7. No document regarding transfer of tribal land should be accepted for registration by the Registrar/Sub-Registrar unless a gazetted officer identifies and gives a certificate to the Registrar that the transferee is a tribal.
 8. In tribal areas if a non-tribal wants to sell his land, he should only sell it to landless tribal or a tribal having marginal holding. The tribal should belong to the same village.
 9. In areas covered by tribal talukas/pockets, if a non-tribal is found in possession of a tribal land, it should be restored to the tribals under the presumption that he or his predecessor had acquired that land through transfer from tribal landholders, unless the contrary is proved. This will help in detecting concealed cases of land alienation.
 10. Transfer of land from tribal to tribal should only be allowed by the State Government in special circumstances.
- 4.1.17. The Commission further recommends that on the administrative side, the State Government should take the following steps:
1. The area of high incidence of land alienation in each district should be identified and the Collector concerned should take urgent steps for suitable action in the restoration of alienated land.
 2. The highest incidence of land alienation is around the industrial and growing urban centres and areas of intensive economic activity. Special teams should be constituted for identification of alienated lands in such areas and its restoration in a time-bound period to be completed within 6-12 months.
 3. Tribal Research Institute should organize peripatetic training camps in the tribal areas to make the tribals aware about the laws regarding alienation of land. Voluntary organizations should also be actively involved in organizing such camps.
 4. Alienation of land and indebtedness are inter-related. The credit facilities should be extended to the tribals for productive and consumption purposes in their villages by co-operative societies/banks.
 5. Officials of the revenue department who are in collusion with the non-tribals to deprive the tribals of their land should be dealt with sternly.

6. Provisions of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 should be invoked against non-tribals who forcefully take possession of tribal lands. This provision has not been used so far, which can instill fear among the non-tribals who grab the land of the tribals.
7. Record of rights of tribals on land must be prepared and complete by the end of Tenth Plan.
8. In respect of 14 villages of Umargam taluka which were earlier part of Maharashtra, revenue records are still lying with Maharashtra Government causing hardship to the tribals as they are not able to obtain financial assistance from the banks.

Money lending

4.2. STs have been exploited in many ways. Money lenders continue to be one of the instruments of exploitation. In earlier days, the barter system was prevalent. Tribals had hardly any need to incur debt even for non-productive purposes. After the introduction of money economy, the tribal has to pay in cash for purchase of his daily consumption goods like salt, clothes, foodgrains, seeds, manure etc. and needs money for social functions like marriage, death and festivals. Often he owes the debt of his father or grandfather. The tribal is in the grip of the money lender but he cannot do without him because the money lender helps him to meet his requirements at all odd hours. The moneylender is usually a local non-tribal resident who speaks tribal language and maintains social relationship with the tribal. The burden of debt is particularly heavy in Khedbrahma, Fatepur and Jhalod talukas. These are the areas where they raise only one-crop and face constant scarcity conditions. The rates of interest charged by moneylenders are very high-much more than 18% allowed officially. "Thus, a tribal is born in debt, he lives in debt and he dies in debt." All that tribal produces in his farm is sold off to the money lender at low prices towards the settlement of his mounting debt. The Bombay Money Lenders Act 1947 came into force on 31st October, 1947 and at that time Gujarat was the part of the Bombay State. After the formation of Gujarat State, the Bombay Act was made applicable and in 1963 Gujarat Amendment Act – 44 was passed which is in force.

4.2.1. The Tribal Research and Training Institute, Gujarat Vidhyapith made a study in 2003 of 96 respondents from 24 villages; 8 villages from 2 Talukas each of the districts of Sabarkantha, Dahod and Valsad districts were selected. The main findings were as follows:

- The houses of the respondents were kutcha in which they also kept their cattle.
- 39% of the respondents were illiterate and 29% had attended primary schools, 14% middle schools, 9% high schools and 8% vocational training.

Most of the families had debt ranging from 1-12 years.

- Debts were usually taken for social customs, irrigation requirements, education of the children, buying of animals and repayment of old debts.
- They also borrowed money from the Co-operative Banks and relatives.
- The moneylenders do not accept land as mortgagage because Section 73 AA of Gujarat Land Revenue Code prevents a tribal to sell or mortgagage his land and the moneylenders, therefore, prefer to keep ornaments as mortgagage which are not recorded in the books.
- Most of the tribals migrate after monsoon and work on farms getting 1/5 and 1/6 of the shares out of total produce.
- They work as masons and labourers, in cities and roads and in marble mines and at these places of work they get half the prescribed minimum wages and due to fear of the denial of labour work they accept less payment at the place of work.

4.2.2 The Commission recommends that the machinery to check the nefarious activities of money lenders should be strengthened and punishment meted out to money lenders who are doing illegal transactions. The Commission was informed that 15 cooperative officers appointed in tribal talukas to inquire into illegal money lending are not performing their duties. At the same time, it is necessary that a comprehensive scheme of advancing production and consumption loans is drawn up so that tribals can get loans at moderate rates of interest in their villages from the Co-operative Societies. It is also suggested that after examination, a legislation may be enacted to write off all the loans taken by the tribals. The Commission elsewhere in this report laid stress that irrigation facilities must be provided to the tribals so that they can grow at least two crops in a year which will save them from money lenders as well as stop their migration during the lean agriculture season. At the place of work in the cities and road sides, the migrant labour stay under the open sky with no toilets and supply of potable water. Govt. should ensure that migrant labourers are provided basic amenities and get minimum prescribed wages. Help of voluntary agencies should be taken for this purpose.

PESA ACT, 1996

4.2 The Gujarat Panchayats (Amendment) Act, 1998 provides after sub-clause (ia) in sub-section (5) in clause (a) of Section (9) that wherever the population of STs is less than 25% in a Gram Panchayat in the Scheduled Areas there would be no reservation for STs for the post of Chairperson. The State Government has used for the first time the powers of the Governor under sub-para (1) of Para 5 of the Fifth Schedule to the Constitution to make this amendment in the provisions of PESA Act, 1996 passed by Parliament. It is understood that there are 175 villages in the Scheduled Areas which have ST population less than

- 4.3 **25%. The Bhuria Committee and Parliament were fully aware that on account of migration of non-tribals in the Scheduled Areas, the demographic picture has changed and it is, therefore, all the more necessary that the Chairperson should be ST at all levels of Panchayati Raj bodies so that the interests of the tribals are safeguarded.** There are many other provisions in the State Act, which are not in line with the provisions of the PESA Act.

Definition of Village

4.3.1. Under section 4 (a) PESA Act, 1996" a village 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" and the collectivity of people living therein as the Gram Sabha. In Section 7 of the GPs Act, 1993 it is provided that "the competent authority may recommend any local area comprising a revenue village or a group of revenue villages, or hamlets forming a part of a revenue village " to be specified as a village to the Governor provided that "the population of such local area does not exceed fifteen thousand". In Gujarat Act No. 5 of 1998 the following proviso has been added to sub-section (l) of Section 7 of the GPs Act, 1993.

"Provided that while making recommendation in respect of a local area in the Scheduled Areas it shall be ensured that the local 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 the traditions and customs".

4.3.2 It was however learnt that there is no change made in the list of villages after Gujarat Act No. 5 of 1998 came into force. Thus the discretion to notify that 'village' lies with the Governor who is guided by administrative considerations and one or more revenue villages continue to be designated as a 'village'. The PESA Act, 1996 begins with the community instead of a formal unit like a revenue village and the collectivity of people living therein as the Gram Sabha. Gujarat Legislature has no doubt made provision for specification of the 'village' on the lines of PESA Act, 1996 but this has not been operationalised with the result that the 'Gram Sabha' which is the basic building block of the entire institutional superstructure and the 'village' as a formal entity for the convenience of administration is not functioning in the Scheduled Areas of Gujarat. **The Commission recommends that the rules under the proviso should make it clear that "the people living in a habitation or a group of habitation or a hamlet or a group of hamlets may have the final say about the fact whether they constitute a community under Section 4 (b) of the PESA Act and therefore have a constitutional right to manage their own affairs as a Gram Sabha".**

Powers of the Gram Sabha

4.3.3. The PESA Act, 1996, under Section 4 (d) envisages that "every Gram Sabha shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution". The State Act under Schedule IV, Section 4(3) (a) has repeated these words but replaced the word 'competent' by the word 'endeavour'. The plenary powers of the Gram Sabha are contained in Section 4(d) of the Extension Act and through it in the Constitution. They have not come by way of delegation or devolution. Parliament has recognized the fact that "the Gram Sabha is competent". **Thus the use of word 'endeavour' is a violation of the Constitution. This needs rectification by the State Legislature. It is also suggested that powers and functions of the Gram Sabha in the Gujarat Panchayats Act must be clearly mentioned as in Schedules, I, II & III for village panchayat, taluka panchayat & district panchayat respectively.**

Community resources

4.3.4. It appears that the State legislature was worried that Gram Sabhas will automatically demand jurisdiction over the community resources and therefore they have not spelled out what is meant by community resources. The Madhya Pradesh law after reproducing the plenary powers of the Gram Sabha have added a new provision empowering the Gram Sabha "to manage natural resources including land, water and forests within the area of the village in accordance with its traditions and in harmony with the provisions of the Constitution and with due regard to the spirit of other relevant laws for the time being in force". This is the right way to recognize the rights of the tribals on the resources in the entire habitat in which they live. The management of natural resources has remained vested with the State and its agencies, now stand transferred to Gram Sabha fully. It is now for the State and its agencies to help the Gram Sabha in the management of the natural resources in accordance with its traditions.

4.3.4.1 In some of the recent initiatives participatory approaches for the local community and users have been selectively added which have included formation of local groups/organizations and laying down their responsibilities and entitlements. **PESA Act, has envisaged a major role of Gram Sabha in the management of natural resources in the Scheduled Areas. In the process of natural resource management, survival needs of poor tribals are to be recognized as a high priority area, for strengthening community participation. The most urgent need of the poor is that of alternative means of livelihood during lean seasons with agriculture being the mainstay in peak seasons. Options for supporting seasonal livelihood strategies**

through natural wealth creation, planned by village panchayat with support from the local

department or voluntary organization can make better management of natural resources and strengthen the base for community participation in such management. The government functionaries of the concerned departments should provide technical assistance for efficient management, protection and development of natural resources. Gram Sabha is an institution for self-government. A Gram Panchayat's status is not only of an institution for self-government but also a community organization elected at the grass-root level. It has to work for the local community and not only be an agency to deliver developmental programme and services with Government programme funds; their role in natural resource management cannot be wished away.

Dispute resolution

4.3.5. As mentioned above, the Gram Sabha is competent to settle dispute under their customary mode of dispute resolution. It is learnt that there was provision for the Conciliation Panch in the Gujarat Panchayat Act, 1961 but Gujarat Panchayat Act, 1993 is silent about it. The impression among the ruling elite and the administrators that there is nothing on the ground regarding customary mode of dispute resolution is wrong. Even today, the tribals settle many of their disputes in accordance with their traditional practice of dispute resolution. The various studies conducted by TRI, Ahmedabad have indicated how the traditional panchayats are settling disputes.

Ground realities of the implementation of plans, programme etc.

4.3.6. Section – 4(e), i, ii & iii of PESA Act and Section 4(3)(b)(i) and (ii) and Section 12 (1A) of the Gujarat Panchayats Act, 1993, Provisions made in the PESA, Act lay down that Gram Sabha shall approve the plan, programmes and projects for social and economic development before such plans etc. are taken up for implementation, identification of beneficiaries under the programmes and "social audit" of expenses incurred by the village panchayat have been transcribed in the GP Act, 1993. However, plans continue to be made at the state and district levels and implemented through the line departments. The main criticism is that neither adequate funds nor trained functionaries have been placed at the disposal of Gram Sabha/Village Panchayat for implementation of schemes.

Acquisition of land

4.3.7. Section 4(i) of PESA Act, provides for only 'consultation' with the Gram Sabha or the Panchayat at the appropriate level before making the acquisition of land in the Scheduled Areas for developmental projects and before rehabilitation

of persons affected by such projects. Under Section 132A(a) & (b) of the Gujarat Panchayats Act, 1993 'consultation' with only taluka panchayat is necessitated prior to acquisition of land and rehabilitation of affected persons. The word 'consultation' has always been misinterpreted and misused by State authorities while acquiring land under the land Acquisition Act, 1894. Development projects are still a major threat to tribal population. **If the consultation is limited to Taluka Panchayat, the present position of acquiring tribal lands will continue to affect the economy of the tribals in the Scheduled Areas. It is suggested that the State Government should make a provision to consult the Gram Sabha also by making amendment to this effect in the G.Ps Act, 1993 under Sub-clause (i) of Clause (5) of the Fifth Schedule to the Constitution through a notification to that effect to be issued by the Governor under the PESA Act.**

Management of Minor water bodies in the Scheduled Areas:

4.3.8. Section 4(j) of PESA, Act has assigned the planning and management of minor water bodies to Panchayats at the appropriate level. The Gujarat Panchayat Act, 1993 has under Section 99, Schedule I, entry 7(k-i) made it a duty of village panchayat to make a reasonable provision for planning and management of minor water bodies in the Scheduled Areas provided it has funds at its disposal. In this connection, it may be pointed out that smaller and medium tanks are treated by the Village Panchayat as a source of income and ignore even the nutritional needs of the tribals. **It is, therefore, appropriate that the minor water bodies (tanks) should be assigned to the Gram Sabha and the higher tier Panchayati Raj bodies should provide necessary technical support to the Gram Sabha for the better management of these tanks.**

Minor minerals in the Scheduled Areas:

4.3.9. PESA Act, under Section 4(k)&(l) envisages that "the recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for mining minerals in the Scheduled Areas" as well as "for grant of concession for the exploitation of mining minerals by auction". The Gujarat legislature has not given this power to gram Sabha or appropriate panchayat. There is a Central legislation viz. Mines and Minerals Regulations and Development Act, 1955. Gujarat, it is understood had notified in 1996 Gujarat Minor Mineral Rules, Schedule I & II. The provision of the PESA, Act is simple. Any law to the extent it is inconsistent with the provisions of the Extension Act "shall continue to be in force until amended or repealed by a competent legislature or other competent authority, or until the expiration of one year from the date on which this Act receives the assent of the President". The President had given his assent to PESA, Act on December 24, 1996. Therefore, all laws to the extent they are inconsistent with the provisions of the PESA Act, are deemed to have become inoperative with effect from 24.12.1997. Therefore,

the Gram Sabha can start exercising their legitimate claim and all actions taken by the State Government under their existing Act/Rules will be null and void.

Powers of Gram Sabha & the Panchayats to function as institutions of self-government in respect of certain items:

4.3.10. PESA Act, under Section 4(m) envisages sharing of responsibility between the Panchayat at the appropriate level and the Gram Sabha in the Scheduled Areas in respect of seven items, namely, (i) all affairs concerning excise (ii) the ownership of minor forest produce, (iii) prevention of alienation of land and restoration of unlawfully alienated land of a Schedule Tribe (iv) management of village markets (v) control over money lending (vi) control and supervision over institutions and functionaries in all social sectors and (vii) preparation of local plans etc. "to enable them to function as institutions of self-government". The Gujarat Legislature has assigned the responsibility to the Village Panchayat in respect of 4 items mentioned above under Section 4(m)(i), (ii), (v) and (vi) of the PESA Act. In regard to item (iv) the GPs Act, 1993 has made provision that the village panchayat will establish and manage village markets. In so far as item (iii) relating to prevention of the alienation of land is concerned, the District Panchayat instead of the Collector will exercise the power and in respect of item (vii) Taluka Panchayat will exercise control over the local plans and resources for such plans. The State laws should be made consistent with the PESA Act.

4.3.11. Section 4(m)(ii) of PESA, Act endows the Gram Sabha and the appropriate Panchayat with "the ownership of MFP". Section 11(5)(a) and (b) of the Gujarat Panchayats Act, 1993 vests in the Village Panchayat minor forest product found in the forest situated in the jurisdiction of the village and sale proceeds of the MFP shall be paid into and form part of the village funds. Under Gujarat Minor Forest Produce Trade Nationalisation Act, 1979, Gujarat State Forest Development Corporation (GSFDC) had monopoly for *Timru* leaves, *Mahuda* seeds and all types of gums as far as collection, processing and marketing of these products are concerned. From 2000-01, collection activity of MFP from Scheduled Areas has been transferred to Panchayats as mentioned above. In 1999 season, 41.83 lakhs mandays of employment was generated and the tribals earned about Rs.69.60 per day as mentioned in the Report of TSP for the year 2000-01.

4.3.11.1. In the year 1998, when the Gujarat Legislature vested the MFP in the village panchayats, there was no effective infrastructure with the panchayats and the Gujarat Government allowed GSFDC to continue the collection, processing and marketing of MFP for one year and the Corporation made a profit of Rs.1.00 crore. In November 1999, the State Government decided

that taluka/district Panchayats should make arrangements for the collection, transport, storage, purchase and sale of MFP in consultation with the GSFDC and co-operatives connected with MFP collection and that MFP collectors are paid the proper collection charges timely at the prescribed collection rates.

4.3.11.2. During 1999-2000, the income from sale of MFP, district-wise was as under:

<u>S.No.</u>	<u>Name of the District</u>	<u>Sale (in Rupees)</u>
1.	Godhra	8,57,58,193
2.	Sabarkantha	1,52,12,005
3.	Baroda	64,14,066
4.	Surat	43,89,848
5.	Dang	20,68,777
6.	Narmada	18,54,467
7.	Dahod	16,91,366
8.	Navsari	14,74,754
9.	Valsad	7,12,876
10.	Bharuch	5,44,919
		<u>12,01,21,271</u>

Out of the sale proceeds amounting to Rs.12.01 crores, the net income was Rs.6.50 crores which was credited to the fund of District Panchayats.

4.3.11.3. GSFDC has been working for the collection and marketing of MFP since 1976. Now that the village Panchayats are vested with the MFP, the role of GSFDC at the state and district levels should be to render technical advice to taluka panchayats in processing, value addition, storage and marketing of MFP. The mindset of the Forest Department and GSFDC needs to be changed to consider relationship with tribals as symbiotic rather than treating them as intruders. They should create a database to forecast MFP crop prospects, publicize the same among the tribals and arrange training to tribals on different aspects related to MFP. In order to increase the overall volume of business in MFP, it is essential that market for MFP products are created and existing markets expanded in such a way that the overall realization to the tribal increases. The State Forest Department should sponsor research through research institutions for a market oriented research on value addition to the MFP products and in creating markets for new products to be promoted.

4.3.11.4. Officers of GSFDC are not very enthusiastic about the transfer of MFP to the village panchayats and did not render timely advice to the taluka/district panchayats or report the matter to the Forest Department that during the year 2000-01 out of 87 units 39 units of the *timru* leaves were not sold due to the difficulties created by vested interests. This matter should be investigated. It is the duty & responsibility of GSFDC to guide and help the taluka/district panchayats to ensure a reasonable return to the tribal, working out a rational relationship between the procurement and the market end-price. The amount credited to the district panchayat fund after the sale of MFP should be disbursed to the MFP collectors.

4.3.11.5. Normally, the MFP is collected either from the individual holdings of the tribal or from the reserve forest. But the jurisdiction of Gram Sabha/ Village Panchayat is not co-terminus with the zones of the Forest Department (such as beats, sections, Ranges). A functional arrangement has to be worked out to avoid the overlapping of all the jurisdictions.

4.3.11.6. There is another important point which needs discussion. Joint Forest Management (JFM) is being implemented in Gujarat and one of the objectives of this programme is to activate the village communities in forest-based activities. A village level committee or a mandal is formed consisting of village community members to implement the JFM programme. A representative of village panchayat will serve as one of the members of the Committee or mandal. The village panchayat itself may become a committee or a Mandal for the purpose of JFM. It was reported that not a single village panchayat is responsible for JFM in the Scheduled Areas due to lack of motivation from forest authorities. Thus the power endowed to the Gram Sabha and village panchayat under PESA, Act has been rendered null and void due to the powers given to the committees formed under JFM. It is therefore, necessary that all the rights of MFP produces should be vested with the Gram Sabha, which should be converted into a JFM committee or mandal and the income earned by sale of MFP should be deposited in the village fund and not in JFM committee or mandal and distributed to the collectors. JFM committee should function under Gram Sabha in the Scheduled Areas. The Forest Deptt. has set up 700 Van Mandalies to develop and protect the forests. The Forest Deptt. was expected to pay only 25% of the yield from thinning as share to the local people which has been increased to 50% from March, 2000. Tribals demanded that this needs to be enhanced to 80% and this money should be deposited in the village fund for distribution to the m.f.p. collectors.

Prevention of land alienation in the Scheduled Areas and restoration of any unlawfully alienated land of a Scheduled Tribe:

4.3.12. Section 4(m) (iii) of PESA, Act has assigned the power to prevent alienation of land of a ST to the Gram Sabha and the Panchayat at the appropriate level to function as institutions of self-government. The Gujarat legislature has amended the Bombay Land Revenue Code, 1879 and instead of the words "the Collector" the words "District Panchayat" has been substituted. It is necessary that the village Panchayat should be made custodian of land records necessitating the revenue authorities to seek Gram Sabhas approval before incorporating mutations so that it can safeguard the interests of the tribals as envisaged under PESA Act. The Gram Sabha should be informed about all litigations relating to land issues. This alone will help in realizing the objective of the amendment made in the Bombay Land Revenue Code 1879.

Village Markets:

4.3.13. Under Section 99, Schedule – 1 in the sphere of Public Works, item (3)(i) of Gujarat Panchayats Act, 1993, it is the duty of village Panchayat in its jurisdiction to make reasonable provisions, so far as the funds at its disposal will allow in the matter of “establishment and maintenance of markets”. PESA, Act endows the Gram Sabha and the appropriate Panchayat with the power to manage village markets by whatever name called. **In the Scheduled Areas *Hat Bazar* (Village market) occupies a pivotal place in tribal economy. Suitable amendments will be necessary in the Weights and Measures Act so that the Gram Sabha has the legal authority to deal with the traders at *Hat Bazars* and exercise vigilance on market transactions. The Village Panchayat/ Gram Sabha should also be empowered under the relevant laws to cover the activities of Marketing Societies in the Scheduled Areas of the State to curb the irregular and unfair practices of the traders.**

Control over Money lending:

4.3.14. Section 4(m)(v) of PESA Act, envisages that the Gram Sabha and the appropriate Panchayat will be endowed with “the power to exercise control over money lending to the Scheduled Tribes”. The Gujarat Legislature has amended the Bombay Money-Lenders Act, 1946 by inserting Section 17A that “no money lender shall lend any money to a member of the Scheduled Tribe residing in a Scheduled Area of the State.....without previous sanction of the village panchayat of that village”. Money-lenders are responsible for many illegal activities relating to land, mortgage of jewellery etc. and exploitation of tribal women in the Scheduled Areas. **To save the tribals from the nefarious activities of money-lenders, the Commission recommends that the registration of private money lenders should be stopped. Money lenders should have a license and inform the Panchayat about how much loan they have advanced to the tribals. Credit institutions like Banks, Cooperative Societies etc. also give loans for various purposes but sometimes the illiterate tribals are not fully aware about the implications of the clauses attached to the disbursement of these loans. At times, the position on paper in respect of receipts and payments of money may be at variance with the actual transactions claimed by the tribal. A provision should therefore, be made that such liabilities, if it is established that there was no mala-fide in the dealings on the part of the tribal, should be liquidated.**

Control over institutions and functionaries in all social sectors:

4.3.15. Section 4(m) (vi) of the PESA, Act envisages that Gram Sabha and appropriate Panchayat should be endowed with “the power to exercise control over institutions and functionaries in all social sectors” to function as institutions of self-government. The state legislature has assigned the power to the village Panchayat by adding entry 11 in Schedule 1 to Section 99 of the Gujarat

Panchayats Act, 1993. It is suggested that the Gram Sabha as envisaged under PESA, Act should exercise complete control over institutions and functionaries including primary Agricultural Co-operative Societies working in the village. This would ensure proper utilization of funds and adequate output of work by the functionaries.

Control over local plans and resources over such plans including tribal sub-plans.

4.3.16. The PESA, Act envisages that the power to control over local plans etc. should be exercised by the Gram Sabha and the appropriate Panchayat. The State legislature has given this power to Taluka Panchayat under Section 130, Schedule 11, Part1, by adding entry 5(e) in the Gujarat Panchayats Act, 1993.

4.3.16.1. The State Government vide Resolution NO.TAP/1092/1928/CHH, dated 3rd September, 1997 is implementing New Gujarat Pattern for the Tribal sub-Plan. (on the lines of the Maharashtra Pattern) 80 percent of the outlay of each Department is earmarked for the schemes to be formulated and implemented at the District level and the schemes for remaining 20% amount are formulated and implemented by the State level Agencies. A State level Planning Board is constituted for the planning of Tribal sub-plan at the State level and 'District adivasi Vikas Mandal' at the district level for the formulation of schemes, implementation and coordination of 80 percent of outlay allocated at the district level. **In Gujarat, the Project Administrators of the ITDP have been vested with administrative and financial powers of heads of departments. He should equally be made responsible for pursuing and reviewing implementation of the protective and anti-exploitative measures designed to improve the lot of the tribal. The Project Administrator should have the status of an Additional Collector. The existing guidelines relating to local plans and the resources for such plans including tribal sub-Plans need to be revised and modified to the extent of involving the Taluka Panchayats to exercise control.**

4.3.16.2. The time has now come to put this matter on a sound basis with an intelligible string of command flowing from top to bottom with the 'Gram Sabha' exercising control over local plans and resources for such plans including tribal sub-Plans and an equally intelligible and decipherable picture of accountability. The PESA, Act has indicated in clear terms that Gram Sabhas will approve the plans, programmes and projects for socio-economic development before the village panchayat will implement them, identify the beneficiaries under these programme and issue utilization certificate to the village panchayat. **Thus even at the stage of formulation of plans including tribal sub-Plans, the Gram Sabhas have to be involved to break with the past model of formulation of schemes at State / District / Taluka levels to ensure a proper and healthy development and optimal utilization of funds for social and economic**

development of the Scheduled Tribes in the Scheduled Areas. In the past fifty years, India has a centralized planned economy in which development was a top down process. The Panchayat system in the Scheduled Areas is an attempt to do just the opposite; it envisages to initiate development through a bottom-up process.

Migration

4.4. As indicated in the earlier paras on account of small holdings, lack of irrigation facilities, the STs are compelled to migrate to work in the agricultural sector as labourers in sugarcane cutting, work related to paddy, wheat, grass cutting, cotton plucking etc. In non-agricultural sector, they work as labourers in construction work. Both males and females work in agricultural sector and go to work in major cities of the state and in many villages in Gujarat particularly central and south Gujarat. Most of the tribal migration takes place within the State but some of the tribals also go to work in the neighbouring States.

4.4.1. Around 50,000 migrants of Dangs district migrate every year for work in the sugarcane fields. About 25,000 tribals are working in the agricultural sector in central and south Gujarat area. The tribal migration is highest from Dangs and Panchmahals districts. Sugarcane cutting and the construction work attract large number of tribal migrants. **It is observed that the tribal migration is increasing from year after year and that between the years 1955-56 to 1974-75, the migrant labourers increased by more than 350%. Another study on tribal migrant labourers from Dangs and Panchmahals districts revealed that in many villages in Dahod district almost all the families have to migrate in search of work.**

4.4.2. The migration takes place after the sowing season is over when the monsoon is about to start. The economic condition of the tribals becomes precarious at this time of the year and they are compelled to go out in search of work. Most of the migrants are able-bodied young men and women. Majority of them are illiterate, mostly belonging to lower social groups among the tribals such as Bhils. The proportion of migrants is very little among the higher social tribal groups like Chaudharies, Vasavas, Dhodiyas, Patelia, Kukana, etc. The migrants' children also go along with their parents. A study conducted by a voluntary organisation indicated that out of 140 construction workers in Ahmedabad, majority of them were from Panchmahals, 66% of the labourers were from the age-group between 16 to 30 years. 74% workers were illiterate and 94% were married. 44% respondents were having land less than 2 hectares whereas 52% had 2 to 4 acres of land. **A point worth notice is that 84% of the respondent farmers did not possess irrigation facilities.**

4.4.3. The main reasons for seasonal migration are

1. The tribals get very less income from agricultural sector due to infertile, hilly, rocky and unirrigated land.
2. The land-man ratio is less than ½ hectare in some cases.
3. Indebtedness of the tribals compels them to earn money by migrating to areas in search of agricultural and non-agricultural work.
4. There is no alternative employment available in the villages.
5. The institutional finances from bank cooperatives etc is not available for unproductive consumption purpose and the procedure also for getting loans is very cumbersome.
6. The various programmes for helping the tribals below poverty line have failed.
7. The pattern of tribal migrants shows that the educational facilities from the areas where they migrate are inadequate.
8. STs get only one single crop in a year. The message of green revolution has not reached in tribal areas and the health facilities are also unsatisfactory.

4.4.4. The voluntary organisation has studied the conditions of the migrated labourers in Ahmedabad city and found that 57% of tribal migrants are staying under the sky. 82% of the labourers do not get the benefits of the drinking water facilities and 99% labourers do not have common latrine facilities at the working places. 97% of the workers have to purchase fuel specially in the cities. 90% of the labourers do not get regular supply of water for bath. 90% of the workers work for more than 8 hours in the day and for this extra work they are not paid money. The voluntary organisation which had conducted the survey formed the construction workers union and was instrumental in getting the tribal wages worth to the tune of Rs. 3.90 lakhs. The contractors do not pay them regularly and keep a part of the payment in hand so that the workers may not leave the work. The same position holds good for the sugarcane workers. The awareness regarding their legal rights are absent among the tribal migrants. They are not aware about the minimum wages prescribed by the Government.

4.4.5. The Commission recommends that the State Government should ensure that the contractors in the rural and urban areas should provide proper accommodation with adequate supply of potable water, health care, education facilities and payment of minimum wages to migrant labourers, which should be monitored by the TRI, Ahmedabad.

Tribal sub-Plan (TSP)

5.1. The Government of Gujarat appointed a Secretaries' Committee to study the Maharashtra Pattern of Scheduled Tribe Development. The Government after considering the report decided as follows:

- (a) To earmark 17.57% of the outlay of the State's Annual Development Plan every year for TSP. This decision was to be implemented w.e.f. 1997-98.
- (b) The Planning Department shall allocate a definite amount which will be not less than 17.57% of total State plan outlay every year for the TSP.
- (c) The responsibility to finalize the sectoral, outlays and schematic outlays under the TSP will be that of the Tribal Development Department who will undertake this exercise in consultation with each Administrative Department.
- (d) After deciding the inter-sectoral, sub-sectoral and schematic outlays under TSP, the Tribal Development Department shall communicate the break up of outlays to be provided for TSP to all concerned Administrative Departments.
- (e) The Tribal Development Department after discussion with all the concerned Administrative Departments should ensure that the schemes proposed to be included in the TSP are in a real sense useful for the tribals.

According to this policy decision, powers as to which of the schemes should be included in the TSP would vest in the Tribal Development Department.

- (f) The percentage of outlays to be provided for Tribal Development under the TSP for tribals in ITDP areas (i.e. the Tribal talukas, MADA pockets and clusters) and for those tribals outside the tribal area – dispersed tribals (i.e. in the rest of the State) should be around 90% and 10 respectively.
- (g) Maximum number of schemes under the TSP should be for implementation at district level and out of the total outlay 80% or more should be made available for such schemes. The District Annual plan is finally sanctioned by the Planning Department. On the same lines, the District Annual TSP should be finally sanctioned by the Commissioner Tribal development.
- (h) As indicated in the above paragraphs the Tribal Development Department should take necessary steps for inclusion of all sector-wise development programmes and all outlays provided for TSP and finalize the process of formulation of State's TSP. The Tribal Development Department will also take steps to present before the Legislative Assembly the consolidated demands for inclusion of all outlays in the Budget Estimates. The condition of non-divertibility of TSP funds as it exists now would continue hereafter also.
- (i) Education and health are two important aspects which should be taken care of in tribal areas on priority basis. Backwardness should be the criteria for allocation of funds in these two sectors.

5.2 Flow to TSP

Table –II

Table showing Annual State Plan & Flow to TSP

(Rs. in crores)

Year	Annual State Plan*	State Flow to TSP	Expenditure #	% age of 3 to 2	%age of 4 to 2
1	2	3	4	5	6
1990-91	1451.00	152.17	153.11	10.49	10.55
1991-92	1750.00	188.63	201.64	10.78	11.52
1992-93	1875.00	220.69	195.43	11.77	10.42
1993-94	2137.00	234.75	239.77	10.99	11.22
1994-95	2240.00	258.23	241.53	11.53	10.78
1995-96	2610.00	321.91	283.32	12.33	10.86
1996-97	3388.00	371.62	369.19	10.97	10.90
1997-98	4500.00	524.50	561.18	11.66	12.47
1998-99	5450.00	700.86	633.13	12.86	11.61
1999-00	6550.00	883.48	851.88	13.49	13.01
2000-01	7600.00	944.06	875.35	12.42	11.52
2001-02	7200.00	613.35	474.65	08.52	06.59
2002-03	7600.00	888.18	622.24	11.69	08.19

* State Tribal Sub-Plan document 2002-03 page-32

State reply to Commissions Questionnaire

5.2.1 It will be seen from the above table that the State Government was never able to allocate 17.57% of the State's Annual Development Plan for the TSP areas and the expenditure was less than the percentage prescribed by the State Government. Although, the population of the STs in 1991 was only 14.92, higher allocation was suggested to make leeway for accelerated development of the tribals. The imbalance in the development of the tribal areas vis-à-vis the non-tribal areas has to be bridged as early as possible. **In this connection, the Commission would like to recommend the following formula evolved by the Government of Maharashtra to ensure that higher allocation of funds are allocated under the TSP strategy.**

Total Tribal Sub-Plan outlay of the State = $\frac{X + Y}{2}$

2

Explanation in the above formula, the letters 'X' and 'Y' shall be construed as follows:-

(i) Total geographical area of the state under Tribal Sub-Plan X size of State's Annual plan for that year

X =

Total geographical area of the state

(ii) Total population under Tribal Sub-Plan X size of State's Annual plan for that year

Y =

Total population of the state

5.2.2. The Commission recommends that Government of Gujarat should follow the Maharashtra formula to ensure that higher allocations are provided for the TSP areas.

Administrative setup

5.2.3. The Principal Secretary to the Government of Gujarat in Tribal Development Department (TDD) is responsible for carrying out all the developmental activities pertaining to tribals. TDD ensures necessary administrative and budgetary control for various developmental schemes and endeavours to secure departmental coordination for the effective formulation and implementation of the Sub Plan Programme. There are 12 Project Administrators to monitor all developmental schemes under the TSP. Vigilance Officers at district level are entrusted with the job of executing welfare schemes of the tribals. Project Administrators are stationed at Palanpur, Khedbrahma, Godhra, Dahod, Ahwa, Bharuch, Rajpipla, Songadh, Vansada, Mandvi, Chhotaudepur and Valsad.

Nucleus Budget

5.2.4. With a view to meeting the urgent needs and requirements of project areas, the idea of earmarking some amount out of the total allocation of the tribal area sub-plan for a particular area as nucleus budget has been adopted. The P.O.s of ITDPs have been delegated powers to sanction any schemes of urgent and crucial nature to bridge missing links from the nucleus budget on the advice of the committee of direction, the total cost of which should not exceed Rs.10.00 lakhs. Above the limit of Rs. 10.00 lakhs and up to 20.00 lakhs the power to sanction rests with Tribal Development Commissioner. Beyond 20.00 lakhs sanctioning power has been given to Principal Secretary, T.D.D.

Gujarat pattern of tribal development – A new innovative pattern

5.2.5. One of the long-term objectives of the tribal development programme has been stated as improvement of quality of life in tribal areas. This requires adequate outlays, reshaping and redesigning of the programmes and making the delivery system effective. To meet the above goals, new concept of Gujarat Pattern was launched in the year 1997 by the Government of Gujarat. Earmarking Rs. 200.00 crores out of Tribal Area sub-Plan as discretionary fund to be placed at the disposal of Tribal Development Department to frame programmes/schemes suited to local tribal needs through District Adijati Vikas Mandals headed by Guardian Minister of the district and Project Administrator of the concerned district being Member Secretary.

5.2.6. The Commission observed that the Project officers were not able to coordinate with officers of various departments to ensure that effective measures are taken in the field of health, education and rural development. They do not take any notice of land alienation that is taking place in the tribal areas. This point was discussed at the meeting with the Chief Secretary who suggested that the tribal development department “should engage Project Officers to become area managers in a holistic sense like Collectors are. C.S. also suggested that supervisory officers from Health, Education and Rural Development should get inputs from the Project Administrators when they write ACR’s of their line functionaries in TSP areas. T.D.D. should work with G.A.D. to formalize a new system which will make this possible.” The Commission hopes that the State Government will try to implement the suggestions made by the Chief Secretary to ensure that the Project Officers are able to play a meaningful role in the all-round development of the tribals. The Commission further recommends that administration for tribals should be comprehensive and useful, combining development, regulatory and public distribution system to be effective at the level of project administrators. The Commission also recommends that Tribal Commissioner should be a senior I.A.S. officer who can guide the field officers.

PRIMITIVE TRIBAL GROUPS (PTGs)

5.3. The Government of India has recognized five PTGs in Gujarat state, namely, viz. Kotwalia, Kathodi/Katkari, Kolgha, Padhar and Siddi. Particulars of their population, literacy rate as per survey conducted by the State Government in the year 2001, districts where they are concentrated and the activities in which they are mainly engaged is given in the table below:

Table - III

S.No.	Name of Primitive Tribal	*Population (%age in bracket)	Literacy (%)	Districts where concentrated	Activities in which engaged
1	2	3	4	5	6
1.	Kolgha	40998 (40.74)	26.09	Surat, Valsad	Small land holders, Agricultural labourers
2.	Kotwalia	21 374 (21.24)	26.098	Surat, Valsad, Dangs, Bharuch, Navsari	Bamboo work, basket making, gathering MFP and work as landless labourers
3.	Padhar @	21180 (21.05)	26.09	Ahmedabad, Surendra Nagar	Work as labourers, digging roots in monsoon and fishing
4.	Kathodi	10 546 (10.48)	11.12 (as per 1981 census)	Surat, Dangs, Sabarkantha, Narmada	Cut trees and make charcoal as Agricultural labourers and forest labourers
5.	Siddi @	6541 (6.50)	26.08	Junagadh, Bhavnagar, Amreli, Porbandar	Cultivation and cattle rearing, work as landless labourers

@ Padhar & Siddi PTGs live outside the Scheduled Areas of Gujarat.

* Pollution as per 2000-01 survey conducted by the State Government.

5.3.1. Literacy-wise Kathodis are at the bottom with a combined-male and female literacy rate of 11.12% while the literacy rate of other communities is more or less equal, at about 26%. Most of these tribal groups are landless labourers eking out their livelihood by bamboo work and basket making, collection of minor forest produce (Kotwalia), cutting trees as forest labourers and making charcoal (Kathodi), agricultural labour (Kolgha), fishing and labour during monsoon season, cultivation and cattle rearing (Siddi) and labourers, digging roots as a food item (Padhar). It was also understood that Siddis are more vocal and articulate in getting the benefits of various schemes. This was so due to their lateral mobility. Some of them are working in the police, education and different district level departments.

5.3.2. The State Government has been implementing several programmes for the rapid educational and economic development of the Primitive Tribal Groups. These relate to schemes covering stipends, hostels, schools, horticulture-cash cropping, milch-cattle, housing schemes etc. The State Government had utilized Rs. 280.19 lakhs in the ITDP areas and Rs. 118.19 lakhs outside ITDP areas during 2002-03 and proposed to utilize Rs. 325 lakhs in ITDP areas and Rs. 125 lakhs outside ITDP areas for the development of primitive tribes during 2003-04. The Commission found that the Ministry of Tribal Affairs, Govt. of India had released Rs.3.00 crores during 2001-02 for the development of the PTGs. However, the Commissioner, Tribal Development informed in August, 2003 that this money was released to them in January, 2004 only.

Padhar

5.3.3. The Commission had an interface with the Padhar community at Limbdi on 22 January 2003. They complained that due to setting up of a Bird Sanctuary at Nil Sarovar, 42 kms from Limbdi village, they had been denied the age-old practice of fishing from the Sarovar. This has adversely affected their livelihood. The Commission took up the matter in the meeting with the Chief Secretary and it was agreed to allow fishing to these communities as a relaxation to the normal practice as they were practically landless and fishing would assure them their means of subsistence. The Commission further recommends that Padhars should also be given fishing rights in various other dams in Surendranagar district, helped financially and imparted technical know-how to derive the benefits of tourism facilities that are being encouraged in and around the dams. It is also suggested that hostel facilities for school and college going students should be provided.

Kotwalia

5.3.4. The Commission found that the State Govt. has constructed 20 *Pucca* housing units for Kotwalia PTG in 2 rows facing each other in village Mangrol of Vansada taluka. A separate toilet block has also been provided. **The Commission strongly feels that building separate enclosure for toilets may not be a good idea. The Gram Savaks should motivate them to have bath- room and hygienic kitchen to begin with. The Kotwalia families had deserted their houses as the houses were not built according to their life styles. The Kotwalias are used to living in separate housing units. Some of them are still living in the old houses made of bamboo walls and roof tiles.**

5.3.5. The forest department was giving them only 50 dry bamboo sticks as against their entitlement of 800 as per government resolution. The Kotwalias need green bamboo as these alone facilitate weaving of baskets and other allied material, whereas the dry ones could be used for making huts only. The Commission recommends that the Kotwalia families should be given green bamboos as per entitlement so as to ensure them employment at home for atleast 3-4 months in a year. The bamboos may be given in 3-4 instalments as stocking 800 at a time may pose practical problem for these families. Kotwalias should be given training in weaving quality baskets and allied products through short term training course by master craftsmen so as to enhance their income. There was no arrangement for marketing of their manufactured products through govt. sales emporia and private network. The Commission recommends that the State Govt. should address itself to this vital area with a view to increasing the purchasing power of the Kotwalia community so that they are not cheated by the private traders.

5.3.6. 25 Kotwalia families of Champawadi village of Songarh taluka (Surat) visited by the Commission on 21.12.03 had left their village to work as labourers. It was understood from the Project Officer that 19 families were reportedly doing agricultural labour work while 6 were engaged in cutting sugarcane. **Seven destitute Kotwalia women of the village should be given pension by the concerned department as they were penniless and required social security.**

Siddi

5.3.7. The Gujarat Tribal Development Department has been implementing a scheme for economic development of Siddi PTG through a Pilot Project for development of horticulture and animal husbandry through Bharat Agro Industries Foundation (BAIF) in four batches in Junagarh district beginning 1993 as given below:

<u>Year</u>	<u>Villages covered</u>	<u>No. of families</u>	<u>Budget (Rs.in lakhs)</u>
1993-97	01	12	7.66
1995-99	04	49	10.67
1996-2000	05	50	10.00
2001-04	07	25	5.50
Total	17	136	33.83

5.3.8. Under the scheme each family is given one acre of land to plant 40 Kesar mango plants, 250-300 forestry-fodder trees on the border of the orchard, one cross bred cow or buffalo, 10-15% contribution of the family in terms of labour and kind and periodic training programmes including study tours. 5690 mango grafts, 3400 coconut trees, 71,170 forestry trees, 136 agricultural implements and 85 buffalos were provided. BAIF was instrumental in starting 82 SHGs for women and 12 for men which had inculcated saving habit and group activities and setting up of small self employment ventures like *Masala shops, flour mills* etc. A number of families were settled on land with technical and project support. The Commission visited one such village and found that a well was also dug. The programme resulted in high rate of survival of fruit and forestry trees /plans and the annual income of the families increased from Rs. 2000 to Rs.20,000-25,000 per annum. SHGs of women had a saving corpus of Rs.2,15,910 which was being utilized for advancing credit to the needy.

5.3.9. The Commission recommends that the BAIF should be assisted to help other PTGs to cross the poverty line. As almost all PTGs are BPL families, the Govt. should give free grains to the PTGs as per a Supreme Court direction. Gujarat, Tribal Development Cooperative Corporation (TDCC), BAIF and similar other voluntary agencies associated with the PTGs development should also be actively involved with the formulation and development of PTGs through periodic meetings.

BPL Card

5.3.10. The Commission observed that Padhars and Siddis were not issued cards as directed by the Supreme Court. This point came up for discussion at the meeting with the State Chief Secretary who desired that BPL cards should be issued to all PTG households.

Administrative arrangements

5.3.11. In order to give a focus to the development of PTGs, the State Government has created the post of Director, PTGs with necessary subordinate staff under the Commissionerate of Tribal Development. There are two project officers, seven extension officers working in the six ITDPs having population of PTGs at Ahmedabad, Surendranagar and Junagarh which are outside the TSP area besides this, 19 Gram Sevaks have also been appointed at village level in all the six projects as well as in other areas outside the projects for implementation of various programmes. **The Commission feels that the Directorate of PTG under the Commissionerate of Tribal Development needs to focus itself only on the PTGs and no other work as this alone would ensure faster development of PTGs. The Commission was informed that the TRI, Ahmedabad had conducted studies on Dubla, Halpati, Talavia, Dangi Bhil and Warli communities and the State Government has recommended to the Government of India that Dubla, Halpati and Talavia should be declared as PTGs. This proposal of the State Government should be considered by the Government of India as these communities still lag far behind the rest of the ST communities. The proposal in respect of Dangi Bhils and Warlis as and when received from the State Government should be considered for their inclusion in the list of PTGs.**

Development of dispersed tribals

5.4. Of the 61.62 lakhs STs in State, dispersed tribals constitute 10.73 lacs or 17.42% of the total ST population as per 1991 census. The State Government has estimated that as per 2001 census, their population is 13.41 lacs or 17.37% of the total population. The State Government issued orders that 4 percent of the budget under normal plan of the State from each of the Head of Department should be earmarked for the dispersed tribals. The infrastructural development in the areas, where dispersed tribals reside is looked after under normal State Plan allocation and more emphasis is placed on individual beneficiary and family oriented economic development programmes. These programmes also cover the grant of benefit of reservation in educational institutions and services and grant of stipends and scholarships for admission to pre-matric and post-matric educational institutions.

5.4.1. As adequate benefits compared to the tribals living in tribal areas were not received by dispersed tribals and to bridge the gaps in development between both areas, Government have introduced a Nucleus Budget for dispersed tribals by which the local and urgent needs for the dispersed tribals can be met immediately. In the year 1989-90 for the first time, an allocation of RS.49.00 lakhs for dispersed tribals under nucleus Budget was made against which Rs. 48.00 lakhs were spent for various community development schemes and for family oriented economic programmes.

level, schemes upto Rs 0.50 lakh can be sanctioned by concerned/project Administrator /DDO/ Collector immediately withj or without consulting the Direction & Advisory Committee the dispersed tribals are entitled for 50% assistance in the form of subsidy under family oriented development schemes and for several schemes of community development 90% assistance can be given and if it is necessary schemes of 100% assistance may be sanctioned with the prior approval of Tribal Development Commissioner.

5.4.3 The development programme for dispersed tribal for the year 2002-03 envisaged total outlay of Rs. 4270.70 lakhs including Rs. 3948.08 lakhs of State flow from various sectoral programmes under normal State Plan and Rs.322.62 lakhs of assumed Special Central Assistance from Government of India. Out of total provision, the outlay of Rs. 250.00 lakhs was earmarked for Nucleus Budget for the development activities including family oriented economic programmes for dispersed tribals, so that individual tribal families may improve their living standards and join the mainstream of society.

5.4.4. The Commission in their tour in the State from 15th December to 23rd December, 2003 met dispersed tribals including 2 PTGs namely Siddi and Padhar in the districts of Kachchh, Jamnagar ,Porbandar, Junagadh,Bhavnagar and Rajkot which are all coastal districts. The socio-economic life style and the problems of the inhabitants of the areas are not skin to the tribals living in the scheduled area districts. The Commission had an interface with the special problem faced in the game sanctuary and national park of Junagadh district, which is the abode of the world famous Gir Lion. The Commission held discussions with the district level officers, representatives of voluntary agencies and tribal leaders and saw some activities meant for them in order to have a closer appreciation of the problems faced by these communities.

Education

5.4.5. Due to opening of more primary schools within the reach of all the villages, the enrolment of students has no doubt increased. However, the percentage of dropouts among STs was reported to be in the range of 70-80% at secondary stage. The Commission could not come across a single degree holder among the 7 tribal groups living in the Rajkot zone, despite 54 years of planned economic development. The reasons range from inadequacy of incentives like pre-matric stipends which are paltry and not disbursed on time. For instance, the stipends/post-matric scholarship for the year 2003-04 had not been disbursed till January,2004. It also came to notice that even through the Commissionerate of Tribal Development had sanctioned post-matric scholarship and sent the remittance to the colleges for disbursement to ST Students, these were yet to be

disbursed by the colleges. Thus the post-matric ST students quite often lose interest in studies due to the inability of their parents to meet the high cost of education and drop out from the colleges. **The Commission recommends that post-matric scholarships should be disbursed regularly in three instalments - in the beginning of the term, June-July, November-December and at the end of the term March-April.**

5.4.6. The state tribal development department is running 26 Montessori schools (Balwadis) in the 7 districts of Rajkot zone, through voluntary agencies at a total cost of Rs.5.58 lacs. The average cost per Balwadi works out to Rs.2,146/- p.a. which is inadequate. **The Commission recommends that as the Balwadi schemes of the TD Department caters to the small children, it should be merged with the ICDS Anganwadi scheme for 0-6 year age group children and pregnant and lactating women being run by the women and child development department.** There is no justification for the tribal development department to duplicate the scheme. **The Commission also strongly feels that the Anganwadi scheme can lay a strong foundation among the neglected tribal children to facilitate their entry into elementary school. The big advantage of Anganwadis is that nursing and the lactating mothers are also beneficiaries of Anganwadis and they would certainly motivate their wards to go in for elementary education.** The Commission appreciates the State Government scheme to give opportunity cost of Rs.400/- per month for 10 months in a year to the parents of tribal children for sending them to primary classes. This scheme should also be given the desired publicity. **The Commission notes with satisfaction that due to scattered nature of location of tribal petapadas (hamlets), the State Government is giving bicycles to the ST students under Vidhya Sadhana and Sarasvati Sadhana schemes to increase the enrolment at secondary and higher secondary level of education among the tribal students.**

Economic Upliftment:

5.4.7. Due to dispersed nature of settlement of the tribals in the Rajkot zone, the Government has been laying emphasis on individual family oriented economic development programmes in contrast with TSP areas where area development approach is largely advantageous to the STs. These programmes include drinking water, including hand pumps, uniform for school children, small and cottage industries, agriculture, animal husbandry, poultry, training in different trades etc. **The Commission feels that looking to the centuries of neglect of dispersed tribal groups who are inarticulate due to their scanty population and educational backwardness, the present strategy of providing only 4% of the budget of each department for their development as envisaged by the State Government is highly inadequate.** The Commission also feels that the dispersed tribals deserve at least 10% of the total annual kitty with weightage to be given to schemes of economic development. **The present system of replication of all the general schemes for the dispersed tribals needs to be suitably revised as these tribals are landless and unskilled workers.**

5.4.8. The development of coastal region through fisheries cooperatives and port trusts like Kandla, Porbandar, Somnath etc. in a big way should also ensure due share to the dispersed tribals by way of organizing fisheries cooperatives for them with state support. Similarly the port trust can also engage the unskilled tribal workers by ensuring that there is no discrimination in their recruitment.

5.4.9. Maritime sector of Gujarat is an engine of growth and is flush with jobs both skilled and unskilled. The State Government of Gujarat and Union Ministry of Shipping have to play a complementary role in creating additional avenues of employment for the tribals. The State Government should identify special requirements of skills for various skilled jobs in consultation with the port trust managements for training at institutes located close to the port trusts. The management of port trust should actively be associated with the training institutes so that training programmes are tailored to the special needs of the port trust. **The Commission would like to mention that in response to its suggestion, the Kandla Port Trust management had agreed to set up a typewriting training centre for STs of the area with a view to providing jobs to the unemployed tribal youth. Commission recommends that all unemployed secondary pass ST students of the Rajkot zone should be identified and given training for placement with the port trusts on priority basis.** To sum up, the road map for employment in the maritime sector should take into account the interests of the dispersed tribals of the zone so that the constitutional commitment to the STs is discharged faithfully and honestly.

Part II – Economic Sector

Forests

6.1. There are 21 sanctuaries and 4 national parks including one Marine National Park in the State. There has been no relocation of tribals from the sanctuaries and national parks so far. The National Forest Policy of 1988 lays down that the forest dwellers in and around the forests will have the first right on forest produce for their bonafide use. MFP is also allowed to be collected and sold to authorized agents. However, the recent amendment in Wildlife (Protection) Act 1972, Section 29 has drastically altered the situation and the Forest Department has restricted collection of MFP from the sanctuaries and national parks only for bonafide use and not for commercial use. This will have adverse impact on forest dwellers and on their socio-economic life. It is estimated that the total budget of average tribal family draws to the extent of nearly 50% in case of landed tribal family whereas for the landless tribal family the contribution of MFP would be anywhere between 80 to 90% of their annual budget.

Regularization of encroachment on forest lands

6.2. The State Government sent a proposal in 1994 for conversion of 207 forest villages into revenue villages. Subsequently, the State Government has informed the Govt. of India that there are only 178 forest villages which are to be converted into revenue villages. The Commission regrets to note that the conversion of forest villages into revenue villages is hanging fire since 1984 with no concrete results. The Central Government has again reiterated in their communication, dated 05.02.04 addressed to all the State Governments that the forest villages should be converted into revenue villages. The Central Government has to obtain the approval of the Supreme Court after fulfilling all the requirements and this delay on the part of the State Government to furnish the necessary declarations has delayed the confirmation of the hereditary rights to the forest dwellers who are suffering for no fault of theirs. **The Commission expresses its anguish at the state of affairs and hopes that the concerned authorities would do the needful immediately.**

6.2.1. In Gujarat, Jagirdari Nabudi Dhara came into force in 1953. Accordingly, all the Jagirs were compensated and forest rights continued to remain with the the Jagirdars resulting in indiscriminate cutting of forests. The decreed land was sold by them to the tribals from 1953 onwards. The tribals developed the land, dug wells but in 1973 the State Government acquired the private forest alongwith the decreed land, which was earlier sold to the tribals by the Jagirdars. 1804 persons have been allotted 1308 ha. of land who have been made encroachers on their own land. These cases pertain mostly to the districts of Banaskantha, Sabarkantha and Panchmahals. During the visit of the Commission to Shamlaji (Banaskantha), it was found that the tribals of Bornala, Od, Vasaya, Jampudi, Panchmahudi, Jab Chitriya, Anasol, Nana Kanthariya, Lusadya, Sabran, Mota Kanthariya, Abhapur and Mehru villages did not have ownership rights of land which was in their occupation since 1953. They were allegedly being harassed by the forest officials. **The Commission recommends that their cases should be settled expeditiously and till such time, this is not done, they should not be displaced.**

Pre 1980 tribal forest dwellers

6.3. The Navsari District Forest Division has settled 4886 tribals on 11479.75 hectares of land so far but 395 applications from tribals for their settlement on land are still pending with the Collector, Navsari due to want of supporting evidence for use of land by them for generations. The Commission thinks that the cases of tribals who have been living in the forest for generations prior to 1980 can be resolved through simplified method of verification like proof of a bore-well dug by the tribal or old trees grown by them or a hut built long time back prior to 1980 as evidence and on the spot inquiries from the elders in the village.

6.3.1. Out of 305 persons of 30 villages in Danta taluka in Bansakantha district who are cultivating forest land outside the sanctuary area, a total of 141-54-09 ha. of forest area has been given to 181 persons according to Government of India's letter dated 02-08-2000. The *Sanads* of this land have already been issued by the revenue department to the eligible persons while the 124 persons do not qualify for regularization of their encroachments as they are already having the land in excess of 8.00 acres.

Table – V

Cultivations inside sanctuary area:

Name of the Taluka	No. of villages	No. of persons	Area under cultivation (ha.)
Danta	47	997	765-94-12
Palanpur	1	47	35-61-00
Amirgadh	17	392	239-57-00
Total	65	1436	1041-12-12

6.3.2. 1436 persons of 65 villages who are cultivating the forest land inside sanctuary area before 1980, the State Government has to prepare a suitable package for their relocation outside sanctuary area.

6.3.3. In Amirgarh, tribal people of about 68 villages are living for decades in Balam area. The Forest Department is planning to declare this area as Wild Life Sanctuary. It is not known whether the Forest Department has taken necessary steps as required under the Wild Life (Protection) Act to consult the tribals. A large number of tribal families will be evicted and the Commission feels that unless the rehabilitation plans drawn up in consultation with the tribals are ready, they should not be evicted under any circumstances.

6.3.4. There are 75 villages with ST population in the periphery of a sanctuary in Dediapada, Narmada District. These tribals have no facility of drinking water, school, health care, fair price shop, etc., as it is a restricted area under the Forest (Conservation) Act, 1980. The Govt. of Gujarat has prepared a scheme, under which such tribals who want to be relocated, may vacate and will be suitably rehabilitated.

6.3.5. Of the 1200 Padhar PTG families out of 2800 families living in Limbdi Taluka were dependent on fishing from Nilsarovar which has now been declared a bird sanctuary. Consequently they have been denied fishing and deprived of the right to livelihood. Commission is of the view that fishing rights should be given to the tribals.

Table-VI

Unauthorised cultivations after 1980:

Name of the Taluka	No. of villages	No. of persons	Area under cultivation (ha.)
Danta	68	1086	744.47
Amirgadh	32	522	582.44
Palanpur	1	37	52.39
Dantiwada	2	17	16.82
Vadgam	1	10	15.40
Total	104	1672	1411.52

6.3.6. The Forest (Conservation) Act was passed in 1980. The Ministry of Environment and Forests issued guidelines for regularization of encroachments after ten years in September, 1990. In so far as pre-1980 encroachers are concerned, state government has been taking action during the last decade but the matter has not been wholly resolved. In so far as post-1980 encroachers are concerned tribal dwellers who are in continuous occupation of forest lands since 31-12-1993 are to be regularized on the basis of instructions issued by the Ministry of Environment and Forests on 05-02-2004 and the tribals

will have heritable and inalienable rights over such lands. The Government of Gujarat has estimated that 46,519 ha. of land was under encroachment during post 1980 period and they have evicted encroachers from 16,063 ha. of land. Now the position has changed with the issue of a policy letter issued by the Ministry of Environment and Forests. The Commission recommends that within a time frame of one year given by the Government of India, the state government should make earnest efforts to obtain the clearance from the Ministry of Environment and Forests and issue pattas to the forest dwellers, who were in continuous occupation of forest lands upto 31.12.1993.

6.3.7. The Commission is happy to note that teak trees in the Dangs district which dot the landscape have become a source of vibrant capital for funding, loaning and issuing of advances to the STs who are using these funds for educational and economic developmental programmes.

6.3.8. In 1964 Gujarat Government decided to set up a hill resort at Saputara in Dangs district. At that time, there were 56 huts and 41 tribal farmers were cultivating land on lease. All these tribals were evicted and moved to Navagam village at a distance of 0.3 km. from Saputara. Their huts were demolished and 463 acres of land was taken over by the Government and the entire Saputara was declared a notified area. The displaced tribals were paid monetary compensation ranging from Rs.5,000 to Rs.73,000 but it is understood that only a small portion of the money reached the tribals. The land was allotted to more than 20 hotels owned and run by non-tribals from outside Dangs and Gujarat. The displaced landless STs cultivate patches of forest land in and around Saputara and are treated as encroachers and lands cultivated by them have not been regularized. Population of Navagam has risen to 1500. All the retail-outlets and shops which have come up in Saputara are owned and run by non-tribals. The displaced tribals cannot vote for the Gram Panchayat, Taluka and Zilla Panchayat elections as Navagam village does not have an elected Panchayat and is also not recognized as a part of the nearby Malegaon Gram Panchayat. Saputara is emerging as a tourist spot in Gujarat and it should be the responsibility of the state government to ensure that the STs also derive adequate benefits of this fast emerging tourist industry in their district. The Commission recommends that all the 41 displaced ST families who are cultivating forest lands should be given pattas and STs of the district should be allotted shops and given loans for setting up of hotels, shops etc. at Saputara. As the Dangs district comes under the Scheduled Areas, it is mandatory on the part of the non-tribal owners of hotels and business houses to spend at least 20% of their profit on the development of the STs. (Samata vs. the State of A.P. & others).

Maliki trees

6.4. The strength of Dangs district lies in its rich forests of teak trees. In 1970, the protected forest-land which was under cultivation of tribals was regularized and it was decided that the ownership of trees which were on these lands would remain exclusively with the State Government. In 1984, the State Government decided that 20% of the income generated through harvesting of trees standing

on the farm lands of the tribals would be given to them. In 1995, this was increased to 50% and in 1997, 100% of the net income generated after deducting the expenditure of timber cutting, logging and selling of timber. A tribal land holder was also allowed to harvest either 50% of total trees or 10 trees whichever is less under certain terms and conditions. One of the conditions was that they must plant 3 times more trees than what they cut at a time.

6.4.1. It is understood that on an average, a teak tree fetches Rs.20-25 thousand and the annual flow of money to the STs is to the tune of Rs.6.00 crores. The tribals were basically in debts and their loans had turned into bad debts and, therefore, no new bank loans could be given to them. The State Government by involving bankers, forest officers, development officers and the co-operative sector evolved a scheme under which the tribals can offer maliki trees as a co-lateral security for any bank loan by a guarantee from the District Forest Officer. This has enabled the tribals to use the banks loans for purchase of pumps-sets, construction of wells, higher education of their children and construction of houses etc. The Commission was happy to see Wadi cultivation through water conservation in some villages in Dangs district and funds for such projects have come though maliki cutting of the trees.

6.4.2. The cutting of the trees from the reserved forests, logging etc. is a labour oriented work and generates employment of 93,000 man-days which provides wage labour to the tune of Rs.75 lakhs as well as 8,500 man days, in the transportation of timber from field to depots giving Rs.7 lakhs as wages to the tribals and Rs.18 lakhs to the truck owners of the Dangs district.

6.4.3. Migration is a big problem because of the fact that out of 5.80 lacs h.a. of land available for cultivation only 4,455 h.a. has assured means of irrigation. 5,195 h.a. of land can be provided irrigation by construction of check-dams, recharging ground water, lift irrigation. The Commission, therefore, recommends that the first priority of Dangs administration should be to harness the irrigation potential to ensure that 5,000 h.a. of land can be irrigated. Side by side the programme of dairy development has to be activated so that people are engaged for looking after the milch cattle and in supplying milk to Village Milk Co-operative Societies.

Minor Forest Produce (MFP)

6.5. The Commission observed that the net profit out of sale of the MFP after defraying cost of procuring and selling MFP is not given back to the tribal collectors of MFP. **At the meeting with the Chief Secretary, the Commission pointed out that as in the case of sugar and milk cooperatives, the tribal collectors should get the net profit made out of the sale of MFP. The Chief Secretary appreciated the suggestion and said that initially when a tribal brings forest produce, he may be paid an advance and after the sale process**

is completed and accounting is done, the surplus money may be again distributed back in proportion to the material collection made by particular individual/family. The Commission hopes that the Forest Department will implement the suggestion made by the Chief Secretary.

Irrigation

Displacement

7.0. 7 Dams including Kadana, Panam, Hadaf, Ukai and Mahi etc; have displaced tribals and the benefit of irrigation facility has gone to the districts of Kheda, Nadiad, Ahmedabad, etc. The Commission found that the Project Officers of the concerned ITDPs were not having the details of tribals rehabilitated as well as package of rehabilitation grant given to them and those still to be rehabilitated.

7.1. The tribals, who were displaced by the Panam, Hadaf and other projects in the Panchmahals District, were rehabilitated in the year 1981 on the land given by the District Revenue authorities, which was cultivated by the tribals but in 1984 it was declared to be meant for Forest Department. At present, these tribals are utilizing the land without the title of the land and may be evicted any moment. **The Commission recommends that the dispute between the Revenue and Forest Department should be settled and the tribals who were rehabilitated in 1981 by the Revenue Department should be conferred with ownership rights.**

Sardar Sarovar Project (SSP)

7.1.1. ST persons of Madhya Pradesh and Maharashtra who have been displaced and are being settled in SSP have also been added in the Schedule to the Constitution (Scheduled Tribes) Order, 1950 vide the Constitution (SCs & STs) Orders (Amendment) Act, 2002 (No.32 of 2002). Their names are : (i) Bhil, Bhilala, Barela, Patelia; (ii) Tadvi Bhil, Bawra, Vasave & (iii) Padvi.

7.1.2. According to the information furnished by the State Government in reply to the questionnaire, it is found that 40,963 families have been affected by the SSP in Madhya Pradesh, Gujarat, Maharashtra involving 240 villages fully and 4 villages partially. The particulars of tribal and non-tribal families displaced and rehabilitated by the SSP are given in the table below:

Table - VII
PAF's of SSP resettled in Gujarat

S.No.	State	ST PAFs	SC PAFs	Other PAFs	Total
1.	Gujarat	4646	10	28	4684
2.	Madhya Pradesh	3557	285	1140	4982
3.	Maharashtra	762	-	6	768
	Total	8965	295	1174	10434

7.1.3. The package adopted by the Government of Gujarat for the resettlement of PAFs is based on the concept of 'land for land'. Each PAF which had more than 25% of land holding acquired for the project has been made eligible for a minimum of 2 has. of agricultural land. Further, every co-sharer of original land holding, every landless agricultural labourer and even encroacher of govt. or forest land is also eligible for 2 has.

of agricultural land. Apart from this other basic community facilities like schools, dispensaries, drinking water supply, irrigation facility, roads etc. have been provided to the settlers. The State Government is reported to be rehabilitating the PAFs with a human face for minimizing the negative aspect of displacement.

7.1.4. The Commission (after a wide range of discussions at Kewadia colony (Narmada) with the tribal representatives and their NGOs) could find that the displacement and rehabilitation of tribal families, particularly from the state of Madhya Pradesh has not been a pleasant experience despite the grievance redressal mechanism. Their displacement is no doubt far away from their cultural moorings and life styles. The Commission was informed that their rehabilitation has not taken into consideration their cultural traditions, system of worships and beliefs. **The Commission recommends that the State Government should have a fresh look at the entire gamut of rehabilitation and ensure that the displaced families are rehabilitated in compact blocks of land so that the tribals should not be made to believe that they are being acculturated into the mainstream, which is dissimilar to their ethos and beliefs.**

7.1.5. Ukai dam was completed in 1972. The Commission was informed that 15,632 families (now 40,000) were displaced from 171 villages and submerged 5,500 acres of land. They were allotted 3 or 4 acres of uneven and infertile land, far from their villages without irrigation and infrastructure facilities. The condition of these oustees is pathetic and they are compelled to work as migrant labourers on the lands of affluent farmers who are receiving irrigation facilities from the dam. To meet the genuine demands of the displaced persons for providing irrigation facilities in Mangarol, Mandvi, Sonagadh, Uchhal, Nijar and Sagabara there are three alternatives. First alternative is to construct a canal on right bank of Ukai dam; second, the water of Amli dam may be augmented from Ukai dam and third, construct a canal from SSP for irrigation. **The Commission recommends that the State Government should conduct feasibility studies and undertake action to ensure that the displaced persons get benefit of irrigation from SSP.**

Irrigation schemes

7.2. The fruits of green revolution have not reached the tribal areas, despite abundance of water resources. 25% of land is under irrigation in Gujarat whereas in tribal areas, it is around 13-14 percent. Land being undulating requires special type of irrigation models for tribal areas. Irrigation in the interior tribal villages is almost absent. The major hydroelectric projects in Gujarat have displaced tribals from their habitats but the irrigation and drinking water facility from such projects has benefited the non-tribal districts of Kheda, Nadiad and Ahmedabad. Some of the major projects are Kadana, Panam, Hadam, Ukai, Mahi, Hathmathi, Mevo Yojana (Sabarkantha district) Parvati Galab project in Pachmahals district, etc.

7.2.1. Due to non-availability of water the tribals are forced to migrate en masse to Vadodara, Rajkot, Jamnagar districts or places as far as Kandla Port and other ports in the state for unskilled manual jobs. **The Hathmathi, Jalgarh Meso Yojana established in 1960 denied drinking water to the tribals of Sabarkantha district on the plea that the tribal villagers live in scattered *Petaparas* (hamlets) even though the pipes supplying water to non-tribals pass through their hamlets. The Commission**

brought this to the notice of the Chief Secretary in the meeting held at Gandhinagar on January 15, 2004 who issued spot instructions to the concerned department that this was against the 1986 policy of the State Government to provide drinking water to all *petaparas*, through which the pipes pass. The Commission is happy to note that prompt action has been taken by the State Government by inviting tenders of laying down of pipelines, underground tanks, etc.

7.2.2. The tribal regions of Gujarat normally get good rainfall and have intensive networking in the form of rivers and rivulets but unfortunately the run-off water is very high, which means there is great potential in the form of water harvesting and judicious utilization of harvested water. Fortunately some voluntary agencies like the N M Sadguru Water Development Foundation, Choshala (Dhod) has installed hundreds of community life irrigation schemes in Dhod district which are being well managed by the tribals. As a result of the efforts made by the Foundation, the tribal farmers have now opted for advanced technology of drip sprinkler, irrigation in their horticulture and floriculture plots.

7.2.3. The life irrigation technology is feasible and cost effective in the tribal regions. Water from Narmada canal and Kadana dam can easily be tapped for tribal areas in Dahod. At present water from Kadana, Meshvo Vatrak and Hathmati dams is being provided to the Nadiad, Kheda, Anand and Ahmedabad and part of non-tribal areas of Sabarkantha and Banaskantha districts. Now some area would be further irrigated by the water from the Narmada Dam. There are no places in Dahod, Meghraj, Bhiloda, Vijaynagar, Danta and Amirgadh tribal areas where big dams can be constructed. The only way to provide irrigation to these areas is to supply water from these dams which will be possible now because of additional supply of water from Narmada Dam. The Gujarat Government has a plan to fill up these dams except Kadana by the water of Narmada Dam during the flood period and later on this water would be supplied to the non-tribal areas. In other words, the non-tribals will have additional supply of water. **The Commission recommends that the additional water available for the Narmada Dam should be utilized for irrigating tribal areas in the districts of Panchmahal, Sabarkantha and Banaskantha as a first priority by undertaking feasibility study for construction of higher level Kadana canal which should solve the problem in the three districts.** Another source of irrigation and drinking water is community lift irrigation scheme, which is possible subject to availability of electricity. While non-tribal regions excel in the industries, trade and commerce, the tribal regions can outsmart them in production of vegetables and horticultural crops and their traditional food items like minor millets etc through irrigation as there is great scope for it provided the State and Central Governments accord the highest priority to the availability of electricity in the tribal regions of Gujarat. **The Commission recommends that the State Government if higher level canal is not feasible, the State Government should prepare a package of programmes by various methods of irrigation – check dams, tanks, inter river linkage and recharging of wells for tribal areas.** The Commission has observed that the acreage of land holdings among STs has gradually decreased and it is, therefore, imperative to provide assured means of irrigation so that the tribals are able to get two or three crops and undertake growing of fruit trees.

7.2.4. The Commission has observed that the tariff system of electricity is without any rationale during drought years when the lift irrigation schemes are non-operational. The rules should be amended to waive payment of electricity charges for such periods of distress by the tribals. **The Commission, therefore, recommends that pattern of tariff for tribal regions should be leased unit meter based with the condition that during non-operational period the minimum charges will not be levied. The Commission also found that at some places the tribals are sent huge electricity bills after six months making it difficult for them to make the payment of the bills. The Gujarat Electricity Board (GEB) should issue monthly bills to allow them to make the payment at the nearest post office or the rural bank.**

Electrification

8.0 Cent percent villages in the state were electrified by the year 1988-89. However, the electrification of tribal *petaparas* has been taken up under the TSP scheme and till 2002-03, 7216 *petaparas* had been electrified. 2418 *petaparas* remain to be electrified as on 31/3/2003. The norms of electrification of tribal *petaparas* have been relaxed and beneficiaries have been given one point wiring with connection. **The tribals complained at many places that domestic connections were disconnected de to non-payment of bills.**

Mining

9.0 There are 39 marble mines in unclassified Forest areas lying in four villages close to Ambaji, Banaskantha district. 44 leases were given for prospecting marble. The TRI, Gujarat Vidyapith, Ahmedabad has mentioned in a study report of 1988 that several cases of tribals whose lands were acquired by non-tribals by fraud and forgery and without any proper compensation to the tribals for mining. The Commission wanted to interview such tribals in the presence of the District Collector but they did not turn up due to fear of reprisal by the vested interests. There are in all 47 cases of tribals whose land was taken over by non-STs through unfair means. Moreover, this being a scheduled area, the land of the tribals could not pass into the hands of non-tribals. Appropriate action may be taken in the matter.

Rail & Road connectivity

Pradhan Mantri Gram Sadak Yojana (PMGSY)

10.0 PMGSY is a 100% centrally sponsored scheme launched w.e.f. December, 2000 to provide total connectivity to all unconnected habitations with a population of 500 and more with all weather roads by the end of the Tenth Five Year Plan (2007). The guidelines lay down that habitation of 1000+ are to be taken up first, followed by habitations of 500-999, 250-499 population and upto 250 in tribal areas. **The information furnished by the Rural Development**

Department Government of India reveals that there are no eligible habitations of 250-499 population in Gujarat, which appears to be incorrect. The Commission came across 59 habitations in 250-499 population category particularly in the district of Navsari, ITDP area which could not be covered by the PMGSY during 2003-04. The number of habitations with 500-999 population is 2306 located in the tribal belt as reported by the Union Ministry of Rural Development.

Rural roads

10.2 The state government has also implemented construction of rural roads in the tribal areas under different programmes. In Navsari, out of 245.80 kms. village roads, 24 all weather roads measuring 46.80 Kms. have been completed in tribal areas till 2003-04 covering 24 habitations while roads connecting 11 habitations estimated to cost Rs.136 lakhs are under construction. There are still 74,54,035 unconnected habitations having 10,000, 500-999, 250-499 and up to 250 tribal population respectively in Navsari district which need connectivity. 119 tribal habitations in 57 revenue villages in Chota Udepur ITDP of Vadodara district are held up due to inability of the Forest Department to give clearance for construction of roads passing through forest land. 8 proposals covering 3 talukas of Jetpurpavi, Chota Udepur and Kawan effecting 8 villages are also held up due to stringent interpretation of the provisions of the Forest (Conservation) Act and the Wild Life (Preservation) Act.

10.2.1. The various programmes under which these roads have been undertaken are under Article 275(1), NABARD, New Gujarat Pattern and TSP besides PMGSY with a road length of 650.31 Kms. out of which 506 Kms. pass through tribal areas of Valsad district and would benefit 3,09,892 persons, most of them would be tribals. The Commission was informed that money is not sanctioned under Article 275(1) for construction of bridges for laying all weather roads. **The Commission recommends that roads which benefit tribals living in or around the game sanctuaries and National parks etc. and passing through forest largely benefit the tribal population and should be built and maintained by the Forest Department. The State Government should provide funds to the Forest Department for this purpose. The Commission also recommends that the maintenance of village roads should be the responsibility of the contractors for the first five years like PMGSY roads and subsequently the maintenance job should be entrusted to the Gram Panchayats. The State Government should place sufficient funds at the disposal of the Gram Panchayats for maintenance of roads benefiting tribals. Further, if construction of a road is sanctioned under Article 275(1), it should also provide for construction of bridges.**

Railways

10.2.2. The Scheduled Areas of North Gujarat are not well connected by railways. There is a metre gauge rail line from Himmatnagar to Khedbrahma. If this rail line is converted into broad gauge and connected to Abu Road which is on the broad gauge, it would improve accessibility to the STs of Bhiloda, Vijaynagar, Khedbrahma of Sabarkantha district and also provide a link to the tribal areas for Southern Rajasthan.

Agriculture

11.1. Agriculture is the mainstay of the tribals. After the British took control of the forests, the tribals lost their command over forest resources which hitherto

provided them food security during the lean agriculture seasons. Due to entry of non-tribals in the tribal areas and loss of land as indicated in the paras on land alienation, the number of agricultural labourers increased. A study in Dahod by N.M. Satguru, Water and Development Foundation has shown that the seasonal migration was as high as 50-70% but with consistent efforts made to provide irrigation facilities it came down to 10%.

11.2. Provision of irrigation facilities leads to all-round development of the tribal economy particularly in the fields of agriculture, horticulture, dary and other ancillary activities relating to agricultural development. There are some success stories in certain tribal districts on account of efforts made by the State to provide irrigation facilities to the command areas lying in the tribal belt. For instance Karjan reservoir project in 4 talukas of Bharuch and Narmada districts covering 209 villages, a canal network of 44,932 hectares has been created with a potential of 51,000 hectares of land.

11.3. The State Government has targeted to include 4,10,218 land holders belonging to STs who together operate 9,30,799 hectares of land. These tribal cultivators constitute 10.85% of the total number of land holders in the state and the area of land operated by them constitutes 9.40% of the total land cultivated in the State. Agriculture services include agriculture extension, innovative programmes, agricultural marketing, subsidy to weaker sections and energy development for which the State Government had earmarked an outlay of Rs.7,950 lakhs for the year 2003-04. These programmes also include drip irrigation system, supply of organic manure, bio-fertilizer. Due to poor availability of irrigation facilities, fragmented land holdings and lack of financial resources, agriculture alone cannot provide whole time employment to the tribals. It has to be combined with other related avocations like horticulture, animal husbandry, dairy farming, fisheries etc. **The Commission recommends that the State Tribal Development Department and other related Departments like animal husbandry, irrigation, dairy development, fisheries, horticulture etc. must prepare a comprehensive package of programme for the development of tribals. The services of dedicated voluntary agencies like N.M. Satguru, Water and Development Foundation, Dahod, Bharat Agro Industries Foundation (BAIF) etc. should be utilized for preparing a package of programmes and for their implementation, the availability of funds should not stand in the way as the outlays from the State Plan, SCA, Rashtriya Sam Vikas Yojana (RSVY) should be dovetailed and utilized depending upon the specific needs of each tribal community.**

ANIMAL HUSBANDRY

12.1. Cattle population is quite large in tribal areas of Gujarat. According to livestock census 1997 – 27.08% of the livestock population, 58.38% of the poultry population is found in the tribal areas of the State. Animal husbandry provides gainful employment to the unemployed tribal youth and women. This can apart from providing supplementary income, also contribute to overall health improvement of the family by availability of milk, eggs etc. to them. Although State Government has programmes for production of livestock products in the form of milk and milk products, wool and eggs, the normal programmes for improving local cattle breeds and the coverage of the population by this method has been quite minimal.

12.2. The Commission was informed that the number of cattle population is almost at par with the human population in the tribal district of Dahod. 90% of the cattle are unproductive and unhealthy due to insufficient fodder and malnutrition. The large number of unproductive cattle population and uncontrolled grazing were reported to be the most important reasons for degradation of all productive areas in Dahod district. The areas of Dahod district like most other tribal areas of the State are drought-prone and the cycle of drought is repeated after every 4-5 years, resulting in crop variations and drying up of water resources of both rivers and built-reservoirs. The situation has become serious for the people as well as their cattle. The migration of tribal population in search of jobs leaves the cattle at the mercy of nature in a State like Gujarat which is famous for white revolution.

12.3. Outlays have been made in the TSP 2003-04 for veterinary services and animal health, cattle and buffalo development, poultry development etc. Under the scheme of animal husbandry, a total provision of Rs. 949.93 lakhs has been made for these schemes, a major chunk has been earmarked for veterinary services and animal health. Under nucleus budget Rs. 150 lakhs has been provided. There is no provision for development of sheep and goat.

12.4. The Commission recommends that keeping in view the fact that the cattle population in the tribal areas is quite preponderant with a dismally low yield of milk, there is need to step up the provisions for cattle and poultry development. This would also ensure supplementary employment and income to the tribal families through proper networking for the dispersed tribal groups. A number of tribal communities like Rabaries, Maldaries etc. are well known for keeping large herds of sheep and goats but with the scarcity of fodder and restrictions imposed by the cultivators, there is need to start a special fodder development programme for these groups on the lines of village fodder farms started for cattle and buffalos.

12.5. The RSVY which has been approved by the Planning Commission for a few tribal districts like Dahod in the State would aim at transforming the economy of the district by storing and using runoff water around 77234 MCFT, the present utilization being only 13,707 MCFT (at 15%). The increased supply of water would make available water for drinking and irrigation purposes and ultimately improve the cattle programmes aimed at extension of the white revolution to the tribal districts. **The Commission feels that special attention should be paid to agriculture, horticulture and animal husbandry activities by setting up of dairy cooperative units in order to stabilize the socio-economic condition of tribals. Such programmes can help in reduction of poverty and out-migration of tribal families to Surat, Ahmedabad, Indore, Ratlam, Mumbai, Jamnagar, Rajkot etc. for work.**

Fisheries

13. The tribal areas have about 1.60 lakhs ha. of water sheets which includes six big reservoirs viz. Ukai, Dharoi, Pana, Kadana and Madhuban about 120 medium, minor reservoirs and about 1,000 village ponds. There are 17 fish seed farms for fish seed production and fish seed rearing. There are six training centers and about 600 tribals are imparted training every year. About 157 tribal co-operative societies with 29,529 tribal members are functioning. Except the six big reservoirs, all others are reserved for tribal co-operatives and are given to them at upset price without tenders. **During the course of tour, many tribals wanted that fishing rights should also be given to the tribals for fishing in the big reservoirs.**

Part-III – Social Sector Education

14. State Government has given high priority to educational development of STs. The State is financially assisting/running of 456 Ashram schools by voluntary organizations in which 26,445 boys and 26,417 girls were studying as on 31st March, 2003. 89 post basic Ashram schools for boys and girls from classes 8 to 10 run by the voluntary agencies are also financially assisted by the State Government. 100% salary grant, as well as maintenance grant for the Ashram schools and post basic Ashram schools is also given together with a monthly grant of Rs.450 per inmate for 10 months. The State Government gives grant in aid for running 935 hostels. 22 secondary schools for boys and 15 for girls. 75 higher secondary schools in addition to 17 residential schools for boys and 9 residential schools for girls are run in the ITDP areas. Scholarships are also given to tribal students to cover examination fees, free supply of books, stationery, uniforms and free boarding and lodging facilities are provided in hostels and Ashrams. ST girls not getting post SSC scholarships from Govt. of India due to income criteria are given scholarships under State funds. Students studying in ITI are given scholarships of Rs.10,000 annually. Primary education is imparted in the mother tongue of the tribals. It is reported that the use of tribal languages yields better results in educating tribal students. The State Government has introduced Vidhya Lakshmi Schemes under which a bond of Rs.1,000 is issued to each girl child admitted in standard I and it will be released when the child completes her study up to 7th standard and ST girl students in standard 8th are given free cycle. To meet the educational needs of children migrating along with their parents who go to work in the cutting of sugarcane and in construction work, Village Education Committees (VEC) have been set up which select local educated girl or boy as instructor to start an alternate school for 20 children. The school has flexible timings and location. Teaching material is provided by DPEP and the teacher is imparted training periodically. It is reported

that 28,000 children are at present attending such alternate schools of which 14600 are girls. There is no difference between the curriculum of schools run by the State Government and the Education Department.

Drop-out rates

14.2. The drop out rates are very high in the tribal areas. The following table indicates drop out rate of tribal students from 1993-94 to 1996-97:

Table – VII

No.	Year	General			Scheduled tribes		
		Boys	Girls	Total	Boys	Girls	Total
For Std. 1 to 5							
1	1993-94	40.38	49.84	44.63	55.61	69.68	60.94
2	1994-95	34.94	41.10	37.71	52.68	68.77	59.84
3	1995-96	33.45	40.01	36.93	51.31	66.07	57.97
4	1996-97	32.72	39.74	35.40	49.65	64.25	55.50
For Std. 1 to 7							
1	1993-94	57.91	67.84	82.68	69.57	77.60	73.20
2	1994-95	51.17	55.52	53.11	68.07	76.46	71.86
3	1995-96	49.22	53.85	51.29	67.05	75.49	70.88
4	1996-97	48.19	51.17	49.65	66.25	74.22	69.96

The reasons for the high drop out rates are shortage of teachers and classrooms, lack of toilets facilities for girls, non-availability of upper primary sections, need for children to work or look after siblings, migrating parents-sugarcane and construction workers, social restriction on educating girls, uninteresting curriculum, outdated teaching methods and inadequate teaching/learning material and near lack of laboratory equipments.

14.2.1. The State Government has taken a number of steps to arrest the drop out rates. The State had opened two-teacher training centres for tribal areas. Classrooms are constructed by Village Construction Committees and even Government has taken up a programme for construction of girls' toilets in upper primary schools. About 6000 lower primary schools had been upgraded in the 9th Five Year Plan.

14.2.2. The Commission observed that

(1) though enrolment of ST students at primary stage has increased, it was noticed that their dropouts even after 30 years of TSP strategy range in the realm of 70-75%, despite various interventions. There is need for starting buffer classes for failed middle and secondary students to enable them to clear the Board Examinations. The existing English teachers of Ashramsals are not well qualified to enable the children to face competitive examinations.

(2) the teachers posted in the tribal areas are mostly drawn from outside the tribal area. The number of tribal teachers is not adequate. The unemployed graduate STs are not employed as teachers and given in-service training. Anganwadi is a platform for education. The present norms of opening of Anganwadis does not take into account the fact the tribals are living in hamlets, which are scattered on a large expanse.

(3) a suggestion was made by NGOs and tribal leaders that in order to improve attendance of teachers in primary schools in the scheduled areas a sub-cadre of tribal teachers should be created. They should be given tribal allowance and free accommodation so that they are able to devote themselves wholeheartedly to schools.

(4) the Govt. of Gujarat has refused permission to the voluntary agencies to start granted schools and has instead sanctioned non-granted schools for which the voluntary agencies, starved of funds have to meet expenditure related to teachers' salary and other administrative expenditure. This policy has adversely affected the interests of the ST children of the scheduled area. The Commission observed that one self financing professional college for Primary Teachers Course (PTC) was charging a whopping amount of Rs.31,000/- per annum towards tuition fees in the scheduled areas, which is beyond the reach of poor tribals.

(5) during the Commission' visit one PTC college had only 4 ST trainees out of 50. The reservation for STs in the educational institutions is 15%. The Govt. has centralized admission to Primary Teachers' Certificate course. However, the ground position is that a few ST boys and girls have taken advantage of the scheme and the benefit has gone to outsiders leading to shortage of tribal teachers who are in great demand in the tribal areas.

(6) payment of pre-matric stipend and post-matric scholarship has not been made till January, 2004 according to complaints made by the tribals and NGO's, who met the Commission at various places during tour. It was also demanded that the payment of the stipend should be timely and revised upwards keeping in view the escalating costs.

(7) the Govt. of Gujarat announced to start a Sainik School for STs in Shamlaji of Sabarkantha district. Accordingly, money was allocated and the land acquired. However, since last 4 years, the School has not yet been started. **The Commission notes with regret that undue delay has taken place in the construction of the building and recommends that the persons responsible should be severely dealt with. The Commission hopes that the school will start soon.**

(8) School education is without vocational bias with the result that the tribal students are not able to get jobs in the upcoming industrial enterprises.

14.2.3. The Commission during its tour observed that a large number of vacancies of teachers were lying vacant in the tribal areas. The Commission was also given to understand that the selection of students for PTC colleges is done on a statewide basis. During the interaction with the voluntary agencies, it was found that there are only one or two institutions such as Bhil Seva Mandal, which are running a PTC college in tribal areas. However, very few ST students are sent for training to the PTC college run by Bhil Seva Mandal and the Commission was given the feedback that there is no point in running PTC college in tribal areas if it is not able to produce sufficient number of qualified tribal teachers. The vacant post of teachers in the tribal areas can be filled up if sufficient number of tribal students enter PTC colleges established in the tribal areas so that after completing their training they would be able to serve in the tribal areas. This point was discussed with the Chief Secretary who directed the representative of the Education Department that all posts must be filled by mid Feb. 2004 by recruitment of local tribal candidates in the tribal areas. He further stated that selection of candidates for PTC colleges for institutions located in tribal areas should be on a different footing as a reservation is a district wise concept and no purpose will be served if students coming out of PTC college do not work in the respective areas. It is hoped that the clear directions given by the Chief Secretary will be followed so that the posts of teachers in the tribal areas are filled. The Commission further recommends that 3 granted science stream schools financed on cent per cent basis should be opened in each of the tribal tehsils.

Health

15. In Gujarat, the tribal population lives in *Petapadas* (hamlets), which are spread over a large expanse. The public health infrastructure is almost non-existent near the tribal habitations and therefore, quick accessibility to health services still remains a dream for the tribals living in the scheduled and tribal areas. Reports of high incidence of malnutrition, infant and maternal mortality in the tribal areas are a hard reality. The tribal districts are very low as against the overall Human Development Index (HDI) of the State, which is at 114, but Dahod district (71% tribals) has HDI at 40. The HDI of most developed non-tribal district of Gandhinagar is at 192. According to a recent study undertaken in 2001, 14 out of 33 tribal talukas have no facility of Government/Panchayat hospitals in any village of these 14 talukas.

Special diseases

15.1. Special diseases prevalent in the tribal areas of the state, most of which have been officially eradicated under various national disease control programmes are still afflicting the STs of the state. The sickle cell anaemia (SCA), tuberculosis, diarrhea, malaria, STD, mumps, pneumonia, cataract and

other eye ailments, silicosis, skin diseases like fungus infection, iron deficiency, goiter, AIDS, yaws, water borne diseases associated with consumption of drinking water with the high fluoride, nitrate, chloride, iron content and urinary tract disorders are some of the diseases still posing a health hazard to the tribals. It has also been noted during the tour that at many places the tribals and livestock live together in the same tenements, which accounts for occurrence of many diseases.

Sickle Cell Anaemia and Goitre

15.1.1. The Commission was informed during its tour to Navasari and Surat districts that the sickle cell anaemia (SCA) is a serious threat to most of the tribal communities in Gujarat. This fatal disease in Gujarat has its 2nd largest population in India. It has no cure except counseling and taking the precautionary measures like avoiding marriage between persons with traits of this disease. The ICMR found the prevalence of SCA in Valsad district among Dhodia, Konkna and Patelia STs during a study conducted by them recently. This disease affects 20-30% of the tribals in south Gujarat particularly, the Chaudharis, Gamits, Vasavas, Halpaties etc., in central Gujarat, the prevalence of the traits of the disease are present in around 30% of the tribal population. In Chhotta Udepur ITDP, out of 62,551 and 16,680 new OPD cases, 2,094 and 680 cases were examined for sickle cell traits and 616 and 160 were found positive during 2002 and 2003. **To arrest SCA, it is necessary to screen all persons specially the children attending schools and colleges up to the marriageable age so that the cases in which the SCA traits are noticed; they could be counseled properly not to choose a partner who has the same traits. This requires examination of blood samples in large numbers. Some good work is being done by voluntary agencies in this regard. The Commission recommends that the Central Government should come forward to bear the entire cost of a programme of setting up of labs and appointment of doctors and treatment of patients who suffer from SCA.**

15.1.2. The occurrence of goitre disease due to deficiency in the intake of iodized salt was reported to be as high as 35 per thousand in south Gujarat. It appears very strange in the context of fact that the state produces more than 70% of the country's salt but the tribals in some parts are afflicted with Goitre. The State Government has informed that to curtail goiter disease salt is being distributed at subsidized rate of Rs. 0.50 per kg from May 1999 through fair price shops in ITDP areas. For implementation of this programme an outlay of Rs.130 lakhs was provided during the year 2003-04. **The Commission recommends that Sickle Cell Anaemia and Goitre should be controlled on a war footing in the tribal areas.**

Health Centres

15.2. The entire health care programme is being implemented by the primary health care system, which has developed as a 3 tier system and is based on the following population norms, which are slightly differential in favour of tribals, for valid reasons:

Table-VIII

Centre	Population	Norms	Staffing Pattern
Sub-Centre (SC)	5,000	3,000	MPW(M), MPW(F), LHV
Primary Health Centre (PHC)	30,000	20,000	MO + 14 Paramedical and other Staff + 4 – 6 indoor beds
Community Health Centre (CHC)	1,20,000	80,000	4 Medical Specialist (Surgeon, Physician, Gynecologist and Pediatrician) and 21 Paramedical Staff with 30 indoor beds, one OT, X-ray unit, Labour room and laboratory facility.

15.2.1. Conceptually a sub-centre covers an area of 26.24 sq. kms., PHCs – 190.70 sq kms. and CHCs – 788.79 sq. kms. in the state. The Centre for Social Sciences, Surat has found in a study that the population covered by PHCs is 28,200 against the norm of 30,000 for general population but it is still 25,300 against the relaxed norm of 20,000 for tribal areas. The position is also similar for sub-centres. The Commission has, however, found that the health facilities are highly inadequate in the tribal districts as would be seen in the table below:

Table – IX

Districts	No. of Centres		Requirement of SCs for PHC	Average in the district
	PHC	SC		
Banaskanta	10	70	6	7
Valsad	41	330	6	8
Navsari	35	281	6	8
Panchmahals	31	178	6	6
Sabarkanta	25	169	6	6
Narmada	21	135	6	7
Vadodara	40	217	6	5 ½
Dangs	7	47	6	7
Surat	28	87	6	3

15.2.2. It would be seen that the average number of SCs is more than the required norm of six in respect of 5 districts of Valsad, Navsari, Dangs, Banaskanta and Narmada while it is as per norm only in Panchmahals and Sabarkanta districts. In respect of Surat and Vadodara it is only 3 and 5 ½ respectively against the norm of six, may be because these are highly industrially advanced districts.

15.2.3. Similarly, each CHC is a referral hospital for four PHCs. For Valsad there is only one CHC for 41 PHCs, it is 5 PHCs each for Banaskanta and Navsari districts, 7 PHCs each in respect of Narmada and Dangs districts, 8 PHCs in Vadodara and 6 in Panchmahals districts. In Surat district alone, it is less than the norm of 4 PHCs. 30 mobile units are functioning in the tribal districts. **The Commission recommends that there is strong case for provision of mobile vans as it is very difficult for the tribal patients to reach the health centres for treatment during emergency and may be considered seriously by the State Government.**

Vacancy position

15.3. Available information could be had for PHCs of Valsad, Narmada and Vadodara districts which showed 15 vacancies of MO (1). Post of MO(1) of all the CHCs of Navsari and Panchmahals districts were full while 43% of the paramedical posts were lying vacant. 75% of the sub-centres in the tribal district of Valsad had no *safai karamcharis*. The Commission was informed that the nurses in the sub-centres of Vadodara district do not stay in the staff quarters, which adversely affects the health of the tribals. The PHC, Dharampur has no surgeon and nurse. Even the Ayas and ward boys were hired on daily wages. It was pointed out by the tribal representative and NGOs that the tribal patients have to trudge to taluka head quarters for medical treatment involving avoidable time and money spent in doing so.

15.3.1. 44 posts of Superintendent Class-I, 24 posts of Medical Officers Class-II, 10 posts of Staff Nurse Class-III, 46 posts of X-Ray Technician Class-III, 43 posts of Laboratory Technician Class-III, 40 posts of Jr. Pharmacist Class-III were vacant and efforts are being made to fill up the vacant posts of Medical Officer by conducting walk in interview and on adhoc basis. **There should be one male and one female health worker in each sub-centre. It is surprising to note that not a single male health worker has been appointed in 1514 Sub-Centres.**

Training of Nurses

15.4. The Government proposes to start nursing schools at Dahod, Valsad and Rajpipla and Ahwa in the tribal areas and seek help of voluntary organizations to start nursing school at Baruch. **The Commission would like the State Government to open more nurses' training schools in tribal areas for training of tribal female nurses with a view to curb truancy by non-tribal nurses. Another advantage of posting local tribal nurses is their accessibility to the local population as they would be in a position to converse with them in their local dialect.**

Position of buildings

15.5. 3 PHCs and 43 SCs of Narmada district have no buildings of their own and are functioning in rented buildings. 6 buildings of PHCs of Narmada district and 3 of Panchmahals districts were reported to be under construction at the time of the tour. The Commission found that the civil hospital (CHC) Valsad was very small. There is a backlog of 150 buildings for PHCs, 17 for CHCs and 580 for CHCs SQs.

Availability of medicines and doctors

15.6. Medicines are given to the centres on population criteria. Supply of medicines against indent to the health centres is a cumbersome procedure and it needs to be simplified. There is no arrangement for control of infectious diseases and the treatment of snakebites, anti-rabies cases during the rainy season. Tribal area CHCs of Vadodara district treated 140 cases of snakebites – 127 indoor and 13 OPD out of which six victims succumbed their last during the course of the treatment. The paramedical staff has not been trained to give anti-rabies and snakebite injections in case of emergency when the medical officer was not available. This is a very acute problem faced by the tribals when cases of snakebites are rampant during the rainy season. At Santoshpur Cottage hospital, the Commission found that refrigeration facilities for keeping anti-rabies injections and snakebite venom serum was not available at the hospital for want of refrigeration facilities. The injections were being kept in a private refrigerator.

15.6.1. The Commission recommends that the health centres should be manned by adequate trained personnel, supply of medicines and refrigeration facilities. Para medical staff including male and female nurses should be trained to give injections in the cases of snake and dog bites.

15.6.2. As per the NHP – 83 and NHP – 2002, each CHC should have four specialist doctors i.e. Gynecologist, Physician, Surgeon and Pediatrician. But the State Government has not followed the guidelines of the Government of India and has appointed only one specialist doctor. Hence the CHCs in the tribal areas are not getting the services of the other three specialist doctors. Moreover, where available the operating surgeon does not have the facility of anesthetic, so either the patient has to bear the expenditure of the charges of the private anesthetic or Surgeon has to take the risk of giving anesthesia to the patient himself or send him to the district hospital. **The Commission recommends that the posts of specialist doctors and anesthetics should be filled up.**

Creation of Sub-Cadre of Health Services

15.7. The Commission recommends that to overcome the vacancy position of Medical Officers (1) and (II), the State Government should create a sub-cadre of health services of tribal areas and the doctors should be posted in

the centres on a tenure basis. They should be permitted to go for Post Graduate courses after completion of the tenure. In order to make their postings attractive, the medical personnel should be paid special tribal allowance, which should take into consideration, the cost of education of their wards at far off places and they should be permitted to visit their home towns on LTC at least once in 2 years. The monetary incentives to medical officers like Special Pay, LTC etc. should be given in comparison with such incentives paid in urban areas. In addition, he should be given out of term promotion and priority in PG admission provided he undertakes to serve in tribal area for atleast 5 years.

15.7.1. The Commission found that the tribals have a strong notion that the health care delivery system is not very effective to cater to their needs. The tribal women have constraints in consulting male doctors/paramedical staff for seeking gynecological treatment. The women preferred the role of Female Health Workers (FHW) in attending to minor ailments at their doorsteps, provided FHWs make home visits regularly. The Commission found that the institutional deliveries in the tribal areas were around 20%. This is perhaps due to multiple factors like vacant posts of dais (TBAs), their poor reach in tribal hamlets and unattractive honorarium per delivery. Another important reason is the need for awareness among tribal women to go in for institutional delivery. The acculturation process precipitated by the industrial activities in the tribal areas has fortunately made them develop faith in the modern healer.

Use of herbal medicines

15.8. Tribals collect medicinal herbs from forest and there are four Government medicinal plants collection centres at Khedbrahma, dist. Sabarkantha, Devgadbaria, dist. Panchmahal, Rajpipla, dist. Narmada, Ahwa, dist. Dangs. The Government is considering to disburse Home Remedy Ayurved kit to 30 families per village in 3000 villages in 42 selected talukas. **The Commission feels that the faith of the tribals in the traditional medicine man (Bhagat) is still very strong and has to be given due recognition by the modern health delivery system.**

15.8.1. Improvement of tribal health is an important pace setter for all-round development of the tribal areas. **The Commission feels that this would not be possible under the present dispensation where the State health department looks at the tribal health care in an indifferent manner. On the other hand the tribal development department shows its helplessness by simply assuming that the tribal health care is not its baby. The Commission feels that the structure and functioning of the CHCs, PHCs and SCs in the tribal areas would need thorough revamping in consonance with the tribal needs, ethos and beliefs. The Commission recommends that the sub-directorate of health services within the tribal development department as proposed above should cater to all issues pertaining to tribal health like control of**

sub-cadre, filling up of vacant posts, supply of laboratory equipments, medicines, provision of mobile medical vans, strengthening of the health centres not merely in accordance with the norms of Government of India but on the preponderance of tribal population, difficult terrain, occurrence of special diseases and training of tribal doctors and para-medical staff. This sub-directorate should also duly recognize the traditional medicine man through suitable interventions. At the same time, the Commission desires that the State Directorate of health service should have a proper stay in the proposed system as all initiatives for health policy would emanate from that department. The Gram Sabhas should also be duly consulted.

ICDS

15.9. ICDS is the largest nutrition and health programme in India. This programme is implemented by the Department of Women and Child Development of Government of Gujarat. The beneficiaries receive supplementary nutrition, immunization, health check up, referral, services, non-formal pre-school education and nutrition and health education. The beneficiaries of the programme are children below 6 years, pregnant and lactating mothers and women in the age group of 15 to 44 years. The National Vitamin A Prophylaxis programme started in 1971 has been merged with the ICDS. The National Nutritional Anaemia Prophylaxis programme launched in 1970 has also been integrated with ICDS.

Role of Anganwadis

15.10. Despite the relaxed norms of 700 tribal children for opening of an Anganwadi, the State Government could start only 7,737 Anganwadis under 46 projects till March 2002 benefiting 5.43 lakhs persons. **The Commission recommends that due to isolated location of tribal hamlets on large expanses there is need for further relaxation of norms for opening of Anganwadis in tribal areas from a population of 700 to 250. Such a course will also facilitate the enrolment of tribal children and their retention in primary schools and thereby promote tribal literacy. The Commission also recommends that the expenditure towards supplementary feeding under Anganwadi scheme should be borne by the Union Ministry of Human Resource Development. The Commission feels that the health education of pregnant / nursing mothers would motivate them to accept the advantages of family planning and follow two-child norm. The SHGs of tribal women should be engaged for preparing mid-day meals for Anganwadis.**

15.10.1. The Commission strongly feels that so far the health services are heavily concentrated in the urban areas to which the tribals have hardly any access due to cultural and communication problems. The periodic cycle of

drought in the tribal areas leads to the malnutrition of the children. The food they get is both deficient in Vitamin 'A' and iron. There is lack of any public outcry at the present state of affairs in the health sector and there is urgent need for putting the tribal health care on the public agenda. **The Commission recommends that the issues of tribal children have to be properly sensitized and ingrained into the mindset of the policy framers for keeping it as an integrated part of the state health vision. The proposed Sub Health Directorate should examine this issue of vital concern in a holistic manner as health of tribal children of today would produce a good Human Resource Development for tomorrow.**

The Commission recommends that reputed voluntary agencies for which Gujarat is famous, should be financially assisted by the State Government and the Government of India in tandem to cover the entire scheduled areas by health network. Gujarat is an industrially forward state and the industrial prosperity is very much on account of mineral, forest and water resources available in the tribal areas. The Commission recommends that the Government should levy a reasonable Cess on exportable goods to pay for proper health care of the tribals.

15.10.2. The Commission observed that a large number of PHCs and CHCs in tribal areas are not effective in providing health care to the tribals because full complement of posts of medical officers nurses are not filled. Doctors who come out of medical colleges do not want to work in the tribal areas and if by chance they are posted in the tribal areas they manipulate to secure their transfer to an urban center. The Chief Secretary suggested that in so far as services of specialists are concerned, a three prong approach would be followed by the State Government by (1) deputing teams of specialists along with supporting staff and equipments to visit selected tribal medical centers twice a week and undertake higher value services such as surgery, (2) institution should be involved in some tribal pockets by the Health Department to create a viable programme to enable tribal beneficiaries to avail better medical services.

Drinking water

16. Most of the tribal areas are characterized by hilly terrain, rocky sub strata and presence of forest on large chunks which makes the problems of supplying safe drinking water difficult. As per survey carried out by Rajiv Gandhi National Drinking Water Mission during the year 1992-93, there are 30,269 habitations in the state, out of which 13,050 habitations fall in tribal area. Out of these 13,050 habitations 12,176 habitations have been covered up to March, 2002, leaving 874 habitations to be covered. During the year 2002-03, 305 habitations have been covered against the target of 250. As on 1.4.2003, 569 habitations remained to be covered.

Hand pump programme:

16.1. Generally tribal population are living in hilly terrain and scattered manner and hand pump is the only techno-economic solution in this area. The State Government has revised the criteria of one hand pump per 100 people to 50 for the tribal areas. There are 80,463 HPs in the tribal area and on an average of about 2% hand pumps require repairs. There are 216 repairing gangs for hand pumps. To involve the people in the job of repairing hand pump, a programme for providing hand pump repairing training has been started for tribal areas and up to March, 2003, 10,645 people were trained in 3,840 villages. It is also planned to provide hand pump repairing kits to all tribal villages of the state. Upto February, 2003, 410 tool kits were supplied to village panchayats. **The Commission recommends that all the remaining gram Panchayats should be provided with kits on a priority basis.**

Mini Pipe Water Supply Scheme

16.2. The scheme consists of installation of single phased power pump on bore of 165 mm dia through which water will be stored in a storage tank of @ 10,000 litre capacity and then distributed to the village people on stand posts. Under this programme 246 mini pipe water supply schemes have been completed up to 1.4.2003 in tribal area.

Rural Regional Water Supply Scheme (RRWSS):

16.3. RRWSSs are proposed where source for individual water supply scheme is not feasible on the basis of reservoir / river as an assured sustainable source. In tribal area at present 36 RRWSSs covering 317 habitations are functioning and work on 19 RRWSSs covering 679 habitations are in progress. **During the tour the Commission noticed that in Bhiloda and Vijaynagar areas wherein Regional Water Supply Schemes have pipeline passing by tribal hamlets but no water is given to the tribals. This matter was discussed at the meeting with the Chief Secretary who gave a positive response by indicating that since 1986, in the aftermath of successive droughts, GOG has come out with a clear policy that a pipeline has to give tap off to the areas it passes through. The Secretary, Water Supply promised that tribal hamlets would be supplied water in Bhilodia and Vijaynagar immediately.**

Housing

17. 3.7 lakh house sites plots have been allotted to ST beneficiaries since 1972. 1.82 lakh houses have been constructed for STs since 1976. Under Sardar Patel Awas Yojana homeless families living below poverty line are provided *pacca* houses and the cost of each unit was Rs. 30,000 and cent percent subsidy was given by the State Government. Since 1st February 2000, the unit cost has been raised to Rs. 40,000 plus 3,000 as labour component to make an

earthquake resistant house with toilet-cum-bathroom. The Government has instructed that the tribal houses may have tiled roofs to suit their conditions.

Tribal Research & Training

18. The Tribal Research and Training Institute, Gujarat Vidyapeth was established in the year 1962. The Institute has completed 381 research studies, 78 training courses in tribal life, culture and development were conducted for class-II Government officials covering 1,386 officials. The Institute is also conducting peripatetic training course for local officials, village leaders, grass-root level workers and forest officials and so far 145 such courses were conducted in which 7,036 persons participated. The institute conducts seminars and workshops on various issues. The Commission during its tour was accompanied by the Director, Tribal Research Institute and found that the institute has done a number of studies on various issues pertaining to the tribal people. The Commission however, got the impression that the State Government does not take action on the recommendations made in various studies and reports submitted by the institute from time to time. It was very disheartening to note that the State Government is not aware that the TRI has conducted studies on land alienation.

18.1. The Commission recommends that the Institute should be strengthened by appointing a renowned Anthropologist / Sociologist with adequate research staff for undertaking tours in the tribal areas. The Commission further recommends that the Government should welcome the constructive criticism of the working of the welfare programmes and take suitable action to modify the contents of their programmes for effective delivery of benefits to the tribal people. The TRI should not be treated as a limb of the Government and entrusted with multifarious routine duties, which impede their research work.

VOLUNTARY AGENCIES

19. Voluntary agencies can play a catalytic role in the development of disadvantaged sections of the state. The tribals, due to their low HDI in vital sectors like health, IMR, MMR, malnutrition, prevalence of most dreaded diseases, availability of poor health services in tribal areas, education – high rates of wastages and stagnation in education, gender disparities in education, lack of motivation from tribal parents to send their wards to schools, more particularly girls, poverty, absence of vocational bias in education, landlessness – uneconomic size of agricultural holdings, resulting in poor yield, restrictions by the forest department in collection of MFP etc. for sustenance, leading to their migration.

19.1 Panchmahals was faced with devastating famines in 1901, 1907, 1910-11, 1918, 1920, 1921 & 1922. Moved by the enormity of these famines, Mahatma Gandhi got a study made by Shri Thakkar Bapa, a veteran social worker. Gandhiji started massive relief work through prominent social workers – Thakkar Bapa and Indu Lal Yajnik by way of distribution of free grains and clothes to the

tribals. It was noticed that the money lenders were entrenched in the tribal areas. Thakkar Bapa with a band of dedicated social workers started Bhil Sewa Mandal (BSM) to educate the tribals. The Commission visited Mirakhedi, the first Ashram type of school established for STs in the country. With donations received in cash and kind including land BSM has established Ashrams, Buniyadi Pathashalas, secondary, schools, hostels etc. benefiting 5665 boys of 3792 girls upto secondary stage. To make available cheap loans to STs a co-operative credit Society was set up which advanced Rs.43 lakhs credit to them during 2001-03.

19.2 The Government of India as well as Government of Gujarat have been encouraging, the voluntary agencies to have interface with the tribals in the fields of education, health, nutrition, women and child development, provision of irrigation facilities, water shed development including rain water harvesting, sprinkler irrigation, vocational training, employment, promotion of co-operatives-Self Health Groups / Van Mandalies. For this, the various departments of Central and the State Governments as well as International Agencies give grants / assistance to the voluntary agencies. 13 voluntary agencies, working in various fields were given grants to the Ministry of Tribal Affairs in the year 2001-02 (Appendix – IV). It would be seen that six agencies were aided for running of mobile dispensaries, three each for setting up of hostels / residential schools and one for opening of library in the tribal areas of the state at a total cost of Rs.91.98 lakhs (2001-02). During 2002-03 the number of the voluntary agencies in receipt of grant in aid shrunk to six. During the tour, the Commission was informed that there is delay in the release of second instalment.

19.3 A number of NGOs like NM Sadguru Water & Development Foundation, Gram Vikas Trust, Bharat Agro Industries Federation (BAIF), Aga Khan Rural Support Programme (India) [AKRSP(I)] etc. have interacted with the tribals in various sectors like minor irrigation, rain-fed farming, drip irrigation, water harvesting, plantation of horticultural crops inter cropping of vegetables on tribal land and setting up of food processing industry for income generation to the tribals.

19.4 Some success stories which have impacted the tribals are that of A.K.R.S.P.(I). Through soil and water conservation measures and provision of group-wells and check dams, the tribals of Bharuch district have grown 3325 grafts of mangos in 43 villages covering an area of 33 ha. and 120 households. Further, 15 households of 4 villages have been supplied 21,000 flower grafts. An additional income of Rs.2882 per household was provided through J.F.M. by way of fuel on protected plots of land in Bharuch district. The Sadguru Foundation has assisted the tribal farmers to have record production of Rs.1 lakh worth of vegetables and Rs.57,000 in onion on a hectare of land where earlier there was none in Dahod district. This has been possible through technology transfer in agricultural practices and drip irrigation.