

## 19.5 The Commission makes the following recommendations:

1. Undue delay in receipt of grants by the voluntary agencies is not conducive for the development of the tribals. The first instalment should be released within 2 months of the receipt of the application and the second instalment which is often delayed on flimsy grounds is a matter of great concern. There is need to review the entire gamut of release of grant in aid by allowing lumpsum grant for such organizations which are doing work in the field of health care and education in the difficult tribal pockets and commuting to Delhi/Gandhinagar for release of 2<sup>nd</sup> instalment repeatedly is unproductive and wasteful by amending the existing rules. A flexible approach needs to be adopted for release of grant in aid.
2. Corrupt officials found soliciting hush money from the voluntary organizations should be cornered and given exemplary punishment.
3. The voluntary agencies should be encouraged with suitable building grant for setting up of their offices and complexes in the heart of the tribal areas as it is difficult and financially unbearable for the tribals to commute to urban environment which is alien to their culture. Moreover, their presence in tribal ambience would have salutary effect for them.
4. Voluntary agencies, which do commendable work in tribal areas should be given citation in the names of local tribal leaders.
5. The different Ministries of the Govt. of India and State Government are giving grant to the voluntary agencies, sometimes for the same purpose. The overlapping should be avoided. The Ministries should set up an inter Ministerial working group to ensure that the duplication of grant for the same purpose is weeded out/minimized.
6. The voluntary agencies should train local tribal leaders in managing the affairs so that ultimately they manage these agencies themselves.

## Part - IV Categorization of STs

20. There are 26 ST communities in the state, 12 tribal communities have a population ranging from 0.48 lakh to 26 lakhs. The population of these 12 tribes according to 1991 census was as follows:

1. Bhil	26,38,488	7. Kokna	2,59,253
2. Dubla or Halpati	5,46,567	8. Chaudhary	2,51,503
3. Dhodia	5,18,671	9. Dhanka	2,20,666
4. Rathwa	4,34,517	10. Warli	2,00,080
5. Naika, Naikada	3,40,694	11. Patelia	1,10,003
6. Gamit	3,10,471	12. Kunbi	48,358

20.1. There are 5 minor tribes declared as PTGs and their population ranges from 5,000 to 82,000. Their names are given below:

1. Kolgha	82,679	4. Siddi	6,336
2. Kotwalia	19,569	5. Kathodi	4,773
3. Padhar	15,896		

20.2. In addition to the above PTGs, the remaining 9 minor tribal communities are as follows:

1. Chodhara	13,554	7. Pomla	928
2. Rabari	7,061	8. Charan	881
3. Phanse, Pardhi	5,841	9. Bharwad	667
4. Bavcha, Bamcha	5,164		
5. Barda	1,974		
6. Gond, Rajgond	1,341		

20.3. Except PTGs for whom the developmental programmes have been undertaken out of funds provided by the Government of India, only the major tribes have largely received benefits of development measures and even among them "..... there is a great \*disparity in the level of socio-economic development. Among some of the tribes, such as Dhodia, Choudhary, Patelia and Dungri Garasia (sub-group of Bhil tribe as indicated in the list of scheduled tribes, otherwise having a separate entity), the process of social and economic changes appears to be of such magnitude that they may lead to rapid deculturation."

20.4. The Commission has observed that some tribal communities have received disproportionate benefits compared to the other tribal communities and as a result of wide ranging discussions with the tribal representatives and non-official agencies, the Commission feels that the State Government should go into all aspects of reservation in employment and admission in educational institutions.

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- Report on 'Gujarat Tribal Development vision – 2010' prepared by the Centre for Social Studies, Surat funded by the Tribal Development Department, Govt. of Gujarat in 2001 at page 10.

**Land alienation laws in Gujarat**  
**Bombay Land Revenue Code, 1879**

**Power to restrict right of transfer.**

73-A. (1) Notwithstanding anything in the foregoing section in any tract or village to which the State Government may, by notification published before the introduction therein of an original survey settlement under section 103, declare the provisions of this section applicable, occupancies shall not after the date of such notification be transferable without the previous sanction of the Collector.

(2) The State Government may, by notification in the Official Gazette from time to time exempt any part of such tract or village or any person or class of persons from the operation of this section.

**Restriction on transfer of occupancies of tribals to tribals or non-tribals.**

73-AA. (1) Notwithstanding anything contained in section 73, an occupancy of a person belonging to any of the Scheduled Tribes hereafter in this section and in section 73AB referred to as the tribal shall not be transferred to any person without the previous sanction of the Collector.

(2) The previous sanction of the Collector under sub-section (1) may be given in such circumstances and subject to such conditions as may be prescribed.

(3)(a) Where tribal transfers the possession of his occupancy to another tribal in contravention of sub-section (1), the tribal transferor or his successor in interest may, within two years of such transfer, apply to the Collector that the possession of such occupancy may be restored to him and there upon the Collector shall, after issuing a notice to the transferee or his successor in interest, as the case may be, in the prescribed form to show cause why he should not be disentitled to retain possession of the occupancy and after holding such inquiry as he deems fit, declare that the transferee or his successor in interest shall not be entitled to retain possession of the occupancy and that the occupancy shall be restored to the tribal transferor or his successor in interest, as the case may be on the same terms and conditions on which the transferor held it immediately before the transfer and subject to his acceptance of the liability for payment of arrears of land Revenue in respect of such occupancy in accordance with the rules made by the State Government and that the transferee or his successor in interest as the case may, be shall be deemed to be unauthorisedly occupying the occupancy.

Provided that such declaration shall stand revoked if the tribal transferor, or as the case may be his successor in interest fails or refuses in writing to accept the restoration of the possession of such occupancy within the prescribed period.

a) Where –

(i) a tribal in contravention of such-section (1) of section 73-A or of any other law for the time being in force has transferred his occupancy to another tribal at any time during the period commencing on the 4<sup>th</sup> April, 1961 and ending on the day immediately before the date of commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980, and

(ii) the tribal transferee or his successor in interest has not been evicted from such occupancy under section 79A.

the transfer of occupancy shall be valid, as if it were made with the previous sanction of the Collector under section 73A.

(4) Where a tribal -

(a) in contravention of sub-section (1) of this section, or of sub-section (1) of section 73A of any or other law for the time being in force, transfers his occupancy to any person other than a tribal (here after in this section and in section 73AB referred to as "the non-tribal") at any time on or after the date of commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (hereinafter in this section referred to as "the said date"); or

(b) in contravention of sub-section (1) of section 73A or of any other law for the time being in force has transferred his occupancy to a non-tribal at any time before the said date.

The Collector shall, notwithstanding anything contained in any law for the time being in force, either suo-motu at any time, or on an application made by the tribal transferor or his successor in-interest at any time within three years from the said date or the date of such transfer, whichever is later, after issuing a notice to the transferee or his successor in-interest as the case may be, to show cause why the transfer should not be declared void and after making such inquiry as he thinks fit, declare the transfer of such occupancy to be void and thereupon the occupancy together with the standing crops thereon, if any, shall vest in the State Government free from all encumbrances.

(5) Where an occupancy is vested in the State Government under sub-section (4) and such occupancy was assessed or held for the purposes of agriculture immediately before its transfer by the tribal transferor, the Collector shall, after taking necessary action under sections 79A and 202, give notice to the tribal transferor or his successor in interest, as the case may be, requiring him to state in writing within ninety days from the date of receipt of such notice whether he is willing to purchase the occupancy and cultivate it personally, and if such tribal transferor or his successor in-interest agrees to purchase the occupancy and undertakes to cultivate it personally, it may be granted to him on payment of the prescribed occupancy price.

(6) If within the said period of ninety days the transferor or his successor in interest does not intimate his willingness to purchase the occupancy and to cultivate it personally, or fails to pay the occupancy and to cultivate it personally, or fails to pay the occupancy price within period as may be specified by the Collector, the occupancy shall be granted to any other tribal residing in the same village or in any other village situated within such distance from the village as may be prescribed, on the same conditions, including the payment of the occupancy price, as are specified in sub-section (5), and if he is not so willing, it shall be granted to other classes of persons in such order or priority at such occupancy price and subject to such conditions as may be prescribed.

(7) Where any occupancy is transferred to a non-tribal in contravention of sub-section (1) such non-tribal shall, without prejudice to any other liability to which he may be subject, be liable to pay to the State Government, a penalty not exceeding three times the value of the occupancy, such penalty and value to be determined by the Collector, and such determination shall be, final :

Provided that before levying any such penalty, the non-tribal shall be given a reasonable opportunity of being heard.

(8) The penalty payable under sub-section (7) shall, if it is not paid within the time specified by the Collector, be recoverable as an arrear of land revenue.

Rights of occupant to encourage his occupancy in favour of State Government and certain institution.

73AB. Notwithstanding anything contained in section 73 or sub-section (1) of section 73AA or in any condition lawfully annexed to the tenure, but subject to the provision contained in section 35, it shall be lawful for an occupant to mortgage, or create a charge on his interest, in his occupancy in favour of the State Government in consideration of a loan advanced to him by the State Government under the Land Improvement Loans Act, 1883, the Agriculturists Loans Act, 1883 or the Bombay Non-Agriculturists Loans Act, 1928 as in force in the State of Gujarat or in favour of a bank or a co-operative society, and without prejudice to any other remedy open to the State Government, bank or co-operative society, as the case may be, the event of his making default in the payment of such loan in accordance with the terms on which such loan was granted, it shall be lawful for the State Government, bank or co-operative society as the case may be to cause his interest in the occupancy to be attached and sold and the proceeds to be applied in payment of such loan:

Provided that if such occupant is a tribal his interest in the occupancy shall not be sold to a non-tribal without the previous sanction of the Collector.

73AC. (1) No civil court shall have jurisdiction to settle, decide or deal with any question, which is by or under section 73-A or section 73AA or section 73AB required to be settled, decided or dealt with by the Collector nor shall the civil court have jurisdiction to entertain any suit or application for grant of injunction (whether temporary or permanent) in relation to such question.

(2) No order of the Collector made under section 73-A or section 73AA or section 73AB shall be called in question in any civil or criminal court.

Explanation – For the purposes of this section, a civil court shall include a Mamlatdar's Court under the Mamlatdar's Court Act, 1960.

73AD. (1) Notwithstanding anything contained in the Registration Act, 1908 –

(a) no document relating to transfer (not being a mortgage or creation of charge falling under section 73AB) of an occupancy of a person belonging to any of the Scheduled Tribes shall be registered on or after the date of the commencement of the Bombay Land Revenue (Gujarat Second Amendment) Act, 1980 (hereinafter in this section referred to as "the said date"), by any registering officer appointed under the Registration Act, 1908 unless the person presenting the document furnishes a declaration by the transferor in the prescribed form, which shall be subject to verification in the prescribed manner that the transfer of occupancy is made with the previous sanction of the Collector under section 73-A or section 73-AA.

(b) a document relating to the transfer of an occupancy belonging to any of the STs, referred to in clause (a), which is registered on or after the said date shall take effect and operate only from the time of such or registration.

(2) Notwithstanding in sub-section (1) shall apply to the documents of transfers of occupancies of persons belonging to any of the STs made before the said date, but presented for registration after the said date.

73B. Where any occupancy, by virtue of any conditions annexed to the tenure by or under this Act is not transferable or partible without the previous sanction of the State Government, the Collector or any other officer authorized by the State Government, such sanction shall not be given except on payment to the State Government of such sum as the State Government may by general or special order determine.

## Appendix – II

**District wise distribution of land transfer cases under Section  
73-A and 73-AA of the  
Bombay Land Revenue Code, 1879 and the Gujarat Land  
Revenue Rules, 1972 (Amended)  
[February 1981 to September 1997]**

S. No.	District	Registered cases of Tribals	Areas (Hectare) (Hect.)	In favour Tribals	Area (Hect.)	Cleared cases against Cases	Area (Hect.)	Pending	Area
1.	Bharuch	10344	10771.83	9536	10004.64	627	555.27	181	211.92
2.	Panchmahal	13938	20937.63	13226	19508.42	59	76.44	653	1352.77
3.	Vadodara	4042	4943.38	3606	4473.23	421	454.67	15	15.48
4.	Sabarkantha	5555	6164.33	4954	5380.46	69	70.46	532	713.40
5.	Surat	2329	1950.23	328	649.90	1742	915.42	259	384.90
6.	Valsad	1442	858.03	233	276.74	1061	464.90	148	116.92
7.	Dang	794	1977.16	773	1946.49	1	1.27	20	31.77
8.	Banaskantha	1178	2184.96	881	1566.66	136	248.37	161	368.94
<b>Total</b>		<b>39622</b> 123028.65 (Acre)	<b>49786.96</b>	<b>33537</b> 108249.1 (Acre)	<b>43806.54</b>	<b>4116</b> 6887.44 (Acre)	<b>2786.80</b>	<b>1969</b> 7897.8 (Acre)	<b>3196.07</b>

**Source :** Department of Land Revenue, Gujarat State, Gandhinager

## Appendix – III

**District wise Distribution of Cases (Permission for Land Transfer)  
Under Section 73-AA of  
the Bombay Land Revenue Code, 1879 and  
The Gujarat Land Revenue Rules, 1972 (Amended)  
[February 1981 to September 1997]**

S. No.	District	Total Cases for No. of Cases	Permission Area (Hectare)	Permissi on No. of cases	Granted Area (Hectare)	Permissi on not Cases	Granted Area (Hectare)
1.	Bharuch	824	1447.24	379	580.50	441	861.67
2.	Panchmahal	187	251.43	36	33.05	103	175.42
3.	Vadodara	220	292.17	14	11.89	139	191.47
4.	Sabarkantha	91	105.21	41	41.52	50	63.69
5.	Surat	240	335.78	115	215.65	125	120.13
6.	Valsad	544	419.25	205	216.08	339	203.17
7.	Dang	162	232.00	60	75.20	57	95.65
8.	Banaskantha	21	27.94	19	22.36	2	5.58
<b>Total</b>		<b>2289</b>	<b>3112.02</b> 7687.64 (Acre)	<b>869</b>	<b>1196.25</b> 2956.05 (Acre)	<b>1256</b>	<b>1716.78</b> 4242.33 (Acre)

## Appendix – IV

### Voluntary agencies receiving grants from the Ministry of Tribal Affairs during 2001-02

S.No.	Organisation Name	Project Name	Amounts (in Rs.)
1.	Anugrah Adivasi Education Trust At/Po: Vadwa, District Dahod	Mobile Dispensary	804662
2.	Bharat Sevashram Sangha Narmada	Mobile Dispensary	537499
3.	Bharat Sevashram Sangha(Navasari) Navasari	Mobile Dispensary	1071400
4.	Bhasha Research Publication Vadodra	Library	119700
5.	INRECA Raypipla Road, Timbapada, Dediapada, District Narmada	Residential School	610020
6.	Sant Shri Asaramji Ashram Sabarmati, Ahmedabad	Mobile Dispensary	2229374
7.	Shiv Shakti Education Trust H.No.17, Municipal Shopping Centre, Near New Fire Station, Dahod	Mobile Dispensary	534285
8.	Shree Dhadhela Kelvani Mandal At/PO: Dhadhela, District Dahod	Hostel	679320
9.	Shri Adivasi Yuvak Seva Sangh Jhalod, District Dahod	Residential School	380370
10.	Shri Sadgurudeo Swami Akhananda Charitable Trust Barumal, District Valsad	Hostel	420570
11.	Sri Sadgurudeo Swami Akhandananda Memorial Trust At/PO: Barumal, District Valsad	Mobile Dispensary	692163
12.	Vivekanand Education Trust Shakhinagar Society, Dahod	Residential School	710910
13.	Zarpan Nasarpur Vibhag Kelvani Mandal District Surat	Hostel	407610
		<b>Total</b>	<b>9197883</b>



# Himachal Pradesh

The State of Himachal Pradesh is situated in the North-Western Himalayas which range from Shivalik, Greater Himalayas and the Trans-Himalaya and is interspersed with rivers, valleys, glaciers, alpine pastures and the high mountain peaks. The State has International land border with the Tibet (PR-China) in the North/North-East, and bounded by Uttaranchal in the East/South-East, Haryana in the South, Punjab in the South-West and Jammu & Kashmir in the North.

The vital statistics of Himachal Pradesh as per the Census 2001 are as under:-

	Himachal Pradesh	Scheduled Areas
Total Geographical Area	55673 Sq.Km.	23,655 Sq. Km. i.e. 42.49% of the HP State
Population	60.77 Lac (Decadal growth rate is 17.53% against national 21.34%)	As per 2001 census total tribal population is 2,44,587 which is 4.02% of the State

## The Scheduled Areas

As per the Scheduled Areas (Himachal Pradesh) Order, 1975, issued under the provisions of the Fifth Schedule [Article 244(1)] of the Constitution of India, the following are the Scheduled Areas:-

1. Kinnaur The entire District comprised of three C.D. Blocks (Pooh, Kalpa and Nichar)
2. Lahaul & Spiti Comprised of the C.D. Blocks of the Lahaul & Spiti District
3. Bharmour Bharmour C.D. Block/Sub-Division of the District of Chamba
4. Pangi Pangi C.D. Block/Sub-Division of the District of Chamba

The Scheduled Areas are situated in the North and the North-Eastern parts of the State forming a contiguous belt in the high mountains with average altitude being 3281 metre above the mean sea-level. There are two pockets of tribal concentration outside the Scheduled Areas. One such pocket is comprised of Bhatiyat CD Block, and another is comprised of Chamba CD Block, both are in the Chamba District. Each pocket has minimum 10,000 population of which over 55% are tribals. These pockets are funded under Modified Area Development Approach (MADA) through Special Central Assistance.

The tribal belt is a rugged terrain with a large number of snow glaciers, snow fields, water lakes and that major rivers – Satluj, Spiti, Baspa, Ravi and Chenab with their tributaries flow through the Scheduled Areas. The highest human habitat (Kibber in Spiti) is at 14,000 ft. above the mean sea-level. The Scheduled Areas are contiguous and these constitute 42.49% (23,655 Sq. Km.) of the States geographical area (55,673 sq. km.). The density of population per sq.km. in the Scheduled Areas is at 6 as against 92 of the State (1991 Census).

The Chief Minister of Himanchal Pradesh in the meeting held with the Commission during its visit to the State of Himachal Pradesh, put-forth a proposal for the inclusion of the following areas of the State in the list of Scheduled Areas:-

- 1) Chauwara Block, Dodra Kwar area, the Panchayat areas of Darkali, Munish, Kashapat, Deoti, Kool, Kinnu, Chai-Bish of Shimla District, Pandrah-Bish area of Shimla and Kullu Districts;
- 2) Chuhar in Mandi District; Malana area in Kullu District; Churah sub-division in Chamba District;
- 3) Chotta Bhangal and Bada Bhangal area in Kangra District and Trans-Giri area of Sirmaur District adjoining Jaunsar-Bawar of Uttaranchal.

The grounds stated by him were the similar geographical conditions and cultural affinity/similarity the above areas have with the adjoining Scheduled Areas/Scheduled Tribe habitat. The Commission observed that the main criteria for declaring any area/habitat as Scheduled Area is the preponderance of the tribal communities in the concerned area. The State Government has not furnished any list of the communities in the above mentioned areas having the geo-cultural similarities with the communities

already notified as Scheduled Tribes. A scrutiny is required to establish whether the communities so identified fulfil the criteria laid down for scheduling them under the provisions of the Constitution as Scheduled Tribe and it would also require an appraisal of the ethnographic history of the communities. The economic backwardness of the community has never been taken as the sole factor for notifying a community as Scheduled Tribe. The community should be the one which is geographically and socially isolated, apart from its economic backwardness requiring special attention to be paid for human resource development and for overall economic development.

**The State Government can undertake an exercise on the above lines and submit a detailed proposal to the Government of India in respect of the communities.**

## **The Scheduled Tribes**

The communities notified as the Scheduled Tribes under the Constitution (Scheduled Tribes) Order, 1950 and 1951 and under the Scheduled Castes and Scheduled Tribes (Amendment) Act of 1956, 1976 and 2002, in relation to Himachal Pradesh are:-

1. Bhot, Bodh
2. Gaddi
3. Gujjar
4. Jad, Lamba, Khampa
5. Kanaura or Kinnara
6. Lahaula
7. Pangwala
8. Swangla
9. Beta, Beda
10. Domba, Gara, Zoba

The communities shown above against Sl. No. 9 & 10 have been added to the list of Scheduled Tribes in Himachal Pradesh under the Scheduled Castes and Scheduled Tribes (Second Amendment) Act, 2002. The Gaddi and Gujjar communities of the territories specified in sub-section (1) of the Section 5 of the Punjab Re-organisation Act, 1966, i.e. the new areas of Himachal Pradesh have been included in the list of

Scheduled Tribes of Himachal Pradesh under the Scheduled Castes and Scheduled Tribes (Second Amendment) Act, 2002.

According to the 1991 Census, the Scheduled Tribe population of Himachal Pradesh is 2,18,398 which is 4.22% of the total population of Himachal Pradesh. These statistics cover the ST population in the Scheduled Areas as well as in the pockets of tribal concentration and also the dispersed tribal population outside Scheduled Areas. The population of the Scheduled Tribes as per 2001 census is 2,44,587.

The community – 'Lamba' at Sl. No. 4 was notified as Scheduled Tribe under the Scheduled Castes and Scheduled Tribes (Amendment) Act of 1956. As per the census of 1951 and 61 onwards i.e. in all census conducted upto 2001, there is no community recorded by the name of 'Lamba'. Obviously, it is a misnomer. The name was, as it appears, assigned by the outsiders to 'Lama' who is a Buddhist Monk a wise man i.e. one who has attained monkhood. Any person, irrespective of caste, tribe or community can attain monkhood and become a Lama. The Lama is, therefore, not a community to be notified as Scheduled Tribe.

**The Commission observed that in the list of communities notified as Scheduled Tribes at Sl. No. 4 – the community listed as 'Lamba' should be omitted as there is no community by the name of 'Lamba' in the Scheduled Area as well among the dispersed tribal population by carrying necessary amendment of the Order/Act in this regard, for the reason given in the foregoing para.**

The Commission has also examined the proforma/format prescribed for issuing the Scheduled Tribe Certificate. The format used by the Sub-Divisional Magistrate, Kalpa Sub-Division, District Kinnaur mentions Constitution (Scheduled Tribes) (Amendment) Act, 1991. The fact is that there was no amendment carried of the Scheduled Tribes Orders in respect of Himachal Pradesh after the (Amendment) Act of 1976. While referring to various Constitution (Scheduled Tribes) Orders and the Acts amending the Orders, there is no mention made of the Scheduled Castes and Scheduled Tribes (Amendment) Act of 1976 which added 'Kinnara' as synonym of 'Kanaura' in the list of the Scheduled Tribes. Further, in this format in place of 'Kinnara' the name 'Kinnaura'

is mentioned. It is obvious that the ST Certificate is not being issued meticulously as per the Constitution (Scheduled Tribes) Orders/(Amendment) Acts.

In fact there have been mistakes beginning with the first Order i.e. Constitution (Scheduled Tribes) Order 1950 about the name of the tribes. In 1950 Order in Part-VII – Punjab 'Tibetan' has been listed as Scheduled Tribe in Spiti and Lahaul – then part of the District of Kangra in Punjab. Another mistake made was that under Constitution (Scheduled Tribes) (Part-C States) Order 1951 in Part-IV, 'Lahaul' was shown in Chamba District of Himachal Pradesh and Spiti in the Mahasu District of Himachal Pradesh whereas both Lahaul and Spiti then were part of Kangra District in Punjab. Again, the name of the tribe shown therein was 'Tibetan'. It is obvious that all the communities – Lahaula, Swangla, Bhot, Bodh were named as 'Tibetan'. In the said Order not a single community of Himachal Pradesh was notified as Scheduled Tribe. It was only under the Scheduled Castes and Scheduled Tribes (Amendment) Act, 1956 that various communities were notified as Scheduled Tribes in Himachal Pradesh and there again 'Tibetan' was added which was deleted from the list notified under the Scheduled Castes and Scheduled Tribes Order (Amendment) Act 1976. Such were the mistakes committed at the initial stages of identification of communities for notifying them as Scheduled Tribes.

**The Commission recommends that the format presently used by the Distt. Magistrate, Sub-Divisional Magistrates and the revenue authorities for issuing the Schedule Tribe Certificate should be standardized as per the guidelines issued by the Ministry of Tribal Affairs, Government of India.**

During the Commission's visit to the District of Kinnaur some representatives of Kanaura/Kinnara tribe and few activists among them have demanded that the eunuchs of Madhya Pradesh should be restrained from calling themselves as 'Kinner'. These social activists claim that only the 'Kinner' of Kinnaur are the real 'Kinner' as they find their mention in the Indian mythology and Puranic writings of the Vedic culture.

**The Commission recommends that the Central Government may, in consultation with the State Governments of Himachal Pradesh and**

**Madhya Pradesh, get this dispute settled amicably to pre-empt any possible tribal unrest in Himachal Pradesh.**

Most of the communities notified as Scheduled Tribes in Himachal Pradesh have Vedic/Hindu Caste System. The castes like Chamar (Chamang), Koli, Dom (Lohar) Oreas (Badi), who are the natives of the tribal areas belong to the tribal communities which have been notified as Scheduled Tribes as such the persons belonging to these castes also are the Scheduled Tribes. That 18% of the population shown as Scheduled Castes in the Scheduled Areas/Tribal belt in 1991 Census are, in fact, Scheduled Tribes as per the interpretation of the Constitution (Scheduled Tribes) Orders/Acts.

**The Commission observed that there is now a controversy whether in the Scheduled Areas the original inhabitants belonging to these castes under the Hindu Caste System which have already been notified as Scheduled Castes in the Himachal Pradesh list of Scheduled Castes can actually claim for Scheduled Tribes Certificate. The State Government may settle/resolve this controversy/dispute early.**

This controversy is related to only Kanaura, Lahaula and Pangwala Scheduled Tribes. The candidates belonging to these castes perhaps prefer to have a Scheduled Caste Certificate for the jobs/employment as it is easier for them to get into the jobs reserved for the Scheduled Castes particularly in the District cadres and for all the recruitments made within the Districts. Earlier there were reservations for the Scheduled Castes for filling-up the post of office bearers under the Panchayati Raj System. Now, that the provisions of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 have been incorporated in the Panchayati Raj Act and Rules made thereunder, all seats for the office bearers in the Village Panchayats, Panchayat Samities and Zila Parishads have been reserved for the Scheduled Tribes. All candidates possessing the Scheduled Caste Certificate belonging to these castes have been denied the democratic right to contest for the various posts under the Panchayati Raj System. Various delegations representing these castes have pleaded before the Commission that the persons belonging to all these castes in the Scheduled Areas of Kinnaur, Lahaul and Spiti and Chamba Districts should be treated as Scheduled Tribes. In the past, some of the candidates belonging to these castes

have been taking Scheduled Tribes Certificate as they are eligible to obtain Scheduled Tribe Certificate being a Kanaura or Lahaula or Pangwala. ST Certificate can be issued only on the recommendation of the Revenue Authorities, Patwaries and Tehsildars up the lines, who normally recommend for Scheduled Tribe Certificate on the basis of Revenue records. The Commission consulted the Revenue records during the field visits and it was found from the Revenue records that during the last Revenue Settlement the families belonging to these castes were shown as Scheduled Caste (अनुसूचितजाति). With this kind of entries in the Revenue records, the Revenue Authorities are not in a position to recommend them for the Scheduled Tribe Certificate. The Commission observed that these castes in Pangwala and Lahaula Tribes also are facing the same problem. The Chief Minister of HP said in the meeting with the Commission that the families of these castes should also be made eligible to the Scheduled Tribe Certificate.

**The Commission observed that the original inhabitants – the natives of the Scheduled Areas of Himachal Pradesh belonging to the communities notified as Scheduled Tribes irrespective of their caste under the Hindu Caste System are eligible to the Scheduled Tribe Certificate going by the provisions made under the Constitution (Scheduled Tribes) Orders and the Amendment Act 1956 and 1976 in this regard. The Commission recommends that the original Kanaura, Lahaula, Pangwala inhabitants of the Scheduled Areas belonging to the Caste notified as Scheduled Caste in the State of Himachal Pradesh may be allowed to opt-for the Scheduled Tribe Certificate. Those in the Government jobs should not be allowed to change their status of either Scheduled Caste or Scheduled Tribe, nor should they be allowed to shift their claims from time to time.**

The Commission further observed that the entries in the Revenue Records of the Scheduled Areas made in the last revenue settlement may have to be revised to facilitate the exercise of option – by those Kanaura, Lahaula, Pangwala inhabitants belonging to the Caste notified as Scheduled Caste in Himachal Pradesh – for the Scheduled Tribe Certificate. The name of the community notified as Scheduled Tribe should be recorded against each original inhabitant/land holder in the

revenue records and if considered necessary the Caste under the Hindu Caste System including those which are in the list of Scheduled Caste in Himachal Pradesh may also be recorded. This will also help the Revenue Authorities in the enforcement of the provisions of the Himachal Pradesh Transfer of Land (Regulation) Act 1968 – amended in January, 2003 which regulate the transfer of land from tribals to non-tribals.

The solution recommended as above will help ease social tension among the tribes of Kanaura, Lahaula and Pangwala and this would pre-empt social/tribal unrest brewing up on account of this controversy in the Scheduled Areas of Kinnaur, Lahaul & Spiti and Pangi.

### **Tribes Advisory Council (TAC)**

A Tribes Advisory Council (TAC) has been set up in Himachal Pradesh under the Chairmanship of the Chief Minister. The other Members are – the Minister in-charge Tribal Development & Social Welfare; 3 MLAs representing the Scheduled Areas in the State Legislative Assembly; and rest are the nominated Members of the Scheduled Tribes. The mode of appointment of the non-official Members is by nomination for a period of 2 years. In all, the TAC consists of 20 Members in Himachal Pradesh as per the provision of the Fifth Schedule [Article 244(1)] of the Constitution.

The task assigned to the TAC is to advise on such matters pertaining to the welfare and advancement of the STs in the State as may be referred to them by the Governor. The Council meets twice in a year. All matters/subjects/issues pertaining to tribal development and welfare programme and projects, social and cultural issues obtained from the Departments and also those raised by the Members are placed on the agenda of the meeting. These are discussed, progress and periodical achievements are assessed and the views of the Members are taken in the meeting and decision is taken on each agenda item for further action/implementation by the Departments and the development agencies etc.

There are meetings held twice a year of the TAC to review the progress of the tribal development projects and welfare programmes. It provides a forum for raising



questions, expressing views/opinions and for making recommendations by these nominated Members. Apart from these meetings there are no other forum or sittings for the TAC. During the Commission's interaction with some of the TAC Members and other tribal leaders, the opinions/views were expressed by them that the size/number of Membership of the TAC be increased so that the eminent tribal representatives, other than MLAs from different valleys and revenue circles in the Scheduled Areas are taken on the TAC; that such Members should have a genuine interest in the social work and public welfare; and some of them should have some expertise to advise on socio-economic matters and cultural affairs. As per the provisions of Fifth Schedule of the Constitution, as far as possible  $\frac{3}{4}$  of the Membership should be filled by the ST MLAs representing the scheduled areas. In a State with large number of tribal MLAs, strength of the nominated members will be very small as the total strength of TAC should not be more than 20. However, in HP there are only three MLAs representing the Assembly Constituencies reserved for the Scheduled Tribes and that leaves enough seats for non-official representatives covering various tribal belts of the State.

There are views expressed that the existing mode of appointment of Members by nomination be changed to direct election held locally which would require proportionate distribution of the seats in the scheduled areas. There were others who oppose the direct election to the TAC and they were of the view that the appointment by direct election would unnecessarily create a division in the community disturbing the peace of harmony in the tribal areas. There is also a need to statutorily fix at least quarterly meetings of the TAC. They have also expressed that there should be a Secretariat of the TAC set up to assist the Members during the meetings and in the intervening periods.

### **Recommendations**

**The Commission is of the view that the present system of appointment by nomination should continue. The appointment by nomination should be of the eminent tribals from different Scheduled Areas, having genuine interest in the social work and public welfare and they should have the expertise to advise on socio-economic development matters.**

**As per the provisions of the Fifth Schedule of the Constitution, task of the TAC is to advise on matters as may be referred to them by the Governor. Although the Members may on their own tender advise on any subject, yet a provision need be made to allow Members to advise on matters other than those referred to them. In HP it appears from the records as well as from the interaction with the tribal leaders that no major advisory policy proposals and recommendations on Tribal Policy and on development policy and programme were submitted by TAC in all these years. There is no mechanism other than the half-yearly meetings devised for the consultations with TAC and for taking their advice before the laws affecting tribal interest are passed by the Legislative Assembly/Parliament, the Commission observed.**

### **Tribal Sub-Plan**

The Tribal Sub-Plan strategy was evolved in the Fifth Five Year Plan and its implementation commenced from 1974-75. Tribal development has been classified into (i) areas having more than 50% tribal concentration with an area development approach and (ii) dispersed tribals with family welfare oriented programmes. This concept is primarily based on the recommendations of the 1<sup>st</sup> Scheduled Areas and Scheduled Tribes Commission – popularly known as Dhebar Commission.

The TSP concept had undergone a fundamental change during the Eighth Plan period in that Maharashtra model was introduced and that the decentralized planning process with Integrated Tribal Development Project (ITDP) as a basis was started and this strategy has since been implemented in Himachal Pradesh with ITDP as a mechanism for the implementation of the tribal development and tribal welfare programmes. As a policy, plan funds flow to the TSP was raised to 9% of the State Plan during the Eighth Plan period. Throughout the Eighth Plan period flow to TSP was continuously at 9% of the State Plan. But from the 2<sup>nd</sup> Year of the Ninth Plan i.e. from Annual Plan 1998-99 to annual Plan 2001-02 there has been some marginal cut in the allocation to TSP. The Tenth Plan 2002-07 has fixed the funds flow to TSP at 7.97%. In the Annual Plan for the year 2003-04, the funds flow to TSP is at 7%. The Tenth Plan continues with the strategy with greater emphasis on accelerated growth in employment; on basic

minimum services to the people; eradication of poverty; and provision for a food security system as per guide-lines issued by the planning Commission.

The Commission observed that the State of Himachal Pradesh has an efficient mechanism set-up for the implementation of the tribal development programmes/projects. The State Planning Department communicates funds flow to TSP to the Tribal Development Department with the ceiling in terms of percentage of funds flow out of the total State Plan to TSP as decided at the level of the Planning Commission, Government of India. On receiving the allocation of plan funds to TSP, the Tribal Development Department allocates divisible outlays to each of the ITDP viz Kinnaur, Lahual, Spiti, Pangi and Bharmour. The ITDPs determine their own priorities and allocate funds only to those schemes which are relevant to the ITDP area. Each ITDP prepares its own Tribal Sub-Plan in consultation with the Project Advisory Committee. The Tribal Sub-Plan prepared by the ITDPs for their project areas are compiled by the Tribal Development Department and made part of the State Tribal Sub-Plan. The indivisible outlays are conveyed to the Administrative Departments. The Heads of the Departments concerned prepare documents in respect of its Department for the Tribal Sub-Plan and submit it to the Tribal Development Department. The Tribal Sub-Plan document is finalized by the Tribal Development Department in consultation with the Heads of the Departments and it is submitted to the Planning Commission through the Ministry of Tribal Affairs. The implementation and execution of the projects and programmes are with the ITDPs and the Departments concerned. The function of the Tribal Development Department is to allocate funds to ITDPs and the Departments getting the TSP implemented. It monitor the progress of the works undertaken under TSP. This mechanism/system proved efficient and effective in HP, the Commission observed.

### **Integrated Tribal Development Projects (ITDPs)**

There are five ITDPs which implement the Tribal sub-Plan. These are namely ITDP Kinnaur with 3 CD Blocks; ITDPs-Lahaul, Spiti, Pangi and Bharmour – each having one CD Block. ITDPs are placed under specified authorities:-

<b>ITDP</b>	<b>Authority</b>
Pangi	Resident Commissioner Pangi at Killar

Kinnaur	Deputy Commissioner, Kinnaur at Recong Peo
Lahaul	Deputy Commissioner, Lahaul & Spiti at Keylong
Spiti	Additional Deputy Commissioner, Spiti at Kaza
Bharmour	Deputy Commissioner, Chamba

There is a system of single-line administration for the implementation of the TSP Projects in that the specified authorities exercise the powers of the Heads of Department for TSP programmes and expenditure on tribal development programme. This has cut-down the delays and improved the delivery system.

The Project Advisory Committee for each ITDP is headed by the MLA of the Project Area. Members are the MP of the area; Chairmen of the Panchayat Samities and Zilla Parishads; Members of the TAC from the area; Project level heads of offices. This Committee is to advise on right from the project formation, through implementation, to review of the project level TSP and its budget.

For equitable flow of funds to these 5 ITDPs, formula evolved by the State is as under:-

Population	40%
Area	20%
Relative economic backwardness	40%
<b>Total</b>	<b>100%</b>

Based on the above formula the share of each ITDP is as under:-

Kinnaur (3 CD Block)	30%
Lahaul	18%
Spiti	16%
Pangi	17%
Bharmour	19%

The Commission observed that there was no critical analysis done of this formula, nor there are any complaints about this formula. Although, this formula has been accepted by the tribals and the authorities implementing the TSP, yet a weightage need be given to the relative

**economic backwardness of the ITDP raising it to 50% or so in the formula for the equitable flow of funds to the ITDPs.**

There has been no diversion of Plan funds allocated to TSP and ITDPs nor there were any surrender of funds in the past few years mainly because TSP Budget in Himachal Pradesh is based on single Consolidated Demand.

When asked by the Commission during its visit, the cut in the allocation has not been satisfactorily explained. It appears that the Tribal Development Department which receives allocations has not raised any question on the cut. The Tribes Advisory Council Members are not aware of the cut in the allocation for the Tenth Plan period. There has been no direction for this variation in the allocation from the Government of India. This cut has not been questioned by the MLAs, from the Tribal Constituencies on the floor of the State Legislative Assembly. There is no tribal MP in the Parliament to raise questions on such matters.

The Commission observed that this criteria for Plan funds flow to TSP at 9% against 4.5% population base, now raised to 6% on account of scheduling the Gaddi and Gujjar communities of the new areas, was adopted considering the fact that the tribal belt is mountainous, rugged and economically backward, inaccessible on account of lack of infrastructural facilities and unproductive terrain where cost of development is comparatively much higher, almost three times that of the non-tribal areas. There is, therefore, no justification for any cut in the allocation criteria.

**The Commission recommends that the State Government and the Planning Commission may consider the feasibility of maintaining the Plan funds flow to TSP at 9% of the State Plan for the reasons explained in the foregoing paras. The Commission recommends further that the Border Area Development fund being special central assistance, the special grants under Article 275(1) of the Constitution and all other Special Central Assistance sanctioned for the Scheduled Areas and for the dispersed tribal population should be treated over and above the State Plan share allocation to the TSP.**

## **Personnel Policy**

The tribal areas have been declared as remote areas for the purpose of Personnel Policy. The tenure of the officials posted to tribal areas is fixed under the policy. Employees posted in tribal areas get advance of pay, compensatory allowances, tribal allowances, winter allowances etc. Rate of TA is also high. Special transit leave is granted. Overstay allowance is given to the non-locals. On completion of the tenure they are posted out to one station out of 5 choices given; provided residential accommodation on priority; house building advance is reserved for them.

The Personnel Policy devised by the State is based on the recommendations of the Maheshwar Prasad Committee. ITDP officials exercise enhanced financial, technical and administrative powers. Special entries in the ACRs of the officers are marked by the Tribal Development Commissioner-cum-Secretary. Special training is provided to the personnel posted in the tribal areas. They are also granted rural health allowances. Helicopter service is provided in the land-locked areas in the winter season. There is a Difficult Area Sub-Cadre set up for the tribal and difficult areas. The first appointment of the officials is made in the tribal areas for a period of five years now reduced to four years.

The Commission during its visit to the State observed that despite all these attractive salary components, and various incentive schemes, over 50% of the key posts in education and health sectors particularly remain vacant. In the cadres of education and health departments over 91% of the posts in the State stand filled. In that situation where are the staff deployed against these over 50% vacant posts in the Scheduled Areas. Obviously, the employees against these 50% vacant posts in the Scheduled Areas are deployed in excess outside the Scheduled Areas and drawing salary against these vacant posts; which is highly improper and irregular.

**The Commission recommends that in HP at least 2/3<sup>rd</sup> of the sanctioned strength in the education and health sector in the Scheduled Areas should be filled and that the funds from both non-plan and TSP budget for those posts which cannot be filled should not be released by the budget controlling authorities until those are filled so as to curb the proclivity of the authorities to divert the Scheduled Areas budget for**

**funding the salary of the staff deployed elsewhere against the vacant posts in the Scheduled Areas.**

## **Agriculture and Allied Sector**

### **Agriculture/Horticulture**

Agriculture/horticulture being the primary sector is the main occupation of the people in the tribal areas. According to the Government statistics operational area is only 27,882 hect. out of the total geographical area of 23,65,533 hect – i.e. only 1.18% owned by 22,552 farmers. The average size of holding varies from 0.94 to 1.89 hect. against State average of 1.30 hect. The agro-climatic conditions in the tribal belt are conducive to cash crops like temperate fruits, stone fruits, seed potato, vegetable, hops, peas, medicinal herbs. The on-going strategy is to increase the productivity of food crops and fruit crops. Improved seeds, plant materials, chemical fertilizers, insecticides, and pesticides are provided under a subsidy scheme. Agriculture/horticulture implements and tools are also provided on subsidy. Emphasis is on productivity and improved quality of production since the land being limited. There is no additional cultivable land to be broken. Irrigation is essential in most parts of the tribal belt. All the streams and rills are tapped which are snow-fed as monsoon do not enter most parts of the tribal areas.

**The Commission recommends that the irrigation scheme should be given top priority under TSP. The traditional community run irrigation channels should be improved/renovated under the water shed development programmes.**

Support prices scheme is also operative as a measure of market intervention scheme as operative elsewhere in the State. There is an adequate marketing and processing post-harvest handling infrastructure developed in the States including the tribal areas. All these schemes have been implemented successfully and satisfactorily in the States and in the tribal belt as was revealed during the interface the Commission had with the farmers.

**One important aspect of development in this sector should be to modernise the extension services provided in the field of crop husbandry and animal**

husbandry. As a part of the agricultural extension service emphasis need be given on the use of organic manure in the agri/horticultural production.

### **Animal Husbandry**

Animal husbandry being an integral part of the agriculture sector has undergone a major change in the tribal area. According to 1992 census domestic animal population in the tribal areas was – livestock 2,88,625, sheep/goat 1,99,941 + poultry 14,815. Animal health care and veterinary extension services are being provided. Tribal belt was one time traditionally famous for sheep/goat stocks – wool production meat/mutton and milk food. Though the indigenous sheep population has been significantly transformed into cross-bred that yield three times more wool yield, but the size of the population has gone down, particularly the population of goat owing mainly to the forest conservation policy of the State. The traditional economy of the Gaddi and Gujjar communities has suffered a lot in modern times which needs revival.

**The Commission recommends that the present Animal Husbandry Policy needs a review. It should be so designed to augment the production of milk, wool and mutton which will generate employment and income not only within the sector but also in the traditional handloom sector. However, the augmentation scheme should be eco-friendly.**

### **Forestry – Conservation and Development**

As per Revenue records the total area in Himachal Pradesh under Forest Department is 37,591 sq. Km. Of this 17,296 sq.km. area is alpine pasture and snow mountain. Forest area is only 20,995 sq. km. with 10% to 40% density. The National Forest Policy envisages 66% of the total geographical area to be brought under forest coverage which is not feasible.

The tribal belt covers mostly the alpine pastures and snow mountains. Most part of the tribal belt lies outside the monsoon zone. The Forest Department has not been able to publish exact area under forest cover with varying density owing to the fact that the forest surveys have not yet been completed in the tribal belt in all these years. However, the thrust of the forestry department in the tribal belt is to raise plantations for fuel, fodder and small timber species; development of the existing pastures; soil



conservation work, and the forest conservation work particularly the medicinal herbs. There are a number of schemes under social forestry programme with people's participation such as – Van Lagau, Rozi Kamao Yojna, Sanji Van Yojna etc.

The tribals enjoy right to timber for house construction; grazing rights in the alpine pastures; collection of various minor forest produce in their respective Revenue estates particularly chilgoza, thangi, hazel-nuts, medicinal herbs etc. These rights are very well regulated and there are generally no complaints about these rights being exercised by the tribals, nor there is any complaint with the forest department and forest conservation policy in the tribal belt. In fact, there are hardly any forest encroachment cases in the tribal areas as compared with that in other areas. The main reason for the absence of any encroachment on forest land is the fact that the tribal villages have effective social-control over the minor forest produce collection. In fact, they themselves undertake conservation works to ensure regular flow of income from this traditional usage.

- 1. The Commission recommends that chilgoza and the medicinal herbs are important minor forest produce and the income from chilgoza particularly is quite substantial. There have been efforts made for raising nurseries and plantation of chilgoza pine but without any success. Chilgoza - the pinus-giardiana is a rare specie naturally grown only in the upper Satluj tract in India and in some tracts of Afghanistan and Iran globally speaking. This specie is on the verge of extinction. There should be a national scheme for a scientific research on conservation and nursery development for regeneration of this specie. Similar efforts are needed for juniper pine which has medicinal value.**
- 2. There are over 40 rare medicinal herbs commercially exploited by the tribals and these herbs grow on high altitude area. So far the Department has not been able to conserve these herbs used mostly for producing life-saving drugs. The Department only regulates the extraction of herbs by notifying a four year extraction cycle in a routine way without any application of a specific method where some species require annual extraction for their proper regeneration. There**

**is no scientific approach undertaken at present on conservation and regeneration of these herbs. The National level research institutions under the Ministry of Forest and Environment, Government of India should be assigned a task for conservation and regeneration of these rare herbs scientifically by using the experiences and knowledge, the tribals have with them about these herbs and shrubs.**

- 3. The Commission observed that the State Department has not done enough to develop the alpine pastures in the tribal belt for the conservation and regeneration of the rare tonic grass species. The Commission recommends that State should prepare projects for alpine pasture development for funding by the Government of India. The Ministry of Environment and Forests has taken a policy decision to develop alpine pastures.**

## **Rural Development**

All the National and State plan funded rural development schemes are also implemented in the tribal areas. There are programmes specific to the tribal areas – such as Desert Development Programme; Watershed Development programme funded by the Central Government.

The RD Schemes are mainly geared to poverty alleviation through employment generation which is an important element of India's strategy for development. As per the survey conducted by the State in the Ninth Five-Year Plan period there were 19105 ST families out of the total 2,86,447 families below the poverty line in the State.

## **Panchayati Raj System**

The three tier Panchayati Raj system has been in operation ever since the Community Development Blocks were set up in the 1960's, although in the early years district level institution was not effectively installed. HP Panchayati Raj Act 1968 was repealed (after the enactment of the 73<sup>rd</sup> Constitutional Amendment Act) by the new Panchayati Raj Act, 1994. Panchayati Raj institutions at all levels have been actively involved in the implementation of the rural development scheme and programmes in the Scheduled Areas.

The HP Panchayati Raj (Second Amendment) Act 1997 has incorporated the provisions of the PESA Act and that the Gram Panchayats/Gram Sabhas in the tribal areas have been made competent to safeguard the interest of the tribals in land, forests, minerals and preserve the tradition and customs of the people, their cultural identity, and the community resources.

The reservation for the STs in the Panchayati Raj institutions shall not be less than one-half of the total number of seats under the amended Act in the Scheduled Areas. Further, all seats of Pradhan of Gram Panchayats and Chairman of the Panchayat Samities/Zilla Parishads have been reserved for the STs.

### **Roads**

Tribal areas have 1913 Kms long motorable roads comprised of State roads, link roads, border area development roads, State highways and the National highways as the two tribal Districts have international land border with China (Tibet). The policy is to connect all villages with motorable roads. The road network has helped economic development as well as road transport system to connect villages in the tribal areas.

**The Commission observed that there are two major roads which have traditionally been the branches of the famous silk-route. One is the old Hindustan-Tibet Road in Kinnaur which takes off from the National Highways at Tapri to Kanam and meets the National Highway at Shiaso-Khad. Another road is in Lahaul which runs from Tandi through the Chenab River valley to Pangi Scheduled Area, which is funded by the Government of India under the Border Roads Programme. These two roads when made fully motorable will transform the economy of the respective areas. The Commission, therefore, recommends that these roads should be constructed and expeditiously completed.**

**The Commission further observed that there are villages which are accessible only by traditional rope-ways (Jhulas) even after all these years of planned development. The Commission recommends that pending the construction and completion of the link roads, there should be foot-bridges constructed to replace the rope-ways (Jhulas) immediately.**

### **Drinking Water Supply**

By 1994 all the villages in tribal areas have been provided with drinking water facilities. There are new habitations which came up with the economic development and that there are some such habitats requiring proper piped drinking water supply.

### **Housing**

Not a major problem in the tribal areas. However, for the construction and repairs of the houses to the needy tribals there is a housing subsidy scheme operative in the tribal areas.

### **Food/PDS**

The tribal areas of HP are deficit in foodgrains production. There are over 333 fair price shops operational under PDS in the tribal areas and the objective is to maintain price level and regulate public distribution.

### **Human Resource Development – Education**

Under Article 46 of the Constitution the State has been assigned the task of promoting the educational interest of Scheduled Tribes. Over the successive five-year plans the literacy percentage in the tribal areas has moved up from 12.85% in 1961 to 53.15% in 1991.

There is a good network of educational institutions from Primary level to the Senior Secondary and the College levels. There is hardly any revenue village without a school in the Scheduled Areas. A package of incentives has been provided to promote education and literacy at all levels. But, it is a matter of concern that the quality of education has deteriorated at all levels in the recent years.

**The Commission during its visit to the State discussed that the schools at all levels in the interior areas of the tribal belt are without adequate teaching staff. The science labs are ill-equipped. The deployment of teaching staff at full strength has always been a perpetual problem. The**

**creation of separate sub-cadre has not helped solve the problem as the sub-cadre has never been operational effectively.**

The private sector institutions have not much scope in the tribal areas. In the early 1990's, the literacy mission sponsored by the Central Government had done good job achieving targets both in tribal areas and non-tribal areas in Himachal Pradesh on promoting functional literacy.

The Department of Education has the sanctioned posts of about 11500 Trained Graduate Teachers (TGTs) and about 6000 School Lecturers in the State. About 10% of the sanctioned strength remains vacant almost for all the times on account of promotions and retirements etc. as the filling up of these vacant posts take its own time in the process.

The Commission observed that despite various incentive schemes such as attractive salary components and compensatory allowances and the provision of the choice of the station given on the completion of the tenure in the Scheduled Areas over 50% of the given posts in the Department of Education in the Scheduled Areas remain vacant. As may be seen from the statistics given above only 10% of the posts remains vacant in the State, while a large number of them are shown vacant in the Scheduled Areas. That means, the teaching staff sanctioned for the Scheduled Areas are deployed in excess outside the Scheduled Areas. Obviously, they are being paid salary against these vacant posts in the Scheduled Areas.

**The Commission recommends that the educational institutions in the Scheduled Areas should be provided with adequate infrastructural facilities, buildings and teaching staff particularly in the mathematics and science subjects etc. At least 2/3<sup>rd</sup> of the sanctioned strength of the schools in the Scheduled Areas should be filled and those posts which cannot be filled, budgeted funds for these vacant posts should not be used outside the Scheduled Areas.**

The Commission was informed that the State Government has decided to fill the vacant posts in the cadres of TGTs and school lecturers etc. by appointing trained graduates and lecturers as the para-teachers on the pay package which is much smaller in size as compared to the salary

package given to the regular TGTs/lecturers. The scheme is for the entire State designed to fill the regular vacancies of TGTs/lecturers by appointing these para-teachers. The fact that for all these years the schools in the Scheduled Areas have been run with only about 50% of the sanctioned teaching staff particularly of mathematics and science subjects etc., it may, happen that all these vacant posts or most of it in the Scheduled Areas are filled by appointing these para-teachers helping the regular teachers escape from the posting in the Scheduled Areas. If that happens the tribal students in the Scheduled Areas will never receive quality education. The success rates in the examinations will further deteriorate.

The Commission recommends that not more than 10% of the sanctioned posts in the cadre of TGTs and School Lecturers in the Scheduled Areas should be filled by appointing these para-teachers to help tribal students get their fair deal.

No evaluative studies have so far been done on the functioning of the Government run schools and about the quality out-put of the educational system in the tribal areas. It is recommended that the existing policy of the State Government to open up new schools and upgrading the existing schools without proper staffing and necessary lab equipments should be reviewed. The consolidation measures need be stepped up to ensure quality education at all levels. An investigative study/research is also recommended to ascertain the reasons for the failure of the tribal Students Hostel Projects. Funds have never been a problem being a centrally sponsored project. There has been a functional failure not only on account of mismanagement but because of poor attendance as not many tribal students prefer to join these hostels. May be there are social reasons. A discreet inquiry need be conducted to ascertain the reasons for the poor attendance.

## **Health Care**

There are a large number of health institutions ranging from sub-centres to PHC and hospitals under Allopathy, Indian System of medicines-Ayurveda and Homeopathy-opened in the tribal areas but most of these institutions are without Doctors and para-medical staff deployed. Successive governments have tried to deploy doctors and para-medical staff in the interior areas but with little success. This situation is likely to continue for many more years in the future also. Bhot chikitsa padhati and Amji systems i.e. Tibetan System of medicines have also been introduced without an adequate infrastructure, staffing and training etc.

The Commission observed that some of the good health care programmes have not been able to achieve the targets fixed on account of non-deployment of doctors and para-medical staff in the tribal areas. One good example is the RCH (Reproductive Child Health Care) Project sanctioned for the tribal District of Kinnaur in the recent years. Over a sum of Rs. 3 cr. were budgeted for the RCH project under a Centrally Sponsored Programme which has counselling as a major programme content by involving the NGOs and medical social workers etc. Investigations revealed that this budget was spent on the construction of PHC buildings not because these buildings are required to be constructed but because the Health Department found it easier to achieve the expenditure target by constructing these buildings which in fact was not required as there are many PHC buildings without doctors and staff in the tribal areas. Health Department was unable to arrange expert counselling which is the major programme content under RCH Project. Building is not a part of the programme contents under RCH. The very purpose of the project has not been served in the instant case. There may be many more such cases. Why does this happen? Because there are no proper monitoring and evaluation of the programmes and projects launched in the tribal areas in the health sector.

### **Recommendations**

- 1. The State government should undertake a special drive to strengthen the health institutions – dispensaries, PHC and hospitals in the remote tribal areas with experienced doctors and para-medical staff. The incentives as listed in the Personnel Policy of the State for the tribal**

**areas, particularly – fixed tenure, choice of station on transfer out of the tribal areas, housing, loans and advances on priority apart from the special allowances etc. – should be provided without any deviation and that the said Personnel Policy should be implemented in letter and spirit. The Central Government assistance can be arranged with additional budgetary provisions.**

- 2. The Central Government should monitor at regular intervals the execution of the Centrally sponsored health schemes to ensure that physical targets fixed are actually achieved without solely depending on only the expenditure targets. Any change in the programme contents of the schemes should never be allowed.**
- 3. Important programmes/projects like HIV / AIDS Control, RCH with GOI, World Bank and UN Agencies assistance are being run departmentally as well as in a substantial way through NGOs. Although there may not be any such cases detected among the tribals, yet the awareness campaign and educating programmes need be undertaken in the tribal areas through the NGOs apart from the Govt. agencies as a preventive strategy. There should be specific and earmarked allocation of funds in the health sector for the tribal areas which will help promote NGO participation in the tribal areas. Not many NGOs are prepared to work in the tribal area and most of the NGOs engaged operate from the urban centers outside the tribal areas - i.e the impression at present. Nor efforts have been made to promote NGOs in the tribal areas by the Mother NGOs.**
- 4. It is recommended that NACO and the State level AIDS Control Societies/Cells and the RCH Controllers and the State Department of Health Services should undertake capacity building measures to develop and strengthen the skills and capabilities of the NGOs to be deployed in the tribal areas and that the NGOs so promoted should be run by the tribals themselves with the expert assistance from outside wherever necessary.**



- 5. The Institution of Mahila Mandals as NGOs should be strengthened by the State Govt. with necessary extension services provided by the Block Officers of various departments. Mahila Mandals are registered societies spread over all the villages/panchayats. They are in the midst of the beneficiaries whether they are women or children. They are the NGOs readily available who can undertake execution of schemes and projects for women and child welfare.**

## **Industrial Development**

The tribal areas in the State are industrially backward due to inaccessibility and lack of infrastructural facilities. Only the small and cottage industries are being promoted. Some industrial areas have been developed in the tribal areas also. Main thrust is to promote the growth and development of handloom and handicrafts industry and to develop marketing infrastructure. The Tribal handicraft which is on the verge of being abandoned needs revival. A lot of incentives by way of subsidy and technical assistance and tax concessions are being provided to attract industrial investment in the tribal areas.

**The Commission recommends that the tribal handicraft which is on the verge of being abandoned should be revived by building infrastructural facilities and technical assistance programmes, the important aspect of which should be to develop export oriented marketing outlet.**

The incentive programmes for handloom and handicraft sector should be augmented. At the national level the industrial re-finance schemes of the Scheduled Tribes Finance and Development Corporation require a comprehensive review. At present, the easy finance and concessional investment at lower rate of interest for capital investment is available only for tiny sector and for the individual oriented schemes such as taxi and bus services in the transport sector and for running small shops and restaurants etc. which in fact, have reached a saturation point creating unhealthy competition and glut in the sector in all these years. Time has come now to cover the small and cottage industries by providing concessional rate of interest on term loan for the capital investment in this sector. Schemes should also be developed for investment in trade and commerce by providing easy and concessional finances.

**This new industrial strategy for the tribal areas will help develop industrial estates, manufacturing infrastructural facilities, development of trade and commerce which will have a multiplier effect on the tribal economy resulting in employment and income generation which, in fact, is the ultimate objective of a comprehensive development strategy. There should be a separate National Policy on industrial development and for the promotion of trade and commerce in the tribal areas, the Commission observed.**

Hops is one of the important cash crops of Lahaul tribal belt. The State and the Central Government have already invested a lot in setting up several Drying and Processing Plants in the valley and one Processing Plant at Baddi in Solan District. These processing units are unable to have the optimum capacity utilization in view of the fact that the Hops production in the valley has come down in the recent years.

**The Commission recommends that the Hops farmers and the hops societies should be given appropriate technical assistance to upgrade the quality of hops produced to build its market acceptability and sustain the market demand.**

## **Excise Policy**

There is a distinct excise policy for the tribal areas which is in tune with the social milieu of the tribal communities. The local tribals in their areas can manufacture country fermented liquor for home consumption and for special occasions of marriage and festivals etc. They can distil liquor from fruits and grains on a licence at nominal rate. This policy meets the liquor requirement of the tribal by using the local materials such as fruits and grains. It also protects the tribals from the exploitation by the liquor vendors. The Mahila Mandals and the social organisations have demanded that the liquor vends 43 of them opened in the project areas and at the Distt. Hqrs. should be closed and there should be a total ban imposed on the opening of the vends in the Scheduled Areas. Those who wish to consume liquor other than the tribal brew can be given permits to procure and store limited quota from outside the Scheduled Areas. Further, without the consent of Gram Sabha, no liquor vend should be opened.

The Commission observed that the Mahila Mandals have listed in the foregoing para some credible demands. The State Government may consider closing the liquor vends in the Scheduled Areas. Instead, the vends of local brew may be set-up at the Distt. and Sub-Divisional Hqrs. on a higher licence fee. There are some major hydro-power project areas where liquor vends may be opened if there are pressing demands to meet the requirement of the project staff which in itself is a difficult proposition.

### **Land Reforms and Land Alienation Problems**

The land records in Himachal Pradesh including that in the tribal areas have been very well maintained leaving no scope for any sort of alienation or exploitation. Revenue surveys including forest surveys were conducted twice in most areas including the tribal areas, one such survey was conducted during the British/State time. After the Independence, the tenants were made owners under the Abolition of Big Landed Estates Act in the State and in the tribal areas also. This was followed by the enactment of the ceiling on the Land Holdings Act in Himachal Pradesh. The surplus land made available on the implementation of the provisions of Act were allotted to the landless and the marginal farmers.

The scheme of the Government of India initiated in 1971 for strengthening the Primary and Supervisory land record agency in the State has enhanced the efficiency of the Revenue agency in respect of the maintenance of land records, collection of the agricultural statistics. HP Tenancy and Land Reform Act 1972 has provided protection against exploitation in the agriculture sector. There is no problem of land alienation from tribals to non-tribals or restoration thereof. Under the provisions of the HP Transfer of Land (Regulation) Act, 1968 amended in January, 2003 no person belonging to a scheduled tribe can transfer his interest in any land by way of sale, mortgage, lease or gift to any person not belonging to such tribe except with the prior permission of the State Government. Every transfer in contravention of these provisions shall be void. Further, under these provisions no rights in the interest held by a tribal in any land shall be liable to be attached or sold in execution of any decree or order of any Court in favour of any person not belonging to scheduled tribe except

where the sum due under the decree or order is due to the State Government or to a Cooperative Society and any financial institutions/cooperative banks with which land is mortgaged against a loan.

**The provisions of the Act have, by and large, been implemented to protect the tribal interest in land and the property on the land in the tribal areas. There have been some transactions related to the transfer of land held by the tribals to the non-tribals with the permission of the Deputy Commissioner, but generally without any adverse impact on the overall interest of the tribal community, the Commission observed. However, there have been some group or community attempts made in some cases to pre-empt transfer transaction and in most cases they have succeeded. Such objection or alarm raised by the tribal people or social groups help protect the interest of the tribals in their land and landed property etc.**

Land have also been acquired in the number of cases by the private sector companies and the individual enterprises for the Hydel projects in the tribal areas through the official proceedings under Land Acquisition Act, but with the free consent of the land owners.

The Tribal Areas have been opened up for the development projects and that a large number of Hydel Projects are coming up in these areas. The pressure on land will increase due to these projects and on the expansion of trade and commerce in the area. Under the amended provisions of the Transfer of Land (Regulations) Act, the prior permission for transfer of land by way of sale or gift or mortgage etc. shall now be given by the State Government in consultation with Gram Sabha concerned and the Deputy Commissioner of the District. It is expected that this provision will also help the State Government to take the holistic view on the proposals for the transfer of land as all the Schedule Areas of the State are geographically contiguous.

**The Commission recommends that there is a need to keep a constant vigil on tribal land transactions in times to come with the rapid economic development and in view of the project clearance given to a large number of Hydel Projects in the pipe-line for execution in the tribal areas. The State Policy is to encourage investments in the Hydel Projects both in**

**public and private sector and most of these projects are located in the tribal areas. These project activities will have a multiplier effect on the tribal economy particularly in the trade and commerce involving in some way the land transaction. The District Administration and the State Government will have to take adequate measures through advanced planning to safeguard the interest of the tribals in their land and landed property and to pre-empt any exploitative land transactions.**

### **Money Lending**

The problem arising out of the money lending and debt are being addressed under Himachal Pradesh Registration of Money Lender Act, 1976, Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976. There are no complaints on this account. All types of bonded labour have been put to an end with the help of the provisions under the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 and under the Central Act viz. the Bonded Labour System (Abolition) Act, 1976. A good job done.

### **Displacement of the Tribals and the Rehabilitation Policy**

There have been no displacement or migration of the tribals from their original habitat on account of any economic development programme/projects such as power projects/hydel projects executed in the tribal areas. Over 2500 MW capacity individual projects together are under execution in the tribal areas. But, a good thing done by the State is that it has put in a place a well defined State Policy in respect of rehabilitation or re-settlement of the displaced population on account of acquisition of their lands for the projects in the tribal areas. The rehabilitation plan under the policy envisages provision of housing for the displaced families having plinth area of 45 sq.m plot/terrace land; at least one member of the family to be given employment; transport facility during shifting on displacement; a team of officials set-up in readiness. These provisions are also applicable to the private sector projects. There was a demand raised by some tribal leaders that where the Government acquires land for any project, the land owner should be allotted land of the size and type acquired in addition to the compensation assessed as that would be required to develop the land allotted for agri/horticultural farming etc. There is at present no such scheme as 'land for the land' being thought of by the State Government.

The Commission observed that the rehabilitation plans of this type appear sound and effective on the shelves. But their efficacy can be tested when put under implementation. Many practical problems may arise on actual implementation as have occurred in the rehabilitation/re-settlement schemes elsewhere in the country in the State of Kerala, Madhya Pradesh, Rajasthan and Maharashtra etc. However, it is commendable that advanced planning has been done in Himachal Pradesh.

## **Eco-Development**

In order to maintain the fragile eco-system of the mountainous tribal belt, a built-in need based provision for eco-development under the hydel projects are being executed in the tribal areas. The State Government has prepared Catchment Area Treatment (CAT) Plans particularly for these hydel projects. In the tribal belt in Satluj valley itself already eco-development plan costing around Rs.135 crores have been prepared and some of which are under execution. The entire cost of the eco-development will be met by project authorities as a part of the project. The project authorities both in the public and private sector are required to deposit with Government the whole amount during the project period itself. The CAT plans are being executed by the Department of Forest Farming and Conservation.

In the Satluj River valley in Kinnaur Distt. and in the Patten valley in Lahaul & Spiti District where a large number of hydel projects are either under execution or are in the pipeline, the tribal leaders and the Zila Parishad Members pointed out during the Commission's visit that the project authorities do not deposit the funds earmarked for the eco-development under CAT plans on time as per schedule of deposits fixed which fact has been ascertained from the official records. The State Government should monitor and ensure that the schedule of deposits into CAT plans is strictly adhered to so that the eco-development projects are executed speedily on time to pre-empt a possible ecological disaster that may take place on account of CAT plan failure. They also pleaded

**that the Gram Sabhas and the Tribes Advisory Council be consulted and clearance taken before any hydel project is approved for execution.**

**During the meeting with the State Officers the Commission was told that all the Hydel Project authorities/Companies have not deposited the funds earmarked for the CAT plans as per schedule. Some of the major projects have been commissioned, yet they have not released huge amount of funds running in crores for the CAT plan. The State government should get the funds released by these Companies for CAT plan.**

**The tribal leaders stated before the Commission that most tribal areas where the hydel projects are under execution are facing a major environmental threat posed by the haphazard execution of the hydel projects without an environmental protection plan. The Commission recommends that there should be a comprehensive environmental protection plan put in place before the projects are sanctioned and that CAT plan should be implemented simultaneously with the execution of the project. It appears that there has been on the part of the successive Governments good intention to protect the fragile eco-system of the tribal belt but the project authorities have not shown their concern about the eco-protection aspect of the project.**

## **Evaluation**

The Programme Evaluation Organisation of the Planning Commission and the State Planning Department are expected to conduct evaluation studies to assess the impact of the Plan programmes, success or failure in the planning, development and the implementation of ITDPs, but no evaluation studies were conducted by them. There is a proposal now to have the evaluation study of the Ninth Plan period performance through these organizations. However, the Tribal Development Department has regularly been conducting concurrent evaluation in respect of New 20-Point Programme beneficiaries for furnishing reports to the Tribal Affairs Ministry.

## **Economic Policy**

The economic growth in the State of Himachal Pradesh is traditionally governed by agriculture/horticulture and allied activities and that the growth rate during the 1990's remained more or less stable on an annual average at 5.7% which was almost at par with that of the national.

The total State Domestic Product (SDP) in the year 2000-01 registered an increase of 8% over that of the year 1999-2000. The per capita income showed an increase of 6.4% in 2000-01 over the previous year. The trend analysis have revealed that the economy has shown a marginal shift from agriculture and allied sector (Primary Sector) to industries (Secondary Sector) and services (Tertiary Sector). During the year 2000-01, the contribution of Primary Sector to State Domestic Product of the State was 27.37%, Secondary and Tertiary Sectors contributed 32.50% and 40.13% respectively.

The Scheduled Area of Kinnaur has made tremendous progress in the development of horticulture - apples and stone fruits production; Lahaul and Spiti have excelled in the production of seed potato, hops and peas etc.; Pangi and Bharmour areas have opted for horticultural development and animal husbandry. These economic achievements have helped generate employment and income significantly. The Primary Sector continues to have a major contribution to the economic development of the tribal belt. The Tertiary Sector has shown in the recent year significant improvement thereby indicating gradual shift in overall economy which is a welcome trend.

There were, in the past, some myths generally associated with the tribes and the tribal areas of the Western Himalayas. One such myth pertained to the notion that the tribal areas are inaccessible mountainous terrain with inhospitable climate and, therefore, are of no consequence in the economy of the tribal belt, State and of the country. Because of this notion the economic, ecological and strategic importance of the tribal areas has not received the attention they deserved. The myth has now been exploded and that the tribal areas have been opened up for the development projects particularly the hydel and mining projects both in the public and the private sectors. The construction of the highways and the development of the communication network and the modern technology made it feasible.



The Commission observed that despite achieving some levels of development, there were in HP, as per the Report of the State Government of Himachal Pradesh, 27811 candidates belonging to Scheduled Tribe seeking regular/stable employment as on 30.04.2003.

As per the Report of the State Government, there are 19105 ST families which subsist below the poverty line. The majority of them i.e. 13650 ST families are from Bharmaur and Pangi Scheduled Areas in Chamba District. The criteria for determining the BPL families as adopted was the one prescribed by the Government of India i.e. monthly per capita income consumption at Rs. 289.31.

It is recommended that there should be a new economic policy thrust to be given on the development paradigm and the professional development administration. Tribal economy needs diversification to reduce pressure on land. The emphasis must now shift from Agriculture to eco-industrialization and the services sector for the faster income generation and employment growth. Industrial areas should be developed for eco-friendly industrial projects/units to be set up by the tribals as a measure of economic diversification. Some details are given on this account under the head Industrial Development in this report.

Another point for consideration is socio-economic protection through adequate legal provision as has been done to some extent in respect of tribal interest in land and forest. As can be seen in the tribal areas all over the entire trade and commerce sector is in the hand of non-tribals because the tribals don't have professional competence they need. That has hampered the economic development of the tribal areas. Tribal people should be helped to develop professional skills and competence in trade and commerce. A strategy need be developed in this regard. Human Resource Development also requires attention particularly in technical skills development.

In fact the major backlog in employment in the public sector is in respect of technical jobs where trained tribals are not available to fill the vacancies. Further, the tribals of

Himachal Pradesh falling in the taxable income group, some employee's organizations have demanded that the Government of India should consider providing them Income Tax exemption on the pattern of the North-East tribal areas, as the Scheduled Areas of Himachal Pradesh are situated on the international land border and are remote; difficult and mountainous terrain and are economically backward with comparatively very high cost of living.

### **Cultural Tourism– Its impact on the economy of the Tribal Habitat**

At present there is only one pilgrimage route from India to the sacred Mt. Kailash (22,028 ft./6675 mtrs) and Mansarovar (at the height of 14,930 ft./4530 mtrs.) which passes through Pithoragarh in Uttaranchal, Navidag, Lipu Lake Pass (International border) and from the border via Taklakot to Mt. Kailash and Mansarovar in Tibet (PR-China). This route takes almost three weeks to reach Mansarovar and that the return also takes over two weeks and most part on the Indian side of the journey is undertaken on-foot. In terms of expenditure as the tour package charged is very expensive which on an average is to the tune of Rs. 60,000/- or above. The tribal people of Himachal Pradesh submitted a proposal before the Commission during its visit for opening up Shipki La along the upper riparian of river Satluj as a pilgrimage route to sacred Mt. Kailash and Mansarovar. On the Indian side the route is from Shimla via Rampur along the river Satluj/National Highway to Namgia. Another route proposed is from Manali via Kaza in Spiti to Namgia in Kinnaur. From Namgia the border is about 20 Km. From Namgia village National Highway/border road is motorable upto for a length of 12 Km. and beyond that the road is under construction and at present there is a 8 Km. long mule track upto Shipki La (border). On the Tibet (PR-China) side, there is a 6 Km. long mule track from the border via Shipki Village to Kyukh Village. From Kyukh Village, there is a motorable road upto Mansarovar and beyond. The road crosses river Satluj at two points in its upper riparians.

**This route proposed is a traditional route – a branch of famous Silk route via Shipki La border – has already been opened for trade between India and Tibet (PR-China) since 1996. Since the route has been opened for the trade there appears no obstacle for opening this route as pilgrimage route to sacred Mt. Kailash and Mansarovar, the Commission observed.**

The time taken along this route to complete the pilgrimage will be far shorter when compared with the time taken for the pilgrimage via Lipu Lake Pass in Uttaranchal. It is estimated that actual journey from the point Shimla and Manali via Shipki La to Kailash/Mansarovar can be completed in 10 days, the break-up of which is – 6 days spent on traveling and 4 days for acclimatization/conditioning at different levels and route. The return journey can be completed in 6 days. The pilgrimage package will be less expensive comparatively.

**The tribal people were of the view that the pilgrimage along the river Satluj to Mt. Kailash would be meaningful in terms of cultural values as the river Satluj originates from the point close to Rakas Lake which is linked with Mansarovar by underground channel. The Commission recommends that the Government of India may consider opening the route via Shipki La along the upper riparians of River Satluj for pilgrimage to sacred Mt. Kailash and Mansarovar in view of the plea taken by the tribal people and the grounds discussed as above justifying the opening up of this route as pilgrimage route.**

**The pilgrimage along this route will have a multiplier effect on the tribal economy resulting in employment and income generation for the tribals inhabiting the catchment area along the route, the Commission observed.**

## **Cultural Policy**

There is a myth associated with the cultural distinctiveness of the tribes and the tribals which revolves around the notion that the tribal areas constitute cultural back-waters vis-à-vis the composite culture of the country; and that the distinctiveness is more a reflection of the primitive and stagnant society. This myth has now been exploded/unfolded as a result of greater appreciation of the culture of the pagan tribes and the realization that necessary protective measures need be taken to preserve on urgent basis the cultural heritage of the tribes and the tribal areas.

The Points for consideration are:-

- (a) How the best in the culture of the Pagan tribes can enrich the composite culture of the country?

- (b) How best can we preserve the cultural heritage of the tribes which is an integral component of the composite culture of India?
- (c) The best in the culture of the Pagan tribes particularly are – social and cultural values; moral and ethical values; and the standards of integrity and honesty and probity/uprightness: How best these values and standards can be preserved/protected while making a policy thrust on an accelerated economic growth and development?

**The development policy must recognize the indivisibility of culture and development and that the development planners need to take into account the cultural dimensions in the planned economic development programmes. The preservation of the cultural resources as cultural heritage should be made an integral part of the planned economic development, the Commission observed.**

**The Commission recommends that the Ministry of Tourism and Culture, Government of India and the UNESCO together may consider sponsoring necessary measures for the conservation and preservation of the tribal art and cultural heritage in the Himalayas and elsewhere in the tribal areas of the country.**

# Jammu and Kashmir

1. The Scheduled Tribes inhabit all the Divisions viz. – Jammu Division, Kashmir Division and Ladakh Division of the State of Jammu and Kashmir. According to the census 2001, the total population of the State is 1.04 crore. The Scheduled Tribes population is 11.05 lakh i.e. 10.90% of the total population of the State.

## Demographic profile (2001 census)

Total Geographical Area	1.04 crore
Total Population	11.05 lakhs
Percentage of Scheduled Tribes	10.90%
Sex Ratio	State 899
	STs 910

## 2. Scheduled Tribes

- 2.1 Under the Constitution (Jammu and Kashmir) Scheduled Tribes Order 1989 and under the Constitution (Scheduled Tribes) Order (Amendment) Act, 1991 following communities have been notified as Scheduled Tribes:-

1.	Balti	8.	Purigpa
2.	Beda	9.	Gujjar
3.	Bot, Boto	10.	Bakarwal
4.	Brokpa, Drokpa, Dard, Shin	11.	Gaddi
5.	Changpa	12.	Sippi
6.	Garra		
7.	Mon		

The tribes at Sl. No. 9, 10 and 11 were inserted in the list of Scheduled Tribes by the Constitution (Scheduled Tribes) Order (Amendment) Act 1991. Major part of

the Scheduled Tribe population in the State is in the Jammu Division followed by that in Kashmir Division and Ladakh Division. The census of 1991 could not be conducted due to turmoil in the State as per the report of the State Government. However, a special survey prior to the 1991 Census was conducted by the Registrar General of Census to assess the District-wise and ethnic group-wise population of the State and some projections were made based on which certain ethnic groups listed as above were notified as Scheduled Tribes.

2.2 The percentage of ST population to the total population in the Districts – 14 of them – of the State as per 2001 census ranged from 2.3% in Budgam District to 14.8% in Udhampur, 33.10% in Rajouri, 40% in Poonch to 82% in Leh District and 88.30% in Kargil. There is at present a sizable number of non-tribal employees, and some workers deployed in Ladakh region from outside of State. Some of these workers are from Central India and the Commission during its visit had interaction with them. And quite a few non-tribals are running business in the region.

2.3 **The Gujjars and Bakarwals** are the dominant tribes in terms of population, as they constitute 8% of the total population of the State. These two tribes constitute 80% of State tribal population. They are nomadic but they keep their habitat in the Districts of Poonch, Rajouri, Baramullah, Kupwara, Udhampur and Doda. The economy of Gujjar and Bakarwal tribes is pastoral which is totally dependent on live-stock development, production and marketing of milk and milk products etc. They are a migratory/nomadic tribe moving in search of fodder/pasture for their live-stock up in the high mountains during the summer months and they shift to the plains during the winter months. Some of them have their habitats in lower areas and have agricultural land holdings as well. The Bakarwals keep large herds of sheep and goats and for this reason they are called Bakarwals.

2.4 There is an **Advisory Board under the name – Advisory Board for Welfare and Development of Gujjars and Bakarwals** under the Chairmanship of the Chief Minister. The Board monitors the progress of the schemes for the Gujjars and Bakarwals and go into the problem and difficulties of these communities and

make necessary recommendations. The functions assigned to this Board are – to assist and advise the District Development authorities in the implementation of the schemes for the Gujjars and Bakarwals under the Sub-Plan and to identify the areas inhabited by Gujjars and Bakarwals for being developed under the Tribal Sub-Plan, and also to involve them in the formulation of tribal development plans.

Gujjar and Bakarwal Board monitors the Sub-Plan for Gujjar and Bakarwal. The major schemes are; (a) management of Gujjar and Bakarwal hostels – 12 for boys and one for girls; (b) grant of pre-metric scholarship for Gujjar and Bakarwal students with the funds placed at the disposal of the Chief Education Officer; (c) construction of shops; (d) development of Gojri or Gujjari language and culture. The Annual Plan for Gujjar and Bakarwal has on an average about Rs. 5.50 crores approximately, the major part of which is spent on pre-metric scholarship.

**The Commission recommends that the Advisory Board for the Welfare and Development of Gujjar and Bakarwal may be extensively associated with planning and development of schemes and programmes in respect of State level sectors and the District level sectors of the economy.**

**The Commission recommends that the development strategy for these two tribes should aim at transforming their pastoral economy into a settled agricultural and allied sector economy and some of them may be encouraged to take up self-employment schemes in industry, trade and commerce.**

- 2.5 Ladakh is named as (i) broken moon, (ii) roof of the world, (iii) land of the Lamas, (iv) land between earth and sky. The geo-physical features are such that justify the name assigned as above. There are 8 tribes notified as Scheduled Tribes in the Ladakh region/Division viz. – (1) Balti, (2) Beda, (3) Bot, Boto, (4) Brokpa, Drokpa, Dard, Shin, (5) Changpa, (6) Garra, (7) Mon, (8) Purigpa. From the list of the tribes at para 2.1 above, Gujjar, Bakarwal, Sippi and Gaddi tribes do not

inhabit the Ladakh region. Three important rivers – Indus, Shyok, Zaskar with their tributaries flow through the region. There are three ranges covering the Ladakh region – Karakoram range, Ladakh range and Zaskar range.

- 2.6 **In the Ladakh Division, Leh District** has a unique distinction of being the largest inhabited District of the State scattered over a geographical area of 82,665 Sq. Km. The population of the District is 1.17 lakh as per census 2001 of which 85% population are Buddhists, 15% Muslims and others. The density of the population is 2 persons per Sq. Km. The District has the ST population of 96,174 which is 82% of the total population of the District.
- 2.7 **The Kargil District was carved out** of the erstwhile Ladakh District in July, 1979. It has the geographical area of 14,036 Sq. Km which is mountainous. The density of the population is 9 per Sq. Km. As per the census 2001, the total population of Kargil District is 1,19,307, of which ST population is 105377. The District has the tribal preponderance with ST forming 88.30% of the population of the District.
- 2.8 The Commission had interaction with the tribal development authorities, tribal leaders, members and the office bearers of Ladakh Autonomous Hill Development Council of Leh and Kargil. The tribals of the Ladakh Division have placed a demand before the Commission for scheduling both Leh and Kargil Districts as Scheduled Areas under the provisions of the Fifth Schedule to the Constitution. There is enough justification for declaring both Leh and Kargil Districts as Scheduled Areas under the provisions of the Fifth Schedule as these two areas fulfil the criteria laid-down for declaring them as Scheduled Areas i.e. (1) Both the Districts have the preponderance of the tribal population with over 88.30% in Kargil District and 82% in Leh District; (2) Both the Districts are contiguous.

**The Commission recommends that both Kargil and Leh Districts may be considered for scheduling them as Scheduled Areas under the provisions of paragraph 6 of the Fifth Schedule to the Constitution**



subject to the provisions of Article 370 of the Constitution. Both these Districts fulfil the criteria laid down for declaring Scheduled Areas, as both the Districts (a) have the preponderance of the tribal population, (b) are territorially compact with the reasonable size, (c) economically under-developed requiring special development treatment, (d) ethnically distinct requiring special administrative treatment etc.

Both the Councils have demanded that there should be a law/regulation framed for regulating transfer of land from tribals to non-tribals by way of sale or gift etc., the Commission endorses this demand subject to the provisions of the Article 370 of the Constitution.

2.9 The State Government had constituted a number of Commissions from time to time with Gajender Gadker Commission in 1967 followed by Wazir Commission in 1969 and Anand Commission in 1976 for recommending measures to safeguard the interest of the weaker sections of the society including certain communities who have now been notified as Scheduled Tribes. They were provided reservations in professional institutions and upper age limits were also raised. The State does not have any reserved constituencies for the State Assembly nor for the **Lok Sabha** for the Scheduled Tribes.

2.10 The representatives of the **Lakshesh/Beda community notified as Scheduled Tribe** comprised of about 130 families residing in Ladakh have stated before the Commission that the families of this community are landless as their main source of income traditionally has been from musical performance given by them at pooja ceremonies and entertainment at marriage ceremonies etc. and have traditionally been begging door to door. They do not have any knowledge about the farming or of any other avocation.

In order to seek employment or obtain loans for any scheme or admission into the technical institutions/colleges and even for holding the passport and to

purchase landed property they are required to produce Permanent Resident Certificate (PRC) to be issued by the District Administration. They have pleaded before the Commission the difficulties they faced in obtaining the PRC, being landless they are unable to produce revenue records to facilitate the issue of PRC. They have pleaded that some solution be found out to help them obtain PRC of Jammu and Kashmir State.

**The Commission recommends that the District Magistrate and the State Government may find a way-out to solve the problem they are facing for obtaining the PRC. A special package be given to this tribe for self employment on a sustainable basis.**

### **3. The Ladakh Autonomous Hill Development Council**

- 3.1 For the tribes of Ladakh region, the Ladakh Autonomous Hill Development Council for each of these Districts Leh and Kargil has been constituted under the Ladakh Autonomous Hill Development Council Act, 1995 for faster economic development of the tribes and tribal areas of these two Districts.
- 3.2 Ladakh Autonomous Hill Development Council for Leh District has 30 seats of which 26 Councillors are chosen by direct election on the basis of adult franchise from 26 Territorial Constituencies and the rest 4 Councillors are nominated by the Governor. The sitting members of the Legislative Assembly and of the Lok Sabha representing the Ladakh region are ex-officio members of the Council constituted for each of the Districts.
- 3.3 The Council in each District shall have executive powers relating to a number of subjects such as allotment, use or occupation of land vested in the Council; formulation of development plans and programmes, review of the progress and achievements of the development plans and schemes; budgeting both Plan and Non-Plan. The Council has been assigned the responsibility for employment

generation and the alleviation of poverty etc.; management of forest; public works; health and education – in all there are 28 subjects entrusted by the State to the Council.

- 3.4 The Council has the powers to collect such taxes payable under law as may be prescribed by the State Government and credit the same into the Consolidated Fund of the State. The Council can establish toll-bars on any road or bridge and it has powers to impose taxes on any trade or profession and the fees for the grazing and for the construction of buildings etc.
- 3.5 There is an Executive Council with a Chairman and 4 Members. The Chairman functions as Chief Executive Councillor. The Members of this Executive Council are nominated by the Chief Executive Councillor from amongst the Members of the Council. The Executive Council has been empowered to make regulations under the Act and approve the Plan and Non-Plan budget, five year and annual plans for the District.
- 3.6 The Deputy Commissioner of the District shall be the Chief Executive Officer of the Council. All Government employees in the District except the judicial officers and employees and the police personnel are deemed to be the employees transferred to the Council as notified by the Government. The subject of land within the District has been transferred to the Council.
- 3.7 The Council has the fund operated through Government Treasuries. All revenue raised, the loans released, the allocations made from the Plan and Non-Plan budget, loans and grants made by the Central and State Government are credited into the Council fund.
- 3.8 While the Autonomous Hill Development Council for Leh District has been functioning since the time it was constituted in 1995 itself under the Act of 1995, the Council for the Kargil District was constituted and made functional from August, 2003. The Commission had, during its visit to Ladakh, interaction with

the Council for the Kargil District and for Leh District on development matters and tribal affairs, operationalisation of the Constitutional safeguards etc.

- 3.9 At present, there is no job oriented educational programme and they have demanded that some initiative may be taken by the State Government to improve the opportunities for the professional education. **The Commission endorses this demand.**

The Council also stated that devolution of powers to the Council has not yet been completed. However, Land Management power has been devolved only recently. They demanded that the Council should be taken to the Planning Commission for making its plea on plan allocations. They have also demanded that there should be restrictions imposed on the transfer of tribal land to non-tribal. **The Commission endorses this demand.**

#### **4. Tribal Sub-Plan (TSP)**

- 4.1 The State has adopted decentralized development plan process under which each District of the State formulates its District Plan and that special care is taken for the development of the weaker sections of the society including the Scheduled Tribes. As said earlier in this report, all Districts in the State have the Scheduled Tribe population. The Tribal Sub-Plan is not segregated from the sectoral plan. The control of the TSP is not with the Social Welfare Department which looks after the tribal welfare as well, except for social welfare sector, although the Department of Social Welfare functions as the Nodal Department for the welfare and the development of the Scheduled Tribes. Of all the 14 Districts, the Districts of Leh and Kargil have the preponderance of Scheduled Tribes. The other 12 Districts do not have the preponderance of the Scheduled Tribes with the result the State had to devise plan funds flow to the Tribal Sub-Plan on population basis. In fact, flow of funds to TSP from the Plan Funds is made at the District level where allocation is made to the TSP on the basis of percentage of population of the Scheduled Tribes in the Districts. The entire plan funds earmarked for Districts of Leh and Kargil having the preponderance of the

Scheduled Tribes are taken as flow to the tribal development @ 100%. In other 12 Districts which do not have the tribal preponderance, flow of funds to the TSP is on the basis of the percentage of the tribal population in each District. The State Plan outlays and flows made to the TSP in respect of 12 Districts for the year 2003-04 are given in the table below:-

(Rs. In Lakh)

S.No.	Districts	Approved Outlay	Flow to TSP	% of the funds flow
1.	Jammu	6770.42	371.25	5.48
2.	Udhampur	6147.45	951.74	15.48
3.	Kathua	4704.03	295.68	6.29
4.	Doda	6326.38	1018.26	16.09
5.	Poonch	3767.53	1596.42	42.37
6.	Rajouri	4762.99	1435.93	30.15
7.	Srinagar	4909.79	342.15	6.97
8.	Budgam	5855.31	182.20	3.11
9.	Anantnag	6965.55	539.33	7.74
10.	Pulwama	5857.35	262.14	4.48
11.	Baramulla	7605.40	665.87	8.76
12.	Kupwara	5401.98	723.24	13.39

During the year 2003-04, the entire plan funds outlay approved for each District of Leh & Kargil has been shown as flow to the TSP @ 100%. The Districts of Kargil and Leh have been given an approved plan outlay of Rs. 69.98 crore respectively.

4.2 Department of Social Welfare is the Nodal Department for the tribal development and for the TSP without any functional or administrative control over the TSP. There was a Tribal Development Welfare Cell created in the Department of Social Welfare headed by Additional Director with supporting staff comprised of economists, project officers, sociologists etc. and they were expected to conduct research on traditional and professional ethos of various tribal groups in the State. This Cell in the Directorate was abolished in the year 2002-03 and at

present there is no Cell that monitors the schemes being implemented under the TSP and Special Central Assistance. The District Development Authorities have been advised to identify the Tehsils and Blocks where Integrated Tribal Development Projects can be established as per the norms laid-down by the Government of India.

No separate Department has been set-up in the State for formulation of Tribal Sub-Plan. In fact, the Annual Plan is prepared at the District level for the entire population in the State for each District out of which funds are also earmarked for the tribals and tribal habitats.

## **5. Special Central Assistance (SCA)**

- 5.1 The Government of India provides quite a substantial amount of funds under SCA to TSP and these funds are distributed through the Social Welfare Department to the District Development Authorities for the development of tribals. The SCAs are an additive to the Tribal Sub-Plan mainly to cover such areas for development which remains uncovered by the Tribal Sub-Plan. It has proved to be a major help as an additive to the TSP. As reported by the Development Authorities adequate funds under normal Tribal Sub-Plan are not being provided for the development of the tribal areas.
- 5.2 Special Central Assistance is given by the Ministry of Tribal Affairs as an additive to Tribal Sub-Plan. 70% of the SCA is provided for the infrastructural development in the areas having concentration of Scheduled Tribes and 30% of the funds are earmarked for income generating schemes. There are grants received from the Government of India under the proviso to Article 275 (1) of the Constitution. The State has been using this grant for infrastructural development in the tribal areas and the schemes under this grant are implemented by the sectoral Departments. A sum of Rs. 11.73 crore was spent on schemes executed with grants under Article 275 (1) in the year 2002-03. The grant released during the year 2003-04 was Rs. 14.73 crore. It is quite a substantial amount of grants under Article 275 (1), but the State has not documented the outlays of the

schemes undertaken and executed under this grant in their annual plan document.

- 5.3 Year-wise funds released by the Government of India to the State of Jammu and Kashmir under SCA as an additive to TSP ranged from Rs. 2 crore in 1990-91 to Rs. 9.71 crore in 2001-02. There is a need to augment the funds under SCA.
- 5.4 The Commission recommends that there is a need to step-up assignment of the SCA as an additive to TSP for the State of Jammu & Kashmir to upgrade the existing poor state of infrastructural facilities in the tribal areas/tribal habitats. The Commission recommends that special package for the rehabilitation of nomadic Gujjar and Bakarwal tribes by transforming their pastoral economy into settled agricultural economy where they can keep avocation of rearing Buffalos, sheep, and goats to support their settled agricultural avocation on a sustainable basis. For a package, which may be a one-time package for a duration of one Five year Plan period, the Central Government may not insist upon the State share considering weak resource base of the State.**
- 5.5 The sector-wise functional highlights in respect of the schemes funded under SCA to TSP in the District of Leh are such as development, procurement and distribution of seeds of high yielding varieties of grains and distribution of the same at the 50% subsidy; fodder development; for setting-up dairy units; establishment of sheep and goat units and provision of sheds in areas within Changthang belt and also distribution of Rams etc. In the field of education, there are dormitories constructed at tribal hostels; laboratory blocks etc. under the SCA to TSP. In the handloom and handicraft sector under the SCA, there are schemes for setting-up income generating handloom units and also setting-up handicraft training centres.
- 5.6 Ladakh Autonomous Hill Development Councils demanded that the plan funds and SCA should be released directly to Ladakh Council for each District. The Council demanded that all schemes funded under SCA and all funds flow under the plan must take into consideration the conditions**

prevailing in the Ladakh region and that the ecological consideration need be taken into account. Propagation and extension services in the agriculture and allied sector should be based on the R&D efforts made locally to suit the local conditions in the Ladakh region. The Council was of the view that in each village in the region there should have a primary school in relaxation of the norms such as strength of the school and size of enrolment etc. They also demanded that right at the primary stage English should be introduced. In the schools having inadequate staffing in math and science streams, the locally qualified available teachers may be deployed. Commission endorses.

## **6. Agriculture/Horticulture**

6.1 The economy of Gujjar and Bakarwal tribes are mainly pastoral i.e. rearing the buffalos, sheep and goats moving from pasture to pasture in different locations. The other tribes are dependent on agriculture and allied sector for their sustenance. The Districts of Leh and Kargil have the settled agricultural economy supported by horticulture and animal husbandry. Agriculture and allied sector development cannot be extended beyond a level on account of the constraints of geo-climatic factors. There are no industries in the tribal areas except for the traditional handloom and handicraft. However, tourism is being promoted in the Districts of Kargil and Leh. In these two Districts, agriculture is totally dependent on irrigation. The villages have traditional minor irrigation channels (kuhl) constructed and maintained by the villagers themselves from generation to generation with community participation. These channels/kuhls are drawn from the snow-fed streams, rivulets and rills. The Commission during its visit to Leh and Kargil Districts interacted with the farmers and the District Development Authorities on the subject of agricultural development. The Commission also visited a number of agricultural fields. Wheat, Barley, buck-wheat, potatoes, beans, peas etc. are the main crops grown for sustenance as well as for the exports which is largely needed to augment their income resource. There are vast areas of table land available particularly in Leh District and in some parts of Kargil Districts also which can be converted into agricultural holdings requiring some investment on land development.



But, the main constraints is again lack of irrigation facilities. During 2001-02 the gross irrigated area in the Kargil District was around 10,000 hec. put under wheat, barely and beans. In Leh District the total irrigated areas was 12,050 hect. during the year 2000-01. The villagers reported that in the recent years Ladakh had not received enough snow during the winters which has affected the availability of water from the snow fields and glaciers. In fact, the reports are that the snow-fields are melting faster and that glaciers have receded at a faster rate. All this will affect adversely the availability of water for irrigation in future time. It is mainly attributed to the global warming and the excessive unscientific exploitation of the forest resources in the neighbourhood i.e. entire Western Himalayas. Lift irrigation can be a big source of water for irrigation. Lifting water from rivers – Indus river, Shyok river, Zaskar river requires huge investment. In the absence of electric power supply, lifting water from the rivers would not be feasible. But, diesel run hydrams can be installed for lifting the water for irrigation.

The villages in this Districts are located at long distances. In fact each village would require a separate lift irrigation scheme.

**The commission recommends that the feasibility of lifting water for irrigation by installing hydrams may be gone into. The existing water channels which each village has a number of them should be renovated and their capacity can be expanded requiring investment which may be beyond the means of the villagers themselves. The Commission recommends that the State Government assisted by the Central Government may consider providing package for development of irrigation schemes in these two Districts which do not receive enough precipitation during the summers.**

- 6.2 Horticulture particularly apricot, plum, walnut, peaches, grapes and apples can be propagated. For want of irrigation facilities and also the fact that the farmers are apprehensive about the problem of post-harvest-handling and marketing of

horticultural produce to the long distance markets are the impediments to the horticultural development in the region. Apricot is the only one fruit which can be dried and stored for long distance marketing. There are some varieties of apricots which are high yielding but with low brix having TSS value at 8° to 12° brix whereas the other varieties of apricot which is dried and marketed for consumption has higher brix°. The sour varieties are dried and used as fodder and that edible oil is extracted from the kernel of the apricot. The Shell of the apricot and lops of the trees can be used as fuel by the villagers who do not have enough wood and dry bushes for use as fuel for cooking and heating. Apricot economy has various dimensions.

**The Commission recommends that the high yielding apricot plant material may be produced by raising the progeny orchards and nursery one for each District of Leh and Kargil for propagating and expanding apricot tree plantation. Ladakh has traditionally been famous for dry apricots and with the facilities provided for modern method of drying, it can capture the export market.**

**We recommend that various dimensions of apricot economy should be examined and with the technical assistance and extension services provided through development of progeny orchards as discussed in the above paras the plantation of apricot orchards can be propagated which would require comparatively less care in terms of plant protection and apricot trees would need irrigating only twice or thrice in a month.**

**Ladakh Autonomous Hill Development Council and the tribal representatives have emphasized that priority need be given for land management and agricultural development on a sustainable basis. Leh Council particularly mentioned that the Central Government Ministries may earmark some percentage of its budget for the Ladakh region on the pattern the individual Ministries at present provide 10% of its sectoral budget for funding North-Eastern States. Ladakh region**

**requiring faster economic development to meet its local requirement of food-grains and consumable products which at present heavily depends upon the outside supplies should be made self-sufficient in all basic food supplies and that there should be infrastructural facilities developed faster in this region by augmenting the State Plan funds and SCA with 10% of the Central Assistance sectoral outlays on the pattern North-Eastern States are funded. The Commission agrees that there are enough justification for the application of the North-Eastern pattern to Ladakh region by providing some percentage, if not 10% of budget of the Central Ministries.**

- 6.3 In these two districts, the average size of operational land holdings has been around 0.76 hec. in Kargil District and 1.38 hec. in Leh District. There are big as well as medium, small and marginal holdings in both the Districts. In these Districts high yielding varieties of barley & wheat seed and grams have been introduced which has assured the productivity. The State Horticulture Department has 5 Departmental orchards/nurseries where fruit plant materials are raised and distributed among the farmers who have taken up horticulture.

## **7. Animal Husbandry**

- 7.1 There are grassland for the production of fodder which is cut and stored for winter feeding of domestic animals. During the summers, all the domestic animals including sheep, goats, mules, ponies, yak and local breed of cows (churu) are left in the open in the high altitude pastures and in the winter these are reared in the stalls/sheds erected by each family alongside their houses. The animal wealth is a big source of nutritious food for these tribals of these two Districts. According to 1997 live-stock census the District of Kargil had 3,65,480 live-stock population which included cattle zo/zomo (local breed of cow and castrated bulls) sheep, goats and yaks, horses, ponies, mules and donkeys. Poultry has also been encouraged and in fact as per the census, 34,711 poultry birds were counted in the District. In the Leh District as per live-stock census, the live-stock population was 3,33,759 and the composition of the various cattle and herds is almost the same as that of Kargil District. There are quite a good

number of cattle development centres, veterinary dispensaries, frozen semen banks and first-aid centres run by the veterinary assistants in both the Districts. Marino sheep development as well as Tibetan Biang sheep development have been experimented and hybridization has also been promoted with some good results.

**7.2** There should be some more experimentation done particularly for the propagation of chiku (pashmina goats). Propagation of sheep and goats apart from being good source of nutritional food, milk and milk products etc., they provide wool and pashmina and that entire traditional handloom/shawl industry of Kashmir is dependent on production of wool and pashmina particularly in these two Districts though the Bakarwal tribe has been contributing in a big way production of wool with the propagation of Marino. For centuries India procured biang wool and pashmina from Tibet through the traditional trade routes which were closed in 1960. None of the trade routes to Tibet from Ladakh region has been re-opened. Ladakh traditionally has been producing Pashmina and today it is the major producer and the annual turnover of pashmina production is stated to be over Rs. 3 crore.

**7.3** There are some nomadic tribes among the tribes listed in the Ladakh region in the Changthang area who are totally dependent on pastoral economy. The Commission recommends that a special package for the pasture development in Changthang area be provided which would help propagate sheep and pashmina goat (chiku) development for increased wool and pashmina production.

## **8. Power**

**8.1** Almost 2/3<sup>rd</sup> of the villages in the Ladakh region have been covered under rural electrification for domestic as well as commercial purpose. There are no survey done about the electrification of the habitats of Gujjar, Bakarwal, Sippi and Gaddi tribes.

The Commission recommends that hydro-power projects may be encouraged both in public sector and private sector. The private sector companies from outside may not be interested in making investment in Districts like Leh and Kargil. The Mega Power Projects may not be feasible because transmission of power particularly from the Ladakh region would be very expensive.

## **9. Industrialisation**

9.1 Industrialisation has not much scope in the Ladakh region because of its locational disadvantages and due to closure of Zozila during the winter. Shortage of material and power also are major impediments to industrial development in these two districts. However, some small scale industrial units have been set-up in these two Districts in all these years. There are District Industry Centres set-up for promoting the industrial activities mainly for promoting handloom and handicraft sector. There are a number of training centres for various crafts where training is provided. The handloom and handicraft avocation is not restricted to the traditional weaving families only. It is now being taken up by all sections of the communities.

## **10. Infrastructure**

10.1 Transport and communication facilities are inadequate. This in fact has come in the way of economic development of Ladakh region. Except for the Srinagar – Leh National Highway, all roads are being maintained by the PWD. The Commission has travelled during its visit through some of these mountainous high altitude rural roads. Quite a good number of villages have some access to the roads in a limited way.

10.2 The Commission recommends that the development of road and transport network should receive impetus. In fact, the Ladakh Autonomous Hill Development Council of both the Districts with whom the Commission had interaction emphasized time and again in their deliberations the development of infrastructural facilities, road transport, civil aviation, tele-communication and power supply. These areas are tough and difficult for

investment in these sector yet connectivity is one important factor for both economic development and human resource development, the Commission observed.

There are no firmed-up statistics with regard to the people below the poverty line in these two Districts. Both the Councils have claimed that about 40% of the people are below the poverty line. The Commission recommends that the basic data about the employment opportunities, unemployment problem and people below the poverty line should be firmed up by making objective assessment of the situation on the ground.

These Councils stated during the interaction that although efforts have been made for the accelerated development of the Ladakh region having international border land, they have not fully succeeded in mitigating the problems of Scheduled Tribes. The difficulties and problems are different, they insist, in Ladakh region. The time-period available for the implementation of the development schemes is just about 4 months. The entire development works come to stand still during winter as the road transport and communication facilities remain partially suspended. They pleaded that plan funds should be given direct to the Ladakh Autonomous Hill Development Council so as to ensure timely flow of funds to the scheme which at present is hampered by the time taken in processing the funds flow from the State Headquarters, Srinagar in summers and Jammu in winters.

The Commission recommends that Ladakh Autonomous Hill Development Councils both in Kargil and Leh should be released plan funds in one go by the first week of May every year by which time all formalities with regard to the budget processing is completed so that the season for the implementation which begin in early May through August to November can be used for speedy execution of the projects and programmes. It is not enough that Deputy Commissioners of these Districts are given powers of the Heads of the Departments for execution of the schemes but the

availability of the funds right in the beginning of the first quarter of the financial year is an important factor. The Commission further recommends that there should be Non-Lapsable Pool of Plan Funds Resource created for these two Districts so as to enable them to begin implementation of schemes right in the month of April when the season starts. Both the Councils emphasized that the potentiality of the hydro-power generation of these two Districts should be explored and harnessed. The Commission agrees with their proposal and measures needed to be taken as described in the paragraph above may be taken.

**10.3** Leh is well connected by air. Kargil has only a small airport. The Kargil Council demanded that the only small airport in Kargil District should be fully developed to allow ATR flights to this airport. At present AN-32 flight for civil transport is run during the winters. **They demand that 50 seater ATR from Delhi – Jammu – Srinagar route should be extended to Kargil. The Commission endorses this demand.**

**10.4** The Council also proposed that route from Pahalgam to Panikhar and then to Kargil can be made all weather road. **It also demanded the implementation of the Zozila tunnel project given to GREF should be expedited for opening up the road in winter linking Kargil and Leh Districts.**

## **11. Education**

**11.1** There are a good number of educational institutions right from the primary to the secondary level run by the Department of Education in the Ladakh region. These Districts have District Institute of Education and Training and also they have ITIs set-up to impart training in various trades. Besides, the Government run schools, there are a number of private recognized schools in these two Districts. These Government schools are run in the Government buildings as well as in private rented accommodation. Both the District of Leh and Kargil have Degree Colleges.

11.2 Gujjar and Bakarwal tribes being nomadic for most part of the year, education of children suffers. However, they have put their children into various educational institutions. The number of Gujjar and Bakarwal students studying in different schools from primary classes to matriculation has been on the rise from 80,000 in 1996 to 1,63,000 during the year 2003-04. A substantial amount of Rs. 3 crore was spent on pre-metric scholarship during the year 2003-04. Every year, there is an increase in the allocation of funds for pre-metric scholarship for the students belonging to these two tribes. There are 12 hostels for Gujjar and Bakarwal boys with an intake capacity of 1050 students. There is only one hostel for the girls belonging to Gujjar and Bakarwal tribes having capacity only for 125 students established at Jammu.

**The Commission recommends that adequate building infrastructural facilities should be raised by augmenting the plan funds with the Special Central Assistance and there can be grants provided under Article 275 (1) of the Constitution as school buildings are the basic infrastructure needed for human resource development. The tribal representatives have pointed out that the teaching staff in science subjects and mathematics etc. are not commensurate with the requirement of the staffing standard as per the education code. The Commission recommends that the adequate staffing should be provided particularly in mathematics and science streams. Also, there is a need to strengthen the science labs in the schools.**

**The Commission recommends that the hostel facilities for both boys and girls may be increased to accommodate more students at different stations close to the places they settled down in winter and also in the places where they have their permanent habitat such as Poonch, Udhampur, Doda, Rajouri, Jammu etc.**

**It was reported that there are proposals for 3 residential middle schools for education of students belonging to these two tribes submitted for locating these schools at Doda, Kargil and Anantnag**



**Districts to be funded under Centrally Sponsored Schemes. In fact, a sum of Rs. 50 lakhs has already been released by the Government of India for the purpose. It is recommended that these projects for education of the tribal students belonging to these tribes should be implemented expeditiously to achieve the target of greater enrolment of students for education.**

- 11.3** There are 297 mobile schools in the State of Jammu and Kashmir to provide education to the students belonging to these nomadic tribes. It appears that the mobile schools are essential for imparting education at the primary and elementary level. **For higher education, the residential schools would be required apart from the hostels being run at present at different places for the students of these tribes.**

Vocational training is receiving some attention. There is one vocational training centre set-up in tehsil Kangan District of Srinagar where training is imparted to the Scheduled Tribes and this centre is operational since 1998-99. There is one more vocational training centre under construction at Leh for which necessary funds have been sanctioned by the Ministry of Tribal Affairs, Government of India.

**The Commission recommends that this project should be implemented expeditiously which would help impart necessary training for skill development.**

## **12. Health**

- 12.1** In both the Districts of Leh and Kargil right from the District Hqrs. to the villages necessary infrastructural facilities have been developed by setting up primary health centres, dispensaries, sub-centres etc. Except for some specialist Doctors and nurses, there are no problems about the rest of the staff infrastructural facilities. Interestingly, there is not much emphasis laid for further strengthening of the specialized treatment facilities and about modern medical equipment etc. both

by the District Authorities, tribal leaders and the Council Members. However, in Kargil District the Council pointed out that the District hospital does not have adequate number of specialists and nurses. They pointed out that about 63% of the specialists and nurses posts are unfilled in the health institutions of the District. They proposed that Doctors and nurses should be arranged on contract basis for the health institutions and that the District Council should be given powers to fill the vacancies by deploying doctors/nurses on contract basis. At Janskar the primary health centres have no specialists. In respect of supply of medicines, the Council Members did not mention any specific problem in Kargil District. However, they wanted that the hospitals should have Ultra-sound and other equipments.

There are 12 mobile medical aid centres established for providing medical facilities for nomadic/semi nomadic Gujjar and Bakarwal tribes.

**The Commission recommends that the posts of specialists and nurses should be filled and that the grievances of the people of Ladakh region should be removed by posting the specialists and nurses recruited for these two Districts who are presently being deployed outside the Ladakh region.**

### **13. Employment and Income Generation**

13.1 The Commission is of the view that there is a need to have survey done to establish the number of families belonging to the Scheduled Tribes who continue to be below the poverty line. Some suitable schemes may have to be devised for providing them alternative opportunities of avocation in agriculture and allied sector; self-employment schemes and in trade and commerce. Under the scheme for an alternative avocation for these tribes, so far 200 shops have been constructed and allotted to Gujjar and Bakarwal beneficiaries. There are schemes for allotment of plots for housing and so far only 73 plots have been allotted to the beneficiaries belonging to these tribes.

13.2 The Commission recommends that special housing schemes may be launched to provide necessary permanent shelter to the nomadic families of these tribes in the places where they have their winter habitat. The Commission further recommends that a special economic package for socio-economic development of these tribes may be funded under the Centrally Sponsored Schemes without insisting upon State Plan participation, considering the weak resource base of the State of Jammu and Kashmir. It is now time that special measures are taken to help these tribes to have settled life with sustainable avocation in agriculture and allied sector where they can combine both settled and pastoral economy considering the compulsion they have to rear herds of sheep and goats and buffalos as an integral part of their economy. There should be a number of milk chilling plant set up for the Gujjars. Similarly, there should be wool development and marketing agency set-up for Bakarwals so as to ensure remunerative returns to these tribals.

#### **14. Reservation in Services**

14.1 Gujjars and Bakarwals are given 10% reservation in direct recruitment to the Government jobs and for the admissions to the professional institutions. Besides 5% reservation has been given to them in the promotion upto some level.

14.2 The Ladakh Autonomous Hill Development Council of Leh pointed out that the State Government has not been maintaining roster for reservation and they have pointed out that seniority list are also not being properly maintained.

15. **Bhoti Language** - Ladakh Autonomous Hill Development Council, Leh also demanded that the tribal language of Ladakh with Tibetan script i.e. Bhoti language is being used in the Leh District be listed as a language in the Eighth Schedule to the Constitution. The Government may examine the feasibility of this demand.

## **16. Tourism**

16.1 The Commission visited a number of villages close to Line of Control (LoC) in Kargil District particularly villages of Batalik, Darchik and Garkon in Kargil District and also passed through the village Dah in Leh District along the Indus river. There is another village Hanu-Do in Leh District which is also connected by road. The tribal representative of these villages have demanded opening up the areas along the Indus river for the foreign tourists particularly those who wish to visit these villages. Foreign tourists are being given inner-line permit (ILP) to visit the villages along the Indus river, Khalatse to Hanu-Do and Dah in small groups under the supervision of District Administration. But, ILP is not given to the foreigners visiting the villages of Darchik, Garkon and Batalik in Kargil District as per the Regulations in force. The District authorities and tribal people have stated before the Commission that in the past a number of proposals have been sent to the Government of India through the State Government for opening up these areas for the foreigners to promote tourism along the Indus River.

16.2 The tourism industry has tremendous potentiality, the development of which will have a multiplier effect on the economy of the tribal region of Ladakh resulting in employment and income generation. There is an adequate road connectivity along the Indus River and that being so it appears there is no problem related to traffic control, movement of tourists/visitors and that the promotion of tourism may help these tribal villages integrate culturally and socially with the main stream of India's composite culture. The District authorities are of the opinion that the movement of the foreign tourists under the inner-line permit system, if it is opened, can be regulated along the Indus River via Leh and Khalatse to the villages mentioned as above. The tribal leaders have also proposed that promotional work should be launched to attract the tourists from other States of the country, although even after the cessation of Kargil conflict in 1999 some parts of the Kargil are frequently hit, sometimes daily, by shelling from across the LoC.

**Considering the potentiality of tourism industry and its likely beneficial impact on the economy of the tribal people discussed as**

above, the Commission recommends that necessary measures be taken for promoting tourism in the Ladakh region particularly in Batalik, Darchik and Garkon areas, along the Indus River and that demand of the people of the area for opening up of these areas for foreign tourists as well may also be considered in consultation with the Union Home Ministry, Defence Ministry and External Affairs Ministry.

## **17. Integrated Development of Drokpa Tribe**

- 17.1 The natives of Darchik, Garkon, Hanu-Do and Dah belong to Drokpa community, which is a Scheduled Tribe. More than the landscape of this part of the Indus river valley, the special interest of the region is Drokpa inhabitants. The population of this tribe is around three thousands (census 2001 figures not yet available). They are believed to be of pure Indo-Aryan race and they have preserved their racial purity down the centuries. They are tall, well-built and have fair complexion. Their traditional dress is also distinctive, quite different from that of the rest of the Ladakhies. This tribe is strictly endogamous and the marriages takes place within the tribe and that is how they have been able to preserve their racial purity. **The Commission spent a considerable time interacting with the villagers in two major villages Darchik and Garkon inhabited by the Drokpa tribe.** Their culture and religious practices are geared to nature worship quite akin to Vedic culture. Their economy is agrarian but even today it is partially pastoral as during the summers they take their herds of sheep and goats and other domestic animals up in the high-lands and move from place to place in search of pastures which is an integral part of their agrarian economy.
- 17.2 **The representatives of Drokpa tribes demanded that these four villages namely, Darchik, Garkon, Hanu-Do and Dah should be given special economic package for overall economic development of these villages. In fact, they wanted that special treatment be given to their cause for rapid economic development. The Commission recommends that the Drokpa tribe inhabiting these four villages may be notified as Primitive Tribal Group (PTG) so as to help them receive special economic benefits for overall**

socio-economic development to generate employment and income on a sustainable basis. There are a number of educated youth, a couple of them are graduates who are unemployed and they have submitted their applications for Government job commensurate with their educational qualifications. The Commission further recommends that after notifying this tribe as PTG, Government may earmark certain percentage of the posts reserved for the tribes in different services at the State level to Drokpa, Brokpa, Dard, Shin tribe.

The Commission also recommends that as a part of economic package recommended as above, there should be necessary technical assistance and extension services provided for the development of horticulture in the area particularly Apricot, apple, peach, almond, walnut and grapes etc. as the climatic conditions in this part of the Ladakh region are well suited for propagation of these fruits and nuts. It was also mentioned by the tribals of these areas that some more new land can be broken that are suitable for assignment to the tribal farmers and that would help increase the size of agricultural holdings which at the moment fall in the category of small and marginal holdings. The streams and rills alongside these villages have enough water to augment traditional miner irrigation channels/kuhls as without irrigation nothing can be grown on commercial scale in this part of the area. In short, the Commission is of the view that an integrated economic development programme specifically for these four villages can be taken up for an holistic development of the area, as is apparent from the conditions obtaining there in all these years of planned development to an extent these areas remained isolated and deprived of their basic development rights.

## **10. Public Safety and Security**

1. It was brought to the notice of the Commission by the Members of the Autonomous Hill Development Council and by the tribal representatives that during the "Operation Vijay" in 1999 in Kargil sector about half of the tribal population had to migrate to safer areas leaving their hearth and property behind.

Even after the cessation of Kargil conflict heavy shelling from across the LoC continues causing damage to life and property in the Kargil/Drass sector. Only a month ago, a number of people had died due to shelling from across the LoC. In fact, a shelling from across the LoC had hit the compound of the High school in the Kargil town. It was also reported that these shellings from across the border hit the area sometimes almost everyday. The people of the border areas particularly in Kargil and Drass sectors and adjoining villages live in perpetual fear and that economic and basic services sectors have been adversely affected. The tribal people have demanded that special measures should be taken for the safety of the people to help instil a sense of security among them and some bunkers may have to be built in the affected areas for the safety of the people.

The District authorities and tribal representatives here reported that the tribals of some villages particularly Kaksar, Kharboo in Kargil Sector and Goshan in Drass Sector have migrated to safer areas as these villages have become perpetual targets of sporadic shelling from across the LoC. The District Administration has sent a proposal for relief and rehabilitation of the affected people to the State Government. It appears from the record that there were no officially notified migrations from these villages with the result a comprehensive plan for relief and rehabilitation could not be worked out under the rules and regulations. However, at present these migrants are provided free ration at a small scale without any cash assistance or house rent allowances.

**18.2 In the light of the ground realities, the Commission recommends that necessary measures for the safety and security of the tribal people of the Kargil District in the areas along the LoC may be taken to mitigate the sufferings of the tribal people on account of frequent heavy shelling from across the border. The details in this regard as reported by the District Administration have been sent to the State Government and they in turn may have taken up with the Ministry of Defence as well as with the Union Home Ministry. There is certainly no doubt about the fact that the deployment of armed forces and para-military forces in this sector have provided avenues for employment and income generation yet their primary**

concern is about the safety of the people and security of the area. We feel it is necessary to bring the ground realities to the notice of the Central government and the State Government so that necessary measures are taken urgently for the protection, safety, security and for the rehabilitation of the affected tribal people of Kargil District, considering the fact that the Nation has very well recognized the contribution the local people made for defending the borders.



## JHARKHAND

The State of Jharkhand was created on 15 November, 2000 through bifurcation from the larger Bihar State. It has an area of 74,677 sq. kms. and is bordered by Bihar in the North, Madhya Pradesh in the West, Orissa in the South and West Bengal to the East. 35 per cent of the population of the former Bihar State now lives in the Jharkhand region. About 28 per cent of the State's total population belongs to 32 different Scheduled Tribe groups like Santhal, Oraon, Munda, Ho, Gond. There are some primitive tribal groups also like Asur, Birjia, Birhor, Korwa, Parhaiya and Mal Paharia. A list of scheduled tribe groups, also showing the primitive tribal groups in bold, is at Annexure I. According to the provisional population figures of the census of India 2001, its population stood at 2.70 crores. During the decade 1991-2001, the population grew by 23.19 per cent, slightly higher than the country's growth-rate of 21.34 per cent. The sex ratio has shown an upward trend, going up from 922 in 1991 to 941 in 2001. The total literacy percentage has shown improvement, rising from 41.39 per cent in 1991 to 54.13 per cent in 2001.

2. Jharkhand is one of the richest in India in the matter of natural resources like forest, water, minerals etc. More than 29 per cent land is covered with forest. The region is said to account for about 40 percent of the country's total mineral resources, about 35 per cent of the country's known coal reserves, 90 per cent of coking coal deposits, 40 per cent of copper, 22 per cent of iron ore, 90 per cent of mica and huge deposits of bauxite, quartz, ceramics etc. The country's largest steel plant in Bokaro and the oldest steel plant at Jamshedpur are located in Jharkhand. As such, the new State has the potential to develop as the wealthiest, the most developed, the most industrialized and financially the most viable State in the country. With dexterous and efficient management of its natural and human resources, it can soon wipe out poverty and become a frontline State.

3. We paid a visit to Jharkhand soon after establishment in July 2002 of the Second Scheduled Areas and Scheduled Tribes Commission. The main purpose of that visit was to inaugurate the Commission's work in the land of Birsa Munda and Budha Bhagat, ST freedom fighters. At that time, we had a meeting with the then Chief Minister Shri Babulal Marandi and State-level officers led by the then Chief Secretary. We paid homage at the Birsa Munda Memorial in the village Dombari.

4. The second visit by the Commission Team comprising of Chairman Shri D.S. Bhuria, Convenor-Member Dr. Bhupinder Singh and Members Dr. B.D. Domore, Shri S.K.Kaul and Prof. Diwakar Minz took place from 6 – 12 October 2003. During this period, we fulfilled the following major engagements:

- (i) Tours in the districts of Lohardaga, Latehar, Gumla, Ranchi, West and East Singhbhum
- (ii) Meetings with the Deputy Commissioners, members of political parties, representatives of NGOs and other organizations and members of the public
- (iii) Meetings with the Governor, the Chief Minister and Secretaries of the State Government as well as the Chief Secretary.

5. Wherever we went, our major concern was to look at the tribal people, the state of their economic, educational, health and related conditions, in other words the level of their over-all development. We felt that equally important was the presence or absence of legal and administrative protection entrusted to the district level agencies in matters of land, money-lending, trade etc.

6. The tribals' life-support systems are based mainly on two resources : land and forest. We found that in respect of both these resources, the tribals were losers.

### **Land**

7. Loss of tribal land is a burning problem. Tribal land is alienated in various ways:

- (1) There are coercive and forcible occupations of tribal land by non-tribals.
- (2) In many cases, tribals do not possess Pattas or other relevant documents in the context of a predominant oral tribal culture.
- (3) Land records are manipulated at the time of settlement operations or at other times without the knowledge of the original tribal owner. The village officers play a nefarious role in manipulation. The Chief Minister mentioned that even some tribals do "Dalali" for sale of tribal land.
- (4) A long time lapses between a court judgment in favour of STs and actual hand-over of land to the ST owner, enabling the dispossessor to employ all subterfuges to prolong the matters and go in for appeal.

- (5) The twelve/thirty years time-bar clause often operates against the tribal, the more so since generally the tribal is not able to produce documentary evidence of his possession.
- (6) Generally the revenue courts rule in favour of the STs but the case is lost in High Court and Supreme Court as the STs do not understand the dynamics of the higher courts nor they are able to afford and pursue matters there.
- (7) In the district of Jamshedpur, people complained that since restrictions had been imposed in Jharkhand on registration on transfer of land in favour of non-tribals, some non-tribals had taken recourse to registration in West Bengal.
- (8) A novel method of land appropriation had been devised in some districts of Jharkhand, that is non-tribals marrying ST women, thereby gaining access and ownership of tribal land. Incidentally, children born out of such union have been declared as STs by the Ranchi High Court.

8. Some of these hurdles can be traced to defects in law while some others may be due to negligent or motivated implementation. Three glaring examples were often cited by the people. A non-tribal male marries an ST woman specifically with an eye on tribal landed property. The ST woman might already own the property or, in the alternative, the well-to-do man may be able to buy land and/or other immovable tribal property in the name of the ST wife. The Jharkhand Government needs to look into this matter carefully, both from the legal and practical points of view. It appears that there are some Supreme Court rulings. On the ground, the Deputy Commissioners can exert to restrain such anti-policy practices. Secondly, we were apprised of cases in which, after having occupied tribal land, the unlawful non-tribal occupant built structure or structures for which the original tribal owner has to pay compensation in the event of court's ruling in his favour. Such a provision effectively prevents the original tribal owner from restoration to him of property since he is rarely in a position to defray the compensation amount. We were informed that such cases were common in Ranchi and other urban areas. To deter the wrongful non-tribal encroachers, the State government might consider enacting a measure that allows restoration of the land along with the structures to the tribal owner. In case of repression of scheduled tribes, the Atrocities Act could be invoked. Thirdly, in the context of (7) above, the legal provision of registration of land within the jurisdiction of the State Registration Officers should not be allowed to be breached.

9. Since the State Government did not send timely their replies to the questionnaire circulated by the Commission to States on different sectoral subjects, we cannot form a proper idea of the total extent of land from which tribals have been dispossessed. In the districts which we toured, some figures were given to us showing the number of cases filed in courts, number of disposed of along with the area involved, the number in which lands were restored.

10.1 Lohardaga district administration reported 4,155 cases pertaining to an area of 8,072 acres out of which 4,014 cases were said to have been disposed of involving an area of 7,768 acres. The number of cases decided in favour of STs has been mentioned as 2,355 involving an area of 3,355 acres, while those decided against numbered 1659 involving an area of 4,413 acres. The number of cases appealed were 1,958 involving an area of 2848 acres.

10.2 In the district of Gumla, so far 10,841 cases were said to have been registered involving an area of 17,383 acres, out of which 5,573 involving an area of 7,385 acres were decided in favour of STs and 5,004 involving an area of 9,709 acres were rejected. Appeal was filed in 4,580 cases involving an area of 7,311 acres.

10.3 The figures furnished by Ranchi district administration show that to date 18,185 cases involving an area of 22,712 acres were registered out of which 15,730 involving an area 21,324 acres were disposed of, 10,145 involving an area of 11,354 acres in favour of tribals and 5,585 involving an area of 9,922 acres against. 6,220 appeals have been filed involving an area of 6,666 acres.

10.4 Land alienation seems to have occurred on smaller scale in West Singhbhum district. The number of cases filed were shown by the district administration as 268 involving an area of 209 acres out of which 226 cases involving an area of 190 acres had been disposed of. The number in favour of STs was 224 involving an area of 189 acres, while in two cases the decision was against an area of nearly one acre. In 184 cases involving an area of 134 acres appeal had been filed.

11. Two aspects are significant in this context. One, invariably the number of cases in which restoration was ordered but actual possession was not given was not mentioned. Two, the number of cases filed in courts do not, generally, reflect the situation on the ground. Detection of cases involving the weakest tribal segment is not easy and often our bureaucracy does not possess adequate motivation to help the downtrodden. There should be a provision in the Chhotanagpur Tenancy Act and Santhal Parganas Tenancy Act for suo moto detection and filing of cases in appropriate courts and their pursuit. This calls for an alert detection machinery. For motivation, the training and orientation courses run on appropriate lines with the appropriate syllabi and course contents can partly fill the bill.

12. It is necessary for the State Government to take a look at the matter holistically from all points of view. Requisite measures need to be adopted for saving the penurious and hapless tribals from further impoverishment and demoralization through loss of both their land and women.

### **Education**

13. This Commission regards education as the foremost need of tribals. In fact, educational backwardness should be deemed as the most important factor behind backwardness in all other respects. As already mentioned, the provisional 2001 census shows the state's literacy percentage as 54.13. Separate ST literacy percentage not being available, it is assumed to be much lower. In this context, in our interactions with officials, non-officials, NGOs and representatives of various organizations and groups, we discussed the causes of educational backwardness and ways of promoting literacy among the tribes.

14. In the districts, we could not get a precise position of literacy percentage. We could form some idea from information furnished otherwise. For instance, it was quoted to us that, in the Ranchi district, the results of students staying in 31 residential hostels were very poor: not a single student could pass matric examination. A dramatic indicator of the state of education was contained in the drop-out figures. At Chaibasa, the district headquarters of West Singhbhum district, where STs were reported to be 74%, 7301

children were said to be in class I and in class VIII the number was 1,562. In the district of East Singhbhum (Jamshedpur), the figures were 11,276 in class I and 1,626 in class VIII. In Gumla district, the number of primary schools was reported as 574, middle schools 141, 22 government-recognised high schools and 4 senior secondary high schools. But the students got reduced to 3,025 in class VIII from 30,840 of class I. In West Singhbhum where 930 primary schools, 254 middle schools were reported, the drop-out was from 7,140 students in class I to 678 in class VIII. In Lohardaga district, the figures were 21,905 in class I and 2040 in class VIII.

15. Another relevant indicator of the state of education is availability of school buildings. The papers furnished to us in the field do not convey adequate information in this regard. But the impression we gathered during our discussions in the districts is that there is a big gap between the requirement and availability.

16. One complaint commonly heard was that the number of teachers in position was only about half of the sanctioned strength and quite a few among those in position remained habitually absent. For example, the East Singhbhum district reported 4,296 sanctioned posts of matric trained Assistant Teachers out of which the number in position was 3,181, the vacancies being 1,115. In the district of Gumla, the total number of sanctioned posts was given to us as 1,208 in different classes, while the number in position was 767, the vacancies being 339. In Lohardaga district, 200 teachers were short. Along with the vacancies and absenteeism, the complaint was that most of the teachers were of sub-standard quality.

17. The regrettable state of education may be ascribed to the following factors:

- (a) Poverty, which compels parents to employ their children in the field in economic activities and at home to help in domestic and sibling chores.
- (b) Lack of awareness of ST parents and their general indifference to education. Addiction to liquor of parent/parents.
- (c) Apart from the vacancies in teachers' posts, absenteeism, untrained teachers, low level of teachers' motivation, diversion of teachers' time to non-teaching assignments like census, BPL survey, lack of

teachers' staff quarters act as a drag on their ability to perform and low standard of teaching.

- (d) As tribal children, particularly in the lower classes, do not generally understand a language other than their mother-tongue, as a medium of instruction the regional language becomes a barrier. The State Government need to consider to what extent this barrier can be overcome in the context of availability of local teachers, tribal language primers and text-books etc.
- (e) Mid-day meals is a great attraction to students, particularly those coming from poor tribal strata. Even the Supreme Court has also ruled promotion of mid-day meals. The State Government does not appear to have realized the importance of mid-day meals, as no sanction has issued from State headquarters for the last three months. We were informed that the scheme will become operative in December 2003 or thereabouts. This way the children are likely to lose nearly one year of their life.
- (f) In the districts we heard repeatedly the view that an important factor in the situation was lack of appropriate syllabi suitable for tribal children. Elsewhere in this report, in the chapter on education, we have advocated preparation and introduction of suitable syllabi for tribal students in consonance with their background, culture, language, level of development etc. In the districts, teaching of elements of agriculture, horticulture, manual labour etc. was lacking.
- (g) The want of buildings in some schools and their condition of disrepair in other schools impedes spread of education. For instance, in the district of Gumla, 84 schools did not have buildings.
- (h) We found that many of the schools in the districts we toured were single-teacher schools or two-teachers schools, where the single teacher or the duo was managing about five classes each. This hits at the quality of education directly. It is difficult to imagine how a single teacher or even two teachers can manage multiple classes and multiple subjects at the same time. If we are serious about education, this aspect requires serious attention.
- (i) Inadequate facilities for vocational training.

18. At Chaibasa, some officers indicated to us that teachers in Jharkhand are the best paid in the country, but because of lack of attention to duty they have leisure that enables them to indulge in anti-government and anti-people activities. To improve the quality of education, the Jharkhand Education Project has provision for filling of teachers posts and training them. But the training has not been taken seriously. As a result, the quality of education has suffered.

19. In the meeting held of State-level officers headed by the Chief Secretary on 10 October 2003, at Ranchi, we brought all these to their notice for remedial measures. The Secretary, Education, informed that under the Sarva Siksha Abhiyan, the State Government had decided to devolve funds to the villages so that they can appoint matric-passed teachers. The strategy was to initially carry out the scheme in 11,514 villages. It is not known how many villages will be covered in Scheduled Areas by the scheme. Nevertheless, the Commission feel that while it is a good idea to empower the village committees to appoint teachers, it may be preferably to appoint teachers knowing the local tribal language not belonging to the village itself. The reason for this is the complaint made to us that teachers posted in their own village have the tendency to look-after their land and domestic affairs, neglecting school duties.

20. In regard to the Netarhat Public School, the Secretary indicated that for the last three years, admissions could not be made to the school due to the fact that negotiations had been going on between the Bihar and Jharkhand governments on the question of sharing of seats and expenditure. Since Bihar Government had not responded, the Jharkhand authorities had decided to commence studies for new batch on 26 October 2003 bearing the entire expenditure. He confirmed 26 % reservation for ST students.

21. With a view to improvement of quality of education, the Secretary, Education informed that State Government was thinking of out-sourcing education to NGOs. We stressed during our discussions in the field and at Ranchi that arrangements should be made for imparting vocational education to ST boys and girls.

### **Health**

22. As in the case of education, we found that the situation regarding health was not satisfactory. At Jokhipukhar village in block Mohuadanh of Latehar, the people complained that there was no doctor in the Netarhat hospital and no staff had been posted in Chor Munda village health sub-centre. There was a strong demand for health facilities.



23. At Gumla, during the meeting with officials and non-officials, we were informed that the X-ray machine had not been functioning and, in the laboratory, only one technician was available. The diseases generally afflicting the people were tuberculosis, malaria, gastro-enteritis, goiter, anemia etc. During discussions, it was communicated to us that there were 40 per cent vacancies in the post of medical officers and 90 per cent vacancies of para-medics posts. The papers furnished to us by the district administration showed 38 vacancies among 99 sanctioned posts of MOs. The position of sub-centres was not indicated. In this district, the major complaint of the people was that medicines were not being supplied to the poor people. Anti-biotics were too costly and the people could not afford them. A sum of Rs. 25 lakhs had been lying unutilized in the civil surgeon's office because of fear relating to an earlier medicine-purchase scam. Orders of the State Government were being awaited. Further, district papers showed that during 2002-03, a sum of Rs. 27.84 lakhs had been utilized against the provision of Rs. 35.10 lakhs for medicines, no expenditure had been incurred against the provision of Rs. 5.56 lakhs for other supplies and a sum of Rs. 33, 459 only had been utilized against the provision of Rs. 2.5 lakhs for food. Thus, there had been under-utilisation of funds.

24. At Chaibasa, the headquarters of West Singhbhum district, at a meeting of district officials and non-officials, we were informed that 50 percent posts of doctors of PHCs and 50 per cent posts of nurses were vacant, while the vacancies in the 324 health sub-centres were to the extent of 40 per cent. The positions of laboratory technicians were vacant and no X-ray facility was available. These figures, however, were not corroborated in the papers given to us by the district administration where the percentage of vacancies shown was less. Even the total number of sanctioned posts varied. There was a nurses' training school in the district and it should be possible to fill up the vacancies in the nurses' posts early.

25. At Jamshedpur, East Singhbhum district, we learnt that there were 288 sanctioned posts in 244 sub-centres and 241 personnel were in position. 44 sub-centres had no buildings. In the one community health centre, there was no specialist and no X-ray facility. There was no laboratory but a technician had been posted. In the city of Jamshedpur, there was one medical college and one nurses' training centre; full

advantage should be taken of these institutions not only for the district but also for the entire State, particularly by STs.

26. On the whole, the situation on the health front in this State does not inspire confidence that health needs of the local people, particularly scheduled tribes, are being looked after adequately. There were complaints that the medical and para-medical staff did not stay at the place of their posting and absenteeism was frequent. Some of the staff required training. The existing institutions should be utilized fully. Particular attention should be paid to specific diseases whose incidence was reported.

### **Agriculture**

27. Besides the strong mineral base of Jharkhand, a present fundamental of its economy rests on agriculture and allied activities. Out of the total geographical area of 79.7 lakh hectares, the cultivable land was 38 lakh hectares and the net sown area 18.04 lakh hectares. The net irrigated area was only 1.57 lakh hectares i.e. 8 per cent of the net sown area. The major crops were paddy, pulses and other cereals. Plantation and horticulture crops were being grown in about 2.57 lakh hectares with an estimated total production of 37.85 lakh tonnes. Under live-stock production, milk, eggs and wool were the major items, goats and pigs being reared by the tribal population.

### **Schemes of the Ministry of Rural Development**

28. The national level Monitor of the Ministry of Rural Development, Dr. R.K. Shrivastava who is also an Expert in this Commission, visited Pakur district in the State of Jharkhand in September 2003. The observations here in respect of the schemes of rural development are based on his report.

29. Pakur district has a geographical area of 686.21 sq. kms. and as per provisional 2001 census figures, the total population of the district was 7 lakhs. The population is predominantly scheduled tribe and among them the Santhal and the Pahadia are significant. According to the 1997-2000 estimates, out of a total of 1,26,465 families,

73,725 families lived below the poverty-line in the district. The sex ratio was 956 females for 1,000 males. The literacy ratio as per the 1991 census was 18.76 percent and it rose to just 24.38 percent in 2001. The drop-out rates in the district were steep, being 40 percent from classes I-II, 70 percent from classes I-V and 85 percent from classes I-X. From the report, it appeared that non-tribal individual beneficiaries had been making good use of the Swarn Jyanti Swarozgar Yojna, deriving reasonable amount of monthly income after receiving financial assistance for items like a grocery shop, a bullock cart, a tea stall, a *pan* shop etc. The report was conspicuously silent on the use that tribals had made of this asset-providing scheme. The womens' self-help groups seemed to have taken loans more for consumption purposes.

29.1 One good feature described about the Indira Awas Yojna was that with the amount of Rs. 20,000 per house, the beneficiaries constructed their houses as per their requirement. However, in the matter of quantum-rate, there was a big disparity between the Indira Awas Yojna funded by the Central Government and the Birsa Awas Yojna for the Paharia, a primitive tribal group, funded by the State Government, the entitlement per beneficiary under the latter scheme being Rs. 56,000. The Monitor explained the difference was partly due to expenditure incurred on transport of construction materials like cement, gravel to hilltops where the Paharia tribe lives. He further explained that neither the Santhal nor Paharia individual beneficiaries were content with the modest type of houses intended to be provided under the two schemes, but aimed at much larger *pucca* houses, bursting the two ceilings. Essentially, of whatever dimensions, housing is a matter of individual effort, but Government assistance is meant only for those who cannot afford any investment except labour from their side. Another relevant aspect is that the houses constructed should be eco-friendly.

29.2 The report describes roads constructed under the Sampurna Gramin Rozgar Yojna and Prime Minister's Gram Sadak Yojna as suffering undue and premature damage through over-use by trucks transporting stones from the Pakur district to West Bengal and other States. Even newly constructed roads cannot be expected to undergo such beating. Nevertheless, the quality of these roads needs to be looked into. If the use is really too much, consideration may be given to the suggestion of imposition of a toll tax for their proper maintenance. In fact, the report recommends setting apart a

proportion of DRDA funds for maintenance of infrastructure and roads. Non-Plan funds are generally meant for maintenance of assets and there is no reason why the State Government should not avail of the non-Plan funds. As already mentioned, unlike other States, the State of Jharkhand is in the happy position of being able to earn substantial amount of income from royalties on the plentiful minerals mining in the State.

29.3 It is rather surprising to note from the report that funds do not reach the blocks timely to enable them to make full use of the working season and only 4 months (December-March) are available as the working season. Since the DRDAs receive funds directly from the Centre, this situation should not arise. The Ministry of Rural Development may like to inquire into the matter. We are not, however, in entire agreement with the suggestion that the DRDA funds should be made non-lapseable for at least two years. Our experience is that non-lapseability beyond the period of one-year leads to complacency and accumulation of funds.

29.4 The Ministry of Rural Development might also look into the question of deficiency in provision of staff for the DRDA, since the report mentions 73 percent vacancies. With such handicap, the DRDA cannot be expected to perform well.

29.5 We express concern over the fact that the Paharias do not like to share development projects with the Santhal. There might be historical reasons behind the differences between the two scheduled tribe groups. A duty is cast on the administration to bridge the differences and to bring the two groups together.

### **Drinking Water**

30. From discussions in the field, we learnt that the accent had been on tube-wells and hand-pumps. During our visit to the districts, no district administration gave us a total picture of all the drinking water sources like open wells, piped water supply schemes, springs, streams. However, we learnt that the situation was not satisfactory. For many villages, the water sources were distant. Many hand-pumps were not working. Official repair agencies moved very slowly. There was little awareness about the scheme of training of local man-power in villages for deployment as repair agents of tube-wells.

the state headquarters, we learnt that such a scheme has been in operation; if so, it has to be ensured that it is operated properly in the field.

31. At Gumla, we learnt that eight crores rupees were available in the district since March 2003 for a piped water supply scheme, but no action had commenced. This was brought to the notice of the Chief Minister, Jharkhand in the meeting with him on 10 October.

#### **Action in respect of atrocities on STs**

32. In district of Gumla, in 2000, a total number of 32 cases were reported out of which 21 were registered. Rape cases numbered 10, cheating and forgery numbered 11 and the remaining 11 were of miscellaneous nature. The only murder case reported related to the year 2001. The year 2002 witnessed 3 miscellaneous cases only. In the West Singhbhum district, only six cases had been reported, three of rape and three relating to cheating and forgery. The district of Lohardaga reported 4 cases in 2002-03, three of rape and one of brawl. Latehar district indicated that during 2001-02 two cases of rape and 8 of miscellaneous nature were registered. No information was furnished by other districts. While the crime-rate may be genuinely low as compared to what obtains in other districts and states, we suspect that a number of cases occurring in reality but not coming to the notice of the police go un-reported. In any event, the expectations from police are much higher.

#### **Administration and Governance**

33. As we have pointed out in our Chairman's letter to the Governor, Jharkhand and the Chief Minister Jharkhand contained in the Annexures II and III herewith, we found the district administrations in the State were not pulling their weight. The aspirations of the people have been rising, but achievements on the development front have been lagging behind. The matter is to be looked at from two points of view.

33.1 First, of energising and revitalising the official machinery through training, orientation, performance-related service conditions, rewards and punishments, inculcation of discipline etc. A ready concrete suggestion we have made is that district cadres should be constituted of as many services as possible and these should be manned by personnel recruited on

contract basis, say for three years, with the provision of extension of those found satisfactory and termination of service of those found otherwise. We have also recommended evaluation of the total techno-administrative infrastructure in the Scheduled Areas by competent experts for consideration of its fitness and suitability of the structure for over-all development. We are keen that a sound work culture is built up so that the tribal people can be pulled out of the morass in which they have been living.

33.2. The second facet of governance is political decentralisation and effective functioning of the Gram Sabhas, Gram Panchayats, intermediate Panchayats and Zila Panchayats through the different official administrative hierarchies in the districts and state headquarters. We learnt that the state has passed a law in consonance with "The Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996". However, there were some clauses which attracted objections, but even these have been overcome. The elections to Panchayats have been over-due, the last elections having been held in 1978 when Jharkhand was a part of the Bihar State. In August 2002, when we visited Jharkhand, we were informed that the elections would be held in November 2002, but such an event did not come off. We urge that the Gram Sabhas and Panchayats should commence functioning without much delay. The needs and urges of the scheduled tribe people ventilated through these bodies might bear upon the administrative apparatus, inducing loss of a degree of insensitivity.

33.3 In this context, we received a memorandum from 'Jharkhand Pradesh Parha Raja, Manjhi Parganait, Manki Munda, Dokle Sohore Mahasamiti' having its headquarters at Gram Bajra Bariatu, District Ranchi to the effect that governance in their areas has been through Pahra Patti, Manjhi Pargana and such other institutions; the heads of these institutions, such as Parha Raja, Manjhi Parganait, Manki Munda and Doklo Sohore should be accorded accreditation; in consequence, they were not in favour of elections in the 113 development blocks situated in the Scheduled Areas of the state. They advocated traditional modes of constitution of traditional governing bodies. In support, they cited Article 13(3) of the Constitution and section 4(a), (b) and (d) of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996. Among these, the relevant provision is clause (a) of Section 4 the latter i.e. PESA Act. It is based on the recommendations contained in the report of Bhuria Committee 1995

The liberal provision for allowing a tribal community to adopt its own traditions, procedures, norms, ethos etc. would be salutary .... (para 8(f))

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Most of the tribal societies in India have been practicing democracy, having been characterised by egalitarian spirit. Cognisance has to be taken of their indigenous institutions and ethos while considering democratic decentralization in India (para 13).

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Time-honoured customary usages and arrangements in tribal areas should be respected and allowed to continue. Traditional tribal conventions and laws should continue to hold validity. Harmonisation with the modern systems should be consistent therewith. (para 13.1)

In view of these considerations, appropriate decision may be taken by the State Government in the matter.

34. A copy each of the letters written to the Chief Minister, Jharkhand and Governor, Jharkhand are enclosed at Annexures II and III herewith.

## SUMMARY OF RECOMMENDATIONS

Loss of tribal land is a burning problem. Alienation of tribal land takes place in many ways, like forcible occupation by non-tribals, transfer through fraud, manipulation of land records, denial of possession of land decreed in tribals' favour, marriage of a non-tribal with a tribal spouse. Some of these hurdles can be traced to defects in law, while some others may be due to negligent or motivated implementation. All these need to be looked into by the State Administration.

2. Two observations are particularly significant. One, invariably the number of cases in which restoration was ordered but actual possession was not given, did not find mention in the papers, statements furnished to us. Two, the number of cases filed in courts did not, generally, reflect situation on the ground; many cases go undetected and many do not come to record. Training and orientation courses run on appropriate lines with the appropriate syllabi and course contents may help officials and social workers by way of knowledge and motivation.

3. The 2001 census showed state literacy percentage as 54.13, but separate figure of literacy percentage of STs in the state did not become available to us. The figure can be presumed to be much lower than 54.13. In fact, the figures of drop-out of students from classes I to VIII available in the districts were alarming. The ST population of the State may be regarded as handicapped in the matter of education.

4. The causes of low literacy among STs have, inter alia, been identified as poverty compelling children to work in the field and at home, lack of awareness of ST parents, addiction to liquor of parent/parents, large number of vacancies in teachers' posts, teachers' absenteeism, un-trained teachers, their low level of motivation, diversion of teachers' time to non-teaching assignments, non-tribal language as medium of instruction, non-operation of mid-day meals scheme, unsuitable syllabi, single or double-teachers schools, inadequate facilities for vocational training. These multiple causes should be tackled multi-pronged. Some of them can be handled straightaway. For



instance, mid-day meals scheme should be introduced without further delay. Vacancies in teachers' posts should be filled up. Training of teachers should be taken up on crash footing. The teachers should be enabled to devote their entire time to teaching. The barrier of non-tribal languages adopted as medium of instruction should be overcome through availability of tribal teachers, tribal language primers, text-books etc. Appropriate syllabi, that is those in consonance with the tribal milieu, culture, language, should be evolved and introduced. Adequate attention should be given to school buildings. Single-teacher or two-teacher schools should have a larger normative number of teachers. Vocational training facilities should be vastly enlarged.

5. The quality of teaching imparted in the Jharkhand schools was found to be sub-standard. Training of teachers is an urgent requirement. Further, teachers should be placed under control of village education committees who should appoint duly qualified teachers, preferably knowing the local tribal language but not belonging to the same village.

6. As in the case of education, we found unsatisfactory delivery of health services notwithstanding strong public demands therefor.

7. We came across large number of vacancies in the posts of doctors, nurses and other para-medical staff, even to the extent of 50 percent. Equipment like X-ray machine was either not available or was dysfunctional. On the other hand, at Jamshedpur there was no laboratory but a technician had been posted. While there was public clamour for medicines, funds were lying un-used, as in the Gumla district. There were a medical college and a nurses training center at Jamshedpur, but personnel in sub-centres and PHCs were in short supply.

8. On the whole, a perplexing picture of lack of proper management emerged. There is no doubt that it can be straightened out by mere application of fundamental principles of public administration. Over and above this, we do not deem it necessary to make any other recommendation.

9. In the Santhal Parganas, non-tribals appeared to have been making good use of scheme of Swaran Jayanti Swarozgar Yojana, an assets-providing scheme modeled on IRDP. Tribals do not appear to have been conspicuous beneficiaries. This needs to be attended to.

10. It further appears that in the Santhal Parganas, while good use was being made of Indira Awas Yojana assisting beneficiaries with an amount of Rs. 20,000 per house and Birsa Awas Yojana at the rate of Rs. 56,000 per house meant for members of the Paharia primitive tribal group, the ecological angle was being transgressed and the two ceilings were being bursted. Environmental consonance in tribal areas is a matter of prime importance.

11. Notwithstanding the fact that the Ministry of Rural Development releases funds directly to the DRDA, in some districts the latter complained of delay in receipt of funds. The Ministry may look into it.

12. We are not in favour of the prescription of non-lapseability of funds of DRDAs or other such organizations. During our visits to states, we came across accumulations of funds in ITDAs where non-lapseability was allowed. In our view, non-lapseability encourages complacency and fund accumulations.

13. The Jharkhand administration should attempt to smoothen the presumptive rough inter-face between members of the Santhal and the Mal Paharia tribal groups.

14. Predominant reliance on tube-wells and hand-pumps has led to a situation in Jharkhand where a large number have been lying in a state of disrepair. For one thing, the water supply schemes should be diversified, linking them to available water sources. Springs, streams may be tapped and open-wells may be dug in addition to tube-wells and hand-pumps. Secondly, local man-power should be trained to attend to break-downs of tube-wells and hand-pumps.

15. Our over-all impressions are contained in our Chairman's letters dated 14 October 2003 addressed to the Governor, Jharkhand and dated 16 October 2003 addressed to the

Chief Minister, Jharkhand. They encapsulate our observations and suggestions. One observation we would like to reiterate here is in regard to the incapacity of the district

administration in the State for meeting the goals of governance and development. An overhaul of the administrative machinery is required for rationalizing, energizing and revitalizing it. District cadres may be constituted of Classes IV and III and, where possible, of Class II services. Contract appointments may curb the tendency of laxity, apathy, indiscipline etc. on the part of staff so badly required to ameliorate the condition of the people, particularly the scheduled tribes.

Existing STs of Jharkhand

1. **Asur - \*Agaria**
2. Baiga
3. Banjara
4. Bathudi
5. Bedia
6. Binjhia
7. **Birhor**
8. **Birjia**
9. Chero
10. Chick Baraik
11. Gond
12. Gorait
13. Ho
14. Karmali
15. **Kharia - \* Dholki Khaira, Dudh Kharia, Hill Kharia**
16. Kharwar
17. Khond
18. Kisan - \* Nagesia
19. Kora- \*Mudi Kora
20. **Korwa**
21. Lohra
22. Mahli
23. **Mal Paharia - \*Kumarbhag Paharia**
24. Munda - \*Patar
25. Oraon- \*Dhangar (Oraon)
26. **Parhaiya**
27. Santhal
28. **Sauria Paharia**
29. **Savar**
30. Bhumij
31. Kawar
32. Kol

\* Insertions/additions as per the constitutions (Scheduled Castes & Scheduled Tribes) Orders Amendment Act,2002. Tribes indicated in bold at serial numbers 7,8,15,20,23,26,28 & 29 are PTGs.

**Copy of D.O. letter dt.16.10.2003 from Shri DileepSingh Bhuria, Chairman, Scheduled Areas & Scheduled Tribes Commission, Govt. of India addressed to Shri Arjun Munda, Chief Minister, Govt. of Jharkhand, Ranchi**

I thank you and the State government for the hospitality extended to me and the members of my Commission during our visit to the State of Jharkhand 7-12 October 2003. I thank you also for the breakfast-meeting held on 10 October 2003 at your residence.

2. I recapitulate here some of the issues that we discussed during our meeting. As I mentioned to you, we toured the districts of Lohardagga, Lathehar, Gumla, Ranchi, East Singhbhum and Jamshedpur. We met hundreds of people, specially the scheduled tribe people, and held meetings at each of the district headquarters composed of the district officers as well as members of the general public.

3. One major observation we made was that while there have been a slew of rising aspirations of the people, requisite achievements on the development front have lagged far behind. One reason has been that political decentralization has not been effected in the State through formation of Gram Sabhas and Panchayats at the village, block and district tiers. Last year when we visited Jharkhand, we were informed that Panchayat elections would be held and Panchayat bodies would come into being in November 2002. You informed us that the State Government now plans to hold Panchayat election in December 2003. As and when that happens and the Gram Sabha and Panchayat bodies see the light of the day, people will begin to feel empowered and undertake steps for their own development.

4. As you would have noticed, our stress has been on education, for we feel that it is through education and awareness that the tribals can avail of the various benefits meant for them through the various development policies, programmes and schemes. But in the district we found a high percentage, sometimes even 60, of teacher posts vacant. Wherever teachers were in position, their quality left much to be desired. This situation is a formidable hurdle to spread of education among tribal people. You mentioned that State Government was remedying the situation by was of thousand of new appointment and district quotas were intended to be fixed. This is a good measure. I would further suggest that the personnel in the districts should be appointed on contract basis, say for a period of 3 years with provision for extension of service if found satisfactory and for

termination if found otherwise. This is likely to eliminate the sense of complacency which a permanent government servant acquires in course of service.

5. Our interaction with the district administrations revealed a degree of insensitivity among some of the district officials in their attitude to development work. There were accumulation of funds, amounting to even crores, in almost all districts. In Netarhat districts we found funds of 1997-98 lying unspent. On the whole, the incapacity of districts administration was apparent. Doubtlessly, along with lackadaisical attitudes, this is likely to get routinised more and more. We feel that it is necessary to energise the administration at various tiers to be able to deliver goods. For the purpose, it may be necessary to have an objective evaluation of the existing state of affairs. This may be got done by experts from within or without the State. Incidentally, I mentioned this at the meeting held subsequently the same day with the Chief Secretary and other State-level officers.

5.1 You indicated that the State did not have adequate number of IAS officers for manning the posts of Project Officers in the districts and ADMs were being deputed. I have no doubt that even amongst the State Civil Service cadres, there are competent officers and they can discharge their duties as well as any other. The essential thing is to obtain expert advice to restructure and revamp the techno-administrative apparatus, both in the district and at State headquarters. A sequel to it might be man-power planning for state as well as district-level officials, say teachers, doctors, engineers, nurses, technicians et.al.

6. A burning issue which came up repeatedly before us in the field relates to alienation of land of scheduled tribes. Apart from the well known methods adopted by non-tribals for take-over of tribal land like lack of documentary evidence available with STs, manipulation of land records by non-tribals, caste certificates issued by village officers on the basis of manipulated entries in Khatian, benami evidence, coercive methods adopted by non-STs, time-bar in respect of adverse possession, a novel route adopted for dispossession of tribal land came to light during our discussions in the field. It seems that a large number of non-tribals have used the method of marrying ST women and transferred in their name. Their offsprings have been categorized as STs. In short, a number of methods have been and are being adopted to snap up tribal land, leaving the concerned tribals resourceless. There is need to examine the law or laws in this regard to

stem the rot. You may like to get the entire matter examined with a view to amendments towards stricter anti-alienation laws and more stringent implementation.

7. In the field of development, one or two instances were cited by us in the meetings to exemplify the state of affairs. In the district of Lohardagga, we were informed that earlier 259 villages had been electrified and of them only 63 villages remained electrified as on date, denoting regression. In Gumla district, about 8 crores of rupees have been available for water supply of Gumla town, but no steps have so far been taken for utilization. Again in Gumla, we learnt that there was acute shortage of medicines despite a sum of Rs. 25 lakhs being available; no purchases had been made in the background of a scam a little while ago. On account of freedom of private practice, patients were not being given adequate attention in government hospitals. A Civil Surgeon was awaiting government orders for indication of companies from whom medicine stocks could be purchased. You stated that the State Government was taking steps to introduce DRDA pattern for administration in Scheduled Areas. In our view, the induction of Panchayat organizations along with the DRDA patterns of funding them should go some way in improving matters.

8. I informed you that representatives of a number of villages of the total of 245 villages affected, met me at Jokhipukhar village in Mohuadahn block. They were agitated on account of fear of continuation of a firing range in the area. According to them, the firing range would uproot people and dislocate life in the area. You may like to consider the matter and, as necessary, take it up with the defence authorities.

9. Another issue which was raised at Jokhipukhar and elsewhere pertained to caste certificates being issued on the basis of report of village officers based on entries in Khatian. One example quoted was that of Bhuinyar Munda. Such a sub-tribe not existing in the list of scheduled tribes of Jharkhand was creating difficulties. The State Government might examine the matter.

10. I have mentioned above a few issues that came up during our discussions. Separately, we are compiling a note on the various matters that we came across in our six-day tour of Jharkhand and I shall let the State Government have a copy of it as soon as possible.

11. I trust you will give earnest consideration to these issues with a view to resolving them.

With regards,

14 October 2003

Dear Shri Marwah,

It was good of you to have spared some time for a meeting with Members of the Commission and myself at Ranchi on 10 October 2003. It was a pleasant meeting.

2. I recapitulate here some of the issues we discussed.
3. In the first instance, we agreed that naxalism based on the philosophy of violence cannot resolve the problems of the masses of India and of Jharkhand in particular. As almost all the districts in Jharkhand are affected by underground violence, our dominant stress should be on development, while taking all requisite measures for maintenance of law and order. Visible and palpable results in the economic and educational spheres among the tribal people of Jharkhand are likely to dissuade them from joining the extremist ranks and indulging in violence.
4. Our inter-action with the people at large in the districts we toured and members of the Administration led us to believe that the latter was not pulling its weight. In our meeting with the Chief Minister and State level officers earlier the same day, we had emphasised that there was need to energise and revitalize the machinery. Three years have passed since Jharkhand came into being and we trust that the State has, by now, settled down. The State Government may consider evaluation of the total techno-administrative infrastructure in the Scheduled Areas for consideration of its fitness and suitability for over-all development. You may recall that Prof. Appleby had looked at Bihar administration about four decades ago and made valuable recommendations. A sound work culture needs to be built up so that the tribal people can be pulled out of the morass in which they have been living.
5. A ready suggestion which we cited was that district cadres should be constituted of as many services as possible and they should be manned by personnel recruited on contract basis, say for three years, with the provision of extension for those found



satisfactory and termination of services of those found otherwise. We make this suggestion particularly for tribal areas since we found that commonly the employees in the districts set-up were not of requisite capacity and devotion to duty.

6. It struck us, as it would to any other perceptive observer, that while on the one hand Scheduled Areas of the State abound in land, forest, minerals, and water resources, the people living there are penurious, illiterate, mal-nourished and isolated. The natural wealth urgently and fully needs to be harnessed for the betterment of the people.

7. We agreed that the best way would be to empower the tribal people to enable them to effect development, through their own Panchayat organisations. The Provisions of Panchayats (Extension to Scheduled Areas) Act 1996 offers wide scope for tribal empowerment through accordant State Panchayat law and related laws passed by the State Legislature. Should a village community so desire, the traditional Panchayat can function at the Gram Sabha level, while elections should be held to fill up positions in the Gram Panchayat, Panchayat Samiti and Zilla Panchayat. Since elections have not been held since 1978 in Bihar, there is need to hold early elections to Panchayats in the Jharkhand State. We pressed this view in the meetings with the Chief Minister and State level officers. It is essential to hold the elections and entrust the responsibility of development to the people themselves, particularly in the Scheduled Areas.

8. During our visit to Netarhat in the district of Lathehar at Jokhipukhar, the people complained against firing range in the area. It was indicated that about 245 villages were affected. Their demand was for removal of the firing range. You may like to look into the matter.

9. As we discussed, the Fifth Schedule of the Constitution confers special responsibility on the Governor of a State having Scheduled Areas for peace and good government of the area, protection of the tribal people in the matter of their land, money-lending and their development. A general law on the subject may be helpful. Further, the Fifth Schedule has two more significant provisions. One, establishment of Tribes Advisory Council and Governor's Annual Report on Scheduled Areas to the President. The Tribes Advisory Council should meet periodically and should be encouraged to deliberate on all substantive issues concerning Scheduled Tribe people

and to express its views to the State Government. The Governor's report should rise above the routine level and dwell on important matters and questions in the Scheduled

Areas of the State, highlighting achievements and short-comings, as well as drawing the attention of the Union Government towards areas where action on its part is required.

10. I have outlined above most of the points which came up during our discussions. If there has been any omission, or you would like any other matter to be considered or reviewed by our Commission, kindly let me know.

With regards,

Yours' sincerely

( Dileep Singh Bhuria )

Shri Ved Marwah  
Governor Jharkhand  
RANCHI

# STATE REPORT ON KARNATAKA

1.1. Karnataka State is bounded in the north by Maharashtra, Goa in the north-west, Arabian sea in the west, in the south by the states of Tamil Nadu and Kerala and in the east by Andhra Pradesh.

1.2. The Karnataka State was constituted by merging of the then Mysore State, certain districts of the erstwhile Bombay State (Uttar Kannada, Dharwar, Haveri, Gadag, Belgaum, Bijapur and Bagalkote Districts), parts of erstwhile state of Hyderabad State (Bidar, Raichur, Koppal and Gulbarga Districts) and parts of erstwhile Madras State (Bellary District and Kollegal Taluk of Chamarajanagar District and Dakshina Kannada District) and erstwhile Coorg State.

1.3. The Commission visited the districts of Mysore, Chamarajnagar, Coorg, Mangalore, Dharwad, Udupi and Bangalore from 7<sup>th</sup> July to 13<sup>th</sup> July, 2003 and Udupi, Mangalore and Bangalore from 2<sup>nd</sup> January to 6<sup>th</sup> January, 2004.

## Statistical profile

2.0. Some relevant demographic details as per census are given below:

	1971	1981	1991	2001
Total population	2,92,99,014	3,71,35,714 * (26.75)	4,49,77,201 * (21.12)	5,28,50,562 * (17.51)
ST population	2,31,084 ** <u>0.79%</u>	18,22,081 *(688.49) ** <u>4.91%</u>	19,15,691 * (5.14) ** <u>4.26%</u>	34,63,986 * (80.82) ** <u>6.55%</u>

\* indicates decadal growth rate,

\*\* %age of ST population to the total population.

## Sex ratio :

Census	General	ST
1991	960	970
2001	963	972

## Literacy rate: 1991 census

General	-	56.04%
ST	-	36.01%
No.of ST communities	-	50
Major ST communities	-	Naikda (13.70 lakhs), Dubla (1.24 lakhs) Marati in D.K. district (0.75 lakh), Koli Dhar (0.69 lakh)
PTGs	-	Jenu Kurumba (29,371), Koraga (16,322)

2.1. It will be seen that there was high growth rate of 688.49 and 80.82 during 1971-81 & 1991-2001 in the ST population. This spurt in ST population is attributed to (1) certain communities with nomenclatures similar to those included in the list of STs returned themselves as ST population (2) removal of area restrictions under the Scheduled Tribes List (Modification) Order, 1956 owing to which certain tribes which were ST in some areas and which were not treated as ST due to area restrictions in some other areas, were returned as ST and (3) a combination of both these reasons. Naikda constitute 71.5% of ST population in the state.

## Scheduled Tribes lists

3.0. The ST list of the then States of Bombay, Hyderabad, Madras and Coorg at the time of merger were made applicable to the respective merged areas. Under the Scheduled Tribe List (Modification) Order, 1956, **49** communities were notified as STs in the State. During 1976, the area restrictions were removed and tribal communities were declared STs throughout the State. In 1991, Naik, Nayak, Beda, Bedar and Valmiki were added to the existing entry of Naikda. In January 2002, Siddi community in Uttar Kannada District was notified as a ST and certain synonyms were added to the tribal communities of *Meda* already in the ST list. The list of STs may be seen at **Appendix – I**.

3.1. The Commission was happy to note that the Governor of Karnataka in his speech on 5<sup>th</sup> January, 2004 in the State Legislative Assembly stated as follows: "A Commission to examine inter-se reservations has been set up under the chairmanship of Justice N.Y.Hanumanthappa, retired Chief Justice of Orissa High Court to ensure that the benefits of reservation reach those who deserve it the most."

### **Tribal sub-Plan (TSP)**

4.0. STs constituted 4.26% of the total population of the state in 1991. The State Government has laid down that 3 percent of State Plan outlay funds should flow to the TSP. The Finance Department allocates the funds to the departments based on the resources position. After identifying the divisible from where the benefits directly go to STs the upfront pooling is done by the Finance Department. The information furnished by the State Government of the outlay and expenditure from the State Plan and flow to TSP during the period from V<sup>th</sup> to IX<sup>th</sup> Plan and the annual years 2001-2002 & 2002-2003 is indicated below:

**Table - 1**

( Rs. in Crores)							
S.No.	Plan	State Plan		Flow to TSP		Percentage of	
		Outlay	Expenditure	Outlay	Expenditure	Col.5 to 3	Col.6 to 4
1	2	3	4	5	6	7	8
1	Vth	744.23	278.18	7.99	4.37	1.08	1.57
2	VIth	2710.49	2265.00	28.13	17.89	1.04	0.79
3	VIIth	4217.81	3575.00	64.78	54.44	1.54	1.52
4	VIIIth	15167.00	12300.00	245.00	208.67	1.62	1.70
5	IXth	32137.92	23400.00	453.53	378.81	1.41	1.62
6	Xth	43611.86	43558.22	858.84	211.60	1.97	0.49
7	2001-02	8588.28	8588.28	134.09	105.63	1.56	1.23
8	2002-03	8720.62	8610.61	130.67	105.96	1.50	1.23

4.1. It will be seen from the above table that the flow of funds to TSP was always less than 2 percent of the State Plan outlay and in the case of expenditure it was never more than 1.70 percent of the State Plan expenditure. The State Governments who have accepted TSP strategy

allocate funds to the TSP areas according to the percentage of the ST population. The State Government has not furnished to the Commission X<sup>th</sup> Plan TSP report.

4.2. The statement given below indicates the priority-wise expenditure incurred in the TSP areas during the period from 1975-2001:

**Table - 2**

<b>Department</b>	<b>Amount (Rupees in crores)</b>
Education	57.83
Rural electrification	54.97
Rural road	17.04
Drinking water	16.24
Agriculture	13.83
Health	10.14
Minor irrigation	9.36
Co-operation	8.10
Rural industries	7.93
Horticulture	5.91
Animal husbandry	5.84
Forest	5.46

4.3. It will be seen from the above statement that the priority has been given to education, rural electrification and roads. Except education, electrification and roads are not an immediate priority of the tribal communities living in accessible areas. We have in this report mentioned instance of a mini-hydro electric project constructed in the Dakshin Karnataka district for Malaikudi tribals at a cost of Rs.12 lakhs of which only 50% was contributed by the Tribal Development Department as against Rs.1.00 crore required by the Electricity Department for extending electricity poles to the village.

4.4. The Commission recommends that the State Government should allocate 7 percent of the State Plan outlay for the TSP areas to make leeway

for accelerated development of STs in sectors like agriculture and allied schemes, health and drinking water and the money should be credited to a major head of account of the ST welfare department, which should further allocate funds from this amount to the line departments.

### **Integrated Tribal Development Projects (ITDPs)**

5.0. There are 5 ITDPs as given below:

**Table - 3**

Sl. No.	Name of the ITDP	Date of Est.	Total Population	ST Population
1.	Mysore (undivided)	1977	3165018	102102
2.	Kodagu (Virajpet)	1977	488455	40312
3.	Puttur (D.K.)	1977	1567820	61568
4.	Udupi (Udupi)	1981	1126444	44591
5.	Chikmagalur (Mudigere)	1981	1017283	26534

5.1. The State Government has neither issued any guidelines for preparation of project reports of ITDPs nor prepared any project report. Each Zilla Panchayath prepares an annual action plan for the district including ITDP area involving the officers of Zilla Panchayats of ITDP, Development department, which is discussed at the state level and if necessary modifications are made in it.

5.2. "The State Government is following sectoral approach for earmarking the state plan funds for the TSP and pooling of funds under the state sector TSP is being partially followed". The reply of the State Government is not explicit. The State Government has not opened a separate major budget head in which allocations made by the concerned departments of the Government for TSP are credited. 3% of the total allocation to each line department is being earmarked for TSP under separate minor head of the concerned department. The population criteria is being adopted for allocation of TSP funds to the different

ITDPs. The expenditure incurred by the departments during the period from 5<sup>th</sup> Plan to 9<sup>th</sup> Plan is given in the table below:

**Table - 4**

( Rs. in Lakhs )

Sl. No.	Department	V Plan 1975-1980	VI Plan 1980-1985	VII Plan 1985-1990	Annual Plan 1990-1991	Annual Plan 1991-1992	VIII Plan 1992-1997	IX Plan 1997-2001
1.	Agriculture	680	1094	1693	876	735	3809	4931
2.	Horticulture	482	912	1424	572	581	2975	4089
3.	Animal husbandry	853	1283	1698	263	276	2637	3092
4.	Forest	608	1326	1908	-	192	2904	3675
5.	Rural industries	346	861	1326	136	89	1689	1968
6.	Cooperation	-	-	-	-	-	-	-
7.	Minor irrigations	418	624	963	68	21	1024	1526
8.	Drinking water	55	86	78	13	27	166	296
9.	Rural electrification	74 colonies 500 B.Jyothi	86 colonies 538 B.jyoti	135 colonies 794 B.Jyoti	25 colonies 302 B.Jyoti	22 colonies 264 B.Jyoti	206 colonies 1592 B.Jyoti	225 colonies 2500 B.Jyoti

5.3. The special central assistance sanctioned by the Government of India is distributed to the ITDPs, PTGs and dispersed tribals according to the utilization of these funds. **The Commission recommends that the project reports should be prepared for each ITDP indicating the dimension of the problems faced by the STs in each area and the measures adopted / proposed to be taken to tackle them.**

### **Asset evaluation**

6.0. Nidhi Datastrata, Mysore conducted an asset evaluation study of the beneficiary oriented TSP schemes during 2000-01 and found that "the beneficiaries have not secured adequate assistance to improve their income owing to fringe benefits. It is found that the average value of assets vary from

\* *The figures furnished by the State Government in Tables 1 & 4 do not tally.*



Rs.226/- to Rs.10,000/- provided to individual beneficiaries, thereby they have not been able to cross the poverty line due to inadequate assistance and meagre benefits to individuals. Reason being individual departments, have set the physical targets separately without focusing family as a unit. Some of the programmes chalked out by certain departments were not found to be viable and useful to the beneficiaries. Different development departments prepared programmes for the economic development of ST's apart from civic amenities. There is very little scope to implement the schemes like fishery, horticulture, animal husbandry in the districts of Bellary, Bijapur, Raichur, Gulbarga, Koppla, Bagalakot, Gadag and Haveri districts, due to lack of infrastructure facilities, water facilities, fodder etc. Local conditions are rather more important for the success of the programme. Adequate water facility and other sources are very much needed to implement the schemes of fishery, horticulture and sericulture."

6.1. The study has suggested that the present system of assigning physical targets to individual department should "be dispensed with, as it has not yielded desired result, colony/cluster wise action plan is to be prepared keeping in view the background of tribals, their experience, inclination, local condition to provide assets. The problems of beneficiaries and their actual requirement are the basic factors to identify suitable schemes. Involvement of beneficiaries is also very important for success of any programme. As such the beneficiaries are to be taken into confidence while preparing need based action plan. It is very necessary to provide the assistance / assets to the adult members of the family to keep them engaged in some profession to enable them to improve their economic status." A few other suggestions made for involvement of the tribals in planning and execution of schemes is given in *Appendix II*. **The Commission recommends that the State Government should modify the beneficiaries' programme in the light of the suggestions made by the Asset Evaluation Study.**

## **Large sized Multi-purpose Co-operative Societies (LAMPs)**

7.0. Karnataka State LAMPs Co-operative Federation Ltd., Mysore has been functioning since 1997-98. 20 LAMP societies were functioning in the state at the end of March, 2003; 5 societies in south Canara district, 4 in Chamarajanagar district, 3 each in Udupi and Kodugu districts, 2 each in Mysore and Chickmagalur districts and one in North Canara district. The societies have a membership of 63,738 persons. The Share Capital given by the government was Rs.303 lakhs and members' share was Rs.58 lakhs. The government subsidy was Rs.114 lakhs and the working capital was Rs.10.14 crores. The Federation has incurred an accumulated loss of Rs.8.82 lakhs as on 31.3.2003. Two societies in Mysore district and one society each in Udupi and South Canara districts were incurring losses. Under the centrally sponsored scheme, an assistance of Rs.52 lakhs was given for minor forest produce operations. The Federation purchases *Seegakai*, honey and tree mass from member societies. The Federation has taken up powdering and package of *Seegakai*, and proposes to take up processing of honey also. It has advanced Rs.25.00 lakhs to the 10 LAMP societies for collection of MFP. The Commission during its interactions with the tribal members of the LAMP societies was informed that they are not getting benefit of the price at which the MFP is sold. **The Commission recommends that the working of the LAMP Cooperative Federation should be evaluated and action taken to revamp it so that the tribals collecting MFP get adequate return of the profits earned by the society by its sale.** The Commission met members of the Virajpet taluk LAMPs in Coorg district. The Society requested that a petrol bunk may be allotted to them since there is heavy vehicular traffic and land for taking up afforestation programme.

## **Education**

8.0. The State Government is running ashram schools, primary schools and high schools, pre-matric and post-matric hostels and also giving scholarships to ST students studying in various classes. The Tribal Department is running 122 residential ashram schools for ST students studying from 1<sup>st</sup> to 5<sup>th</sup> standard. The

general schools are run by the Education department. There is no difference of syllabus and curriculum in the schools maintained by the Tribal & Education departments. The rates of scholarships are as follows:

- |     |  |                                      |                                    |
|-----|--|--------------------------------------|------------------------------------|
| 1.  | Classes 1 to 4   | -                                    | Rs.75 per annum                    |
| 2.  | Classes 5 to 7   | -                                    | Rs.50 p.a.                         |
| 3.  | Classes 8 to 10  | -                                    | Rs.100 p.a.                        |
| 4.  | Merit scholarships 5 to 7 <sup>th</sup> std.   | -                                    | Rs.75 p.a.                         |
| 5.  | Incentive scholarships to ST girls studying in high schools in addition to scholarship mentioned above.                                | -                                    | Rs.500 p.a.                        |
| 6.  | Post matric scholarships - day scholars -<br>- hostlers  | -<br>-                               | Rs.90 – Rs.190 p.m.<br>Rs.450 p.m. |
| 7.  | Special cash award to 1 <sup>st</sup> five meritorious students in SSLC of each district.  | -                                    | Rs.5,000                           |
| 8.  | Special cash award to 1 <sup>st</sup> five meritorious students in PUC of each district.   | -                                    | Rs.10,000                          |
| 9.  | Financial assistance to the students studying in ... ..  | M.Phil -<br>Phd. -<br>IIT/IIM/IISc - | Rs.8,000<br>Rs.10,000<br>Rs.50,000 |
| 10. | Financial assistance for 1 <sup>st</sup> to 10 <sup>th</sup> rank holders in SSLC, PUC, Degree & first three ranks in Post Graduation. | -                                    | Rs.5,000                           |

**8.1. The Commission has observed that the amount of scholarship given to the students studying in classes I to X is very meagre and even the amount of scholarship sanctioned to the PTG students is very low. The State Government has not indicated how many ST students belonging to educationally backward communities and PTGs have received special cash awards and assistance to pursue higher education in IIT/IIM/IISc. The Commission recommends that educationally backward tribal communities**

and the PTG students specially should be given adequate monthly scholarship so that they are not a burden on their families. The Commission also recommends that means test should be applied for disbursement of scholarships.

### **Drop-out rates**

8.2. The following table indicates drop-out rate of STs at various stages of school education:

**Table - 5**

YEAR	1 TO 5 <sup>TH</sup> STD.	1 TO 7 <sup>TH</sup> STD.	1 TO 10 <sup>TH</sup> STD.
1997-1998	31.55	37.76	58.58
1998-1999	27.41	44.60	54.74
1999-2000	30.66	27.05	61.00
2000-2001	17.81	37.11	62.58
2001-2002	12.94	33.56	69.50
2002-2003	25.75	34.37	64.35

8.3. It will be seen from the above table that the drop-out rates in classes 1<sup>st</sup> to 5<sup>th</sup> become alarmingly high in the higher standards of school education. This is primarily due to the fact that the rates of scholarship are very low which should be enhanced as recommended in the above para.

### **Health**

9.0. Alienation of tribals from their forest resources for their livelihood, exploitation by the non-STs as unorganized labour, displacement due for claims have resulted in the deterioration of the health status of the STs. Sale of illicit liquor in the tribal areas has lead to alcoholism and related problems.

9.1. An accurate and reliable baseline data on the health infrastructure and health status of the tribals is not available. The health infrastructure in tribal areas is extremely poor. As per 1991\* census only 54.8% of the villages in ITDP areas of Mysore, Chikamagalur, Kodagu and Dakshina Kannada had some medical facilities; the average distance between the village and medical facility was about 8 kms. The visits by the health workers were grossly inadequate, 33% received weekly visits, about 17% received fortnightly and 27% received monthly visits.

\* State Task Force Report.

**9.2. Disease like G6PD (Genetic Metabolic Disorder) deficiency and sickle cell anemia specific to tribals is prevalent among 20% of the tribal population. The common diseases like malaria, tuberculosis and STDs are endemic in the tribal areas. However, tribals who still have access to forest resources have retained their traditional health care system better than others. The tribal development department has not indicated separately information of the number of CHCs, PHCs and Sub-centres located in or near the tribal settlements. They have supplied figures in respect of these centres for the state as a whole from which, it is seen that a large number of posts are vacant in the category of specialists, doctors and paramedical staff. The Commission during its interaction with the tribal representatives was informed that PHCs and sub-centres are not easily accessible from the tribal settlements and do not have essential diagnostic facilities, drugs and facilities for treatment and referral support. The State Government has introduced mobile health units to cater to the needs of the tribals living in the inaccessible areas. But due to the vacant posts of doctors and paramedical workers, the facilities cannot be availed by the tribals. There is no system of transporting emergency cases to the hospitals. In tribal areas there are many Ayurvedic practitioners, who were rendering health care services to the tribals. In a report published by the Ministry of Tribal Affairs, it is stated that the population of the Jenukurubas, a PTG decreased from 29,092 in 1981 to 26,608 in 1991. The State Government is running through voluntary agencies, 2 PHCs and sub-centres to provide health facilities and tribal girls who have passed 7<sup>th</sup> standard have been trained by conducting short-term Auxiliary Nurse-Midwives (ANM) training courses and posted in the tribal areas.**

**9.3. Drinking water and sanitation facilities in the tribal settlements are poor. A study has revealed that only 51% of the hamlets have bore well facilities, 23.4% have open wells, 17% have tanks, 6.4% have river water and 11.3% have tap facilities. Voluntary Agencies are providing health care facilities to the tribals living in B.R. Hills, M.M. Hills of Chamarajnagar district and at H.D.**

**Kote. There should be increased collaboration between the voluntary and government sector.**

**9.4. The Commission reiterates the recommendations\* made by Dr. H. Sudershan, who has done pioneering work among the tribal areas of the state in the field of education and health and it is hoped that the health department of the State Government will take urgent action to implement them so that the health conditions of the tribals are improved. The recommendations are -**

- i) A rapid survey of the health status of the tribals should be carried out and region specific and tribe specific health plans made.**
- ii) The norms for PHCs and sub-centres in tribal areas should have geographical and population basis and they should be flexible.**
- iii) Tribal girls should be selected and trained as ANMs and posted in tribal sub-centres. They should also be trained in traditional medicine and health practices.**
- iv) Traditional healing systems in tribal areas must be encouraged and documented and there should be integration of modern medicine with the traditional systems. Herbal gardens in tribal areas should be promoted.**
- v) Genetic diseases like Sickle Cell Anemia, G6PD deficiency, which are specific to tribals should be tackled by providing adequate funds and expertise, for their treatment, research and rehabilitation with the support of medical colleges.**
- vi) Secondary and tertiary care, transport facilities for emergency services and obstetric care are essential.**

**\* State Task Force Report**

- vii) Health education, Participatory Rural Appraisal (PRA) exercises and micro planning, convergent community action, training in communication skills, mobilization of local health resources are essential.
- viii) Ensure nutrition security through kitchen gardens and encouragement to grow nutritionally rich food crops. Public distribution system should distribute cereals like ragi, bajra, oil and pulses instead of polished rice and sugar.
- ix) Proper functioning of the anganwadis in tribal areas should be ensured through appointment of local tribal staff and using locally available foods.
- x) A Health Monitoring Information System (HMIS) of the health infrastructure, human resources, vital statistics and other health indicators specially for the tribals is mandatory and should be an on-going process.
- xi) There should be increased collaboration between the government and the NGOs in tribal areas. The voluntary agencies must be involved in all health and development activities undertaken by the government.
- xii) Tribal housing with adequate and safe drinking water and sanitation facilities and smokeless chulhas should be ensured.
- xiii) The Mobile Health Units in tribal areas should be made fully functional by filling up the vacant posts, providing equipment and drugs.
- xiv) Ban sale of liquor in tribal areas.

### **Primitive Tribal Groups (PTGs)**

**10.0.** There are two PTGs in the state. Jenukuruba, whose population was 23,597 in 1991 are living in the districts of Mysore, Chamarajanagar and Kodagu. The other PTG, Koraga, whose population was 11,566 in 1991 are living in

Dakshina Kannada and Udupi districts. Jenukurubas collect honey, herbs, roots and fruits and they are concentrated in HD Kote and Hunsur Talukas of Mysore district. Koragas are engaged in basket making and working as labourers and some as scavengers in Mangalore town. Both PTGs are landless. The State Government should take benefit of the Ministry of Tribal Affairs' scheme for starting model schools for tribal people so that the PTGs can be provided educational facilities.

**10.1** Jenukurubas living in Bandipur Tiger Reserve were shifted outside the reserve to 5 villages. The construction of Kabini reservoir project also displaced them. Out of 377 Project Affected Families (PAFs) of both these projects 223 have got lands and 154 families are still landless. The State Government had approached the Government of India and after obtaining their approval, 154 tribal families will be settled on 200 ha. of forest land providing housing, education, economic activities and irrigation facilities to these families. **The State Government should avail of the grants from the Ministry of Tribal Affairs to open educational schools for PTGs.**

### **Nagarahole National Park**

**11.0.** Rajiv Gandhi National Park (RNP), Nagarahole covers an area 643.40 sq. kms. spreading over the districts of Kodagu and Mysore. 1,550 families comprising a population of 6,145 persons are living inside the park. 950 families with a population of 3,720 persons are living in 29 tribal *hadis* in Kodagu district and 600 tribal families with a population of 2,425 are living in 25 *hadis* in Mysore district. The relocation of these families under the centrally sponsored Beneficiary Oriented Tribal Development Scheme (BOTD) was sanctioned in 1999. The scheme provides Rs.one lakh per family, which includes Rs.36,000 each for construction of a house and land development, Rs.9,000 for community facilities, Rs.8,000 each for pasture and fodder plantations and woodlot and Rs.1,000 each for transportation of household goods and cash incentives for shifting.



**11.1.** The Government of Karnataka has obtained the approval of the Union Ministry of Environment & Forests for diversion of 1931 ha. of land for the relocation of the tribal families. The relocation and resettlement was started in 1999-2000 and so far 250 families have been relocated till March 2002. Voluntary rehabilitation has been taken for the tribals living in Nagarahole. 2 ha. of forest land to each of the tribal families has been given. The Government of India has neither released any assistance during 2003-04 nor communicated the revalidation of unspent balance of 2002-03. The rehabilitation programme has therefore come to a standstill.

**11.2.** The Commission observes that after having obtained the voluntary consent for relocation and resettlement of 1,500 tribal families of RNP only 250 families have been relocated and recommends that the remaining 1,250 tribal families should be resettled without any loss of time and the Government of India should release the necessary funds to the state government.

### **Settlement on land**

**12.0.** During the tour at Mangalore, the Commission was handed over a proposal amounting to Rs.15.22 crores for rehabilitating the landless Koraga families formulated by the district authorities for purchase of 500 acres of land for cultivation and 50 acres for construction of colonies, houses, schools etc. in 5 talukas of Dakshin Karnataka district. The Commission pointed out a number of short coming in the proposal such as (i) the beneficiaries would be living far away from the land, which they will be allotted, (ii) the quality of the land was not good enough to take up agriculture on sustainable basis and (iii) 25% loan component in the land cost may be difficult for a tribal to repay since agriculture may not be very remunerative.

**12.1.** The Commission is happy to note that prompt action was taken by the Deputy Commissioner, Mangalore to revise the scheme after holding detailed discussions with the beneficiaries. The Deputy Commissioner has informed that

inspection of the land, revealed that the 20 acres of land purchased for Rs.20 lakhs in Puthige village, Moodabidre Hobli, Mangalore Taluk was not levelled land, some portion of the land is rocky and the remaining portion can be used for agriculture and horticulture provided watershed development activities are undertaken and assured means of irrigation are provided.

12.2. Under the revised plan, one acre of land belonging to each beneficiary is divided into two portions. 10 cents of land for construction of house, kitchen garden and poultry and remaining 90 cents would be earmarked for agriculture and horticulture activities. Two bore-wells and one open well will be provided by Karnataka SC/ST Development Corporation. 20 houses under Ashraya scheme will be provided to the beneficiaries and the Gram Panchayath has been asked to contribute some additional funds from their resources. Comprehensive watershed land development programme amounting to Rs.7.46 lakhs has been prepared and submitted to the SC/ST Development Corporation. Animal husbandry department will be providing poultry birds and horticulture department will be providing seedlings of coconut and jasmine for cultivation. A dedicated and enlightened person out of these 20 families would work as a coordinator to follow up of all the schemes and organizing the beneficiaries.

12.3. The Commission hopes that the Deputy Commissioner would pursue the scheme and the ST department will ensure that the scheme is approved and the Karnataka SC/ST Development Corporation will provide necessary financial help for the bore-wells. The Commission observes that if schemes of this type are drawn up in consultation with the beneficiaries and resources of different departments are pooled, it will be possible to rehabilitate the landless Koraga families.

### **Koraga (PTG) forced by circumstances to work as Scavengers**

13.0. During the Commission's meeting at Mangalore, it was informed that 228 families of Koragas are living in 12 colonies in dilapidated houses in the city. 33 families have built their houses on land, which does not belong

to them, one family has no house and 100 families need basic amenities like drinking water, electricity etc. The Mangalore Corporation has earmarked Rs.40 lakhs for construction of houses for them at a cost of Rs.50,000 each. It was also learnt that 63 Koragas are working as scavengers on daily wages in Mangalore Corporation for the last 10 years. The Commission was unhappy to find that the Koragas, who belong to PTGs have been compelled to work as scavengers in the Mangalore Corporation and recommends that the services of the daily wagers should be regularized and houses proposed to be built and should be registered in their names and allotted to them on permanent basis.

### **Mini Hydro Electric Power cum Irrigation Project**

14.0. The Commission visited Banjarumale where 72 families of Malekudiya, which is one of the most backward tribes are living for generations in D.K. district. The Commission had to cover a long distance on foot through a thick forest to reach the village and was happy to find that the Project Coordinator, ITDP, Puttur with the help of district authorities, volunteers and engineers from Dharmastala has constructed a mini hydro electric project at a cost of Rs.12 lakhs and saved Rs.1 crore to the Government in extending electricity to the village without destruction of trees.

14.1. The expenditure incurred in construction of project was Rs.12 lakhs, 50% of which was contributed by the Tribal Department and the half of the remaining amount each was contributed by the tribal beneficiaries and Tides organization. By utilizing the perennial supply of water 8 KWs of electricity is generated sufficient for 72 families and utilizing the water also for irrigation. The tribals are growing coconut and fruit trees.

14.2. The Commission recommends that such projects which are eco-friendly and meet the basic needs of the tribals in their habitations should be drawn up wherever there is feasibility of undertaking such projects.

## Model Residential School

15.0. During the tour Commission was informed that a model residential school was started in the year 1995 at Madhya for Koragas. The school has a capacity to provide co-education to 250 students from 1st to Xth standard. However, it was learnt that a number of posts of teachers and non-teaching staff and warden were vacant. The Commission during its subsequent visit was happy to note that all the posts have been filled and that there are now 122 students studying in the school. The Project Officer has started counseling classes with the help of expert teachers from voluntary organizations, organized cultural programmes and even a tele film on the activities of the school has been made. The Project Officer proposes to improve the school garden, play ground and construct a compound wall. **The Commission feels that the Tribal Development Department should monitor the schemes to ensure full utilization of the facilities created for the spread of education among the Koragas.**

## Dairy units

16.0. One of the programmes taken up for the welfare of Koraga tribals was giving 37 Koragas dairy units as well as dairy farming training. Each person was given two cross-jersey cows at the rate of Rs.12,000 each, Rs.6,500 for the construction of a cow shed and insurance and transport at the rate of Rs.1,500. This programme has helped the Koraga families to live a better life. These families are linked with the nearest Karnataka Milk Union for supplying milk to hotels and local consumers. **This is a success story and can be replicated elsewhere.**

## Self employment made popular

17.0. The Project Coordinator of ITDP, Puttur undertook in the year 2002-03 a programme of self-employment for the educated youths in D.K. district by securing admission to 142 tribal youths to undergo job training courses in plumbing, automobile, welding, fabrication, electrical motor rewinding, electric

wiring etc. at a cost of Rs.7.59 lakhs and all these persons were able to secure jobs in the district. For the tribal youths who have not passed S.S.L.C. examination training was imparted in driving, masonry, tailoring etc. Some of these young boys have been able to secure jobs as drivers, tailors etc. and also purchased their own auto rickshaws.

### **Tree Pattas**

**18.0.** The Government of Karnataka in February 2001 started a scheme of "Tree Pattas" for tribals. The *tree pattas* are given free of cost to them. This scheme covers reserved forests, roadside, canal-side excluding the national parks and areas assigned to the LAMPs for collection of MFP. Tribals, who are forest dwellers are allowed 100% usufructs of MFP collected by them from the specified areas and permitted to plant species of tamarind, *nelli*, *antwala*, *segekayi*, *alalekayi* etc. and also grow bamboo on such land. For the above purpose, one compact block for each tribal colony in which 2 ha. of land per family is assigned free of cost. **This is a good scheme, which can help the tribals and the Commission hopes that the tribals will be motivated to take benefit of the scheme.**

### **Scheduled Areas**

**19.0.** There are no scheduled areas in the state and the State Government feels that no area fulfills the criteria to be declared as Scheduled Areas. The State Government has not set up a Tribes Advisory Council (TAC) and stated that they would consider the question of setting up a TAC in future. **The Commission recommends that a TAC should be set up under para 4(1) of Part B of the Vth Schedule of the Constitution in which apart from ST MLAs, representatives of PTGs and other tribals along with NGOs and social activists should be nominated for deliberations on the problems of STs.**

### **LAND**

**20.0.** The Karnataka SC/ST Prohibition of Transfer of Certain Lands Act, 1978, applicable throughout the state lays down that any person belonging to SC/ST

who is granted land by the Government or to his ancestors should obtain prior permission from the Government before the land is transferred to non-tribals. It is understood that the distribution of agricultural lands by ownership is 18.5%, with highest of 45.8% among the Sholagas and 7.0% among the Hasalaru. The State Government has not made any evaluation regarding the implementation of this measure. **The State Government has also not collected information about the land acquired under the Land Acquisition Act, 1895 from ST persons.** The State Government had laid down a policy of distribution of 50% of available surplus lands to SCs/ STs, which was raised to 75% in 1992. Out of 1,23,412 acres of surplus land distributed 4,338 acres was given to 1,250 STs. **The Commission recommends that State Government should enact anti-alienation land legislation to protect the tribals from alienation of their land and also undertake a study of the assigned lands given to the tribals.**

### **Mangalore Port Employees**

21.0. The Commission met the SC/ST Employees Welfare Association at Mangalore, who represented their grievances as follows:

1. Roster is not maintained in the prescribed form and duly signed by the appointing authority.
2. The backlog reserved vacancies for STs are not being filled.
3. In the case of registered cargo handling wing, out of the total working strength of 958 there were only 6 STs with a shortfall of 59 persons in various categories.
4. The new Mangalore Port Trust Board takes important decisions such as appointments, promotions, framing/amending of recruitment rules, awarding the work on contract basis, allotment of shops, fixing user agencies and the interests of the STs are not safeguarded.

21.1. **The Commission recommends that atleast one ST person should be nominated to the New Mangalore Port Trust and the reservation orders should be followed scrupulously.**

**LIST OF SCHEDULED TRIBES OF KARNATAKA STATE**

(The Scheduled Castes & Scheduled Tribes Orders [Amendment] Act, 2002)

1. Adiyani
2. Barda
3. Bavacha, Bamcha
4. Bhil, Bhil, Garasia, Dholi Bhil, Dungri Bhil, Dungri Garasia, Mewasi Bhil, Rawal Bhil, Tadvi Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave.
5. Chenchu, Chenchwar
6. Chodhara
7. Dubla, Talavia, Halpati
8. Gamit, Gamta, Gaviti, Mavchi, Padvi, Valvi
9. Gond, Naikpad, Rajgond
10. Gowdalu
11. Hokkipikki
12. Hasalaru
13. Irular
14. Iruliga
15. Jenu Kuruba
16. Kadu Kuruba
17. Kammara (in South Kanara district and Kollegal taluk of Mysore district).
18. Kaniyan, Kanyan, (in Kollegal taluk of Mysore district)
19. Kathodi, Katkari, Dhor Kathodi, Dhor Katkari, Son Kathodi, Son Katkari
20. Kattunayakan
21. Kokna, Kokni, Kukna
22. Koli Dhor, Tokre Koli, Kolcha, Kolgha
23. Konda Kapus
24. Koraga
25. kota
26. Koya, Bhine Koya, Rajkoya
27. Kudiya Melakudi
28. Kuruba (in Coorg district)
29. Kurumans
30. Maha Malasar
31. Malaikudi
32. Malasar
33. Malayekandi
34. Maleru
35. Maratha (in Coorg district)
36. Marati (in Kanara district)
37. Meda Medari, Gauriga, Burud
38. Naikda, Nayaka, Chollivala Nayaka, Nana Nayaka, Naik Nayak, Beda, Bedar & Valmiki.
39. Palliyani
40. Paniyan
41. Pardhi, Advichincher, Phanse Pardhi, Hararishikari
42. Patelia
43. Rathawa
44. Sholaga
45. Soligaru
46. Toda
47. Varli
48. Vitolia, Kotwalia Barodhi
49. Yerava
50. Siddi (in Uttar Kannada district)

## **Appendix-II**

### **Suggestion made by the Asset evaluation study of beneficiaries programme in the TSP areas:**

1. Comprehensive socio economic community surveys should be regularly conducted to obtain precise & up-to-date population profile of the areas which would enable proper selection of eligible beneficiaries belonging to the different status categories of the transient and dynamic client system, there by ensuring specificity and reach of coverage target population groups.
2. Attempts should be made to make the facilities easily available at their door steps particularly living in the far flung places. This is a long-term policy recommendation.
3. Enough lead-time needs to be planned while implementing the programme so that more community participation would be possible. Since this is a key feature which decides the long-term affectivity of the scheme.
4. The programme should result increased income earning capacity of the targeted beneficiaries. This might be well done in strong cooperation from development department with local resource personnel/organization and also an active participation of the beneficiaries in decision making and support to the programme.
5. More emphasis in the training to the targeted beneficiaries should be given in the areas of community involvement and awareness building.
6. There is a need to educate scheduled tribe people by arranging group discussion and examine them thoroughly before distributing the assets. Some of the beneficiaries expressed their ignorance and its importance. A special attention and care need to be taken in this regard.
7. Package benefits scheme is adopted in all the development departments and should be given in seasonal period.
8. More concentration should be given to industrial based activities so that employment opportunities can be created.
9. Best award/rewards etc. may be instituted to encourage the beneficiaries specially showing good performance.



The seminars cum workshops may be organized especially for those who are involved in the TSP programme by the tribal department.

# Report on the State of Kerala

## PART - I

### Introduction

The State of Kerala is situated at the south western part of India in the north-south direction with a coast line of 580 Kms. along the Arabian sea on the west and with the mountains of the western ghats on the east. The erstwhile Kerala consisted of three political regions viz. two princely states of Travancore and Cochin and Malabar, which was under the direct administration of the Madras State. During the British period Malabar was ruled directly by the English and Travancore – Cochin was controlled through their Resident Commissioners. Travancore and Cochin States were integrated to form 'Travancore – Cochin State' on 1<sup>st</sup> July, 1949. However, Malabar remained as part of the Southern Madras Presidency. Under the States Re-organization Act of 1956, Travancore – Cochin State and Malabar were united to form the State of Kerala on 1<sup>st</sup> November, 1956.

1.2 The vital statistics in respect of Kerala are given as under:-

Total geographical area	38,863 Sq. Kms.
Total population of the state (2001 census)	318.38 lakhs
ST population (2001 census)	3.64 lakhs i.e. 1.1% of the total population of the State
Sex ratio(2001) *	1058 (for the state) 1022 (for the STs)
Literacy (1991)	89.81% overall for the State (93.6% males and 86.17% females) 57.22% STs (63.88% males and 51.07% females)

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\* It may be seen from the above Table that sex ratio of females per 1,000 males in 2001 was 1022 which was quite favourable as compared to 995.90 in 1991.

## The Scheduled Tribes (STs)

**1.3** As per the Constitution (Scheduled Tribes) Order 1950, 35 communities were notified as STs. The list has been modified vide the Scheduled Castes and Scheduled Tribes Order (Second Amendment) Act, 2002 by making addition and substitution etc. Certain tribes notified as STs under Constitution (Scheduled Tribes) Order 1950 were omitted under the said Second Amendment Act of 2002. The final list that has now emerged is as under:

1	Adiyan	2.	Arandan, Arandan
3.	Eravallan	4.	Hill Pulaya, Mala Pulayan, Kurumba Pulayan, Karavazhi Pulayan, Pamba Pulayan
5.	Irular, Irulan	6.	Kadar, Wayanad Kadar
7.	Kanikaran, Kanikkar	8.	Kattunayakan
9.	Kochuvelan	10.	Koraga
11.	Kudiya, Melakudi	12.	Kurichchan, Kurichyan
13.	Kurumans, Mullu Kuruman, Mulla Kuruman, Mala Kuruman	14.	Kurumbas, Kurumbar, Kurumban
15.	Maha Malasar	16.	Malai Arayan, Mala Arayan
17.	Malai Pandaran	18.	Malai Vedan, Malavedan
19.	Malakkuravan	20.	Malasar
21.	Malayan, Nattu Malayan, Konga Malayan (excluding the areas comprising the Kasargode, Connanore, Wayanad and Kozhikode districts.	22.	Malayarayan
23.	Mannan (to be spelt in Malayalam script in parenthesis)	24.	Muthuvan, Mudugar, Muduvan
25.	Palleyan, Palliyan, Palliyar, Paliyan	26.	Paniyan
27.	Ullatan	28.	Uraly
29.	Mala Vettuvan (in Kasargode in Kannur districts.)	30.	Ten Kurumban, Jenu Kurumbas
31.	Thachanadan, Thachanadan Moopan	32.	Cholanaicken
33.	Mavilan	34.	Karimpalan
35.	Vatta Kuruman	36.	Mala Panickar

**1.4** The STs at S.No.6, 8, 10, 14 and 32 have been declared/listed as Primitive Tribal Groups (PTGs). These PTGs live in the districts of Wayanad, Malappuram, Palghat, Thrissur and Kasargode. The ST population is distributed in 14 districts of

the state ranging from 0.14% in Alapuzha to 17.11% in Wayanad district. The next higher concentration i.e. 4.67% is in Idukky district. The overall decadal growth rate of PTGs is estimated at 18.17% against the decadal growth rate of 22.75% for all the STs in the state as per the 1991 census.

1.5 The Paniyan and Adiyar communities in Wayanad district are backward as most of them are landless agricultural labourers. According to the state Government there are 22,052 landless ST families. Another 32,131 ST families own less than one acre of land. The Cholanaickens are forest dwellers in Nilambur region of Malappuram district. Malai Aryan in Kottayam and Idukky, Kanikkar in Trivandrum, Kuruchchan in Wayanad and a few ST communities in the state have shown appreciable progress in their level of socio-economic development as compared to other ST communities. It is seen that majority of ST communities are engaged in agriculture and allied sectors. Cultivators form nearly 16% only. The participation of STs in the industrial sector is almost nil and marginal in tertiary sector. The health and nutrition status of PTGs, is far below the general level. 24.20% of rural ST populations were reported to be below the poverty line as against that of 9.38% for the State as per BPL survey of 1999-2000.

### **Scheduled Area**

1.6 There is no Scheduled Area notified under the Fifth Schedule of the Constitution of India in Kerala. However, some tribal groups demanded that certain areas should be declared as Scheduled Areas. **The Commission observed that even the districts like Wayanad and Idukky with comparatively larger concentration of ST population did not have a preponderance of the STs in a Tehsil or development block in these districts which is one main criteria for notifying areas as Scheduled Areas under the provisions of the Fifth Schedule of the Constitution of India. The preponderance of the ST population can be found in some of the Panchayats and small tribal pockets. The Government of Kerala suggested that Gram Panchayats having 50% or more tribal population may be considered for notification as Scheduled Area under the Fifth Schedule.**

## **PART - II**

### **Land Alienation**

**2.1** After independence many State Governments enacted anti-alienation laws to protect the lands of the tribals and restoration of alienated lands back to them. After 20 years of the formation of the Kerala State, the State Legislature passed unanimously the Kerala Scheduled Tribes (Restriction on Transfer of land & Restoration of Alienated Lands) Act, 1975 for protection of tribal lands and restoration of illegally alienated lands. The Act received the mandatory assent of the President of India on 11<sup>th</sup> November 1975 and included in the 9<sup>th</sup> schedule of the Constitution to ensure that it is not challenged in any court of law. However, the rules operationalising the Act were formulated a decade later in 1986 with retrospective effect from 1982, "not even 1975, let alone an earlier date which is what honouring the constitutional spirit would have required". "It is estimated that 8,879 applications for restoration of alienated lands totaling more than 10,177 hectares" were filed. Under the Act, the tribal "beneficiaries have to pay a sum, which is the total of the amount received, if any, as consideration for the transaction and the amount spent for improvements on the land before the commencement of the Act, as compensation for the restoration of their lands". The compensation was to be determined by the Revenue Divisional Officer (RDO) of the concerned district. The Act, provides for loans to be given to the tribals, which they could pay back in 20 years. However, "the Act is silent on the loss incurred by the tribals, whose lands were grabbed by the settlers". Taking into consideration the incapacity of the adivasis, they did not come forward to take loans for restoration of their lands. The Government admitted that, "for example, in the case of Revenue Divisional Office, Ottampalam, compensation has to be paid in as many as 974 cases involving an amount of Rs.317 lakhs, but so far no tribal has applied for a loan."

**2.2** "Despite the rules coming into force in 1986, the government made no real attempt to implement the act. The High Court of Kerala passed an order in October 15, 1993 on a petition filed in 1988 by Nalla Thambi Thera, a resident of Wayanad, directing the government to 'dispose' of the applications pending before them within six months". The Additional Advocate General gave an assurance that "utmost steps would be taken for the disposal of the applications and that the Act would be

enforced in all its rigour. The Government appealed for more time again and again and the High Court kept extending the time. The RDOs were ordered to file affidavits once a month in the High Court showing the progress of the disposal of applications during that month. The RDOs were empowered under the Act to determine the validity of the applications and as the tribals were ignorant of the complex laws and procedures they could not get their land rights recorded. Out of 8,879 applications only 4,524 valid applications for restoration of 7,640 acres of land were dealt with by the RDOs. The State Government instead of restoring the lands of the tribals sided with the settlers to resist the implementation of the High Court order". The State Government took shelter against the resistance in restoring the lands to the tribals and the High Court asked "Can a democratic state with the rule of law as its beacon light, bow to such illegal implementation of a welfare legislation to benefit the oppressed classes." Clearly it cannot the Court ordered that the "state and the district superintendents of police of all the districts are directed to afford the needed protection to carry out the restoring possession of the tribals".

**2.3** The State Government came out with the plea that tribals have not taken loan for payment of compensation to the non-tribals, who have occupied the land. "The Court turned around and asked why land in which no compensation is payable and for which appeals are not pending have not been restored. The state had no answer. The Government then claimed that the lands cannot be restored 'overnight'. The Court reminded that the Act was passed in 1975, the judgment was passed in 1993 and it was then the year 1996, the court asked "is it overnight"? The Court declared that the government has "no will to implement the legislation."

**2.4** Faced with the deadline of September 30, 1996, the State Government attempted to bring an Ordinance to amend the 1975 Act in early 1996, but the then Governor refused to approve it on the plea that it was the election time and the election code did not permit it. After the elections, the Government brought similar Ordinance, but this also could not get the clearance from the then Governor, who was the Governor of Karnataka and also incharge of Kerala. Thereafter the State legislature passed the Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Amendment Act, 1996 on September 23, 1996.

This amendment could not receive the assent of the then President. Obviously, the State Government was not able to convince the centre and the President on the genuineness and legality of the Act.

**2.5** The then State Government passed "The Kerala Restriction on Transfer by and Restoration of Lands of Scheduled Tribes Bill on February 23, 1999. Under this Act only land in excess of 2 ha. will be restored while alternate land would be given elsewhere in lieu of alienated land upto 2 ha. The repeal of the 1975 Act, included in the ninth schedule by the 1999 Act is also questionable. This Act exempts lands alienated between 1982 -1986 upto to 2 ha. The Act further provides that a fund called 'ST rehabilitation and welfare fund' would be created to provide loans to the tribals for payment of compensation to the settlers wherever necessary as well as for construction of houses and other welfare measures. **The Commission strongly feels that there is no justification that the tribal should be asked to compensate the non-tribal, who has illegally occupied his land for the last more than 40 years and if he has constructed any buildings or made improvements in land, he has also enjoyed the benefits out of this investment. The Commission, therefore, recommends that no compensation should be paid by the tribals to non-tribals, who had grabbed their land.**

**2.6** It will be clear from the above paragraphs that the rights of the STs enshrined in the Constitution have been consistently violated by the State Governments that have ruled the State since 1975 by avoiding the implementation of the 1975 Act under one pretext or another.

**2.7** By an interim order in October, 1999, the Division Bench of the State High Court directed the State Government not to implement the provisions under Sections 5, 6 and 7 of the Act of 1999 and this order was stayed by the Supreme Court vide order passed in November, 1999 on a SLP filed by the State Government. Later on in August, 2000, the Supreme Court disposed off the SLP filed by the State Government in this case with the observation that the interim stay order passed in November, 1999 and August, 2000 would continue till disposal of the petition filed by the respondents before the High Court.

**2.8** The validity of Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Lands) Act, 1999 has since been challenged in the Supreme Court and the final judgment is awaited. Thus, the provisions of this Act also could not be enforced. The tribals who have been the victims of land alienation process are at the receiving end of these legal wranglings. The State Government has informed that 8088 cases involving 6,817.28 ha. were filed for restoration of lands under the Act of 1975, of which only 1,201 cases (183.93 ha.) were decided in favour of tribals. But in fact, land could be restored in respect of 3 cases only. As per 1999 Act, no land has been restored so far.

**2.9** A survey conducted in 1977 in Attappady (Palghat district) showed that 3943 tribal families lost 10, 106 acres of their land. After 1977 and a decade prior to the survey, alienation took place and the tribal communities lost their lands to the land hungry immigrants. The study further showed that the non-tribals get tribal lands for cultivation on lease with nominal rent and once the non-tribals occupy land they seldom return it to the tribal owner. The survey also suggested that large chunk of tribal land remains in the hands of the non-tribals on paid-up rent basis which eventually leads to sale deed. The study suggested that (i) the anti-alienation law should be modified to the effect that all land in possession of non-tribals in Attappady must be presumed to have been acquired by such persons or their predecessors and the non-tribals should be required to prove their land rights, (ii) the procedure of restoration of tribal lands should be simplified. At all stages a competent official like a Sub-Collector should be made a necessary party in all cases where tribal lands are involved. (iii) the procedure for the sale of tribal lands should be revised. The tribal land should not be sold without the prior permission of the District Collector. (iv) the procedure of legal aid should be simplified so that tribals can fight out litigation and a mobile court should try cases relating to the transfer and alienation of tribal lands. (v) A survey of land in the possession of the tribals in accordance with the Pattayam should be conducted and alienated tribal land should be restored to them.

**2.10** Another survey was done by Kerala Institute of Research, Training and Development (KIRTADs) based on a number of case studies. The earlier survey



done in 1977 also mentioned some case studies. **The Commission feels unhappy that the State Government did not take these studies at all into consideration and should have referred these cases for investigation and proper action which indicates a lack of commitment on the part of the State Government to protect the interests of STs.**

**2.11** It was brought to the notice of the Commission by some tribal groups that land lobby with the vested interest have taken the land related issues to the courts of law to thwart the efforts made by the State Government in this regard. A question arises as to why and how the State Government have in all these years not been able to protect the interests of the tribals in land and allowed the land alienation process to continue unabated. **The Commission deliberated on the complex issue of non-implementation of Land Alienation Act of 1975 and the subsequent enactment by the State Legislature in 1999 which has further diluted the whole scheme of restoration of alienated tribal lands. The population of ST is 1.1% of the total population of the State. The Commission after due deliberations have come to the conclusion that the state Government should formulate a programme of action by establishing a Land Protection Force for the implementation of alienation laws and chalk out a programme for rehabilitation of the tribals who have been rendered landless as a result of non-implementation of the land alienation laws. The Commission hopes “that Kerala, the land of Gods” will protect the tribals.**

### **Resettlement of landless STs**

**2.12** The Ministry of Environment and Forest conveyed to the Government of Kerala on 6<sup>th</sup> February, 2004 approval under Forest (Conservation) Act, 1980 for diversion of 7693.2257 hacs. of reserved forest/vested forest land in Kasargode, Kannur, Wayanad, Palakkad and Malappuram districts for the settlement of landless tribals in the State. The Ministry also intimated to the State Government that the net present value (NPV) of the forest area diverted shall be deposited by the State Government in Compensatory Afforestation Management and Planning Agency (CAMPA). The Ministry in their communication dated 18<sup>th</sup> February, 2003 clarified

that NPV shall be charged in all those cases which have been granted in principle approval after 30.10.2002 and NPV will be calculated at the rates ranging from Rs.5.80 lakhs - Rs.9.20 lakhs per hectare depending upon the quality and density of land in question converted for non-forestry use as per the orders of the Apex Court and that the collection process of NPV should be completed within a period of two months. It is estimated by the State Government that the collection charges for 7694 ha. would amount to Rs.577 crores. The State Government has filed an I.A. petition in the Supreme Court on 8<sup>th</sup> March, 2004 for exemption from payment of NPV. **The Commission feels that the Government of India should support the State Government so that the problem of resettlement of landless tribals may be solved. A Tribal Rehabilitation Commissioner of the rank of Chief Conservator of Forest has been appointed for integrated development and rehabilitation schemes/works in respect of the tribals to be settled on 7,694 hectares of reserved/vested forest.**

**2.13** The State Government has identified lands in Aralam, Sugandhagiri, Pookot, Alakode farms to the extent of 7,121 acres for distribution to landless STs and the process of taking possession of these lands has started. The Aralam Farm, a central farm is being purchased at a cost of Rs.40.19 crores for the allotment of around 3,500 acres to landless tribals. The State Government has informed that 3,705 acres in Sugandhagiri farm, 1,313.79 acres in Pookot farm and 723 acres in Alakode Estate are available for distribution.

## **Land Assignment**

**2.14** In Nov. 2001, the State of Kerala had to take, in pursuance of the demand placed by the tribals, an executive measure to protect the interest of the tribals and set up a Tribal Re-settlement and Development Mission (TRDM) with the objective of achieving overall socio-economic development of tribal families particularly those who are landless or those who owned less than one acre of land; assigning suitable cultivable land to the eligible tribal families; assisting the State Planning Board in the Preparation of Master Plan for the Tribal Welfare/Development ensuring the re-settlement of landless tribal families and for en-scheduling the area occupied by the tribal families etc. The Mission started functioning from Nov., 2001 at the State Level. An Empowered Mission Committee was also formed to take policy decision regarding the activities of this Mission with the Chief Secretary as Chairman with some other Secretaries as Members. At the District Level Missions were formed for the District Level coordination of the activities of Missions with District Collector as

Chairman and some other District Officers as Members. A Cabinet Sub-Committee was also formed to take policy decision on Land Distribution and Development.

**2.15** The task assigned to the TRDM is identification of assignable land, assignment of land and development of land assigned. The Mission's priority was to identify lands such as revenue lands without any legal objections, Public Sector Undertakings land without any problems; forest land including vested forest with the approval of the Central Government. At the formative stage of the Mission it had the report that the lands to the extent of 69,053 acres were available for distribution. This figure about identified land was brought down to 21,775 by the District Collectors. The Commission was informed that the tribals could not get physical possession of such lands as ownership was disputed. Thereafter, progress about the assignment of land could not be achieved as in many cases, the land identified had many legal problems as to the status of the land etc. During the year 2002-03, there was a budget provision to the tune of Rs. 51.50 crores for their rehabilitation work. The total cost of the project is estimated at Rs. 172 crores to be executed in 3 years time-period. A Master Plan with Rs. 1450 crores was also envisaged. The Commission is not impressed by the plans drawn up and quantum of funds allocated. The Commission observed that the State Government has not been able to achieve concrete results in giving lands to the landless tribals and rehabilitating them.

**2.16** State Government has distributed 2892.98 acres of land to 2024 tribal families upto 26.12.2003, details of which are as under:

<b>Sl. No.</b>	<b>District</b>	<b>No. of Families</b>	<b>Land distributed in acres</b>
01.	Wayanad	40	40
02.	Kannur	165	178.60
03.	Kozhikode	318	498
04.	Ernakulam	168	400
05.	Idukki	1074	1615
06.	Alappuzha	112	27.70
07.	Kottayam	19	19
08.	Kollam	128	114.68
	<b>Total</b>	<b>2024</b>	<b>2892.98</b>

2.17 On 13.11.2002, the Commission visited Pooppara village of Udumpanchola Taluk in Idukki district where 47 tribal families belonging to Mannan Tribe have been allotted one-acre land to each of them on 1.1.2002. Of the 47 families, 32 families have already settled in the village. In addition to growing agricultural crops, such as tapioca, paddy, arhar dal and vegetables, they earned Rs. 80/- per day as daily wage while working as labourers in cardamom plantations. They also collected honey and sold it for Rs. 90/- per Kg. to the forest Society. Km. Valsala is the lone SSLC pass tribal girl in the village who wants to become Anganwadi Worker or a teacher provided a school is approved for the colony. It was desired that the tribals may be trained and oriented for growing cash crops and running trade and commerce and transport business. Shri Mohan of Plot No. 9 was willing to enter into transport activity. Mrs. Leela of Plot No. 15 complained that the person who occupied Plot No. 15 in the past has been threatening her for vacating the Plot in his favour. She desired that the police should take stern action against the non-tribal who harassed the new allottees of the land and had an evil eye to usurp the property.

### **Recommendations**

2.18 **The Commission recommends that an Integrated Master Plan of re-settlement of the displaced tribal families should be formulated which should assure infrastructural development for employment and income generation for the tribals in the areas earmarked for their re-settlement/rehabilitation. The Master Plan should also have a provision for adequate housing development and for the supply of safe drinking water. This recommendation is made in the context of an ill-planned housing development under rehabilitation programme at Karapuzha in Wayanad District. The Commission further recommends that in those areas where the tribals are being settled adequate infrastructural facilities for education and health service should be provided. In fact under the TRDM programme there should be a built-in provision for this.**

**2.19** The Commission was told that there had been encroachments not only of tribal land and habitat but also of the graveyards belonging to the tribals by the non-tribals. The Commission recommends that the non-tribals who had made encroachments on tribal lands and graveyards should be evicted forthwith. The Commission further recommends that the act of encroachments on the land, habitat and graveyards belonging to the tribals should be made punishable under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

## **PART - III**

### **Forest**

**3.1** In erstwhile Travancore State, the tribals were permitted in 1903 to cultivate lands in forest areas and the then Govt. in 1910 also extended certain concessions. In 1911, Hillmen Rules were promulgated for protecting the rights of tribals and restricting the entry of non-tribals in tribal areas. These rules were questioned by the Court later. Another big blow upon the tribals was caused by the implementation of Forest Conservation Act, 1980 as entire tribal area in Kerala State was shown under the Reserve Forests. As a result of this, fate of tribals living in 701 habitations (approximately) in the forests worsened. The Forest and Revenue officials prepared record of land and other possessions of their own but it was not acceptable to tribals. They felt as if they have been badly cheated. The tribals eke their livelihood out of collection of minor forest produce and they supplement their income through food gathering and fishing. Consequent upon the nationalization of forests in 1974, the right to collect MFP from forests was exclusively assigned to the SC/ST Cooperative Development Federation in 1978. Forest Deptt. does not levy any royalty or lease rent for this purpose. The SC/ST Federation executes the work through Tribal Cooperative Societies.

**3.2** According to an estimate 23,622 ST families are living inside the forests in 701 settlements. The Forest Department estimated that 21,665 families have 26,290 ha. of land with them and 2007 families are landless. Government decided to issue record of rights after joint verification by the Revenue and the Forest

Departments. Accordingly 10,443 families were given record of rights for 5004. 02 ha. of land. Steps have also been taken to issue of record of rights to the remaining families. The settlers will have to be provided with other facilities in addition to land. Infrastructural facilities and other assistances for income generating programmes have to be taken up including self employment programme. During 2003-04 an amount of Rs.4 crores has been budgeted for tribal resettlement. In addition to this an amount of Rs.5 crore have also been allocated by the Government of India for the purpose. Similarly, an amount of Rs.5 crore was also to be earmarked from the corpus fund 2003-04 of the Department for meeting the expenditure for land distribution. Altogether Rs.14 crores have to be given to TRDM. As mentioned earlier, the Commission finds that achievements of TRDM on the ground are insignificant. The State Government should handover complete charge to TRDM for identification of land for settlement of landless tribals as well as those who possess less than one acre of land outside the forest areas on the lands identified by the Collectors and available from various non-functional projects and Tribal Rehabilitation Commissioner under the Forest Department who will oversee the rehabilitation of tribals on the reserved forest and all funds/assistance will be routed through him. The TRDM role should be confined to look after the tribals outside the forest area, TRDM should also see that the tribals living in the forest areas for generations are provided all basic amenities alongwith income generating programmes.

**3.3** The Commission during the visit to Wayanad district was informed that in order to update record of rights of land under the possession of tribals, district administration has undertaken joint verification exercise in 133 tribal settlements having an area of 463.96 hectares of land. It has been found that 1,676 families (367.14 ha.) were eligible for issue of record of rights out of 1,683 families for which actual verification was carried out. The district officers have issued record of rights in case of 1,647 persons and thus 29 cases are yet to be settled. District officers have informed that *pattas* have not been issued so far.

**3.4** The problems faced by the tribals are numerous. For example, they have to pay for timber for construction of houses, Kurumbas (PTG) are not allowed to graze their goats in the forests and record of right for tribals living in the forest, prior to 1980 has not been given. Although steps have been taken for regularization of over 27,000 acres of land encroached by the non-tribals on the fringes of the forest areas, but cases of tribals were not considered. **The Commission, therefore, recommends that the ownership can be given to the tribals where the possession of the land is in the forest area. Some of the tribals have been in occupation of such lands for many generations and that these are under cultivation.**

**3.5** The building structures in some of the tribal habitats, often called tribal colonies, have been there for many generations and from the very appearance these are the old constructions/old settlements. Whatever may have been the reasons, the fact is that they do not have the ownership of these lands. Obviously, due to the ignorance of the tribals in these settlements/habitats they could not get such land recorded in their ownership and, therefore, technically these lands continued to be the forest land on the revenue record. **Such occupation of the forest land by the tribals, which are treated technically an encroachment, can be rectified through scrutiny done to establish eligibility under the Forest Policy guidelines and such cases can be recommended by the State Govt. to the Govt. of India for clearance and thereafter pattas can be issued to them.** However, for the present the Central Govt. may not allow regularization of encroachments in respect of eligible cases in view of the Supreme Court Order, dated 23.11.01 restraining the Govt. of India from regularizing the encroachments. **All the eligible cases as per guidelines of the Govt. of India for regularization should not be summarily rejected in view of the Apex Court restraint. Instead such cases should be processed and sent to the Govt. of India for their consideration. The final decision will rest on the decision on the restraint imposed.**

### **Intellectual property rights**

**3.6.** Thiruvananthapuram based Tropical Botanic Garden Research Institute (TBGRI) using the traditional knowledge of Kani tribe who provided valuable inputs formulated *Jeevani*, a herbal product to enhance immunity levels, anti-fatigue and anti-stress properties. Kanis received a one-time payment of Rs.5 lakhs when the product was licensed. TBGRI applied to the Indian Patent Office for a process patent in 1996 but has not got the same so far. The Research Institute filed another application in 1998 but has not obtained a trade mark for the brand *jeevani*.

It is understood that a herbal product manufacturer of Coimbatore, Tamil Nadu was given the licence to manufacture and market the drug in 1995. It is not only that this manufacturer is marketing this product but a U.S. based company has also acquired a registered trade mark for *Jeevani* in 1999. In this battle between the various manufacturers it is the tribals who have suffered and the Kani tribals who were supposed to get 1% royalty on sales earned a paltry Rs.2,000 in 2003. **The Government of India and the State Government of Kerala should examine the matter thoroughly and see that the interests of the tribals are safeguarded.**

## **PART - IV**

### **Tribal unrest – a major issue**

**4.1** According to State Govt., about 22,052 tribals are landless and half of them are in Wayanad district alone. Landlessness among the tribals is the major cause of unrest.

**4.2** Ms C.K. Janu, Chairperson of the Adivasi Gothra Maha Sabha (AGMS) met the Commission at Thiruvananthapuram and submitted three memoranda. The main points raised by her were that special investigation might be carried out in regard to the killings of 101 tribals during last three years in Palghat district by the mafia and others. The agreement made on 16-11-2001 between the AGMS and Kerala Government for allotment of land to landless tribals should be implemented and the lands should be identified out of various non functional projects run by various departments for acquiring land. The VETAN community at present in the list of Scheduled Castes should be transferred to the list of STs.

**4.3** Tribal unrest has been simmering among the tribals in various parts of the State due to several factors, some of which are as under:

#### **Idukki district**

**4.3.1** With the clearance of a project for metal crusher unit in Manjapara village under Vazhathope Panchayat, adjoining agricultural fields have been damaged due to dust particles and children and old people have been getting chest infection. The residents of Kanjikuzhi Gram Panchayat in Idukki district have alleged that the land on which the Mannan tribal community (75 families) had been growing cardamom was taken over by the Forest Deptt. and they were a helpless lot. Residents of Venkagayapara settlement have alleged that they were displaced from Malhikattan settlement but no assistance has been provided to them. Government of Kerala had



given land for growing cardamom to tribals in 1971 but subsequently it was taken away by the Forest Deptt. Thus, many tribal families have been uprooted.

### **Kottayam district**

**4.3.2** Mala Araya Mahasabha Panchavayal Panchayat pointed out that about 1,000 persons have obtained false/fake tribal certificates, thereby denying opportunities to bona fide persons.

### **Wayanad district**

**4.3.3** It was brought to the notice of the Commission that problem of unwed mothers among the tribals is mounting up day by day and the tribals in general, are very much worried on this account.

### **Atrocity on Tribals**

**4.4** District Administration of Wayanad, despite having special mobile squad does not deal firmly the cases of atrocity on tribals. A few cases for illustration are as under:

- (a) Murder of Shantha at Chooralmala village of Meppodi police station
- (b) Obstruction of right of way to tribals at Kadalmadu, Kadalikunnu Kattunaicken (primitive tribal group) colony
- (c) Encroachment of tribal graveyard at Chethikkodanna tribal colony in Nenmeni village of S. Bathery taluk; Problems faced by Kattunaickens (primitive tribal group) of Kadalmadu, Kadalikunnu tribal colony in Thomathuchal village, Sulatan Bathery taluk were mainly relating to obstruction to pathway by the non-tribals during May 2001. The case has been registered with the Ambalavayal police station, but no action has been taken.

**4.5** The Commission observed that in the Southern States of Kerala, Tamil Nadu and Karnataka, the population of STs as per 1991 census put together in these States is about 28 lakhs. The majority of the STs habitats in the

**Southern States of Kerala, Tamil Nadu and Karnataka are situated in and around the Western Ghats. The Commission recommends that a sub-committee of the South Zone Council under the Ministry of Home Affairs should be formed to look into the tribal discontentment and unrest and overseeing comprehensive socio-economic development of the STs in and around the Western Ghats.**

## **PART - V**

### **Classification of STs**

**5.1** The Commission during its interaction with the tribal representatives and voluntary organizations has come to the conclusion that the State Government should investigate to find out whether some ST communities have received disproportionate benefit of reservation policies for entry into Government services and admission in educational and technical institutions. A study of reservation of posts for STs has revealed a high degree of imbalance in the representation of STs in state services. One ST community Mala Arayans has received disproportionate reservation benefit in services and admission to professional courses as compared to other ST communities. A scrutiny of the entry of Mala Arayans in Government services from 1950 onwards reveals that an overwhelming number of them have enjoyed fruits of reservation policy.

**5.2** State Government has stated that the beneficiaries of post matric studies and reservation in services have gone to a few STs communities and several other tribal communities have been totally excluded. They have suggested "rotation of reservation benefits among various tribal groups". In this connection the Commission would like to mention that the Government of Karnataka has informed that "A Commission to examine inter-se reservations has been set up under the chairmanship of Justice N.Y. Hanumanthappa, retired Chief Justice of Orissa High Court to ensure that the benefits of reservation reach those who deserve it the most". **The Commission recommends that the Government of Kerala should appoint a Commission to ensure that the benefit of reservation should flow to ST communities on "rotation basis".**

**5.3** It was brought to the notice of the Commission that most of the offsprings of inter-caste marriages are deriving benefits as STs. There have been a number of cases of such persons examined by the Vigilance Committee of the State Government and in some cases the High Court of Kerala have pronounced judgments against ineligible persons. In a recent judgment the Apex Court has indicated that the tribal way of life in the matters of celebrations of festivals, customs,

traditions should be the criteria to identify whether a member of a converted ST is really an ST for purposes of enjoying constitutional privileges and safeguards.

## **PART - VI**

### **Tribal Sub-Plan (TSP)**

**6.1** The State of Kerala, although having no Scheduled Area under the provisions of the Fifth Schedule of the Constitution, has adopted a concept of Tribal sub-Plan from the Fifth Five Year Plan onwards (from 1974-75) which is a multi-pronged strategy for the overall development of the STs in the State. The strategy adopted has developed proper linkages with the Panchayati Raj and Nagar Palika system of the administration in the State. The thrust of the strategy under TSP as mentioned at different official fora where the Commission held discussions, is for the protection of the tribals from all types of exploitation and for safeguarding the interests of the STs in the State. The statistics showed that there has been allocation of funds to TSPs, which sometimes have been more than proportional to the tribal population in the State exclusively for the development of STs in the State. In the early parts of the Plan periods, the State transferred nearly 67 per cent of the TSP provisions to the local bodies like the Panchayats for planning and implementation of the development programmes and projects for the STs with their active participation and the balance almost about one-third portion formed the pooled TSP funds for State level programmes and projects and that strategy continued upto the year 2000-01. Under the Panchayati Raj set-up, a single-window type system was established for effective participation of tribals. As tribals are less in number in the Panchayati Raj institutions and, therefore, to protect their interest, the State Govt. had issued orders for setting up of tribals Gram Sabhas for the formulation of TSP schemes and selection of the tribal beneficiaries.

**6.2** In the year 2001-02, TSP allocation given to the local bodies/Panchayats was resumed as per the demand of the tribal groups in the State. The entire TSP budget was assigned to the STs Development Deptt. responsible for tribal development both for formulating and implementing the TSP projects by enlisting participation of

the tribal Oorukoottams (tribal neighbourhood groups). The State Govt. also re-constituted the District Level Working Groups in all the districts having tribal population with District Collector as Chairman. However, some percentage of TSP funds is assigned to the local bodies/Panchayats with the clearance of the District Level Working Group. Now the ST Development Deptt. formulates the programmes in the field of education, housing, health and for overall economic development etc.

**6.3** During the year 2002-03, the flow of funds to the TSP was Rs. 85 crores which is 2.3% of the State Plan outlay. In addition, the Govt. of India has sanctioned during that year, funds for the tribal infrastructural development and for the water supply and sanitation and re-settlement of the landless ST families etc. to the tune of Rs. 23 crores with further addition of the Special Central Assistance. The total funds available for welfare of the Scheduled Tribes for the year 2002-03 were Rs. 121.34 crores.

**6.4** The Commission observed that the Tribal Development Wing of the Department has done work for the rehabilitation of the tribals by way of supplementing the efforts of the Line-Departments. They have promoted rubber cultivation as a measure of poverty alleviation programme under SCA and TSP. They have already covered 5,649 ST families under the SCA for self-employment programmes. About 1,500 families including bonded labourers have already been settled in around 3,000 hac. of land comprising vested forest land with necessary employment opportunities in the settlement area. Under the Free Ration Scheme, over 65,000 ST families have been benefited during the year 2002-03 as per the reports submitted.

### **Administrative set-up**

**6.5** Scheduled Castes and Scheduled Tribes Development Deptt. of the Govt. of Kerala is headed by an officer of the rank of Secretary and supported by a Director, STs Development and Director of Kerala Institute of Research, Training and Development Studies (KIRTADS). Execution of programmes in the districts is monitored by District Level Committees with District Panchayat President as

Chairman and Sectoral Officers as members. Progress reports on TSP schemes furnished by the district collectors to the State govt. and Director, Tribal Development are reviewed with heads of departments. Programmes of tribal development are executed through 7 Integrated Tribal Development Projects and 8 Tribal Development Offices, details of which are as given below:

Sl.No.	ITDP	Sl.No.	TDO
1	Nedumangad	1	Punalur
2	(Thiruvanthapuram)	2	Ranni
3	Idukky	3	Moovattupuzha
4	Nilambur (Malappuram)	4	Palakkad
5	Kanjirapally (Kottayam)	5	Sultan Bathery
6	Attapady (Palakkad)	6	Manantavady
7	Kalpetta (Wayanad)	7	Thamarassery
	Kannur	8	Kasargode

**6.6** There are Tribal Extension Officers, 34 of them in the field attached to the Project Officers. There are 9 Tribal Development Officers covering the dispersed tribal population in the State and that there are 14 Tribal Extension Officers to assist them. **The Commission was happy to note that the State Govt. has appointed about 1,000 Tribal Promoters from among the tribals for working in the State to assist the Project Officers, Tribal Development Officers and the Panchayats implementing the tribal development projects and programmes. The Commission observed that the Deptt. with a Wing/Branch for the Tribal Development is not well equipped with the staff particularly the technical staff and professionals for the implementation of major projects and programmes, and therefore recommends that sectoral departments should be entrusted with higher responsibilities.**

### **Primitive Tribal Groups (PTGs)**

**6.7** The Commission visited several institutions and settlements of STs in Wayanad, Thrissur, Idukki and Attapady ITDP in Palakkad district and interacted with the tribal representatives and government officers.

**6.8** According to a socio-economic survey of PTGs conducted by the Scheduled Tribes Development Department of Kerala State in 1996-97, the total population of five PTGs, namely, Cholanaicken, Kattunaicken, Kurumba, Kadar and Koraga was 16,678 (4406 families), which formed about 5% of total tribal population of the State.

Profile of PTGs is depicted in the table below:

	<u>Area of habitation</u>	<u>Population</u>
1.	Cholanaicken Malappuram District	384
2.	Kattunaicken Waynad, Malappuram and Kozhikode	11,871
3.	Kurumba Palakkad District.	1,602
4.	Kadar Trisoor and Palakkad	1,472
5.	Koraga Kasargode	1,349

Literacy rate of PTGs during 1996-97 survey was 26.10%, highest among Koragas (54.07%), followed by Kadars (40.79%), Kurumbas (32.36%), Kathunaickens (20.77%) and the lowest was 9.17% among the Cholanaickens. 559 PTG children (28%) did not join the schools even after attaining 6 years of age, and among them the number of children belonging to Kattunaicken tribe was 298 (53%). The Commission is happy to note that there is a spread of education among the STs in Kerala, but there are certain vulnerable tribal groups like PTGs, who require focused development.

**6.9** Although Kerala is one of the progressive States of the country, PTGs in State are still in pre-agricultural stage and their rate of literacy is low. This is a paradoxical situation. Their needs for development are housing, removal of malnutrition, better health care and all weather roads in tribal habitations.

Cholanaickens live in rock shelters called 'Kallulai' or in open campsites made of leaves. All of them live in forest and eke their livelihood out of minor forest produce and casual wage labour mainly in forest areas. They are also employed as watchers on forest protection works. Kurumbas were earlier shifting cultivators and food gatherers. They are proficient in making baskets using bamboo, reed and

rattan etc. Kadars are nomadic in nature and subsist on forest produce collections. Landlessness is acute among them. Kadar children have not found schooling attractive even today. Their habitations do not have access to safe drinking water and health care facilities. Kattunaickens in the past used the bark of trees for clothing and had very little contact with outsiders. They are considered as an aboriginal race of the state, who are the descendents of a dynasty which was glorious and supreme centuries back. Their headman – Muttum is given great respect. They give preference to any job which is related to forest operations, forest watchers or to work even as “Mahouts”. They are tactful hunters and good collectors of MFP, Wax, Honey etc. Landlessness is the major problem among them. Koragas are subjected to practice of untouchability in the rural areas and in the past some of them worked as bonded labourers and slaves. They also worked as scavengers in some parts of Kasargode district.

**6.10 Income** - Out of 4406 PTG families, 4332 families (98.32%) have annual income of less than Rs.5,000/- and thus all of them lived below poverty line.

**6.11 Ration Card** - All the PTGs were given ration cards and Vikas Pathras during 1992-93 but during 1996-97 the availability position was as under:

	<u>% families not having Ration Cards</u>
Kurumbas	37.35
Kattunaicken	31.50
Kadar	17.44
Cholanaicken	26.14
Koraga	3.84

**6.12 Electrification-** Out of 4406 PTG families, 3690 families (83.74%) have no access to electricity in their settlements. None of Cholanaicken and Kurumba habitaion has been electrified so far.

**6.13 Road-** Ten percent of PTG families have all weather motorable roads through their colonies, 79% have roads within a radius of 3 kms. and 11% families have to walk more than 8 kms. to reach the nearest motorable road.

**6.14 Health-** Health infrastructure in PTG habitations is poor. Only 1.33% of families have dispensary/PHC in their settlement, 16.09% families have the facility in 1 km. radius and others have to walk long distances to avail the facility. The diseases with which PTGs mostly suffer are T.B., Sickle cell anemia, leprosy and hepatitis.

**6.15 Land-** Out of 4406 PTG families, 1512 (34.32%) are landless, most of whom belong to Kadar tribe followed by Kattunaickens. As regards ownership of land, 37.60% families possessed less than 25 cents, 17.95% have 50 cents to 1 acre and 11% have more than 1 acre of land.

**6.16 Housing-** 53% PTG families have their own houses constructed with government assistance and 19.33% did not own any house, and the remaining 27.67% families did not have good houses. Kurumbas and Kattunaickens required improved housing structures.

**6.17** The Commission recommends that 398 settlements of PTGs in Kerala State should be categorized into two specific parts, i.e. one , PTGs in Forest areas and, two, PTGs in Revenue areas and welfare and development of PTGs should be entrusted upon the Forest and Tribal Development Departments respectively. The Forest Department and Tribal Development Departments should prepare familywise and Settlementwise action plans for next 20 years. Progress of PTGs should be monitored and reviewed by the State Government quarterly and by the Government of India half yearly. The Commission further recommends that government servants selected for working among the PTGs should be carefully drawn and well looked after. At least one NGO may be prepared and promoted to take up work among each of the PTGs.



## **SECTORAL PROGRAMMES**

### **Agriculture and horticulture**

**6.18** Kerala is known for a large variety of agricultural and horticultural crops, such as paddy, rubber, cardamom, nutmeg, tea, coconut plantain pepper, ginger, turmeric, coffee, vegetables, spices etc. For the development of tribals, a few exclusive projects were launched by the State Government and these were Sugandhigiri cardamom project, Pookode dairy project, Cooperative Farming Society Attapady, Vattachira Collective Farm, Sholayar Girijan Society and Priyadarshini Tea Estate. Extension Wing of Kerala Agricultural University, Cardamom Board, Spices Board and Rubber Board provide their expertise to the tribals.

### **Irrigation**

**6.19** Major and medium irrigation and power projects set up in the tribal areas are Idukki Hydro Electric Project, Malampuzha and Kanhirapuzha in Palakkad district, Edamalayar Hydro Electric Project in Ernakulam district and Peppara water supply scheme in Thiruvananthapuram district. Karapuzha irrigation project in Wyanad district has so far not been commissioned, as its catchment area lies in the forests. 128 tribals displaced from the areas are being resettled and compensation has been given to them. Minor irrigation/lift irrigation projects have had no adverse effect upon the tribals.

### **Visit to Karapuzha Irrigation Project**

**6.20** The Karapuzha irrigation Project was initiated in 1977 for which land of tribals (Kuruman, Kurichan and Paniyan) as well as non-tribals was acquired and compensation paid. In addition to compensation for the acquisition of land, 162 houses were also constructed at a cost of Rs.126.30 lakhs. Land at the rate of 0.75 acre per family is yet to be distributed for which land has been identified. Facilities like approach road to the rehabilitation colony, water supply arrangements and

electrification are under process with the Irrigation Department. Some of the displaced tribal families brought to the notice of the Commission their untold miseries, such as payment of highly inadequate compensation for tribal's land as compared to land held by non-tribals. A tribal family got compensation of Rs.6,000/- for one acre of land as against some of non-tribals receiving Rs.5 lakh for one acre land. House design is such that space is inadequate for one family. It was suggested that two houses might be given to one family and basic amenities of drinking water, electricity and an upper primary school may be ensured.

## **ST Cooperative Societies**

6.21 The Kerala State Federation of Scheduled Castes and Scheduled Tribes Development Cooperatives Limited was established in 1981 for overall development of the socio-economic conditions of Scheduled Castes and Scheduled Tribes through its member societies. There are 95 Primary Tribal Cooperatives (PTC) affiliated to the federation with a membership of 9,000 and the federation helps 30 PTC in the marketing of MFP. 95% of the sale price of MFP collected by the federation is given to the member societies. They pass 80% of the same to tribals for collection charges. The federation also provides advance to the societies for collection of MFP.

6.22 The ST Cooperative societies are functioning under the Cooperative Department. The federation has started a powdering unit in Wayanad which was later shifted to Thrissur. A honey processing unit is also functioning as well as an Ayurvedic Medicine Manufacturing unit is producing about 200 items for marketing. 30 Cooperatives have been assisted for construction of MFP godowns. The ST Development Department had sanctioned during the year 2000 an amount of Rs.40 lakhs for implementing Grain Bank Scheme through nine Tribal Cooperative Societies to benefit tribal population of Wayanad, Attappady, Parambikulam. A rapid study of five tribal cooperatives by KIRTAD has revealed that the manpower deputed to work in the societies are not able to address themselves to the problems of STs. The staff needs training and constant guidance to take proper decisions. The

societies should hold regularly their meetings annually or bi-annually to enable the members to share their experiences; self help groups of women should be involved and projects should be assigned to them for implementation.

## **Industries**

**6.23** Malabar Cement Ltd. is the only major industry in the State located in tribal area known as Nadupathy in Puthussery Panchayat of Palakkad district. In lieu of acquisition of land for formation of road leading to the mines the factory has recruited 70 tribals for manual labour since 1983. Village and cottage industries working for the tribals are weaving units operated by Khadi and Village Industries Board and Industry Deptt. Tribals are also being trained in plastic and cane oriented handicrafts and furniture works. State Government has introduced vocational training programmes in computer repair and maintenance of household electrical and electronic equipments.

## **Tourism**

**6.24** State Government has informed that tribal youth would be trained in tourism related activities and financially assisted in starting different ventures, such as restaurants, transport services, tourist guide, hotel management, food processing etc.

## **Communication Strategies and Communications**

**6.25** State Government has posted 1000 tribal volunteers in various parts of the state to act as a link between the tribals and development agencies. Road network and audio visual media are wide spread throughout the state. Awareness programmes in legal literacy has received wide applause throughout. Efforts are on to reach tribal hamlets located in the reserved forests. Possibility of air and railway linkage with tribal areas is rather remote.

## **Public Distribution System (PDS)**

**6.26** PDS network is looked after by the State Civil Supplies Department. Outlets of the PDS have been opened everywhere within a radius of one kilometer.

### **Lack of awareness about Tribal Co-operative and Finance Development Corporation.**

**6.27** In all these years of planned economic development, the tribal communities in the State have not seen their economic prospects beyond land cultivation and the collection of the forest produce. There are, in fact, no other avenues available for self-employment and income generation for the tribals in the State. There are no industrial and commercial activities in and around tribal habitats, which are mostly located in the interior and in difficult forest terrain. One important outlet for self-employment is to build an entrepreneurship for running small shops and running taxies, bus services and trucks etc. Kerala SC and ST Finance and Development Corporation provides soft loans to the tribals interested in making investment in the small trade, commerce and industrial activities. The Commission observed that in almost all the places of tribal habitats in the districts visited, the tribals were not aware of the availability of finances for investment from the Corporation. **The Commission recommends that the State SC and ST Finance and Development Corporation should provide extension services and help the tribals to avail of the soft loan facilities.**

## **Education**

**6.28** As the population of tribals is dispersed throughout the State, the ST students attend schools located throughout the State and these schools are run by the Education Department. Enrolment of ST students at different levels in 2001-02 was as given hereunder:

<b>Level of Education</b>	<b>Number</b>
1. Primary	26835
2. Upper Primary	18414
3. High School	13650

4.	H.S.School	2623
5.	Post Graduation	
	(a) Degree	993
	(b) Post Degree	135
6.	Technical Courses	
	(a) Engineering	180
	(b) Medical	186
	(c) Paramedical	14
	(d) Polytechnic	55

**6.29** The STs Development Department has given priority to educational development of STs by giving educational concessions from pre-primary stage to post-graduate level. Apart from exempting them from all kinds of fees they are given incentives as under:

- (i) Incentives to parents for sending their children to schools - @ Rs.10 p.m. per child – in classes I to V
- (ii) School bag, chappals, books and stationery and uniform to the children of PTGs
- (iii) Uniforms to ST children in classes I to IV
- (iv) Assistance of Rs.2500 to those who score 1st class in class X and XII
- (v) Ayyankali Memorial Talented Search and Development scheme –through test held at Class IV and Class VII

**6.30** Tribal Development Department ensures the payment of lump sum grant and stipend and other educational benefits to nearly 60,000 pre-matric students and 4,000 post matric students. An amount of Rs.431 lakhs was budgeted for this purpose during 2002-03. The Dept. runs 104 pre-matric hostels (70 for boys and 34 for girls) for providing educational facilities to 5,000 ST students. Eleven hostels have been set up by NGOs receiving grant from the State Govt. and 7 are supported by G.O.I. A hosteller is given Rs.125 towards uniform allowance and Rs.250 p.m. towards mess charges. In an evaluation study brought out by the State Tribal Research Institute, it was suggested that tuition system may be introduced in the pre-matric hostels and Infrastructural facilities upgraded. Kerala SC/ST Residential

Educational Society runs 18 Model Residential Schools of which four are exclusively for PTGs. One such school follows CBSE syllabus and others the State-syllabus.

## Vocational Training

### Visit to Ambedkar Memorial Rural Institute For Development (AMRID), Kalpetta (Wayanad District)

**6.31** Ambedkar Memorial Rural Institute for Development (AMRID) was set up in 1990 to meet the educational needs and providing training for seeking employment opportunities by the students of Wayanad district especially the Scheduled Castes and the Scheduled Tribes.

The main activities of the Centre are as under:

1. Printing press-two letter presses and one mini Auto print Offset press (Training and Job Works)
2. Handicraft work (Training cum production Centre)
3. Typewriting Institute (20 trainees)
4. Tailoring Institute (41 trainees)
5. Autorikshaw Driving Institute (64 trainees)
6. Plastic welding unit (Production Centre)
7. Computer Training Centre (61 trainees)

**Community wise details of Tribal trainees are given in the table below:**

Scheduled Tribe	Typewriting	Tailoring	Computer	Autorikshaw	Total
Paniyan	4	3	3	19	29
Kuruman	13	26	34	19	92
Kuruchan	3	12	12	17	44
Adiyan	-	-	-	7	7
Kadar	-	-	-	1	1
Kattunaikan	-	-	-	1	1
<b>Total</b>	<b>20</b>	<b>41</b>	<b>49</b>	<b>64</b>	<b>174</b>

**6.32** The training courses are conducted with the funds allotted by the Tribal Development Department, District Industries Centre, Local bodies and other implementing departments under various schemes. A total number of 1984 students were given training in various courses from 1990-91 to 2001-2002.

### **Visit to Model Residential School for Tribal girls, Kalpetta**

**6.33** The Commission visited the Model Residential School for tribal girls at Kalpetta and observed that the rooms for inmates were congested, the number of Paniyan girls which is a predominant tribe in Wayanad district was small and recommends that Paniyans along with PTGs should get preference in admission to Model Residential School, Kalpetta. The Commission also visited Nivedita Vidya Niketan, Kanyampetta,

**The Commission observed that although the literacy rate of STs in the state is comparatively better than the all India average for the tribals, even 2% seats reserved in Kerala for the STs in technical institutions/professional courses were not fully utilized. The Commission, therefore, recommends that the State Government should take urgent steps to ensure that ST students reached the post matric stage of education particularly in Technical/Professional streams for which necessary facilities should be provided by coaching and preparing the tribal students for the entrance tests conducted for various technical courses.**

### **Health**

**6.34** Out of 959 PHCs and 5094 Sub-Centres in the State, 69 PHCs and 268 sub-Centres are located in the tribal areas. Although medical facilities are available throughout the state their reach is limited in the tribal areas for want of medical personnel and indoor patient facilities.. With the assistance of grants from the Govt. of India under Article 275(I), Eight Mobile clinics and 3 health care projects for specialized treatment and also a chain of outdoor patients clinics have been started in Idukki and Wayanad districts and elsewhere in Attapady, Nedumangad,

Thodupuzha and Palakkad. Govt. of Kerala has also started implementation of Comprehensive Health Care Insurance Scheme to cover entire tribal population of the State. In order to provide incentives to Medical Doctors to serve in the tribal areas, weightage is given for securing admission in P.G.Courses. In the voluntary sector, Vivekananda Medical Mission in Wayanad and Amritha Institute of Medical Schemes and Research are most popular institutions in extending health care to tribals. Traditional Health and Medical practices are very popular not only amongst the tribals but throughout Kerala State. The Govt. has identified indigenous medical practitioners and the herbs used by them. A four year certificate course in indigenous medicines has been introduced in the state for giving training. Based on research findings, the Pharmacopia has been tested and an MoU has been signed in collaboration with Regional Research Laboratory, Srichitra Medical Centre and Tribal Research Institute to get a patent from Govt. of China. A draft intellectual property right bill has also been prepared to cover other areas of medical practices. State Govt. has informed that the Central Council for Research in Ayurveda and Sidha has not taken up any project in Kerala so far, which should be undertaken.

**6.35 The Commission was informed that Muthuvan Community of Idukki District still practices a system of delivery at home where pregnant women are kept in separate huts called "valyma pura" for delivery and convalescence for 16 days. It is felt that in the absence of ANMS, traditional birth attendants may be trained in midwifery and some allowances paid to them. State Govt. has posted 1000 tribal youth as S.T. promoters in health care and allied subjects with the hope that they will bring about a social change among the tribals.**

### **Visit to Hospital run by Swami Vivekananda Medical Mission (KERALA), Muttill Wayanad, Kerala State (11-11-2002)**

**6.36** The Swami Vivekananda Medical Mission, Kerala started its activities in 1972 in the backward hill district of Wayanad where facilities for drinking water, approach roads and sanitary latrines were not available. Malnutrition, unhygienic habits and insanitary conditions of living were the main causes of diseases. The Centre of activities of the Mission was a free dispensary at Muttill, near Kalpetta, the present



headquarters of the District. On 4.7.2000, a ten bedded hospital was inaugurated by Shri Juel Oram, the then Hon'ble Minister for Tribal Affairs. The Govt. of India sanctioned an amount of Rs.8,93,100 during the year 1999-2000.

### **6.37 Activities carried out by the Mission are as under:**

#### **(1) Hospital at Muttill**

The Mission's hospital provides all the basic facilities such as

1. Out patient department, 2. Free dispensary, 3. General ward,
4. Minor operation theatre, 5. Laboratory conducting all kinds of tests
6. Labour ward, 7. X-Ray unit, 8. E.C.G. unit, 9. Cardiac Monitor and Nebuliser, and 10. Ambulance

More than 180 patients are treated daily on an average in the out patient department. No fee is charged from the tribal patients and medicines are given free. Patients who require expert treatment are taken to the District Hospital at Mananthavady or to the Medical College Hospital, Calicut in the hospital ambulance. Normal cases of delivery are attended at Muttill itself.

#### **(2) Sickle Cell Anaemia Diagnostic and Counselling Centre**

The incidence of Sickle Cell disease, a disorder of haemoglobin found among the tribal people of Wayanad was noticed by the Medical Officer of the Mission. This led to detailed studies by the experts from the Calicut Medical College and from the Genetics Department of the All India Institute of Medical Sciences Delhi. As a result, the AIIMS prepared a three-year project "**Central Programme for Sickle Cell Disease in Tribal Population**" which is being implemented in Wayanad. The Centre so far screened 60,980 persons and found that 1,838 persons were suffering from the disease and 8,328 persons were carriers of it.

#### **(3) Pain and Palliative Care Clinic**

A Pain and Palliative Care Clinic has been set up in the hospital for supporting patients with chronic pain on account of advanced cancer, Sickle Cell Anemia and other such conditions since May 1998 with a daily average of 20 patients.

#### **(4) Preventive, Control and Treatment of Tuberculosis**

As the incidence of Tuberculosis is found in large numbers among the tribal people, special attention is being given for the prevention, control and treatment of the disease.

The mission is also running dental, orthopedic, ophthalmology and gynaecology clinics.

A gynaecology specialist lady doctor visits the hospital once a month.

**(5) Mobile unit-** The Mission's Mobile Unit takes medical care of the tribals at the very door steps of the ailing, living in distant localities and to those unable to reach the hospital at Muttill or the Government hospitals in the district. Weekly sub-centres have been opened in different parts of the district, viz one at Chulloliyode near Tamilnadu border, another at Kallor near Karnataka border and a third at Cherukara in the north west part of the district. Patients are examined and given medicines, and cases requiring hospitalization are taken to the Mission Hospital in the ambulance. An average of 75 patients are treated at each centre every week. The mobile unit conducts diagnostic and treatment camps in tribal colonies on six days in a week. In the camps immunization and distribution of Vitamin "A" are also conducted. The mobile unit has been conducting such medical camps in several Tribal villages of Attapaddy area in Palghat district and also in the Nilgiris district of Tamilnadu. Another activity taken up by the mobile unit is the medical inspection of children in nursery schools, primary schools and hostels for tribal children.

**(6) Health Education (Swasthya Mitra) -** In achieving the aim of the World Health Organization "HEALTH FOR ALL BY 2000 AD" the Mission has initiated a scheme of Health Awareness Campaign called SWASTHYA MITRA among the tribal people.

**6.38** The services rendered by the Mission have been helpful to ailing poor tribals. Number of tribal beneficiaries has grown from 5000 in 1973 to about 59,000 in 1999. Number of medical camps held also increased from 113 in 1985 to 358 in 1999.

**6.39** The Secretary, Health of the State Government apprised the Commission that in some tribal areas Sickle Cell Anaemia and Chest Diseases were common. The patients belonging to tribal communities are being provided medicines free of cost. The State Government is also contemplating to provide health insurance to all the tribal families which are in the category below-the poverty-line. **The Commission recommends that the Department of Health should introduce health card system for the tribals so as to enable the health institutions to provide treatment facilities and medicine free of charge particularly for the reason that the tribal population is dispersed all over the 14 districts of the State and most of these communities live in small tribal pockets.**

## **Housing**

**6.40** Govt. of Kerala accorded high priority to construction of houses during Ninth Five Year Plan period and according to an estimate number of houseless S. T. families were 25,000. Houses are constructed by five agencies, namely, Scheduled Tribes Development Department, Rural Development Department, Forest Department, Kerala State Development Corporation for SC and ST and the local bodies. During IX Plan, 2938 houses were constructed by the S. T. Development Deptt. and assistance was provided by the local bodies for developing 1584 plots and repairing 9120 houses. A provision of Rs. 75,000 per house in inaccessible areas has been approved by the State Govt. **The Commission recommends that houses should invariably be constructed only on non-disputed lands and patta of ownership of house site may simultaneously be given to them.**

**6.41** The tribal population is dispersed all over in 14 Districts and tribal habitats are smaller in size with the average population of about 300 which are named as tribal 'colonies'. Most of the communities have been living in these small habitats for generations. **The Commission recommends that the old as well new settlements should not be named as "colonies". These habitations should be recorded in the revenue papers and named after the traditional name of the place of habitation. Usage of word "colony" should be done away forthwith.**

## **Drinking water**

**6.42** According to the State Government supply of drinking water is assured to the tribals by the Tribal Development Department, local bodies and the Kerala Water Authority. During IX Plan period, 1914 water taps were installed in tribal areas in addition to 2427 dug wells. During X Plan, Giridhara project costing Rs. 12.50 crores is being implemented in Wayanad district.

## **Atrocity**

**6.43** The Commission was informed in Idukki district that the Police did not take prompt action against atrocity/harassment done to the tribals by the non-tribals. These cases were not even registered by the police. A few cases are cited below:

(a) State Government provided funds for house construction and after some time a report is lodged with the police that the house site on which house is constructed does not belong to the house-owner. As a result of which the house is demolished and the tribal is harassed. (Ref. V. K. Sasikumar, Savitha Niwas, Nayar Para, Udabanchola – Mariapuram Panchayat).

(b) An enquiry was not held into the alleged burning of tribal houses in Malhikettan village on 12.05.2002.

## **Money lending and debt redemption**

**6.44** As there is no Scheduled Area in Kerala State laws regulating money lending and providing debt relief to tribals have not been enacted. However, loans are made available to tribals by the Girijan Service Cooperative Societies, Self Help Groups and Village Sabhas (Oorukouottams).

## **Bonded Labour**

**6.45** In accordance with the provisions of Bonded Labour System (Abolition) Act, 1976, 823 cases were identified, of whom 710 were rehabilitated by the end of 1983-84, 48 persons could not be traced out, 62 persons did not require any rehabilitation

and 3 had died. A sum of Rs. 9.34 lakhs was utilized for the rehabilitation of bonded labourers in the plantations at Kanhiramgad, Kunhome and Lekkidu units of Priyadershini tea estates.

## **Excise**

**6.46** Although sale of liquor has been prohibited tribals are permitted to brew their own traditional liquor for meeting domestic and social requirements. It was represented to the Commission that the production of spurious liquor centered around tribal habitations by the outsiders is widely prevalent and more than 25% of the tribals are addicted to alcohol. **The Commission recommends that illicit distillation should be curbed and a movement of temperance by involving voluntary agencies should be started.**

## **Panchayats**

**6.47** As there is no Scheduled Area in the State the Panchayat Extension to Scheduled Areas Act, 1996 is not applicable to the State. However, out of 17086 elected members in local self-government institutions, 193 belong to STs.

## **Personnel Policy**

**6.48** Govt. of Kerala does not have a separate personnel policy for its employees for working in the tribal areas for the reason that "tribal areas got increasingly integrated with non-tribal areas". **The Commission are happy to note that 300 tribal youths were recruited as Forest Guards and 1,000 tribal youth as Promoters.**

## **Public hearing at Kalpetta (11-11-2002)**

**6.49** On 11.11.2002 a meeting of tribals hailing from various parts of Wayanad district was held at the campus of Vivekananda Hospital Mission at Kalpetta. The meeting was attended by about 100 tribals and views were expressed by about 11 persons. Memoranda were presented by 21 persons. Smt. Radha Raghavan MLA

from the reserved ST constituency of Manantwady also spoke before the Commission. She stated that Wayanad district has poor infrastructure for health facilities, thereby the health status of tribals is very poor. A Scheduled Tribe Committee if set up by the State Govt. for Wayanad district may perhaps look into the plight of tribals deeper. Landlessness and lack of house sites are two very grave issues which require primary attention. It was suggested that –

- (a) reservation for tribals in services should be ensured and 100% tribals recruited on specific posts by the Forest and other alike departments.
- (b) an area of 5 kms. around the forest lands may be declared “Tribal Zone” and tribal development facilitated.
- (c) One Lok Sabha Constituency may be reserved for tribals of Kerala State.
- (d) A Cultural Centre in the name of tribal martyr- Thalakkara Chandu of Kuruchia tribe may be established at Panamaram.
- (e) Financial assistance for house construction may be raised from Rs. 35,000/ to Rs. 50,000/-.

### **Public Hearing at Thrissur (12.11.2002)**

**6.50** In the public hearing, Shri N. C. Aiappan of Kodicherry village (representative of Adivasi Gotra Mahasabha), Miss Jasha (S. T. Promoter), Shri M. K. Santosh, Maramgode and Shri M. S. Subran, Monedy Colony besides a few others gave their views on the plight of the tribals of Thrissur District, as under:

- (a) the tribals are forced to do ganja cultivation to eke their livelihood;
- (b) each landless ST family requires at least one acre land for cultivation;
- (c) Health Cards may be issued to tribals for receiving medicines free of cost.
- (d) **Kadar tribe people prefer to starve rather than beg. They belong to PTG. They prefer only MFP related vocation. It is suggested that special identity cards may be issued by the Forest Department to the Kadars to collect MFP. Miss Kanchan, Kadar girl who has passed Pre-Degree may be considered for employment as a special case.**

## **Public Hearing at Adimali (Idukki District) on 14.11.2002**

**6.51** About 600 tribals assembled at Adimali and attended the public hearing organized by the Vanavasi Kalyan Parishad.

Important issues raised were following:

- (i) Problem of landlessness and rights of possession over land are acute.
- (ii) Owing to the forest policy of the Government, no development is being done in tribal colonies. Construction of roads, drinking water wells, houses, electrification etc. are held up.
- (iii) Unless a person has a house, he has no status in the society. As tribals do not possess rights on homestead land, they felt humiliated and downgraded.
- (iv) In cold region of Idukki, the tribals faced hardships in procuring firewood from forests.
- (v) Tribals may be allowed to grow cardamom in forest areas.
- (vi) Several NGOs are working in the name of tribal welfare and have been exploiting them. Entry of NGOs may be regulated.
- (vii) Conversion of Hindu tribals to Christianity may be stopped forthwith.
- (viii) Financial institutions and Banks should adopt a befitting policy for those who lived within the forests and did not have rights of possession on land.
- (ix) Displaced persons may be resettled timely.
- (x) Police should make efforts to protect the tribals against harassment by non-tribals.
- (xi) All tribal colonies/ settlements may be declared as Scheduled Areas under the Fifth Schedule of the Constitution.
- (xii) Tribal families may be issued Identity Cards.
- (xiii) Six monthly renewal of Community Certificates held by tribals may be discontinued.
- (xiv) Tribals may be considered for employment by way of special recruitment.

**6.52 Based on the three public hearings, the Commission makes under mentioned recommendations:**

(a) **A Forest Zone for tribals in the periphery of Forests may be carved out.**

(b) **PTGs may be issued Identity Cards by the Forest Department to enter the forests and collect NTFP.**

(c) **A vibrant cultural centre in the name of tribal martyr- Thalakkara Chandu of Kuruchia tribe may be set up in the State.**

### **Discussions with district level officers of Wayanad at Kalpelta (11.11.2002)**

**6.53** District Collector stated that the problems of tribals mainly relate to collection of non-timber forest produce, landlessness and unemployment in the 137 tribal settlements. The 1975 Act of prohibition of land alienation has not been effectively implemented due to law and order problem. In pursuance of implementation of Forest (Conservation) Act, record of right is being updated by the Joint Committee comprising the officers of Forest, Revenue and Tribal Development Departments for those lands which have been in the possession of tribals as on 1.1.1980. 2,707 STs of 67 settlements who live in the Core Area of Wide Life Sanctuary also faced problems due to the menace of wild life. In regard to education, although each village has a primary school, some of them don't have the required 40 school going children. Therefore, their schools are being manned by single teachers. After SSLC, the students have to go outside Wayanad for PDC Teachers Training and other vocational courses.

### **Brief of Discussion with State Government Officers**

**6.54** On 16.11.2002, discussions were held with the Additional Chief Secretary to the Govt. of Kerala and a few selected senior officers of Revenue, Forest, Tribal Development, Education and Health Departments. Main issues concerning the tribals in Kerala were that of landlessness, land alienation and restoration of land



and hardships faced by tribals due to Forest Conservation laws. The Commission was informed that record of rights were being readied for tribals who possessed land as on 1.1.1980. As regards fishing and collection of minor forest produce from the forests, there was no restriction what so ever. Government have set up an exclusive body known as Tribal Resettlement and Development Mission (TRDM) in October 2001 to distribute lands on priority to tribals. It is estimated that about 12,000 acres of land would be made available to the tribals very soon.

**6.55** Secretary, Education Department informed that network of educational institutions in Kerala was quite large and facilities were abundant for tribals, as 2% seats reserved for them were not fully utilized. This called for diversified education at post matric level in different streams of education.

**6.56** Secretary, Forest Deptt. stated that as a special measure, State Govt. has taken action to recruit 300 tribals as Forest Guards.

**6.57** Secretary, Health Deptt. apprised the Commission that in some tribal areas Sickle Cell Anaemia and Chest diseases were common. 11 mobile units have been functioning in tribal areas. State Govt. was also contemplating to provide health insurance to all those families which were below poverty line, and also for having an exclusive Health Policy for tribals.

**6.58** The Commission recommends that the state government should formulate a comprehensive scheme for the rehabilitation of tribals, unwed mothers, introduce Health Card system, provide better quality of rice at Fair Price Shops, ensure safe drinking water to tribal settlements and strengthen the administrative apparatus of Scheduled Tribes Development Department, so as to speed up the momentum of tribal development in the State.

## **Evaluation**

**6.59** State Tribal Research Institute (KIRTADS) has conducted several research and evaluation studies since its inception in 1970. Some of the subjects covered by it related to ethnographic studies, studies on PTGs, evaluation of development programmes in the fields of MFP, working of Hostels, Girijan Cooperative Societies,

SC/ST Development Corporation and ITDPs, other areas such as customary laws and tribal dialects. On the basis of benchmark surveys conducted during 1976-78, 1996 and 2000, the State Govt. has decided to give attention to (i) allotment of land, (ii) construction of pucca houses, (iii) income generating schemes and (iv) educational development schemes. Kerala Institute of Research, Training and Development Studies and the Planning and Economic Affairs Department have carried out evaluation studies on programmes under the Special Central Assistance. State Govt. has also decided to improve the working of pre-matric hostels. The Commission feels that there should be a full time Director of State Tribal Research Institute (KIRTADS) manned by a sociologist/Anthropologist with full complement of technical staff to enable KIRTADS to undertake studies of on going programmes, and on a continuous basis studies on alienation of land and rehabilitation of landless STs.

## **Training**

**6.60** KIRTADS imparts training to officers of Govt. departments on various aspects of tribal way of cultural life as well as the issues relating to development programmes. It has conducted 35 training programmes during the past 10 years. 45 day training programme for tribal leaders in agriculture and animal husbandry is conducted in collaboration with the Kerala Agricultural University. Ten day training programme each is organized for village officers and Tahsildars of Revenue Deptt on the role of Anthropology in planning and development administration. Similar programmes are held for police personnel, tribal extension officers, Block Development Officers, Village Extension Officers and tribal youth. Training programme in the collection of medicinal herbs is arranged for 45 days. Workshops have been held on tribal health and medicines, leadership patterns among tribal women and Panchayati Raj functionaries. Besides KIRTADS, State Govt. has also associated State Institute of Management in Government and Kerala Institute for Local Administration in imparting training to officials as well as NGOs in the development of Scheduled Tribes and implementation of Panchayatiraj set up. **The Commission recommends that health personnel, teachers, police constables and forest guards may also be given orientation training in tribal development.**

# LAKSHADWEEP

(Lakshadweep literally means Hundred Thousand Islands)

## Introduction

1. Lakshadweep is a group of islands consisting of only 10 inhabited, 17 uninhabited islands, 3 reefs and 7 submerged sand banks. Commission spent six days in Feb-March, 2003 in visiting the islands of Agatti, Bangaram, Minicoy and Kavaratti – the headquarters of the tiniest Union Territory of our country covering an area of 32 Sq.Kms.

Some relevant statistics are as under: -

<b>Territory -</b>	32 sq kms.		
	4,200 sq km – lagoon areas		
	20,000 sq km – territorial water		
	4 lakhs sq km – economic zone		
<b>Population -</b>	60, 595 (2001 Census)		
<b>Male -</b>	31, 118	28,611 (ST)	
<b>Female -</b>	29, 477	28,710 (ST)	
<b>Scheduled Tribes -</b>	<b>Total</b>	-	57,321
	<b>Male</b>	-	28,611
	<b>Female</b>	-	28,710
	<b>Percentage to Total U.T. population -</b>		94.60%
<b>Sex ratio -</b>	947 (ST 1003) (2001 Census)		
<b>Literacy rate - Total</b>	81.78	-	ST - 80.6
<b>Female -</b>	72.89	-	ST - 71.7
<b>Male -</b>	90.18	-	ST - 89.50

1.1. Lakshadweep is tucked away at 220 – 440 Kms. off the Malabar coast and lie directly in the trade route between Africa, Arabia and India (Malabar). The unique feature of the islands is its wall like coral reef made of marine live coral boulders which block the incoming waves of the outer sea resulting in a huge shallow calm 4,200 Sq.Kms of lagoon rich in marine life. The islands are believed to have been discovered by shipwrecked sailors during the reign of Cheraman, the last king of Kerala in 4 AD. Before coming under the British rule, Tippu Sultan held sway in the islands after defeating the rulers of Arackal. The first settlers were Hindus/Buddhist. Even now Hindu social stratification exists in these islands despite Islam. Buddha idols are found in Kavaratti and Andrott. The advent of Islam took place around 7 A.D. and all the islanders were converted to Islam. According to the Constitution (Scheduled Tribes) (Union Territories) Order 1951 and substituted by the Scheduled Castes and Scheduled Tribes List (Modification) Order, 1956 the inhabitants of Lakshadweep who and both of whose parents were born in those islands are treated as Scheduled Tribes throughout the Union Territory. (Source: UT Administration of Lakshadweep)

1.2 The Union Territory was formed in 1956 and it was named Lakshadweep in 1973. All islands constitute one district and divided into four Tehsils and put in charge of a Tehsildar except Minicoy, where a Deputy Collector was appointed in August 1978. The lowest revenue official in each island is designated as Amin. The Administrator appointed under Article 239 of the Constitution is the head of the U.T. As per the Lakshadweep Panchayat Regulation there is a two tier Panchayat - The Dweep Panchayat and the District Panchayat. Last election for the Panchayats was held on 20.10.2002. All the 79 seats of the Dweep Panchayat and 21 out of 22 seats of District Panchayat have been occupied by STs.

1.3 The role of the Panchayati Raj institutions, particularly in the field of poverty alleviation, appears to be gaining momentum. The population of the islands was 60,595 in 2001 and it is estimated that by 2011, it will be 85,800.. The islands have no rivers except some brackish water ponds at Bangaram and Minicoy.

# **Land System, Alienation and Settlement Operations**

## **Land System**

2. The joint property management under *Marumakathyam* namely matrilineal system of inheritance under which property descends through the female line is in vogue in the islands. But income from ancestral or *tarwad* property is equally shared among the members of the joint family which is maintained by eldest male member of the family who has no right to alienate or sell it. However, *Marumakathyam* system is slowly shifting to *Makkathayam* or patrilineal system which is resulting in sub division and fragmentation of joint family properties into individual/family possession.

## **Land Alienation**

3. The Laccadive, Minicoy and Amindivi islands (Protection of Scheduled Tribes) Regulation, 1964 (as amended in 1974) is in force to protect the alienation of tribal lands to non-tribals. The main features of this regulation are:

- (i) Both Scheduled Tribe transferer and non-scheduled tribe transferee have to obtain sanction of the Administrator for transfer of any land by way of sale, mortgage, lease, exchange, gift or otherwise or to acquire any interest in any land or in any product or crop raised on such land but such permission is not necessary if such transfer is in favour of the Government, a bank or a cooperative society or any member of the Scheduled Tribes.
- (ii) No land held or occupied by a member of the Scheduled Tribe is liable to attachment or sale in execution of any decree or order of a civil or revenue court and any transfer, attachment or sale of any

land made in contravention of the provisions of this regulation shall be void but this will not apply to attachment or sale in execution of any such decree or order in relation to debt owing to the Government, a bank, a cooperative society or any member of the Scheduled Tribe.

- (iii) Penal provision for violation of (i) and (ii) above lays down that any contravention shall be punishable with imprisonment which may extend to one year or with fine which may extend to Rs.1000 or with both.

**3.1** The Administration has informed in a written reply that no case of violation of the Regulation has been reported so far and that minimum extent of land has been acquired without causing hardship to the Scheduled Tribes in the islands. The Administration has not indicated the exact acreage of land and compensation paid to tribals. However, it was brought to the notice and observed by the Commission that the Administration has acquired large acreage of land for construction of roads, hospitals, Government offices and Police and Navy installations.

**3.2** The density of population in Lakshdweep is one of the highest in the country. As per 2001 census, the density of population per sq. km. in descending order was 2,834 in Amini island, 2,786 in Kavaratti, 2640 in Bitra etc. with a minimum of density of 1,705 in Kadmat island and the **land holding are meagre and a saturation point has been reached and it is not possible for the tribals to part with their land holdings permanently. The tribal representatives therefore demanded that no acquisition of tribal land should take place in the islands and if it is imperative they would be prepared to give the land on ground rent basis or on long-term lease so that permanent alienation of tribal land does not take place. The Commission recommends that this demand of tribals should be conceded and the land required for civil and defence departments should be minimum.**

## **Land Settlement Operations**

**4. Land settlement operations were started in 1962 and it is a matter of concern that these operations have not been completed.** The Administration has stated that tribals are cooperating with Government officials in land settlement operations and that after the completion of settlement register final record of land rights will be prepared and a copy will be given to the Panchayat. So far the Administration has prepared final record of rights in respect of Bitra island only. **The Commission recommends that land *pattas* should be given to the tribals in all the islands by the end of the Tenth Five Year Plan.**

**4.1** In the meeting with village Panchayat members and tribal leaders at Minicoy, it was found that in *Pandaram* land measuring 11 cents per head was given to the tribals on tenancy. **In North *Pandaram*, 49.31 hectares and in South *Pandaram* 301.87 hectares of land were distributed. Although tribals have occupancy rights since 1984-86 over coconut plantations on these lands but the Administration has not yet conferred the rights to them.**

**4.2** The tribals have been traditionally occupying the land in the shore area for planting coconut trees and this practice has continued for the last several decades. At the time of land survey the portion up to high-tide mark was left as Government land on a mutual agreement. There is no practice of Government paying any compensation in the event of loss of land by storm or sea erosion. In such cases, the Commission recommends that relief must be given to the affected tribals. However, the Revenue authorities are dispossessing the tribals from such lands. The Commission recommends that the customary practice of adjacent land holders getting the benefit of nominal accretion by way of alluvial action should be regularized by suitable amendments in the above mentioned regularization as per Lakshadweep Law Revenue and Tenancy Regulation, 1965.

## **Main occupation**

5. The character of these islands have decided the main occupations of the tribals which are fishing, coconut farming and coir twisting. There is no agricultural activity in the islands other than the coconut cultivation. Coconut is cultivated in 2689 hac out of total area of 3200 hectares of the island. Food articles like rice, wheat, sugar etc are transported from the mainland. There is no major industrial activity in the islands other than some small cottage industries. All the building material, fuels etc. are to be brought from the mainland.

## **Coconut farming**

6. The annual production of coconut varies from 28 to 30 million nuts. It is targeted to reach 37 million nuts by the end of Xth Plan. 3 widely grown varieties in the territory are (1) Laccadive Ordinary (LO), (2) Laccadive Small (L.S) and (3) Laccadive Micro (L.M). People prefer L.O which is a prolific bearer, the annual production on average per palm per year is 62 nuts. The oil content in copra is about 68%. 110-120 nuts of L.O provide a quintal of copra. Laccadive Micro is typical for the small size of its nuts, contains little water and quickly dries up during storage. This variety is generally preferred for making ball-copra of superior quality. The deshelled whole ball nut is preferred for puja purpose as well as desiccated copra. The oil content is about 70-72%.

6.1 Copra is procured from the farmers in the islands through a net work of primary cooperative societies at the declared support price and marketed by Lakshdweep Cooperative Marketing Federation (LCMF). A record procurement of 4244.74 m.t. of Copra worth Rs. 13.78 crores was procured in 2001-02. This came down to 1,479.32 m.t. during 2002-03. In order to provide impetus to copra procurement a rolling capital should be provided to LCMF. **During the course of the tour it was learnt that rapid sub division and fragmentation of holdings/property has taken place in the islands resulting in reducing the size of individual holding and each owner puts more plants**



**on the boundaries and fields with the result that the number of nuts are decreasing. Efforts have to be made to improve productivity of coconuts by introducing scientific farming methods, controlling rodents and use of organic manure by converting waste coconut pith into good quality manure.**

**6.2 Value addition to coconut based products like coir, coir fibre, desiccated coconut powder units, coconut milk should be encouraged to provide more employment to the tribals. For this purpose, establishment of cooperative industrial societies, organizing entrepreneurship development training programmes and promotion of self-employment programmes is necessary. Desiccated coconut producing units should be set up in each island. It would offer scope for value addition and better yield in monetary terms. Similarly coir centers in consultation with the Coir Board should be started in every island for giving training.**

### **Fishery**

**7. Fishery is the other important traditional occupation of the islands. Out of total of 12,800 tonnes of fish landed in 2001-2002, tuna landing comprised 9,343 tonnes. The islanders are now using mechanized boats, fishing implements and fishing gear for improving their fish catch. The local fisherman because their boats are small and have no storage facilities have to go back to the shore. The Administration was giving subsidy on hull and engine for the mechanized fishery boats. This scheme was discontinued in 2001-2002 and needs to be continued in the Tenth Plan.**

**7.1 Presently not even 10% of the fishery resources in the islands waters are exploited. The main reason for low fishing is traditional methods of fishing by the country crafts which have limited endurance; lack of scientific storage in the islands, absence of processing facilities and harvesting only one variety of fish namely tuna ignoring other varieties that are available for want of proper marketing network. In order to improve the endurance of the vessels used by the local fishermen and also to encourage them to go further in deep sea, harvesting different varieties of fish, it**

is necessary that the Administration should introduce mother vessels to cater to the needs of the northern and southern group of islands. These vessels should be equipped with the cold-storage and processing facilities and local fisherman need not visit the shore for unloading the catch and collecting fuel/provisions. These measures will provide employment to the unemployed youths.

7.2 At present due to the absence of cold storage/blast freezers, the fishermen process the tuna fish by converting it into dried tuna called "mas" which does not offer them adequate monetary value. They are exploited by the middle men. Mas is marketed in an unorganized manner. 'Mas' which is purchased from the fishermen at Rs.50 – 60 per kg. is sold in the mainland at Rs.150/- per kg. What is lacking is marketing facilities which should be extended by the Lakshdweep Development Corporation (LDC) in marketing 'mas' in the mainland. L.D.C. should be given rolling capital for purchase of 'mas' at support prices and market the same in the mainland.

7.3 The U.T. administration has taken up the programme of setting up of cold storage of 10 tonnes and 5 tonnes capacity, blast freezers gradually in various islands. There is only one processing center at Minicoy; it produces canned tuna. If the carrier vessels are introduced to carry fish in frozen condition to Minicoy factory, it will improve the capacity utilization of the factory besides facilitating better harvesting. A factory can also be established at a suitable island to utilize the northern group of islands as catchment area.

7.4 The importance of fishing cannot be denied. It could lead to greater employment generation and thus help towards economic upliftment. Fishermen Cooperative Societies and LDC should be persuaded to take up new ventures. Modern satellite based technology should be introduced for guiding fishing operations. Poaching by non-Indians should be scrupulously checked and halted. Effective measures must be taken to prevent the entry of outsiders in the territorial water for fishing in contravention of the Lakshadweep Marine Fishing Regulation 2000 and Marine Fishing Rules 2001.

## **Education**

8. There are 46 schools (9 nursery, 19 junior basic, 4 senior basic, 9 high, 4 senior secondary and a Navodaya school) and an ITI with 17,420 students and 813 teachers in the islands. 5280 students are awarded scholarships. Merit Scholarship is awarded to the students studying in classes V to VII and VIII to X at the rate of Rs. 30 per month and Rs. 50 per month respectively based on an examination conducted for the students of class V and VIII at the beginning of the academic session. All those students who secure 60% or more marks in the annual examination of classes IV and VII are eligible to appear for the merit scholarship examination. The students selected in the examination conducted for merit scholarship are paid the scholarship for three years. Students staying in the hostels are given free lodging and boarding. Students of classes I to VII are given wholesome mid-day meals. **It was found that the students attend early morning for 1-1/2 hours *madarsas* and after a break of an hour attend the school and in the evening again go to *madarsas* for further study. This results in the children getting hardly any time to play and do home work given at the school. It was observed that the quality of education imparted to the children in the schools is not satisfactory and a large number of children drop out and fail in their high school examination.**

8.1 There was a ban on filling up of posts of teachers which has now been lifted and 139 posts of teachers are going to be filled soon. The Commission observed that ban on filling the posts of teachers and those connected with development schemes retards the progress of tribals for years to come. Malayalam is the medium of instruction in the schools and the students after high/higher secondary education find it difficult to study in colleges where English is the medium of instruction. In Minicoy island, Mahl language which has a script and a rich literature is spoken and taught in the primary schools. Central Institute of Indian Languages, Mysore, Government of India has brought out a Mahl primer for Class I. The tribals have to compete with the mainland persons in securing jobs in private and public sectors. **It is, therefore, necessary that in all schools there should be a separate section in each class with English as medium of instruction.. In Minicoy island sufficient number of posts in primary schools should be created for Mahl knowing teachers so that the**

children can move smoothly from the tribal dialect to the school languages of Malayalam, Hindi and English in higher classes.

**8.2** There is an urgent need to improve the system of education. A Teacher Training Institute could be established for in-service training. The teachers could also be sent to the mainland for training, which will also give them the required exposure.

**8.3** There are no facilities of higher studies in the islands, students have to go to mainland colleges. 1,524 students are getting monthly scholarships ranging from Rs.300 to Rs.500, reimbursement of passage fare once a year and an annual lump sum grant of Rs.250 to Rs.1800. Rates of scholarships for various courses of higher studies are not commensurate with the cost of boarding and lodging. **It is surprising that Lakshadweep Administration has not opened hostels in the cities of Kerala where most of the tribal students go for studies. It is recommended that hostels should be established by the Administration in the cities of Kerala where most of the tribal students secure admission. At the same time, there is need of establishing a degree college in Kavaratti which will go a long way in meeting the demand of the tribals and save them the time and avoidable expenditure to go to the mainland.**

## **Health**

**9.** There are two hospitals with a capacity of 70 beds, 3 CHCs and 4 PHCs. All the posts of specialist doctors and general duty medical officers are borne on Central Government Health Services cadre and appointments are made by the Ministry of Health and Family Welfare. All the general duty medical officer posts are filled in the hospitals, CHCs and PHCs. There is no specific post of a lady medical officer but 2 are working at Govt. Hospital at Kavaratti and one at Minicoy. **There is a urgent need of appointment of lady medical officer on regular or contract basis as women with their gynaecology problems are reluctant to consult male doctors. Two posts each of Surgeon, Gynaecologist and Anaesthetist and one post each of Pathologist, Pediatrician and Eye Specialist are lying vacant for a number of years. The lack of**

specialist doctors results in unnecessary and expensive evacuation of patients to mainland by helicopter. The tele medicine facility introduced at Kavaratti Hospital cannot fulfil the dire need of specialist doctors. It can no doubt be a great help in diagnosis and treatment. **The Administration has suggested to the Ministry of Health and Family Welfare that as they have not succeeded to fill these posts, the specialist doctors should be deputed to the islands at least for 3 – 6 months by rotation for each speciality so that the specialist services can be made available to the patients at the referral hospital at Kavaratti. This proposal should be acceded to immediately. At the same time Administration and Government of India should consider reserving seats for local doctors in the PG courses in the medical colleges in the mainland and posting of senior internees in the hospitals in the islands.**

### **Sanitation and drinking water**

10. There are no streams and rivers in the islands. The total requirement of water is 34 lac litres per day. Due to peculiar terrain of the islands a very small total of infiltrated water is available to recharge the shallow aquifer which also gets contaminated by human wastes, other chemicals fertilizers etc. The islanders suffer from stomach disorders and other diseases due to contamination of water sources.. The Expert Team appointed by Rajiv Gandhi Drinking Water Mission in 1995 had suggested that rain water harvesting and sea water desalination are the only two possible alternatives for meeting the drinking water demand. The rain water harvesting to the desired extent is not possible due to the unique terrain of the islands. The UT administration had started 10 brackish water reverse osmosis plants but this experiment has not been a great success. **It is, therefore, necessary that sea water desalination plants should be commissioned in all islands to ensure that the islanders get potable water. At the same time it is necessary to make arrangements for disposal of solid/liquid waste. Establishment of sewage disposal system in all the islands in an eco-friendly manner is urgently called for. This matter should be looked into promptly by the Ministry of Urban Development and Poverty Alleviation and necessary funds provided to set up sewage disposal system in all islands.**

## **Communication**

11. Lakshadweep is a group of islands and shipping service is the lifeline between the islands and mainland as well as in the inter-island sectors. Due to various developmental activities, the transportation requirement of islanders is on the rise. The islands are surrounded by lagoons which are fenced by coral reefs all round. These reefs restrict the navigability of the islands due to shallow depth of water over the reefs. Hence the main problem of navigating these islands is that vessels with drafts more than 2 meters cannot enter the lagoons. **Hence embarkation and disembarkation of the passengers and cargo in the islands are carried out in open sea and then brought to the islands by small launches or country boats which at times during the monsoon is very risky. It is recommended that adequate number of shallow all weather barges should be made available at major islands.**

11.1A Committee was appointed by the Ministry of Surface Transport in Feb. 2000 to formulate a prospective plan for assessing long term shipping requirements of Lakshadweep for providing efficient and economic shipping services during the next 15 years. The Committee had recommended the acquisition of 3 passenger ships (two vessels of 250 passenger capacity and one with 400 capacity), 3 all-weather high speed ferries each with 150 passengers capacity, 8 landing barges, one oil barge, one LPG cylinder vessel with a capacity to carry 2500 to 3000 cylinders, two 5 tonne bollard pull tugs, a cruise vessel for tourism, two mother vessels for storage of fish catch in the Northern and Southern group of islands, a high speed ambulance boat, adequate repair/workshop facilities to be created in some of the islands. There is a lot of unemployment in the islands. It was brought to the notice of the Commission that there was only one Employment Exchange at Kavaratti and that there is no Employment Exchange / Sub-Exchange in other islands. In September 2003, 7323 males and 3134 females were registered. **Considering the large number of unemployed persons, the Commission recommends that additional Exchange / Sub-Exchange may be set up. Lakshadweep has a large number of traditional seafarers who are employed on small vessels operating in and around various islands. A number of tribals from**

Minicoy island are working with various shipping companies. For this purpose they have to go to Mumbai. The Committee referred to above appointed by the Ministry of Surface Transport has recommended setting up of a training institute in Lakshdweep for training the islanders who have basic qualification viz. 10<sup>th</sup> standard or 10+2 to become ratings or officers. This will provide an avenue to the islanders to secure employment. The Commission feels that the recommendations of the Committee deserve early implementation as it will go a long way to improve the transportation for men and material between the mainland and Lakshadweep islands and create employment opportunities in the tourism sector as well as employment to the islanders in various posts in the new vessels that may be inducted. The Commission further recommends that due to scarcity of land in the islands the training institute should be located on a ship.

#### **Flight subsidy**

12. At present the flight charges between Cochin and Agatti is very high. The present fare of Rs.4300 cannot be afforded by tribals. The Commission was informed that there used to be a flight subsidy of Rs.1000 when NEPC was operating this sector. After Indian Airlines started operating in this sector, the flight subsidy was withdrawn. Subsidized flight fare is charged by Indian Airlines for traveling in the North-Eastern region. The Commission, therefore, recommends that Indian Airlines should subsidize the fare between Cochin and Agatti on the line of North-eastern States. Agatti is the only airport in Lakshadweep and helicopter passenger service of Rs. 200 is charged from the passengers. The helicopter service is utilized by the tribals for lifting the patients requiring immediate medical attention in the absence of any other faster means of communication. The Commission therefore recommends that passenger fee charged from the tribals should be exempted.

#### **Supply of electricity**

13. There is 24-hour supply of electricity in the islands. All the houses are electrified and the domestic sector consumption on average is at 65% of the total generation. The tribals demanded that the rates of electricity charged per unit are very high.

13.1 The electricity is generated through conventional diesel system and the cost of one unit of electricity is Rs.7.71 whereas the recovery is on an average Rs.3.50 per unit. The UT administration has therefore taken a programme to instal solar power panels in all the islands. The cost of generation of electricity from Solar Photovoltaic (SPV) power panels is Rs. 3.11 per unit. With the commissioning of sanctioned projects all the inhabited islands of this Union Territory will have one Solar Photovoltaic Power Plant each. **It is recommended that gradually the conventional diesel generation of electricity should be reduced and solar power plants in all islands should be installed by the end of 10<sup>th</sup> Five Year Plan. The biomass gassifier plant of 250 kw capacity was installed at Kavaratti in 1998. It is located near the houses of the tribals. The plant will generate 15 lac units per annum and cost of generation of electricity per unit will be Rs.3.14. Due to noise pollution, the biomass gassifier plant has not gone on steam and measures are being taken to reduce noise pollution. The plant would use biomass and thereby reduce accumulation of used coconut shells. The Commission recommends that after reducing the noise levels the plant should be commissioned by the end of 2004.**

### **Tourism**

14. The promotion of tourists in Lakshadweep has been entrusted to a registered society for promotion of recreation and nature tourism managed by officers of the administration with the Administrator as its Chairman and some non officials. Keeping in view the fragile eco-system of the islands, one of the packages that is offered to the tourists called 'coral reef' which is a day tour package where tourists explore islands during the day and travel on board at night covers 3 islands namely Minicoy, Kalpeni and Kavaratti. The second package is called "marine wealth awareness programme" and the tourists stay in Kadmat island for 3 days. The tourists avail the vessels which also cater to the inter islands passenger traffic of the islands. Experience has revealed that this arrangement is not attractive to the tourists with the result that there is a declining trend in the number of tourists going to Lakshdweep. **It is necessary to have a vessel separately for tourism to cater for about 150 tourists. This recommendation made**



by the Committee appointed by the Ministry of Surface Transport, referred to earlier also deserves implementation. At present the islanders are not getting benefit from tourists visiting the islands. A well thought out scheme should be chalked out by extending financial help to the tribals in setting up motels, restaurants etc. to derive benefits from the tourist traffic.

### **Award of contract**

15. Administration is undertaking construction of various buildings and contracts for such works as well as transportation of building material from the mainland is awarded to contractors every year. It was brought to the notice of the Commission that share of the local tribals in these contracts is very small. **The Administration while awarding the civil contracts should give weightage to the local people as it is not possible for them to compete with big contractors of the mainland.**

### **Issue of bringing modification in the Scheduled Tribes Order**

16. The entry to the list of Scheduled Tribes in the Union Territory of Lakshadweep in the Part I of the Schedule to the Constitution (Scheduled Tribes) (Union Territories) Orders, 1951 is as under:

“Throughout the Union Territory:

Inhabitants of the Laccadive, Minicoy and Amindivi islands who, and both of whose parents, were born in those islands”.

A person to be treated as a Scheduled Tribe of Lakshadweep must fulfil the following conditions:

1. the person should be an inhabitant of Lakshadweep (formerly known as Laccadive, Minicoy and Amindivi Islands).
2. The person should have been born in any of the islands in Lakshadweep.
3. Both father and mother of the person should have been born in any of the islands in Lakshadweep.

16.1 The Scheduled Tribe persons represented that birth sometimes takes place outside the islands in the following circumstances: -

1. Owing to major gynaecological problems, the patient is evacuated to mainland for specialized treatment.
2. Certain inhabitants of Lakshadweep reside outside the Union Territory on account of employment and posting.
3. Islanders engaged in trade, commerce, marine services etc. living outside the U.T.

16.2 The Lakshadweep Administration has suggested that following footnote or proviso may be made in the Constitutional Order, 1951.

“those who are born outside the islands to Scheduled Tribe parents both of whom are natives of Lakshadweep shall also be deemed to be Scheduled Tribes”.

16.3 Union Territory Administration has informed that the bill on the subject is under consideration in the Government of India.

### **Problem of Unemployment**

17. The Commission was informed of the growing unemployment among the educated tribals. There is an urgent need to alleviate the situation. **Recommendations have already been made for generation of employment opportunities in the field of coconut farming, fisheries, tourism etc. the Commission recommends some additional measures as given below:**

- (a) A Pre-Sea Training Institute
- (b) Coaching facilities for appearing in competitive exams for recruitment to Defence Services, BSF, CISF, CRP as well as the Civil Services, Banks and PSUs and for admission to professional courses.
- (c) Recruiting agencies, such as, UPSC, Staff Selection Boards, Nationalised Banks, Defence Selection Board, Shipping Establishments and others may

be urged to hold special campus interviews for the selection of personnel in one of the islands and not the mainland.

## **Employees Grievances**

18. A number of Government employees met the Commission during its tour at various places and narrated their grievances. The Commission recommends that –

- (i) **House Rent Allowances and Special Duty Allowance should be paid at a uniform rate to islanders as well as non-islanders.**
- (ii) **There should be no disparity in the wages of labourers working under the PWD and Village Dweep Panchayat.**
- (iii) **The policy of recruitment and payment of allowances to the Police Personnel should be uniform for all the UTs in the country.**
- (iv) **The reservation in appointment on compassionate grounds for the wards of deceased employees should be enhanced from 6% to 10%.**
- (v) **The Promotion policy for the post of Head Master from the Graduate Trained Teachers and Postgraduate Trained Teachers should be in the proportion of 70:30 respectively.**
- (vi) **The present age limit of STs belonging to the islanders should be raised to 35 years.**

## **Transit Hostel for Islanders in the Mainland**

19. Islanders have to visit Kavaratti and mainland at (Cochin, Kozhikole and Thiruvananthapuram) for pursuing education, undergoing medical treatment and carrying out trade and commercial activities. Hotels being costly, they find it difficult to stay in the mainland, except in emergency situations.

19.1 **The Commission recommends that Transit Hostels with board and lodging facilities at moderate rates at Kavaratti and at important places in Kerala,**

Karnataka, Bombay and New Delhi may be set up, so that Islanders have better accessibility with the mainland.

## **Role of Women**

20. Women enjoy a unique position. They are held in high esteem and enjoy economic freedom and social status. Traditionally, they have been playing a significant role in the running of their households while their men folk were away on high seas. **This rich human resource should be properly harnessed through Self-Help Groups and Womens' Development & Finance Corporation.**

20.1 In the preceding paragraphs the Commission has given its suggestions and recommendations. We hope that combined with these and the Administrations planned on going programmes and new initiatives will result in better quality of life and empowerment for the scheduled tribes.

# REPORT ON MADHYA PRADESH

## 1. Introduction

Madhya Pradesh is located in the centre of India. It has three lakh sq Kms of land watered by 18 rivers. Its forest cover stands at 96,000 sq Kms. The State is backward and it faces challenges of unemployment, education, health care, safe drinking water, lack of power and poor infrastructure for development.

### 1.2 Statistical profile of the State

(1)	(a) Geographical area	-	3.08 lakh sq km
	(b) Tribal Sub Plan Area	-	0.93 lakh sq km (30.19%)
	(c) Scheduled Area	-	0.68 lakh sq km (22.07%)
(2)	Administrative Units		Number
	Districts	-	48
	Tahsils	-	271
	Blocks	-	313
(3)	<b>Tribal Sub Plan (TSP)</b>		
	Tribal Development Blocks	-	89
	Integrated Tribal Development Projects	-	31
	Modified Area Development Approach Pockets	-	30
	Clusters	-	6
	Primitive Tribal Groups	-	3
	Inhabited villages	-	52,143
(4)	<b>Political set up</b>		
	Gram Panchayats	-	22,029
	Janpad Panchayats	-	313
	Lok Sabha seats	-	29
	Rajya Sabha seats	-	11
	Legislative Assembly seats	-	230
(5)	<b>Population (2001 Census) in crores</b>		
	Total	-	6.03
	Male	-	3.14
	Female	-	2.88
	Scheduled Tribe (lakhs)		
	Total	-	122.33
			(20.32% to state population)
	Male	-	61.95 (50.94%)
	Female	-	60.38 (49.06%)
	Density	-	196 per sq km as against 324 for India

(6) **Literacy (2001 Census)**

	<b>M.P.</b>
Total	64.1
Male	76.5
Female	50.6

**Scheduled Tribe (1991 Census)**

	<b>M.P.</b>	<b>India</b>
Total	21.5	29.60
Male	32.2	40.65
Female	10.7	18.19

(7) **Population Below poverty line (1999-2000) in percentage**

	<b>State</b>	<b>ST</b>
Rural	37.09	56.26
Urban	38.54	52.59

(8) **Gross Enrolment Ratio (1997-2000) State**

	<b>Classes I to V</b>	<b>Classes VI to VIII</b>
Total	102.3	64.9
ST	82.4	38.1

(9) **Dropout Ratio (1993-94) Classes I to VIII State**

Total	44.7
ST	76.0

(10) **Work Participation Rate (1991 census) State**

	<b>Total</b>	<b>ST</b>
Cultivators	51.8%	63.2%
Agricultural Labourers	23.5%	29.5%

## 2. Governor's Report

2.1 Governor in his 1999-2000 report on Scheduled Areas, submitted to the President as required under the Fifth Schedule, touched under-mentioned issues.

### Administrative Set up

2.2 Scheduled Tribes and Scheduled Castes Development Department headed by a Minister and assisted by a Principal Secretary and a Secretary, is the nodal department to oversee the implementation of plans and programmes for tribal development in the State. The department is supported by a Commissioner, Tribal Development, a Director, Tribal Area Development Planning, a Director, Tribal Research Institute besides a Tribal Finance and Development Corporation. At the divisional level a legal cell and a Research Cell have also been formed. District level officers are Chief Executive officers (ex-officio Additional Director) to look after the Panchayati Raj set up and Assistant Commissioners/District Organisers, Project level officers for different projects hold the rank either of Joint Director or SDO or Deputy Director or District Organiser. At Block level, Chief Executive Officers, Janpad, Block Development Officers and Block Education Officers have been posted. Development Agencies have been formed for three Primitive Tribal Groups (PTGs), namely, Saharia, Baiga and Bharia.

## **Scheduled Areas**

2.3 With the formation of a new State of Chhattisgarh out of Madhya Pradesh, Govt. of India has rescinded the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order 1977 and has replaced it by a separate Order known as the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order 2003. This Order was notified on 20.02.2003. The Govt. of MP in their letter dt. 16.6.2003 has drawn the attention of Ministry of Tribal Affairs to carryout correction in the spellings of certain districts in their order referred to above. State Govt. has suggested that criteria for determining any area as Scheduled Area should be modified taking into account the following:

- (1) Entire TSP area as it exists today should be declared Scheduled Area.
- (2) All Blocks having more than 40% ST population and all Gram Panchayats having 40% + ST population should be included in Scheduled Area.

## **Tribes Advisory Council (TAC)**

2.4 TAC headed by Chief Minister, comprise Minister, Tribal Welfare as its Vice-Chairman, 17 ST MLAs representing Scheduled Areas, Chairman State Scheduled Tribes Commission and two other non-officials. During 2000-01, TAC held its meeting on 14.10.2000. At its meeting held on 26.10.1999 undermentioned major issues were discussed:

- (1) Teaching staff in Universities and colleges may be appointed on contract basis for a period not exceeding six months. (Action has been taken). **The Commission recommends that staff so appointed should include candidates belonging to Scheduled Tribes and they should be regularized as per laid down recruitment policy of the State Govt.**
- (2) Lump sum grant given to a ST student at the time of entry in Post Matric Hostels may be raised from Rs.800 to Rs. 950 (Action – under process)
- (3) *Harra* (MFP) may remain a nationalized item (no action is required)
- (4) Consent was given for enactment of Madhya Pradesh Laghu Vanopaj (Gram Sabhaon Ko Swamitya Ka Anshadan) Bill, 1999 (Action taken)
- (5) Inclusion of Wadi and Rajwar communities in the list of STs was not recommended (Action taken)

## **Protective Measures**

2.5 Various protective measures undertaken for the welfare of STs were effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and amendments in State laws in accordance with Panchayats (Extension to Scheduled Areas) Act, 1996 ( in particular for M.P. Land Revenue Code, 1959, M.P. Excise Act, 1915 and M.P. Panchayat Raj Act, 1993, M.P. and Gram Nyayalaya Adhiniyam, 1996)

## **3. Land Alienation**

3.1 In order to curb the practice of tribal lands passing into the non-tribal hands by fraudulent means or otherwise and to protect the rights of tribal people, Section 170 (A) and (B) was incorporated in the Madhya Pradesh Land Revenue Code, 1959. As

a result of which appearance of advocate without permission has been debarred. Instructions were issued to the District Collectors to implement the provisions of the Land Revenue Code effectively and restore the possession of alienated lands to the tribals. Under Section 170 (b) Gram Sabha has been empowered to restore the land to the original tribal landowner and where restoration of land is not complied with by the non-tribal the matter will be referred to the Sub-Divisional Officer to restore the possession of land to the tribal within three months. Upto January, 2003, 10044.771 hec. of agricultural land was restored to 10,403 tribals.

Progress of disposal of cases by the courts was as under:

Total no. of cases registered	16,098
Total no. of cases disposed	15,467(96%)
In favour of STs	8,571(53%)
Against STs	6,896(43%)
No. of cases pending	631(4%)

3.2 In respect of 43 cases, possession of 62.479 hec. of land could not be restored because of several reasons, such as, review petitions filed in High Court, stay orders by the Courts of Addl. Collector and the District Collector, construction of pucca structures/houses by non-tribals, delay in action at the level of Tahsildar, and also due to non-availability of the landowners. Progress was slow in Sidhi district. State Govt. has informed that disposal of 99% cases by Courts is generally done within a period of one year and almost all cases are decided within 2 to 5 years. After the Court orders in favour of tribals, possession of land is restored to the landowner within next one year.

3.3 The Commission during the field visit in Betul district was informed that in respect of three cases restoration of land could not be made due to passing of stay order by the court as mosques had been constructed over alienated lands. In Sahdol district it was reported that agricultural lands owned by 70 tribals of Rajendragram of Pushparajgarh Tahsil have been taken by non-tribals for mining of bauxite material by one Shri Sukhdevananda a land kingpin of Amarkantak, who is also alleged to have forcibly taken the land document, of Pito Gond of Gadhi dadar village. In Sidhi district 12 Baiga tribals were allotted lands by the State Govt. but now non-tribals have encroached upon this land in Peeperkhed-Birkania village of Chitrangi block.

**3.4 The Commission recommends that restoration alienated land to tribal should receive attention at highest level in the administration. Those found guilty should be booked under the SC and ST (Prevention of Atrocities) Act, 1989. Possession of land to a tribal may be restored within seven days of the order of the Court. District administration should take adequate steps necessary for restoring possession of land to a tribal owner of land.**

### **Settlement Operations**

3.5 State Govt. has completed revised survey and settlement operations based on decimal usages, in six tribal districts namely; Khandwa, Seoni, Mandla, Dindori, Sidhi and Jhabua during 1975-76 to 1998-99 and the work is in progress in Ratlam and Sheopur districts. Land records have been made available to all the Panchayats in the State and work relating to computerization of land record is in progress. With



regard to allotment of surplus land to the tribals, State Govt. has informed that instructions to this effect are already in force. Land earmarked for grazing is also allotted to the STs. Initially the land reserved for grazing was reduced from 7.5% to 5% and later it was further brought down to 2%. In order to empower the Panchayats and the Gram Sabhas to prevent alienation of land in the Scheduled Areas and to restore unlawfully alienated land to a tribal, the State Govt. has incorporated necessary modifications in the M.P. Land Revenue Code (2<sup>nd</sup> amendment) Act 1997 (No. 1 of 1998) on 5.1.1998. All the land records in the tribal districts have been computerized and 2,18,662 tribal land owners have been handed over 'land and loan record passbooks'. Ceiling surplus land measuring 261 hac was distributed in 1999-2000 among 171 ST landless persons along with financial assistance of Rs. 2500 per person for making the land cultivable.

3.6 The State Govt. has made undermentioned suggestions as to bring changes in the Land Acquisition Act, 1894

- (a) Consent of person may be taken prior to acquiring his land.
- (b) Panchayat or Gram Sabha may be consulted prior to rehabilitation.
- (c) Either land for land may be given or cost of land which is available in the open market at prevailing rates may be given as compensation, and,
- (d) In case land is being acquired for some industrial purpose, at least one member of the family may be given assured employment.

#### 4. Excise policy

The STs in the Scheduled Areas have been permitted to brew liquor upto 4.5 litres per person on any given time and 15 litres per family for their domestic consumption and upto 45 litres during religious and social occasions. Excise officers would visit the villages and check excise related incidents only with the prior permission of District Collector. As on 31.12.2002, 111 excise related cases were under process for being withdrawn from the courts. Licensing in *Mahua* trade has been stopped since 1.4.1996. The Act has authorized Gram Sabhas in the Scheduled Areas to reduce the possession of liquor by tribals and/or to stop the shops from vending liquor and the orders passed by the Gram Sabhas shall be given effect to by the Gram Panchayat of the area and if necessary Gram Panchayat can take assistance of Sub Divisional Magistrate concerned. Vending of liquor by contractors has been restarted by the Government throughout the State from 1.4.04, against the interests of tribals. **The Commission recommends that excise policy in tribal areas should be reviewed and contractors should be stopped forthwith from operating their activities in Scheduled Areas. The shops should be run departmentally as before.**

#### 5. Panchayats (Extension to Scheduled Areas Act), 1996 (PESA)

In compliance of PESA Act, TAC had recommended amendments in the M.P. Land Revenue Code, M.P. Excise Act, M.P. Panchayatraj Act, M.P. Gram Nyayalayas and M.P. Moneylenders Act. Amendments in the first four Acts have been carried out and process is on for covering the last Act. A training camp was organised to familiarize the officers with the salient features of the amended provisions at Bhopal on Jan 17-18, 2000. Care has been taken to ensure that customary practices, social and religious beliefs and management of community assets of tribals are given due

importance. The Commission recommends that in the Scheduled Areas, all posts of office bearers of the Gram Sabhas and Gram Panchayats should be reserved for Scheduled Tribes, irrespective of their proportion in the total population.

## 6. Tribal Sub Plan

6.1 Each Integrated Tribal Development Project (ITDP) has a Project Advisory Board comprising peoples representatives and officers. The Project Advisory Board also looks after those MADA pockets and clusters which are located in the neighbourhood of the ITDPs. The MADA pockets and clusters located elsewhere are taken care of by the SC/ST Welfare Committee of the District Planning Board. The Project Advisory Committee has been empowered to sanction works upto Rs.20 lakhs. State level Review Committee to oversee implementation of TSP is headed by Minister, Tribal Welfare.

### Flow to TSP

6.2 There are 31 Integrated Tribal Development Projects, 30 Modified Area Development Approach Pockets, 6 Clusters and 3 Primitive Tribal Groups in the State. Flow to TSP is monitored through separate budget demand Heads (41,42,68,82 and 83) which is to be kept not less than the proportion of ST population in the total state population. Flow to TSP was ensured as under.

	(Rs. in crores)	
	2002-03	2003-04
State budget outlay	4749.77	5901.75
Flow to TSP	866.42	905.91
Percentage	18.24	15.34
State Divisible Outlay	4335.34	4165.14
Flow to TSP	866.42	905.91
Percentage	19.98	21.74
SCA	91.70	80.23

Budget provision, allotment and expenditure incurred out of State Plan, SCA, grant under Article 275 (1) and beneficiaries covered under point 11-B of Twenty Point Programme (Justice to Scheduled Tribes) during 2000-01 to 2003-04 (upto Dec. 2003) are furnished at Appendix I, from which it is inferred that State administrative apparatus is not equipped to utilize over and above 85% of the funds earmarked for tribal development.

6.3 According to 1999-2000 estimates although percentage of tribal families below the poverty line is 56.26% in rural areas, the Commission during their visits to districts was informed that BPL families were much more, as indicated below:

	District	BPL ST Families
1.	Jhabua	80%
2.	Mandla	58%
3.	Dhar	76%
4.	Betul	66%

The situation cited above warrants drastic changes in the planning strategy for tribal development.

6.4 The Commission therefore recommends that flow to TSP should be increased from 15.34% to 20% of the State Plan. As geographical area of TSP in the State is 30.19% and percentage of ST population to total state population is 20.3%, flow to TSP should be more. The Commission further recommends that all those villages which are not covered by TSP should also be linked with the process of development during next phase of planning. Most backward Tribal villages may be identified, holistic plan prepared and package of services provided. In areas where Integrated Tribal Development Projects (ITDP) are under operation, activities of District Rural Development Agency should be placed under the charge of Project Officer, ITDP. This arrangement will strengthen the concept of single line command of administration.

## 7. Primitive Tribal Groups (PTG)

7.1 In Madhya Pradesh, number of PTGs is three, i.e. Saharia, Baiga and Bharia. Demographic structure and administrative set up for these PTGs is as under:

		<b>Development Agencies</b>
(1) Saharia (4.17 lakhs)	-	1. Gwalior (also for Datia district)
		2. Sheopur (also for Morena and Bhind districts)
		3. Shivpuri
		4. Guna
(2) Baiga (1.31 lakhs)	-	Mandla, Dindori, Sahdol, Umaria, Balaghat, districts (5)
(3) Bharia (2012)	-	Tamia in Chhindwara district (1)

State Government provided additional facilities to PTGs during 1999-2000, such as subsidy of 30% to 263 IRDP beneficiaries, supply of medicines free of cost to 2168 persons, construction of school/ashram buildings (35), supply of mini kits free of cost for raising crops (399), hand pumps (38), land development measures (703 persons), construction of culverts, bridges (69), purchase and distribution of land for cultivation (65), dai training (50), foodgrain godowns (7), electrification of hamlets (13), construction of tanks for fisheries promotion (7) and supply of agricultural implements (492).

### **Baiga (PTG) Development Agency, Dindori**

7.2 Baigas inhabit 217 villages of Dindori district. Their population in 1992-93 was 21,233. The Project undertook family and community oriented development programmes as well as those related to development of infrastructure costing Rs. 232.53 lakhs during 1999-2000 to 2002-03. Schemes implemented are field bunding, training in bio gas, distribution of fertilizer, seeds and pesticides, pumps for lift irrigation, medical aid, cultural exchange programme, repairs/construction of educational institutions, tanks, drinking water sources, construction of approach roads, clusters, ghat cutting etc, awards to meritorious students, tool kits supply, sprinkler set and stop dams.

## **Baiga (PTG) Development Agency, Mandla**

7.3 Baiga Development Agency looks after 34,768 Baigas of 345 villages of Mandla district. Priority interventions in the development sector made by the Agency are construction of houses, residential school from class I to XII, development of infrastructure, supply of drinking water and food security, health and education

7.4 Observations of the Commission during their visit to Chada village in Baigachak of Dindori district were as under:

- (a) Except for one nurse there is no employee of the Health Deptt. in the village.
- (b) Km. Somti Udaria a Baiga girl who passed XII class examination in 1993 has still not been given an appointment as Shiksha Karmi even on contract basis. She urged the Commission to impress upon the State Govt. to give priority in employment to the educated Baiga girls of Baigachak area as against Baiga girls in general.
- (c) All the 52 villages forming Baigachak have no irrigation facility. Only 25 villages in the Baigachak have been electrified so far. The tribals have to travel nearly 30 kms. from Chada to Bajag for availing the services of a flour mill. There are instances where Naxal elements have been alluring the tribals to allow them to stay in their villages.
- (d) Punjab National Bank had earlier set up a branch at Chada but subsequently, it has been attached to Karanjia and thus the Baigas have been deprived of proximity to the bank.
- (e) The State Govt. provides relief to a victim of snake bite and lightening only when the post mortem is done. It was reported by the tribals that the affected families have to spend a lot of money for arranging the treatment of such patients borrowing money on loan from moneylenders or high rate of interest. Baigas desired that Govt. assistance should be kept as permanent advance with any government functionary.
- (f) There is necessity of a taxi transport service from Chada to Bajag and Chada to other villages in the Baigachak zone.
- (g) Baigas demanded that the PDS shops should also distribute *Kanki* (a variety of broken rice).

### **Visit to village Dhurkuta in Baigachak.**

7.5 The Commission visited another interior village Dhurkuta in Baigachak on 22.06.2003. The Baigas of this village harvest paddy, *Kodo* and *Kutki* during the Kharif season and collect minor forest products like *Aonla*, *Tendu* leaves, honey etc. The tribals of this village have been trained in rope making and each one of them earned about Rs. 20/- for 1 kg. of rope made out of *Sawai* grass and *Mowa* grass.

In a research paper published in the Bulletin of the Tribal Research Institute on "Meals position of Baiga tribe of M.P." it was brought out that only 35% of the Baiga households had whole day meal availability round the year, 61% of them had full meals only after harvest of crops and 4% only after they got wages out of relief workers. (Vol.XXVII-No.2 Dec.1999)

In a study report on Economic factor and curative health care in Baiga tribe of Baigachak area, Dindori district brought out by Regional Medical Research Centre for Tribals ICMR, Jabalpur in the year 2000 published by Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow (M.P.) it has been brought that average annual household income of Baiga is only Rs.6772/- and that they spend only 3% of their annual income on medicines, education and kerosene. Average expenditure on health in a year per sick person is Rs. 77.40. The study report suggested that-

- (i) The Baigas should be more familiarized with improved farming practices so that their income could be augmented.
- (ii) The Baigas' traditional occupation like basket-making should be promoted by generously supplying them with green bamboos as raw material by the forest department.
- (iii) They should be encouraged to grow fruit-bearing plants, vegetables etc. which will help increase their income in good measure.
- (iv) Literacy, especially female literacy should be improved and health education should be imparted on a regular basis.

### **Development of Bharia (PTG) – A case of NGO Participation**

7.6 Bharia is a PTG which lives in 12 villages of Patalkot area of Chhindwara district. Madhya Pradesh Vigyan Sabha has been receiving grants from the Ministry of Science and Technology in the Govt. of India for working among the Bharias through, Vigyan Ashram at Gaildubba in various spheres, such as, soil and water conservation, bio-mass, control of diseases, cattle breed improvement, appropriate technology to increase agricultural and horticultural crops, SHGs, MFP, skill development and bio-technology in agriculture. The NGO has assisted the Bharia people in growing trees, producing vermi composts and developing irrigation facilities. The tribals have been trained in cultivation of aromatic grasses and medicinal plants. Off farm activities introduced in Patalkot are *Chironji* decorticator, millet dehusking machine, leaf cup making machine, dal mill and processing of honey.

### **Saharia (PTG)**

7.7 Salient findings appearing in a study report on Saharia tribe of Sheopur district revealed that rate of literacy is very less among them, number of children per family are more, most of them are indebted and IMR is higher. They have liking for working in stone quarries. Some of the neo-allotees of land have not been given possession over land. (M.P. TRI Bulletin-2002-03, No. 341/203)

**7.8 For the development of PTGs, the Commission recommends that-**

- (a) As the Baigas of Baigachak are deprived of developmental benefits and recruitment in government services because they have been listed as STs for the entire State, the Commission reiterates the recommendation made by Dhebar Commission that Baigas of Baigachak of Dindori district should only be treated as PTG. For this purpose, all class III and IV posts in Dindori district reserved for STs should first be given to Baigas of Baigachak and thereafter claims of other STs be considered. Likewise Bharias of Patalakot in Chhindwara district should also be made eligible to get benefits in**

Chhindwara district. The Commission further recommends that all villages having 50% Sahariya (PTG) population as per 1951 census should be declared as Scheduled Area and till such time the Constitution Order is issued, the Saharias should be given due developmental benefits and preference in class III and IV posts in the districts in which they live.

- (b) Each tribal village in Baigachak and Patakot area should be assisted in forming Self Help Groups (SHG) so that employment ventures are promoted.
- (c) Budget allocated for PTG should be diverted for non-PTGs only with the approval of Divisional Commissioner in extra-ordinary circumstances.

### **Most Backward Tribal Villages/Clusters**

7.9 The Commission was urged by tribal leaders at several places that Most Backward Tribal villages/clusters should be identified and holistic development planned so that tribal inhabitants joined the mainstream villages in shortest period of time. ITDPs should pay special focus on the development of such villages.

## **ECONOMIC SECTOR**

### **8. Forest**

8.1 According to an estimate 45% of the forest area i. e. reserved forest- 58,734 sq. km., protected forest - 35,587 sq. km., village forest - 900 sq. km. fall under TSP area. In Madhya Pradesh, there are many areas where trees are standing on non-forest lands, known as "chhote and bade jhad ke jangal" and Forest Department has issued instructions to fell the trees only with their prior permission under the Forest Conservation rules. The position in two districts was reported as 65,000 hec. in Betul district and 52,000 hac in Sahdol district. The tribals expressed their anguish over hard headed attitude of forest officials in the exploitation of trees standing on non-forest lands. **The Commission recommends that management of such trees on "non forest" lands in the Scheduled Areas should be handed over to the Gram Sabhas.**

### **Access to fuel and fodder**

8.2 State Govt. in their revised policy of 1996 on extending Nistar facilities (such as collection of fuelwood, bamboo, small timber and grazing for cattle) to villagers have made following provisions:

- (i) Within the radius of 5 km. of forests, all villagers have been allowed to collect free of cost headload of fuelwood, small timber, grass and fodder, non-timber forest produce (NTFP), bamboo for domestic consumption and to take their limited cattle to forest for grazing, through Village Forest Committees, Forest Protection Committees setup in accordance with the Joint Forest Management. A pilot project to discourage villagers from taking the cattle to forest has been commenced in Sehore and Raisen districts.
- (ii) The residents of villages outside the radius of 5 km. of forest boundary shall collect forest produce through their Panchayat at market rates.

- (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 abovementioned institutions.
- (iv) The policy of Nistar facilities to Basor Community shall remain unchanged.

### Regularisation of encroached forest lands

8.3 Position regarding encroachment of forest land and its regularization is given below:

Prior to 31.12.1976	29008 cases 45209.6 hac forest land Allotment of Pattas is in process
During 1.1. 1977 to 6.3.1979	38405 cases 42036.7 hact forest land GOI has been requested to allow regularization as compensatory afforestation has been started
During 7.3.1979 to 24.10.1980	2728 cases 3314.5 hac forest land compensatory afforestation is to be done

State Government has approached the Government of India for regularizing the encroachment on forest land. **The Commission are distressed to observe that cases of regularization of encroachments on forest lands have been pending for over three decades. They recommend that a senior officer may be entrusted with this responsibility who can liaise with the Ministry of Environment and Forest on fortnightly basis and get the cases settled.**

### Minor Forest Produce (MFP)

8.4 Madhya Pradesh State Forest Produce (Marketing and Development) Cooperative Federation has been working for the collection and marketing of Tendu leaves since 1989 through their district unions. Nearly 20 lakh persons got employment annually out of this trade. Gram Sabhas in the Scheduled Areas have now been conferred ownership rights on the produce. During 2000, 49.41 lakh standard bags of tendu leaves were collected. Other MFP collected in the state were sal seeds – (3.34 lakh Qtl in 2000-01), harra -(46,994 Qtl.1999-2000), salai gum-(5461 Qtl. 1999-2000), kullugum – (253 Qtl.1999-2000) and dhaoda gum- (1840 Qtl.1999-2000). An amount of Rs.57.27 crores was disbursed to district unions out of the net profit since 1998. It was informed that net profit out of the trade is distributed in the proportion of 50% to collectors of produce, 20% for regeneration of produce and 30% for the development of infrastructure. Commission was informed that Govt. of Madhya Pradesh has not declared the bonus for 2000-01 and 2001-02 so far. As a measure towards social security, 85,539 collectors of tendu leaves were insured free of cost under social security scheme. A sum of Rs. 27.92 crores was paid towards insurance. The federation organized fairs on MFP and established a sales counter known as "Sanjivani" at Bhopal. Marketing of MFP with brand name of "Vindhya Herbal" has also commenced. **In a study on collection of MFP and its**

marketing in Khargone and Khardwa districts, it has been suggested that tribals needed training in proper collection of MFP, its storage, processing and marketing. Earlier, at least 50% of the annual income of a tribal family was through MFP only, which has now come down to 4% to 10% and this calls for scientific and methodical uses of MFP. [MPTRI, Bulletin 2001-02 No. 340/302].

**8.5 The Commission therefore, recommends that -**

- (i) Value addition processes may be developed at the local level and a cluster based micro-enterprise approach be adopted.
- (ii) In respect of *mahua*, *aonla*, *chiraunji*, *vanjeera*, *mahul* leaves and honey, harvesting practices may be modified, and adequate care taken at storage level. Adoption of a multi product strategy for the micro-enterprise may be considered.
- (iii) At present, tribals sell *aonla* without proper gradation. They can fetch better value if they dry the *aonla* collected at matured stage.
- (iv) Mahua flowers should be allowed to retain its golden yellow colour, it should not be sticky, may be put to a draught type drier and stored in bags plastered with cowdung.
- (v) Chiraunji could be extracted at the village level by using hand *chakkis* or power driven extraction machine. The seed (*gutly*) is very popular for usage in brickklins where it is used to bake bricks. Chiraunji should be stored in polythene bags/cold storages.

#### **Public participation in the conservation and development of forest**

8.6 Forest department of the state government resolved on 22.10.2001 to form Forest Protection Committees and Village Forest Committees towards soliciting participation of villagers in the conservation, protection and development of forests. Detailed procedure for organizing and functioning of the Committees was laid down. The Committees were required to prepare micro plan for overall development of the area. It was also resolved that these committees will function as directed by the state government in accordance with the Panchayats Extension to Scheduled Areas Act, 1996. State government has been considering to bring an Act in this regard so that Gram Sabhas are legally endowed with the ownership of minor forest produce. On 8.4.2003, State Government decided to give 80% of net profit of teak timber and bamboo to 13,303 forest Committees, under Joint Forest Management (JFM) and 20% for training and capacity building. A study on village level Forest Cooperative Societies and MFP Cooperative Societies and their working in Jhabua district was undertaken by MP TRI during 2000-01. They have reported that Committees set up under Joint Forest Management have succeeded in checking illegal cutting/felling of trees, excess grazing and encroachment on forest lands. The societies engaged in the trade of fodder were economically sound. The JFM Committees have been working primarily under the guidance of forest staff, as they neither had adequate working capital and buildings/godown nor manpower to manage the trade. [Bulletin 2000-01 M.P.TRI, No. 303/170]

**8.7 The Commission recommends that Tribes Advisory Council should oversee the role entrusted upon the Gram Sabhas in the Scheduled Areas in the working of Joint Forest Management and the Committees set-up thereunder.**



## **Forest Villages**

8.8 Forest villages are colonies of large labour force required for various forest works. According to Dhebar Commission report (1960-61) there were about 1000 forest villages in Madhya Pradesh with a population of one lakh tribals. "Rules governing the forest villager require that the forest department and its contractors shall have the first claim to the labour of forest villages on payment of market rate, the villagers may not accept other employment without the sanction of the Forest Department and are expected to obey the orders of the Divisional Forest Officer. For breach of any of these conditions they are liable to summary eviction, without compensation." The Dhebar Commission recommended that security of tenure should be assured to the tribals. Forest Department should provide necessary assistance for the improvement of the settlers holdings and cultivation. These colonies may be made model villages with facilities of schools, wells and dispensaries. Removal of these people from their normal places of habitation casts this duty upon the Department (Page 133 para 12.35).

8.9 In March 1984, the then Ministry of Agriculture suggested that the States may confer heritable and inalienable rights on forest villagers if they were in occupation of land for more than 20 years. But this suggestion was not implemented. Development of Forest Villages has also been addressed to in the National Forest Policy 1988 which States that these may be developed "on par with revenue villages "(para 4.6-Tribal People and Forests)". Suitable instructions in this regard were issued in accordance with Forest (Conservation) Act, 1980 by the Ministry of Environment and Forests in their letter dated 18.9.1990 addressed to the State Governments. Despite this exercise, there are still 925 forest villages in Madhya Pradesh for which the State Government has requested the Government of India to permit transfer of 925 forest villages to revenue department of the state. Number of forest villages in Betul, Chhindwara, Hoshangabad and Barwani was reported as 92,49,52 and 45 respectively. **The Commission recommends that Forest Villages may be converted into Revenue Villages in a time bound manner.**

## **National Parks and Sanctuaries**

8.10 There are nine national parks and 25 sanctuaries in the state. The number of STs living in these parks and sanctuaries has not been furnished by the State Government. Project formulation is under process to settle the villagers elsewhere.

## **Budget utilization**

8.11 During 1999-2000, Rs. 2055 lakhs were spent out of a budget provision of Rs. 2435 lakhs on various schemes like improvement of degraded forests, social forestry, fuel wood and fodder, project tiger, medicinal plants, construction of wells, lift irrigation, stop dam, tanks for PTGs, construction of godowns, construction of wells, lift irrigation, tanks, tubewells, development of forest villages, plantation of minor forest produce items and medicinal plants.

**8.12 The Commission recommends that expenditure under Project Tiger should not be booked under Tribal Sub-Plan. Forest produce processing units and vocational training to tribals should be made a new item in the budget.**  
**Forest Administration**

**8.13 After having toured tribal districts the Commission felt that an officer of the rank of Conservator of Forests was necessary in place of Divisional Forest Officer for better tribal-forest interface in Sidhi district.** On Dindori district, it was reported that non-tribals of Samnapur village have been putting pressure on Baiga tribals residing in forest areas to lease their cultivable lands and go deeper into forests.

8.14 Chief Secretary, Govt. of M. P. suggested that traditional rights of the tribals in the forest should be codified and compensated if violated by the Forest Deptt. The first thing that the Forest Deptt. should do is to convert the forest villages into the revenue villages or expenditure on the development of forest villages should be met by the Govt. of India in the Ministry of Forests. With regard to collection of Tendu leaves as a minor forest produce item Secretary, Forest Deptt. stated that this item is linked to demand and supply in the open market. With the increased publicity for discouraging smoking, the production of *Bidi* has come down in the country as a result the demand for Tendu leaves has also decreased. The net profit after deducting the expenditure out of Tendu leaves trades has fallen significantly.

**8.15 The Commission further recommends that -**

- (a) Collection of minor forest produce should no longer be a target bound item, rather entire product may be accepted as a gift of nature to the mankind. We should develop our skills to harness the product and process it at local level to the advantage of society. Let us not allow untapped m.f.p. washed away by the rainwater.**
- (b) The Gram Panchayats and the Gram Sabhas should oversee the working of Joint Forest Management related activities and the development of forest villages.**
- (c) Development of PTGs in the forest areas should be entrusted upon the Forest Department on pilot basis.**
- (d) Re-orientation courses may be organized for lower functionaries of the Government to improve Forest-Tribal interface.**

## **9. Irrigation**

9.1 Irrigation potential was developed in 33.43 lakh hac of which TSP area was only 4.76 lakh hac (14.23%) upto 1998-99. With the completion of 15 medium and 290 minor irrigation projects, it is estimated that 50% of area sown in TSP would be brought under irrigation. During 1999-2000, Rs. 60.39 crores were utilized out of an allotment of Rs. 76.82 crores under TSP funds.

## Narmada Valley Development

9.2 Progress of work on Man, Jobat and Maheswar Projects located in Scheduled Areas was as shown below:

	<b>Irrigation potential</b>	<b>Area likely to be affected</b>	<b>Rehabilitation measures</b>
1. Man (Dhar District) (Rs. 108.12 crores Project cost)	15,000 Hac	17 villages, 461 houses 827 families of which 799 are STs	105 families rehabilitated at Juna-pani
2. Jobat (Jhabua) (Rs. 97 crores Project cost)	9848 Hac	13 villages, 121 houses 705 families of which 700 are STs	NIL
3. Maheshwar (Khargore District) (Rs. 824 crores project cost)	400 m.w. power capacity	61 villages, 4000 families of which 36 are STs.	NIL

For other areas, 258 irrigation projects have been designed with potential of 65,643 hac during 2002-03, of which 7137 hec. have been made operational as under:

<b>District</b>	<b>Irrigation potential in hac</b>
1. Guna -	2541
2. Khargore -	1157
3. Balaghat -	1090
4. Sidhi -	950
5. Jhabua -	656
6. Chhindwara -	442
7. Hoshangabad -	156
8. Sahdol -	80
9. Dhar -	55
10. Khandwa -	10
<b>Total</b> -	<b>7137</b>

It may be seen that 36% of the total area proposed to be irrigated falls under Guna district which does not fall under Scheduled Area.

The Commission reviewed the progress on the irrigation projects in Jhabua, Ratlam and Sahdol districts. The position in brief is as under:

### Major Irrigation Project, MAHI

9.3 Mahi River Irrigation Project envisages bringing 26,430 hec. of land under irrigation at a cost of Rs.203 crores in 89 villages of Jhabua and 33 villages of Dhar district which are pre-dominantly inhabited by tribals (71%). **It has been estimated that the project will displace / affect 3778 families of 12 villages of Dhar and 11 villages of Jhabua district. It was informed that compensation for land acquired for construction of canals has not been paid and that rehabilitation measures were not taken up promptly.**

**Visit to Shahid Chandra Sekhar Azad Sagar Irrigation Project, Jobat in Jhabua district on 10-05-2003.**

9.4 The irrigation project costing Rs.117.45 crores at village Waskal on Hathni River, a tributary of the Narmada river, shall on completion benefit 2450 families of 24 villages of whom 54% are tribals. It is likely that 311 families would have to be re-settled as and when project advances. Govt. have so far spent Rs. 40 crores. On the completion of project, it is estimated that additional 53560 mt of food grains and 42 mt. fish would be available. The project provided daily wage employment to 400 labourers and it may further employ another 400 to 600 labourers. **During discussion with the tribal labourers, it was informed that they were paid Rs.40 per day as wages as against prescribed rate of Rs.50.52 per day. The management was asked by the Commission to construct a work shed and arrange for drinking water supply near the dam site during the summer months.**

**Visit to Farri Nistar cum Irrigation Tank, Block Thandla, District Jhabua.**

9.5 The tank costing Rs.44.36 lakhs has been constructed to irrigate 100 hectares of agricultural land benefiting 160 families of four villages in and around Patri. The tribals have taken to growing cotton and hybrid wheat in their fields. **It was informed by the villagers that compensation has not been paid to those whose lands were acquired.** Irrigation of fields was being done by lifting water using diesel pumps, as the area around the Tank has not been electrified so far.

**Other Projects**

9.6 The Commission visited several irrigation projects in the districts and their observations were as under:

**(1) Jhabua district**

- (i) Ranapur Block Bhodi village-** Stop dam at a cost of Rs.8.63 lakhs constructed during 2001-02 does not retain a drop of water.
- (ii) Mirajpur Block, Chhoti Bekalgaon village -** Quality of construction of irrigation tank constructed at a cost of Rs.9.80 lakhs was report to be poor.
- (iii) Petlawad block - Sagaria village-** Stop dam at a cost of Rs.29 lakhs has potential to irrigate 40 acres of land.
- (iv) Petlawad Block-**Stop dam at Dulakhedi Village at a cost of Rs.2.5 lakhs out of food for work scheme was constructed by Panchayat.

**(2) Ratlam district**

- (i) Chhayani Tank, Sailana -** Chhayani Nistar Tank has been constructed at a cost of Rs.18.24 lakhs in 2001 to irrigate 50 acres of land belonging to 156 tribal farmers.
- (ii) Amliyapada Bid Check dam, Sailana-** Shri Kodara (ST) and Shri Shambhu, (Bhil ST) were motivated by Shri Anna Hazare to organize public co-operation and build a tank. Agriculture department could provide only Rs.2.60 lakhs and remaining assistance of Rs.1.17 lakhs in the form of labour was generated by 12 tribal farmers. After the project was completed on 15.8.2001 tribal families have switched over to sowing cotton, wheat, gram, garlic and

vegetables and also fisheries. They have almost stopped going elsewhere in search of employment.

**(iii) Stop dam Dhabai Khedi, Forest Range, Sailana-**During 1997-98, Forest Deptt. constructed a stop dam for Rs.5.36 lakhs benefiting 497 local residents and their 220 cattle. Despite scarcity conditions water level has been maintained in the dam throughout the year since its construction and it has served the villagers in the vicinity of 6 km.

### **(3) Sahdol district**

#### **(i) Visit to Micro watershed, Rohaniya,**

Micro watershed project at Rohaniya village covering 772 hect. of land in a period of 5 years at the estimated cost of Rs.46.32 lakhs was approved during March, 2002. Activities undertaken so far out of an expenditure of Rs.19.22 lakhs were checking of soil erosion and development of irrigation sources, conservation of water covering 233.74 hec., forest clearance in 273 hec., fodder cultivation and pasture development in 8 hec., plantation of 472 Palash trees by 2 self help groups for promoting lac production, popularization of high yielding varieties of agricultural crops, production of bio-fertilizers, training in tailoring to 1 S.H.G., promoting dairying among 5 S.H.Gs and health camp.

District Administration has formed 24 SHGs and motivated them to take up plantation work on 56 acres of land for raising mushroom and bee keeping. The women have also been trained in improved wheat cultivation. The S.H.Gs have taken up activities of seed storage and distribution, giving money on loan for social purposes and meeting the cost of medicines when people fell sick. Some SHGS have even engaged the members in embroidery work. The Commission expressed their satisfaction over the initiatives taken by Rajiv Gandhi Water Management Mission in the tribal area of ITDP Sohagpur.

#### **(ii) Visit to Bagaiha Irrigation Tank Project**

The Bagaiha Project in Gohparu Block on completion shall irrigate 130 hac of cultivable land by 2004. It was informed that the tank will help the village community in ensuring water supply for domestic requirements, cattle, fisheries promotion along with retention of underground water. **The villagers urged the Commission that compensation for acquiring land amounting to Rs.6 lakhs may be disbursed to those whose lands were acquired.**

### **(4) Hoshangabad District**

In Hoshangabad district, Kesla Tribal Development Block has been categorized as Scheduled Area and despite this significant factor it has been left out of canal network of Tawa irrigation project. The tribals expressed their unhappiness over such neglect.

## **(5) Dindori district**

In Dindori district, tribal farmers desired that dug wells may be popularized, old ponds renovated and spring water source duly harnessed. Works taken up by the Forest Department in 86 Forest villages were reported to be successful.

### **Rehabilitation measures**

9.7 According to re-settlement and rehabilitation policy of Govt. of M.P, each displaced/affected family is to be given compensation for land under submergence as per present day value, compensation for house alongwith Rs.5,000/- towards cost of transportation of housing material, grant of Rs.18700 to a tribal family, grant of Rs.49,300 to a landless family and displaced families will be relocated at new site, where each family will be provided house plot of 60' X 90" free of cost, a community well or a tube well, village roads and drainage, primary school, Panchyat Bhawan, place of worship, community centre and playground etc. State Government acquired about 8,000 hac of land for 8 medium irrigation projects and have not been able to make land for land available to those whose lands were acquired. However, the state has agreed to cover 50% of S.T. landholders in the command area of any project as beneficiaries.

**9.8 The Commission recommends that priority should be given to raise irrigation potential in drought prone TSP areas and allocation of funds raised with the support of Externally Aided Projects and by borrowing loans from the World Bank. This will help in checking migration of tribals to other states, thereby their food, nutrition and health care would be duly taken care of.**

## **10. Power**

10.1 According to a policy decision of the State Government, electricity charges have been exempted for STs who have agriculture pumpsets upto 5 horsepower. They are also given one point electricity connection free of cost. Details are as given below:

1. No. of village electrified in State	50,400 (out of 52,143)
2. No. of villages in TSP area electrified upto 31.3.2000	26,128
3. Single point connection to STs	11.71 lakhs
4. No. of STs with pump connection	1.69 lakh

During 1999-2000, 362 hamlets of STs were given power connection. An amount of Rs. 21.03 crores was spent against the provision of Rs. 23.05 crores.

Energy Development Cooperation implemented under mentioned schemes in tribal areas:

	1998-99 (Number)	1999-2000 (Number)
1. Solar Cooker	490	35
2. Solar lantern	100	14
3. Family Biogas	191	322
4. Improved Chulha	15,825	16,117
5. Pressure Cooker	148	223
6. Kerosene Stove	164	206
7. Improved Sickle	1125	587
8. Improved Kerosene lantern	84	617

10.2 Impressions of the Commission on the progress of electrification in some of the tribal areas were reported to be poor as under:

District	Progress of electrification
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(1) **Betul**- Single point connections were provided to 22517 villages and 569 habitations. Electric lines have not been laid in several villages of Bhimpur Block.

(2) **Mandla**-All the villages and 901 habitations out of 1599 have been electrified. Solar energy could be developed for unreached habitations.

(3) **Barwani**-640 out of 715 villages have been electrified

(4) **Sidhi**- Rs. 2 lakhs are required to electrify Baiga habitation of 30 families in Peeperkhed Birkunia village of Chitrangi Block. Sidhi district supplies electricity to entire State through Singrauli NTPC Project but most of its neighbouring villages have no electric lines.

(5) **Chhindwara**-100% villages have been covered under single point connection programme in the district, however, 176 hamlets have been left out.

(6) **Dhar** -40% hamlets are yet to be covered with electric connections.

At most of the places in Madhya Pradesh electric supply was available only for two hours a day during 2003, therefore, the people did not show any interest in requesting the Government for electric connections. They were also apprehensive of minimum bill for electricity consumption.

### Visit to National Thermal Power Corporation Plant (NTPC) at Singrauli, Sidhi district

10.3 The Commission visited NTPC, Singrauli on June 18-19, 2003 and held discussions with General Manager and other officers on problems of tribals and welfare activities implemented in the project area. The Commission also made a visit to the township school where education is imparted from Class I to Class VII by the SCST Association of the Project. Building for the school has been constructed by the NTPC. Out of 335 students, number of SCST students was 174. 80% of the total

students of the Project area go to 6 schools located in the vicinity of the NTPC area. In order to improve the quality of education provided by the school in the township run by the SCST Association, it was requested that Ministry of Tribal Affairs should provide grant-in-aid to the Institution. Need for setting up a Girls' Degree College, for which the Project was prepared to contribute 5 lakh bricks to Shakti Nagar Area Development Authority of the Govt. of Uttar Pradesh was also stressed. The Commission pointed out that the roof of the school is covered by asbestos- sheet and it will not be comfortable to the students during summer.

**10.4 The Commission recommend that all tribal hamlets should be connected with electric lines, and in particular the Scheduled Area habitations. Electricity may also be provided to the tribals whose lands have been acquired and budget could be created for this purpose. One should realise the sentiments of those tribals who have given their lands for the production of electricity to the nation but their own huts languished for a single power point and their families pass nights in darkness..**

## **11. Industry**

11.1 During 1990-2000, 16,341 small and cottage industries were set up in the State, of which 5744 (35%) were located in Scheduled Areas. Number of ST entrepreneurs was 1525. Under Prime Minister Rojgar Yojana, 1334 STs were encouraged to set up industrial units. 4712 STs were provided employment in rural industry sector, (i.e. 1809 out of handlooms, 90 out of power looms and 2813 out of industrial cooperatives.) Carpet weaving, textile printing and cotton duree making are popular among the tribals of Sahdol, Dhar and Jhabua district.

11.2 M.P. Khadi and Gramodyog Board has been providing training to STs at Indore in spinning and weaving, radio and T.V. repairs. 2411 ST trainees trained so far were assisted to obtain Rs. 177.02 lakhs as subsidy for various economic pursuits. Assistance of SHGs is also being sought. During 1999-2000, 224 STs were trained, 561 persons provided with tool kits and 608 beneficiaries were engaged on spinning and weaving related jobs.

11.3 The Commission visited Carpet Weaving Training Centre run by M. P. Handicraft and Handloom Development Corporation, where 15 S. T. candidates were being imparted training under a 6 months course. Each trainee was paid stipend of Rs. 500 p. m. ITDP Sahdol provided Rs. 1.47 lakhs for this programme. The Commission also visited the Handicrafts Centre at Sahdol where ST persons are imparted 6 months training in carpet making and each trainee is given tool kit after the training is over. **The Commission recommend that suitable arrangements should be made for marketing the products.**

## **12 Mining**

Auction system of minor minerals has been dispensed with since 1.4.1996 and tribals have been allowed to collect minor minerals for construction of their houses, repair of wells and other agricultural pursuits. Panchayats/Gram Sabhas have been empowered to allot quarry leases for minor minerals under M.P. Minor Mineral Rules 1996 (as amended on 20.3.2001) A tribal can obtain quarry permit for Rs. 25 as fee. Chairperson, Zilla Panchayat Sahdol in a memorandum urged the Commission to



make available 25% of the royalty collected by way of coal mining for ploughing it back for development activities in the district. In another case, Smt. Sushila Bai, Bhil ST widow resident of Omkareswar, Khandwa urged the Commission to protect harassment done by Shri Raj Narain Singh MLA as sand quarry reserved for ST at Khandwa was fraudulently allotted to Shri Mahipal Singh brother of MLA. She was the bonafide claimant for the lease.

### 13 Roads

13.1 Road length per sq. km. in M.P. State is only 22 Km for every 100 Sq Kms. as against 30 Km for the country. During 1999-2000, 14 villages having more than 1000 population and 13 villages with less than 1000 population were connected by laying 172 km. roads in the TSP area of which coverage in Scheduled Area was 17 villages with road length of 119 km. Six major bridges were also constructed in TSP area.

13.2 The Commission reviewed the progress and quality of construction of roads at some places during their visit to the State. The progress was as given below:

District	Road Length
1. Khargone	(i) Khargone to Dejgaon (ii) Bamnala to Dejgaon

Quality of road construction was reported to be very poor.

**2. Dhar** (i) Sodpur

Quality of road was poor taking into account the cost of construction of Rs. 15 lakh per km. Labourers were paid Rs. 40 per day as wages against Rs. 52 being the minimum wage. Need for a road from Narwali to Khadi Amba was stressed.

**3. Ratlam** Jharniya Ukala to Sangesra

A complaint was made against Chairman, Gram Panchayat, Jharniya Ukala in Bajna for several irregularities in the muster roll.

**4. Jhabua** -(a) Culvert constructed at Naharpur Khed village in Navapada Tengada Gram Panchyat of Thandla Block at a cost of Rs. 8 lakhs by the Rural Engineering Services Deptt. was of poor quality.

(b) Quality of culvert at Khenjada village in Thandla Block constructed for Rs. 8 lakhs was poor.

**5. Mandla**- Under P.M. S. Y. contractors did not pay minimum wage of Rs. 50.50 and they paid only Rs. 35 per day to a labourer.

**6. Dindori**- Construction of road under PMSY between Samnapur and Manikpur was of poor quality.

**7. Sidhi**- The Commission visited Chitrangi in Sidhi district where road from Parsohar to Khirwa measuring 14.50 km. was under construction at a cost of Rs. 246.30 lakhs. The villagers of four villages were very happy with road connectivity. They urged that approach roads should be given priority attention in tribal areas.

13.3 The Commission recommends that tribals working as labourers on road construction works should be paid prescribed wages and quality of works be monitored closely. Hill top villages and inaccessible habitations should receive due attention in road connectivity. Wherever necessary, culverts should be given preference over road length. State Govt. should draw a specific policy for creating wide road network in the Scheduled Areas in a time bound manner.

## 14 Agriculture

14.1 Basic data on agriculture in respect of the State are as under:

	<u>In '000 hect.</u>
Area as per village records	23,263
Total area sown	19,044
Total area under irrigation	4,899
Land holdings	66.37 lakhs
Average land holding	2.5 hec.
Major Crops grown	Wheat, Paddy, Jowar, Gram, Sugarcane, Oil-Seeds, Cotton,

Schemes implemented for STs under TSP were crop production, minor and mini-minor irrigation, soil conservation, agricultural research and education. The Commission was informed that crop yield of paddy per hectare in TSP area has improved from 1167 kg. in 1998-99 to 1253 kg. in 1999-2000.

### **Visit to an agricultural farm at Sidpur-Village of Nalchha Block in Dhar district**

14.2 The Commission met Shri Anantar Singh (ST) a progressive farmer who took Rs.36,000 as financial assistance (Rs.10,000 subsidy and Rs.26,000 loan) and invested it in preparing bio-fertilizer. He prepared 10 quintals of fertilizer in one pit and sold it at the rate of Rs.250 per qtl. With this effort, he has been able to repay the loan, construct a house and now he proposed to develop a nursery of teak saplings.

### **Visit to Jawahar Lal Nehru Sahkari Agricultural Produce Processing Society Ltd., Khargone.**

14.3 On 12.05.2003, the Commission visited a spinning Mill at Khargone, which provides employment to several persons in the tribal areas. The Society running the Spinning Mill also operates a Sugar factory and an Engineering College. The Commission noticed the simultaneous process of industrialization and imparting technical education to the local youth who got employment in the tribal area itself.

## **15 Horticulture**

Horticulture crops in the state are mango, guava, jackfruit, lemon, *amla*, *ber*, tomato, peas, potato, onion, chilly, garlic, coriander etc. For 10<sup>th</sup> Five Year Plan a provision of Rs. 30 crores (39%) was kept for horticulture in the TSP area out of state outlay of Rs. 77.43 crores. State Government could utilize only Rs.502.62 lakhs out of Rs. 635.14 lakh under horticulture programme during 1999-2000. Cashew farming also could not make a good start. Community horticulture could not go ahead because of lack of irrigation facilities in the fields of STs.

## **16 Animal Husbandry**

During 1999-2000, Rs. 711.84 lakhs (95.5%) out of Rs. 749.64 lakhs were utilized in TSP area on rearing of cattle, goats, pigs and poultry. In a study report on perception of drought and adoption of control strategy in the Jhabua region of Madhya Pradesh conducted by Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow (M.P) in the year 1998 it was highlighted that providing fodder for the cattle was the greatest problem faced by the tribals. It was suggested that fodder banks should be set up and the tribals may be asked to deposit their cattle at the cattle centres before they migrate to outside places and the cattle may be returned after they come back. Cattle insurance should also be done at these centres to check the loss due to death and theft and interest free loans should be given to them for sustenance. In the afforestation programme instead of planting timber, different species should be grown. In all the panchayats a separate corpus for short-term drought relief measures should be created and managed by the Gram Sabhas.

## **17 Fisheries**

Fisheries has been a traditional occupation of tribals. STs have been accorded permission to catch fish for domestic consumption from the rivers. TSP area has about 2 lakh hectares of water bodies out of 3.87 lakh hectares in the state. STs have been accorded permission to catch fish for domestic consumption from the rivers. All schemes under this sector have been acceptable to the tribals. Number of S.T. beneficiaries during 1999-2000 was 1060 in extension services, 664 in Fishermen Development Agency, 5269 in insurance of fishermen and 555 in Fishermen Cooperative Societies. In accordance with the provisions of M.P. Panchayat Raj Adhinyam, ownership of waterbodies, ponds, tanks etc for fishing has been transformed to (a) Gram Sabha / Gram Panchayat, (b) Janpad and (c) District Panchayat for water bodies upto 10 hac, 11 to 100 hec. 101 to 2000 hec. respectively.

## **18 Co-operation-Cum-Marketing**

18.1 Two-tier cooperative structure exists in the tribal area of the state i.e. Large Area Multi purpose Co-operative Societies (LAMPS) at Primary level and District. Cooperative Central Bank at secondary level, affiliated to Madhya Pradesh State Cooperative Bank Ltd. Currently 1327 LAMPS are working in 35 districts of the state,

running 7593 fair price shops. The LAMPS purchase at controlled or remunerative prices surplus agricultural and forest produce, sell to STs kerosene oil, iodized salt, chemical fertilizers and seeds, etc. and provide production and consumption credit. The 'grain-golas' are not popular as there is easy accessibility of food in the tribal areas. **During 1999-2000, Rs.150.27 lakhs were utilized out of budget provision of Rs.178.57 lakhs on various schemes, such as, contribution towards share capital, purchase of shares of LAMPS, interest subsidy on short term loans, managerial subsidy for ST service cooperative societies and investment in the share capital of LAMPS. Under consumption loan to tribals Rs.25.48 lakhs out of Rs.40.50 lakhs could be utilized from which it is evident that cooperative structure in tribal areas is weak and this required altogether a new approach.**

18.2 Primary Agricultural Cooperative Credit Societies (PACCS) are engaged in arranging credit from cooperative banks for meeting requirements of agricultural operations. As these societies have to perform duties on nominal margin they are not able to meet the cost of management. According to a study on indebtedness among the STs of Dhar district, it is noticed that 51% families are indebted and they were not prompt in repaying loan to Government agencies presuming that the loan would be written off at a later date. It has been suggested that those who are not defaulters should be given further assistance as well as incentives for having repaid the loan on time.

[M. P. TRI Bulletin 2002-03- No. 346/207]

### **Madhya Pradesh Tribal Finance and Development Corporation (MPTFDC)**

18.3 The MPTFDC registered on 29.9.94 operates with the authorised share capital of Rs. 50 crores, 51% share of which is contributed by the State Government and 49% by the Government of India. It executes the schemes formulated by the National Scheduled Tribes Finance and Development Corporation (NSTFDC), National Bank for Agricultural and Rural Development (NABARD) and National Handicapped Persons Finance and Development Corporation. (NHFDC). MPTFDC has trained 421 ST persons upto 2002-03 in various vocations, such as tailoring and embroidery, photocopying, printing press, running of *dhaba* (eating house), tent house, dairy farming, flour mills, rice mill, general store and promotion of entrepreneurial skills. Assistance provided to STs upto 2002-03 was as under:

	<b>No. of beneficiaries</b>	<b>Amount disbursed (Rs. in lakhs)</b>
1. Self employment schemes of NSTFDC	3509	5385.53
2. Beneficiaries under NABARD	34,821	8914.94
3. Beneficiaries under NHFDC	108	55.67

18.4 In an evaluation on study of the working of M. P. TFDC in Jhabua district during 2000-01, it has been pointed out that (a) activities related to transport and brick kilns have benefited the tribals as compared to others and (b) non-tribals using fake ST certificates received assistance.

[Bulletin of M. P. TRI – No. 308/173, 2000-01]

**18.5** The Commission was informed that recovery position against loans advanced is not satisfactory (which is around 25%) and that there were irregularities in selection of S.T. beneficiaries in a few districts, like, Dindori, Mandla and Dewas. The Commission, therefore, recommends that genuine STs of Scheduled Areas should be preferred and regular monitoring and follow up done. Gram Sabhas and Panchayats should be actively associated and their view points taken into consideration.

## **19 Rural Development**

19.1 Progress of works under Rural Development sector in 1999-2000 for the state inclusive of TSP was as under:

	<b>Allotment</b>	<b>Expenditure</b>	<b>Remarks</b>
1. Indira Awas Yojana for ST out of	1000	945.05	32,152 houses 77886 for the state (41.28%)
2. Swarna Jayanti Gram Swarozgar Yojana	<b>No. of Beneficiaries in ('000)</b>		
	<b>2001-02</b>	<b>2002-03</b>	
	Total 64	52	
	ST 15	15	
	% 23.43	28.84	
3. Sampoorna Grameen Rozgar Yojana	106.76 lakh mandays work was generated for STs, i. e. (37%) out of total 288.90 lakh mandaya.		

**19.2** State Government has suggested that effective co-ordination between ITDP and DRDA was necessary and that P.O. ITDP should be nominated as a member in the governing body of DRDA and vice versa. The Commission endorses the recommendation of the State government.

19.3 M.P. TRI in their evaluation report on poverty alleviation programmes undertaken in Jhabua district has stated that most of the beneficiaries belonged to large size villages and most of those below the poverty line and landless tribals were not covered. Women entrepreneurs were better users of the programme. Men took assistance for purchase of a pair of bullocks. It has been suggested that tribal women may be trained in larger number and assisted to implement poverty alleviation programme.

[M. P. TRI Bulletin, 2001-02, No. 335/198]

19.4 In a study report on "Tribal Migration and Manpower Planning in Jhabua" brought out by Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow (M.P), it has been brought that on an average 46.3% of the tribal population migrated out and that percentage went up to 70% in some parts. In drought years the migration was on a larger scale. Nearly all the migrants were unskilled workers and 80% of these were engaged in construction activities followed by agriculture operations and working in brick kilns. The study report suggested that job opportunities should be created within the clusters and villages, forest development, silvi pastoral management, animal husbandry, agro based and other small scale industries should be popularized.

## 20 Panchayati Raj Institutions

20.1 Elections to 3 tier Panchayati Raj institutions were held in 1994 and then in 2000. Representatives belonging to ST number 95011 (27.58%) out of a total of 3,44,424. State Government has allocated 2.91% of total revenue to the Panchayats. Gram Sabhas in the Scheduled Areas have been given powers to manage prohibition, minor forest produce, land alienation and land acquisition, weekly markets, money lending, institutions in the social sector, local development works and schemes under tribal sub-plan.

20.2 In a study report on Tribals and Panchayats in M. P conducted by Dr. Baba Saheb Ambedkar National Institute of Social Sciences, Mhow (M.P) in the year 1996, it was brought out that problems of co-ordination and co-operation between officials and panchayatiraj representatives were posing a serious challenge for the effective functioning of new Panchayat Raj Institutions. The traditional panchayats of tribals were still functional and played multiple roles for tribal community and they also acted as custodians of tribal heritage. It was suggested that a great deal of responsibility still rested on the political leaders, civil servants to provide guidance in order to make panchayat raj institutions successful.

## 21 Food Security

Jhabua and Dindori districts were selected on 20.8.1998 to provide food security to 7148 families living below the poverty line in selected 181 villages. Works executed for them included two godowns, agricultural implements, biogas equipment, toilets, improved chulhas, hybrid seeds and construction of 26 ponds, stopdams, approach road, culverts and Anganwadis.

## 22 Public Distribution System (PDS)

Supply of foodgrains under PDS is made according to following rates:

	<b>Above Poverty Line (APL) Per family per kg.</b>	<b>Below Poverty Line (BPL) Per family per kg.</b>
1. Wheat	9.75	5.00
2. Rice	12.75	6.40
3. Sugar	13.00	13.00
4. Kerosene Oil	6.10	6.10

During 2000, 56.75 lakh families under BPL were issued blue ration cards. Out of 24,900 shops 7575 shops (30%) were located in tribals areas, and 3085 fair price shops have been catering to 3158 weekly markets in tribal areas. During 1999-2000, 4,444 centres were identified which remained inaccessible for 4 months during rainy season and adequate stock of foodgrains and other essential commodities was stored with the cooperative societies. The foodgrains are also supplied to the tribal areas through M.P. State Civil Supplies Corporation by pressing into service 187 mobile shops. These mobile vans supplied foodgrains, kerosene oil, soap,

matchbox, iodised salt and exercise book etc. to the consumers. The ST hostellers have been issued BPL cards and foodgrains are supplied to them @ 10 kg. per month. The Commission was informed in Dhar district that operation of PDS was not satisfactory. In Chhindwara district, the STs did not get kerosene oil for several weeks. The District Administration booked 35 cases against the traders in 2001.

## **23 Self Help Groups (SHGs)**

With a view to mobilize Self Help Groups in a more effective manner, an experiment of setting up a Federation of Self Help Groups (600) was launched in Ranapur Block of Jhabua District. "Action for Social Advancement" (ASA) a facilitation agency between SHGs and financial service providers, such as, banks, insurance agencies was formed with key players from NABARD, Regional Rural banks, and Zila Panchayat. The Commission visited SHG formed by tribal women at village Ogdadi in Deosar block of Sidhi district. The Group collected Rs. 11,800 and level of participation of women was very encouraging. The Commission met a strong assembly of 500 women hailing from nearby tribal areas. They urged the Commission to ensure regular supply of ration at Fair Price Shops and installation of handpumps for drinking water in every habitation. The Commission visited a Dalia Kendra at Sahdol run by a Woman Self Help Group (SHG). The SHG consists of 6 tribals, a Mohammedan and 3 non-tribal members. The group has been working under the supervision of ICDS Officer and its activities varied from production of wheat gruel to making of *wadis*, *papad*, pickles and grinding of edible condiments. Out of a business of Rs. 16.62 lakhs the SHGs earned profit of Rs. 37,000/- which was equally distributed among the women. Smt. Bhuria Bai (Gond ST) is a widow and she has been actively participating in the activities of the manufacturing the product under the brand name of "Vindhya Valley". The Commission was very much impressed with the performance of the SHG. The Commission visited Kodlajagir village in Khargone district where tribal women have been organized to form a SHG to take up the work relating to collection of milk and its transportation to the nearby market places. The venture was successful.

24 Commission met a women self Help Group in village Jampukudi of Sailana in Ratlam district which carried trade in supply of improved poultry birds (Girirajagirirani) soya grain bank, goatery and marketing of garlick. They also visited Khaiya Ka Tapra, village Rajakhori of Shivgarh Block in Ratlam district where women were trained to rear goats, grow aonla trees and organize soya grain bank.

## **SOCIAL SECTOR**

### **25 Education**

**25.1 School Education-** Educational institutions are run by the Education Department in the State but Tribal Development Department also administers school education in tribal areas through following institutions:

<b>25.2 Institution</b>	<b>Number (2002-03)</b>
1. Junior Primary and Primary School	12,643
2. Middle School	4369
3. High School	510
4. Higher Secondary School	476
5. Model H.S. School	9
6. Girls education complex	3
7. Pre-matric	1146 (34274 seats)
8 Post Matric hostel	82 (4665 seats)
9. Ashram School	614 (28630 seats)
10. Sports Complex	14

### **Tribes having low rate of literacy**

25.3 According to 1981 census, tribes having literacy rate of less than 5 were three, details of whom are as under:

<b>S. No.</b>	<b>Name of Tribe</b>	<b>Literacy Rate</b>	<b>Population</b>	<b>Area of habitation</b>
1.	Pardhi	1.4	1816	Bhopal, Raisen and Sehore districts
2.	Saharia (PTG)	2.7	2.62 lakhs	Gwalior, Morena, Shivpuri, Guna, Sehore, Vidisha districts
3.	Baiga (PTG)	3.6	2.49 lakhs	Mandla, Sahdol, Sidhi, Jabalpur, Balaghat districts

**25.4 The Commission recommends that special education package may be devised and proposal sent to the Ministry of Tribal Affairs for seeking financial support under the Central Sector Scheme of development of PTGs for promoting literacy, pre-primary and primary education among Baiga, Pardhi and Saharia tribes, who number over five lakh persons. Female education among tribals should receive priority attention of planners, educationists and anthropologists in all those villages of the state where their literacy rate is less than 10 according to 2001 census. If necessary, a Mission Authority may be set up by the Ministry of Tribal Affairs in collaboration with Government of Madhya Pradesh for promotion of literacy and education in low literacy clusters/hamlets inhabited by the STs.**

### **Schemes**

25.5 Important schemes being implemented for providing school education are mid day meals, school uniforms for girls, distribution of textbooks, pre-matric scholarships, and incentives to girls for seeking admission in middle schools etc. Other schemes are mentioned below.\*

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\* Note- Stipend to hostellers, merit scholarship, book banks, vocational training, student welfare, student hostels, reimbursement of Board Examination fees and tuition fees, education in tribal dialects in classes I & II, grant to NGOs, etc.



## Steps to improve enrolment and check dropout

- (a) a primary school has been opened within a radius of one km. of each habitation as provided in the Jan Shiksha Adhinyam, 2002. Literacy drive 'Padhna Badhna' was launched in all the tribal areas.
- (b) Mobilization camps were organised in villages to bring never enrolled or out of school children to school. This drive resulted in enrolment of additional 32638 boys and 24244 girls at primary level and 1103 boys and 5292 girls at middle level of education during 2002-03.
- (c) With the implementation of Sarva Shiksha Abhiyan, gap in gross enrolment ratio (GER) of ST and general population being 12% in 1996 has narrowed down to 5.2% in 2000. GER of ST girls needs to be improved from 87.8% at par with ST boys (94.4%).

## Measures taken to improve secondary level education during 1999-2000

25.7 Teachers (3327) were given training in science, maths and english subjects through satellite coaching. Meritorious ST students securing first division in class VIII and 55% or more marks in class X were given coaching for appearing in X and XII Board examinations by experienced teachers. Twenty five ST students were provided training in office management and hands on practice on modern technology to enable them to secure employment in private sector. Thirty nine ST students who scored highest marks in class X in tribal districts were taken for three day excursion tour around Republic day 2003. A science conference for 300 ST children at Betul was organized to develop their liking for learning science. 45 children were sponsored to participate in a conference in Goa during December 1999. Pre-recruitment training for securing jobs in Army was arranged at Chhindwara, Betul and Khandwa in which 46 ST students took part and nine boys were finally selected. ST students pursuing technical education in scheduled areas were provided special coaching, bookbank facility, teacher guardianship and drawing kits.

## Visit to educational institutions

25.8 The Commission visited following educational institutions:

	<b>District</b>	<b>Place</b>	<b>Particulars</b>
(1)	<b>Khargone</b>	Bhikangaon Khargone	Girls H. S. School Girls Hostel Boys Hostel

District Administration suggested that capacity of 40 seated girls hostel may be raised to 100 and the 100 seated boys hostel may be developed into a campus of excellence.

(2) **Barwani:** (NGO run girls ashram for STs at Niwali). The parents of girls pleaded before the Commission to impart education to girls in agriculture, animal husbandry, horticulture and home science, so that they are more useful to tribal society.

(3) **Ratlam** - At Sailana one girls hostel (150 seated) building is being constructed at a cost of Rs. 1 crore and a vocational training centre is run by Model HS School for 50 ST candidates in four trades, namely electrician, electricmotor / oil engine, Radio and Television and Automobiles. A water cooler made by a trainee for Rs. 2700 fetched Rs. 3500 in the market, thus leaving a margin of profit of Rs. 800. Each trainee is provided hostel accommodation free of cost and stipend @ Rs. 350 pm towards mess charges.

(4) **Dhar** - The Commission visited Govt. Girls residential educational complex Kukshi, Dhar on 10.05.2003. The 315 students were selected on merit on the basis of results of examinations of classes VI, IX and XI. For the present hostel accommodation is available for 100 girls and hostel for another 350 students is under construction. Eighty five percent seats are reserved for ST, followed by 10% for SC and 5% for others. Admission of 45 girls each is made in classes VI to XII in various faculties such as science, arts, commerce and home science.

Examination result in class X was as under:

	<b>Appeared</b>	<b>Passed</b>	<b>%</b>
2001	39	32	82
2002	40	34	85

Result in class XII was as given below:

	<b>Appeared</b>	<b>Passed</b>	<b>%</b>
2001	33	33	100
2002	39	35	90

  

	<b>I Div</b>	<b>II Div</b>
2001	24	9
2002	23	12

25.9 It was informed that several girls of this Institution have been admitted in professional colleges. Two of them have joined as Dy. Collectors, one as Naib Tahsildar and one has done M.E. in computer engineering. **The Commission has observed that residential educational complex for girls has been a successful model institution and they recommend that a residential college for girls may be set up in the Scheduled Areas of the state. Education in Computer learning should be made available to each student in such residential institutions.**

### **School buildings**

25.10 The Commission was made aware of shortage of buildings for running educational institutions. Paucity of adequate accommodation and suitable buildings were chief reasons for poor educational attainments in tribal areas. The classes are added, schools upgraded in the same school premises but construction of new school buildings was not given priority.

For citing illustration, undermentioned table may be seen:

District	Particulars of shortage of buildings Schools			
	Primary	Middle	High/Higher	Hostel/Ashram
Jhabua	69	49	8	6
Barwani		230		
Dhar		26	2	
Chhindwara	152	359	119	24
Mandla	106	100	40	12
Betul	37	271	50	35

**25.11 The Commission recommends that buildings for running educational institutions should be accorded priority attention in tribal areas.**

#### **Extent of dropout**

25.12 Taking into consideration number of ST students enrolled in class I and those who reach upto class XII, dropout rate ranges between 80 to 84 in the Gond region of Seoni and Hoshangabad districts and 93% among the Bhils of Dhar district.

**25.13 The Commission recommends that close monitoring may be done at classes VIII and X so that dropout at class XII is significantly arrested. Principals of Higher Secondary Schools should entrust upon a few trusted teachers this responsibility. Exceptionally motivated teachers may be considered for awards and incentives.**

#### **Vacant Posts**

25.14 It has been seen out of data collected from a few districts that posts of Upper Division Teachers remained vacant in large number in the schools located in tribal areas, followed by those of Principals in the Higher Secondary Schools. It was reported that posts of teachers particularly in science, mathematics and english remained vacant for most of the time in several schools. Details have been furnished at Appendix II.

#### **Examination Results**

25.15 During 2002 High School and Higher Secondary School examination results of ST students as compared to overall students were as under:

	Total No. of Students	ST Students
1. No. of students appeared (Class X)	5, 43,120	46,180
2. Passed	2,03,106	12,905
3. Percentage	37.39%	24.94%
4. No. of students appeared (Class XII)	2,92,605	22,583
5. Passed	1,93,248	13,687
6. Percentage	66.04%	60.60

25.16 It is inferred from the above table that performance of S.T. students in SSLC (Class XII) examination is better than class X. **The Commission, therefore, recommends that quality coaching may be ensured for ST students in classes XI and XII by experienced teachers. If necessary a Monitor may be appointed in each district to oversee the teaching in classes XI and XII.**

25.17 Examination result of ST students at SSLC level during 2001-02 of Govt. Model H.S.School, Sailana in Ratlam district was 91%. Jhabua returned a percentage of 81% and Chhindwara (46%). At class X level, pass percentage for Seoni district was 24% and for Mandla only 11%. (Appendix III)

**25.18 The Commission was informed that not a single student could pass class VIII in 2002-03 in three Middle schools of Thandla block of Jhabua district. Zero result was reported in class V and class XII by school at Agral in Meghnagar block of Jhabua district. Likewise, pass percentage was zero at Middle school, Pati in Barwani district. Mandla district also showed unsatisfactory results.**

### **Observations**

25.19 With regard to educational backwardness, the Commission has observed several shortcomings and weaknesses and during interaction with the representatives of tribals, some of which are as under:

- (i) Education has not yet been recognized as priority by the tribals as compared to land, forest, collection of fuel wood and fodder and water for self, cattle and fields. However in Karanjawani village of Mathwad region in Jhabua district, a primary school is being run by tribal villagers with their contribution. This shows that the tribals want their children to be educated and that the teachers appointed by the Tribal Welfare Deptt. are not discharging their duties.
- (ii) A school on an average runs for hardly 130 days in a year in tribal areas.
- (iii) Problem of teacher absenteeism is very acute. Undisciplined teachers are responsible for playing with the career of tribal students.
- (iv) Some teachers are in league with Panchayatiraj functionaries and politicians, as a result of which control over teachers is totally missing. Posting and transfer policy of teachers should be tribal friendly and not employees friendly.
- (v) Teachers generally do not fail students in classes I to V in order to protect their salaries and they even allow the students 'copying'. Such students subsequently come out with poor results.
- (vi) 70% teachers do not stay in villages because of non-availability of government accommodation for their families and bleak prospects for education of their children.
- (vii) Some of the lady teachers go to schools situated at a distance of 50 to 60 kms. from their place of residence because of lack of residential accommodation.
- (viii) In Barwani district, teachers hardly take classes for 3 days in a week.
- (ix) In Betul district, many teachers do not go to schools for four months during rainy season. Although parents send their children to schools, teachers are absent.
- (x) In Sidhi district, the Commission was informed that a few teachers had obtained the signatures of village sarpanchas 6 months in advance, certifying their attendance.
- (xi) Teachers appointed on contract basis performed better than the regular employees.
- (xii) Text books are not made available to students at the beginning of academic session.

- (xiii) As number of schools run by NGOs or private agencies was practically nil/highly inadequate in tribal areas, there was no alternative with the parents but to send their children to ill equipped government schools.
- (xiv) Performance of government run schools is not upto the mark as compared to those run by Christian Missionaries and Saraswati Vidyalayas.
- (xv) Allocation of funds is not given due weightage for the construction of school buildings, hostels, ashram schools and teachers quarters.
- (xvi) Even today, children belonging to Thakur, Kol and Chamar communities sat in separate rows in schools in Sidhi district.
- (xvii) State Govt. has decided to provide hostels for SCs/STs boys and girls in each Block.
- (xviii) National Council of Applied Economic Research, New Delhi in their Bench Mark Survey on Human Development Profile of SC and ST in Rural India (2000) has observed that there was only one teacher for 50 students in M. P. as against 25 students in Himachal Pradesh.

**25.20 The Commission recommends the following:**

- (i) A National Policy on Education for Tribals may be formulated
- (ii) Medium of instruction in class I and II should be through tribal dialect.
- (iii) English and Hindi may be introduced from class III onwards and there should be atleast one good residential higher secondary school at block level.
- (iv) Education in science and mathematics should be given special attention.
- (v) Administration and control over teachers should be very strict. Those not found upto the mark should be shown the door. Exercise to drop inefficient teachers should be carried out every year by a committee comprising of officials and non-officials.
- (vi) Principals may be authorized to engage lecturers/teachers in subjects like science, mathematics and english at their level and to pay honorarium to such teachers on the basis of periods for which they were engaged.
- (vii) Teachers' children may be admitted in departmental hostels, and other residential institutions at government cost.
- (viii) Education Committees set-up at Gram Panchayat level should be fully authorized to have control over the teachers in primary schools in tribal areas.
- (ix) Talented students may be taken to good schools elsewhere, even out of the State at the cost of State Govt.
- (x) Post –matric hostels may be constructed at cosmopolitan places where more than 20 tribal students belonging to Madhya Pradesh pursue education. Such places could be Delhi, Mumbai, Ahemdabad, Bangalore etc.
- (xi) Children of employees studying in Madhya Pradesh whose parents have been transferred to Chhattisgarh should be allowed all the facilities by the Government of Madhya Pradesh and vice-versa by Chhattisgarh State for atleast next 5 years.
- (xii) Upto middle schools, teachers may be appointed on contract basis, renewable after every two years.
- (xiii) Performance of schools showing highly unsatisfactory results at SSLC level in Scheduled Areas should be reviewed by the TAC every year and suitable remedial measures taken. Teachers found guilty should be dismissed from service.
- (xiv) The Tribal Development Department has over the years spread a wide network of educational institutions in the tribal areas but now time has come when quality education at secondary level is essential. Therefore, State Govt. may consider transferring administration of Middle and Higher Secondary Schools from the control of Tribal Development Deptt. to Education Deptt. in a phased manner. This will enable tribal students to compete with others in getting admission to professional/vocational courses.

- (xv) Teachers quarters should be attached to school buildings in tribal areas and efforts may be made to provide residential accommodation to all teachers in a phased manner by the end of Tenth Five-Year-Plan period.

## 26 Health

26.1 Indicators of health as given below show the poor infrastructure available in the State:

	Madhya Pradesh	India
Birth rate	30.3	25.0
Death rate	9.7	8.1
I.M.R. per 1000	85	64
No. of beds in allopathic Hospitals per one lakh Population	35	92

25.2 The position in tribal areas, and in particular the Scheduled Areas is rather more vulnerable. National Council of Applied Economic Research, New Delhi in their Benchmark Survey on Human development profile of SC and ST in Rural India (2000) has stated that villages dominated by STs are generally deficient in the supply of health care facilities.

26.3 The position of availability of public health institutions, infrastructural facilities and personnel in some of the tribal areas of the State during 2002-03 is furnished at Appendix IV. It is noted therefrom that malaria, water borne diseases and cases of snakebite are many. Posts of specialist doctors and paramedical staff were vacant at several places. During their field visits, the Commission was informed in Jhabua district that the Doctors in the PHC at Thandla charged Rs. 2/- from every patient as donation to the Red Cross fund and collected Rs. 10/- per patient for writing prescription. As there was no stock of medicines in the PHC, the patients had to visit chemist's shops for their purchases. The patients were directed by the doctors to meet them in the evening at their respective residences for good quality treatment. The three PHCs and one CHC in the Block had neither X-Ray equipments nor any pathological laboratory. In Petlawad area of the district common health related problem was that of underweight newborn children, who are taken to adjoining Ratlam district for treatment. The post of nurse at Jamli Sub-centre was vacant for the last four years.

26.4 The Commission also observed that public health infrastructure and availability of qualified personnel in tribal areas has not improved much over the years and therefore, **it recommends that norms for setting up public health institutions in tribal areas should be relaxed keeping in view the low density of population, inaccessible area and poor communication system. Availability of ambulances in interior areas even at sub centre levels needed to be ensured. Forming a pool of specialists and lady doctors at district level may be implemented and out of this group, doctors may be deputed to different health centres on weekly/fortnightly basis. Participation of private doctors, nursing homes and other agencies available at nearby places should be encouraged.**

## 27 Drinking Water

27.1 As on 1.4.2002 out of 2,22,890 habitations in the State, safe drinking water has been ensured in 208448 where water supply is made available @ 40 litre per day. In other villages lesser quantity of water is supplied. Out of 3,80,083 hand-pumps, 3,36,429 (88.5%) were in order for water supply. 4187 villages have been covered by piped water supply and 1940 villages used ground water.

27.2 Special attention has been focused to ensure water supply to 3 PTGs, namely, Saharia, Baiga and Bharia by sanctioning tubewells in the district of Gwalior, Datia, Shivpuri, Guna, Morena, Mandla, Balaghat, Sahdol and Chhindwara. Eighty four villages were reported affected by fluoride thereby making drinking water unhealthy in Chhindwara district. For the repair of hand pumps, a provision of Rs. 15,000 was made by a Gram Panchayat, which was reported to be highly inadequate in the rocky and hilly areas. In Dhar district 16% villages were problem villages. In Petlawad Tahsil of Jhabua district water scarcity was acute in Samirgarh village as there was no trace of water upto 400 feet in 220 villages. Executive Engineer, Public Health Engineering Department informed that there was no water even upto 1200 feet in 12 tube wells. The Department tried construction of 45 wells and 35 tube wells but water could not be reached. In order to meet the scarcity of water, supply was ensured through water tankers. In Sarangi and Kudwas villages water was not available despite spending Rs. 39 lakhs. In Pati area of Barwani district ground level water has gone down considerably and as a result the tribals faced hardships in getting drinking water.

27.3 According to a study report (M.P.T.R.I. Bulletin, 2001-02, No. 337/200) on the impact of schemes for supply of drinking water in Karahal Block of Sheopur district, it was found that tribals were reluctant to go to other hamlets where handpumps have been installed. Each hamlet required atleast one handpump. The study report has also concluded that wherever tribals used handpump water, there has been decline in diseases. Need for effective and timely maintenance of handpumps was also stressed.

## 28 Housing

State Government has decided to allot 15% of all types of houses constructed by the housing boards and housing plots to ST persons. **The Commission recommends that the reservation for STs should be atleast 20% in proportion of ST population to total state population.**

## 29 Art and Culture

Adivasi Lok Kala Parishad is popular in tribal areas for organising tribal fairs, drama performances and folk dances. A collection of tribal musical instruments has been made by them. Gondi folklores are also being translated into Hindi.

### 30 Reservation in Services

As on 31.12.1999, 20,733 posts reserved for STs were vacant in different categories, of which 19,220 posts could be filled up and remaining 1513 were vacant. Category wise position is given below:

Category	Vacant posts During 1999	Posts filled during during 1999	Vacant Posts as on 1.1.2000
I	176	27	149
II	1484	992	492
III	16,139	15,419	720
IV	2,934	2,782	152
<b>Total</b>	<b>20,733</b>	<b>19,220</b>	<b>1513</b>

### 31 Unrest in tribal areas

(i) Shri Mahipal Bhuria, spokesman of Catholic Diocese of Jhabua district urged the Chairman of the Commission vide his letter dated 03.02.2004 to make efforts to bring peace and harmony among the Bhils following Christian, Hindu and other indigenous faith. He alleged that certain unsocial elements have created gulf between the two groups, as a result of which tribal identity is being lost. It may be recalled that on an earlier occasion Christian tribals of Amkhut Panchayat of Kathiwara Block of Jhabua district had caused disturbance in a religious discourse organized by the Hindu Bhils, which resulted in firing leading to death of one tribal, Arjun Pal. Subsequently, they damaged the village deity at Puniawat village. This was brought to the notice of the Commission by Sarpanch, Amkhut, Kathiwada block in his memorandum dated 2.2.2004.

(ii) Shri Panchhi Lal Saket of Jhabua in his Memorandum dated 23.02.2004 brought to the notice of the Commission that his daughter, Ku. Sujata (9 years) was raped and killed by an official of Church at Jhabua on 11.01.2004. This incident led to tension in the district.

(iii) Shri Shankar Tadvala Bhilala of Alirajpur and Shri Benedict Damore of Jhabua in a Joint memorandum have urged the Commission to motivate NGOs with secular credentials to take up social work activities in tribal areas to ease the social tension.

### 32 Jail Reform

The Commission visited Alirajpur jail in Jhabua district on 10.5.03 and Sahdol jail on 21.06.2003. Attendance of prisoners was as under:

Category	Alirajpur	Sahdol
Male	Under trial 182	164
	Convicted 10	24
Female	Under tribal 4	20
<b>Total</b>	<b>196</b>	<b>208</b>



During discussions with jail inmates, it was found that they were booked for different offences, such as, murder, theft, assault due to dispute over land, elopment, looting a bus, dacoity, kidnapping and unlawful assembly. In Sahdol jail offenders of excise related offences were many. The jail inmates urged the Commission to provide electric fans during summer, to which the jail authorities reported that ceiling fans are not provided as sometimes a prisoner tries to commit suicide in the jail barracks. **The Commission desired that pedestal electric fans could be kept during peak hours as a measure of reform.** On finding several young tribal boys in the jail, the Commission expressed their concern and suggested that a survey of such boys should be carried out on regular basis and plan for their rehabilitation prepared and implemented after their release from jail. **Possibility of funding rehabilitation projects for released tribal prisoners out of grant under Art 275 (1) may be explored for Scheduled Areas, the Commission observed. An MLA of Sahdol suggested that 10% of the sales proceeds produced by the jail inmates may be given to them towards their rehabilitation. The Commission agrees with the suggestion.**

### **33 Research, Monitoring and Evaluation**

33.1 Madhya Pradesh Tribal Research Institute set up in 1954 had undertaken anthropological studies and detected 912 fake/false ST certificate during 2001 to 2003, prepared anthropological notes on 60 communities, conducted research studies (78 since 2001-02) and trained 641 officers (1998-2003). Commission held discussions with Director Tribal Research Institute, Bhopal and other officers on 25.06.2003. Director informed that TRI carried out several studies, such as, on the working of education guarantee scheme, functioning of Panchayatiraj institutions, working of schools run by Christian missionaries, NGOs and the Government, and also on alienation of tribal land among others. The State Government had also entrusted upon them the assignment of verification of community certificates especially in regard to the Halba Koshti and Majhi communities. The Commission has observed that the TRI had done good work during the past but of late, the standard of output of the Institute has come down. One of the reasons appears to be that Director is an Administrative Officer of junior rank unlike the previous years when a sociologist/anthropologist used to head the institute. The attitude of an Administrative cadre officer is very different from that of a Research Scholar who approaches the problem with an open mind and brings forth all the dimension of the problem to assist the State Government in taking a policy decision in the matter. One of the drawbacks that the Commission has noticed is that the State Govt. does not take appropriate action on the suggestions and recommendations made by the TRI in their studies.

**33.2 The Commission therefore recommends that the Director of TRI should be a Research Scholar of eminence. It is further recommended that Director of the TRI also be entrusted with the responsibility of the Directorate of Tribal Area Development Planning. The Commission also feels that State Government should allocate sizeable funds to make it possible for the Research Officers/Investigators to tour the tribal areas for collection of data on a continuous basis.**

## **Visit to Baba Saheb Ambedkar National Institute of Social Sciences, (BANISS) Mhow, Indore (12.05.2003)**

33.3 Commission held discussions with Director General, BANISS, faculty members of the Institute and the Research Fellows on tribal issues. Commission was informed that the Institute guided students for M.Phil and Ph.D. courses and supervised research projects, some of which were –

(a) dry farming and agriculture development, migration of tribals, policy of *tendupatta* (*m.f.p.*), post-matric scholarships, drought prone area Baiga tribe, food security, IRDP and training of Panchayatiraj functionaries.

(b) extension activities on education for protecting environment, orientation of teachers for working in tribal areas, Essay and poster competitions on tribal related issues and rallies for generating awareness.

(c) Ph. D. scholars were guided in their studies on self employment scheme, Bharias of Patalkot, criminal tendency among the Bhils, nutritional status of Bhil and Khairwar women etc.

**33.4 The Commission recommends that studies in Naxal affected areas and aspirations of post-matric students in tribal areas may be undertaken by TRI and BANISS. A separate cell for tribal studies may also be set up in the BANISS for focused attention upon the tribals of Western Madhya Pradesh.**

## **34 Unresolved Issues**

34.1 State Government in their draft TSP for 2002-03 has stated that major and persistent problems that have by and large remained unattended are:

(1) Land alienation, (2) indebtedness, (3) tribal-forest interface, (4) ineffective implementation of M.P. Panchayatiraj (Second Amendment) Act, 1997 and M.P. Panchayatiraj (Amendment) Act, 1999, and (5) displacement and lack of proper rehabilitation. When one sees the TSP 2002-03 prepared on the basis of strategy for X Five Year Plan and beyond, the above listed issues are lost sight of in overall strategy of the state in achieving targets by 2007, like reduction of poverty-ratio to 20% , universal access to primary education, increase in literacy rate to 72% by 2007, reduction of IMR to 45/1000, increase in forest and tree cover to 25% and all habitations to have access to potable drinking water by 2012.

**34.2 The Commission therefore recommends that monitorable targets should, in future, be fixed in TSP for-**

**(i) habitations fully covered by supplying safe drinking water, (ii) Suo moto registration of land alienation cases by government employees including the revenue, police, excise and forest personnel, (iii) restoration of alienated lands, (iv) building up of economic assets through banks and other financial institutions, (v) cultivable land brought under irrigation, (vi) economic returns out of forests in the form of wages, sale proceeds of minor forest produce and**

bonus received out of joint forest management ventures, (vii) displaced tribal families rehabilitated, (viii) issuance of patta to tribals by the Forest Department towards regularization of encroachments, (ix) employment generation and community works for execution given to the Self Help Groups and (x) ensuring attendance of teachers and students in schools, health personnel in primary health centres and alike institutions and also of availability and supply of foodgrains by Public Distribution Shops. The Commission recommends that ten point monitoring schedule (as above) may be reviewed half yearly by the State and annually by the Ministry of Tribal Affairs.

### **Discussion with Chief Secretary of the Govt. of Madhya Pradesh**

35 According to the Chief Secretary of the State Govt. the felt needs of the tribals are basically fivefold i. e., land, forest, water resources, health and education. The tribals of the State are the producers but their marketing is done by the non-tribals and the money earned is not ploughed back to the tribal areas. Citing an example of forest resources, he said that forests are for the national good although the trees are standing on the lands of the State. The State Govt. does not get full returns of the trees and the forest products. He suggested that at least 30% of the revenue out of the forest and mining resources should reach the State for development. Whenever land is taken away under the Central Forest Act, its compensation should be provided to the State Govt. Commissioner, Tribal Development suggested that TSP Area and the Scheduled Area should be made co-terminus for improved administration. Although policy of improved administration in Scheduled Areas provides for incentives and compensatory allowance to employees, leave travel concession to visit home town, facility of stipend to stay in departmental Post matric and pre-matric hostels and ashram schools (upto 2 children of employees) additional 10 days earned leave and 7 days additional leave and a separate policy for appointment, posting, promotion and transfer has been adopted by the State, administrative set up in Tribal areas is still very weak and government employees do not have the capacity, knowledge and capability to come to expectations. Chief Secretary Govt. of Madhya Pradesh apprised the Commission that the State hardly got 1 or 2 IAS Officers from the Govt. of India annually and therefore it was very difficult for them to place their services as Project officers at the ITDP level in the tribal areas. The problems of the State are complex as most of the districts are backward. The State is not a soft choice for the government employees. The other administrative handicap is that 70% of its employees are those who are in the age group of 40 years and more and the active workforce of less than 40 years is hardly 30%. The State has hardly 5% of its workforce, which is less than 30 years in age. The development of the State, therefore, is dependent on the performance of middle aged employees for whom the backward and tribal area appear to be uncomfortable, if not hostile.

## Recommendations

36 In order to effectively implement the TSP strategy in the State, the Commission recommends that-

- (a) TSP area and Scheduled Area should be made co-terminus.
- (b) There should be one ITDP for one district and the P.O. ITDP should be an IAS officer of the rank of Additional Collector or an Officer of Indian Forest Service. He may also perform the duties of P.O. DRDA.
- (c) Bhopal Declaration, 2003 has only touched the fringes of ST issues and this should be delinked from Scheduled Castes Development. It may be reformulated.
- (d) Existing personnel policy for tribal areas has not given desired results. This may be modified in the context of aspirations of employees in the 21<sup>st</sup> century.

## Flow of State Budget to Tribal Sub-Plan

**(a) State Plan**

(Rs. in Crores)

Year	State Plan	Budgetary Support	Divisible Amount	Tribal Sub-Plan				
				Budg. Prov. (% to B. Sup.)	% to divisible amount	Allotment	Expenditure	% to allot.
2000-01	3250.92	3085.92	2779.96	700.63 (22.70%)	25.20	658.32	566.96	86.12
2001-02	3306.09	3141.09	2900.52	623.85 (19.86%)	21.51	620.20	505.46	81.50
2002-03	4749.77	4584.77	4335.34	818.83 (17.86%)	18.89	866.42	708.41	81.76
2003-04	5901.75	5761.86	4165.14	899.41 (15.61%)	21.59	905.91	479.04 (upto Dec.'03)	52.88

**(b) Special Central Assistance**

(Rs. in Crores)

Year	Budget provision (Including suppl.)	Released Amount from GOI	Expenditure	% to released amount
2000-01	120.62	62.57	87.89	140.47
2001-02	72.02	78.33	62.25	79.47
2002-03	91.70	78.33	87.94	112.27
2003-04	80.23	70.50	14.30 (upto Dec.'03)	20.28

**(c) Article - 275 (1)**

(Rs. in Crores)

Year	Budget provision (Including suppl.)	Released Amount from GOI	Expenditure	% to released amount
2000-01	18.50	20.58	16.40	79.69
2001-02	58.77	43.46	52.87	121.65
2002-03	72.05	40.52	34.43	84.97
2003-04	48.53	35.36	Nil	(upto Dec.'03)

**(d) Coverage of ST families**

(Rs. in Crores)

Year	Target			Achievement			% to total
	IRDP	Non-IRDP	Total	IRDP	Non-IRDP	Total	% to total
2000-01	0.35	1.74	2.09	0.39	1.95	2.34	111.96
2001-02	0.35	1.74	2.09	0.23	1.91	2.14	102.39
2002-03	0.35	1.75	2.10	0.17	2.03	2.20	104.76
2003-04	0.35	1.75	2.10	0.11	1.39	1.50 (upto Jan.'04)	71.43

## Vacant Posts of Teachers

District	Institution	Particulars of vacant posts
Jhabua	Degree College, Thandla	6 posts out of 15 posts of teachers were vacant in subjects, such as, Economics-2, Commerce-2, History-1 and Sports officer-1

## H. S. Schools

Staff (2002-03)	Sanctioned Posts	Vacant Posts	%
Principal	114	86	75
Head Master	307	38	12
Lecturer	434	109	25
UDT	1349	149	34
LDT	4209	52	1
Office staff	357	70	20

In Petlawad Block all the posts of Science lecturers were vacant.

## Chhindwara district

Post	Sanctioned	Vacant	%
Principal	153	62	40
Lecturer	428	45	10
Head Master	455	53	13
UDT	942	337	36
LDT	5701	1192	21
PTI	49	19	39

**Note:** Shortage of lecturers and UDTs in Science was 74, followed by English 52 and Maths 43.

**Betul district**

<b>Post</b>	<b>Sanctioned</b>	<b>Vacant</b>	<b>%</b>
Lecturer	413	89	22
UDT	1522	352	23
Asstt. Teacher	5286	379	7

**Mandla district**

<b>Post</b>	<b>Sanctioned</b>	<b>Vacant</b>	<b>%</b>
Principal	62	8	13
Headh Master	156	40	26
Lecturer	183	33	18
UDT	862	365	42
	<b>1263</b>	<b>446</b>	<b>35</b>

**Excess teachers viz-a-viz vacant posts**

<b>Block</b>	<b>No. of Posts of Teachers</b>
(a) Better off Blocks	Excess Teachers
Mandla	35
Nainpur	21
Bichhua	14
Mawai	03
	<hr/>
	73
	<hr/>
(b) Interior Blocks	Vacant Teachers posts
Ghugri	24
Bijadandi	02
Narainganj	18
Niwas	16
	<hr/>
	60
	<hr/>

S. No.	District	Examination Results (in percentage)			
		Analysis of Result			
1.	Jhabua	V	VIII	X	XII
	2000-01	58%	56%	54%	79%
	2001-02	61%	59%	40%	81%
2.	Barwani	Pass percentage at Middle School was less than 20%.			
3.	Ratlam	Govt. Model HSSchool, Sailana			
		<b>Middle</b>	<b>HS</b>	<b>HSS</b>	
	2000-01	75%	97%	82%	
	2001-02	100%	100%	91%	
4.	Chhindwara	V	VIII	X	XII
		74%	49%	26%	46%
		District administration has terminated the services of 12 teachers and initiated action against 100 teachers whose performance was poor.			
5.	Betul	X	XII		
	State average	25%	62%		
	District average	29%	52%		
	STs	16%	NA		
6.	Seoni	Appeared	Passed	%	
	Class X	1457	353	24%	
7.	Mandla				
	High School	10.59%			
	Middle	31% (1996 out of 6359)			
	Primary	62% (7378 out of 11,960)			
(1)	Govt. New Middle School	No. of students			
	Padao, Mandla	Appeared	Passed	%	
		33	1	3	
(2)	Primary School				
	Fatah Darwaja, Mandla (class V)	21	Nil	0%	
(3)	Girls Primary School, Padao, Mandla (class V)	15	2	13%	



**Appendix IV**

**Health infrastructure in selected districts**

SI.	DISTRICT	POSITION																																						
1.	Betul	1500 children died of malaria in 2001. 5900 mosquito nets were distributed @ 2 nets per family. Cases of snake bite are many. Diarrhea is very common. 48 posts of doctors out of 71 were vacant.																																						
2.	Mandla	Nine posts of specialist doctors out of 10 were vacant. Posts of Radiographer and Pharmacists were also vacant at CHC Niwas. Diarrhea, dysentery, malaria and jaundice were commonly prevalent.																																						
3.	Dindori	Out of 21 posts of doctors, 8 posts were vacant in PHCs.																																						
4.	Seoni	Six posts of specialist doctors out of 9 and 17 out of 75 class II doctors were vacant. The Commission visited Ghansor in Seoni district where a CHC building with 100 bedded facility has been constructed at a cost of Rs.1.25 crores and the hospital has not become functional because it was not inaugurated.																																						
5.	Chhindwara	27 posts out of 38 class I doctors and 31 out of 166 class II doctors posts were vacant. The doctors were placed under suspension for dereliction of duty.																																						
6.	Jhabua	<p>Major diseases - Malaria, T.B. and Leprosy  District Hospital - Community Health Centres 10  Primary Health Centre - 30  Sub center 346 Ayurvedic Centre - 45</p> <table border="0"> <thead> <tr> <th rowspan="2">Staff</th> <th colspan="2">No. of Posts</th> </tr> <tr> <th><u>Sanctioned</u></th> <th><u>Vacant</u></th> </tr> </thead> <tbody> <tr> <td>Doctor</td> <td>107</td> <td>28</td> </tr> <tr> <td>Medical Specialist</td> <td>4</td> <td>2</td> </tr> <tr> <td>Surgeon</td> <td>4</td> <td>4</td> </tr> <tr> <td>Child specialist</td> <td>4</td> <td>3</td> </tr> <tr> <td>Eye specialist</td> <td>1</td> <td>1</td> </tr> <tr> <td></td> <td><b>120</b></td> <td><b>38 (32%)</b></td> </tr> <tr> <td>Radiographer</td> <td>14</td> <td>7</td> </tr> <tr> <td>Lab. Tech</td> <td>42</td> <td>16</td> </tr> <tr> <td>Compounder</td> <td>54</td> <td>26</td> </tr> <tr> <td>Nurse</td> <td>69</td> <td>16</td> </tr> <tr> <td></td> <td><b>179</b></td> <td><b>65 (36 %)</b></td> </tr> </tbody> </table>	Staff	No. of Posts		<u>Sanctioned</u>	<u>Vacant</u>	Doctor	107	28	Medical Specialist	4	2	Surgeon	4	4	Child specialist	4	3	Eye specialist	1	1		<b>120</b>	<b>38 (32%)</b>	Radiographer	14	7	Lab. Tech	42	16	Compounder	54	26	Nurse	69	16		<b>179</b>	<b>65 (36 %)</b>
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7.	Dhar	In Dahi Block, two posts of doctors out of sanctioned 4 were vacant. Number of T.B. patients was as high as 125 and X-ray machine was out of order. The Block in interior area does not have an ambulance.
8.	Ratlam	As against the requirement of 32 sub-centres in ITDP Sailana, there were only 24 such centers. Lady doctors were not willing to serve in the rural areas.
9.	Barwani	<p>In Barwani district, six posts of Grade I Medical Officers, 2 posts of District Health Officers and 4 posts of doctors in PHCS of Roshar, Gandhawal, Moyada and Bandhara Bujurg were reported to be vacant. Whereas Dais could be appointed for all the 707 villages of the district, Public Health Workers could not be trained for 34 villages as persons with requisite educational qualifications, were not available. Major diseases noticed in the district are as under:</p> <p><b>T.B. - 123 new cases</b>  <b>Leprosy - 31 new cases</b></p> <p>The Commission was informed that 10 vehicles out of 28 were out of order. Out of 235 sub-health centers government buildings were available for 88, panchayat buildings for 27 and remaining 120 centres were housed in rental accommodation.</p>
10.	Khargone	In Bhikangaon PHC, requirement of a female nurse was stressed by the villages.
11.	Sahdol (Pushprajgarh Block of Anuppur Tahsil)	Out of 7 posts of doctors only one was filled up.
12.	Sidhi	Appointment letters were issued to nearly 20 doctors but none reported for duty. Out of 10 posts of specialists, 8 were vacant Medicines to cure snake bites were not available at any of the PHCs.

# Report on Maharashtra

## Part - I

### Introduction

1. Maharashtra State became an entity consequent to the linguistic reorganization of States of India effected on 1 May 1960. As a sequel to the agitation for a Samyukta Maharashtra, all the contiguous Marathi –speaking areas which previously belonged to 4 different administrative hegemonies – districts between Daman & Goa that formed part of the original British Bombay Province, five districts in the north and west of the Nizam's dominion of Hyderabad, eight districts in the south of the Central Provinces (Madhya Pradesh) and a sizeable number of native ruled State enclaves lying enclosed within these areas merged with the adjoining districts.

1.1 Area - 3.08 lakh sq. kms.

1.2. Percentage of India's total area - 10%

1.3. Population

Census year	Total (in crores)	%age of India's total population	Total decadal growth	ST ( in lakhs)	ST decadal growth
1991	7.89	9.27	25.36	73.18	26.79
2001	9.68	8.87	22.57	85.77	17.20

Population (ST)	1991	2001	Decadal growth
Rural	64,05,814	74,86,537	16.87%
Urban	9,12,467	10,90,739	25.02%
Total	73,18,281	85,77,276	17.20%

1.4. Ranking of ST population in relation to India's - 3<sup>rd</sup>

1.5. Sex Ratio

Census	India	State	ST
1991	929	934	968
2001	933	922	973

1.5.1. Sex ratio among STs of the State is much better than the State as well as all India average, which is appreciable.

1.6. No. of ITDPs - 24

1.7. Forest cover - 17%

- 1.8. Percentage of industries around greater Mumbai - 40%
- 1.9. Percentage of work force employed by industry - 16%
- 1.10. Availability of roads - 58 kms.for every 100 sq.kms.
- 1.11. No. of revenue divisions - 6
- 1.12. No. of revenue districts - 35
- 1.13. Panchayat Samitis - 296
- 1.14. STs as per 1950 orders - 47 (population given in **Appendix I**)  
No. of STs as per 2002 orders - 45
- 1.15. Scheduled Areas  
Districts covered - 15  
Villages covered - 5009  
Towns covered - 12  
Total area in sq. Kms. - 46,425
- 1.16. PTG groups - 3[(i) Katkari/Kathodi (ii) Kolam and (iii) Madia Gond
- 1.17. PTG population - 4.49 lakhs (6.14 % of ST population)
- 1.18. ST population covered by TSP strategy - 75% (54.88 lakhs)  
Dispersed tribals covered by OTSP strategy - 25% (18.30 lakhs)
- 1.19. Literacy rate (1991)

Unit	Male	Female	Average
General	76.56	52.32	64.44
STs	49.09	24.03	36.56
PTGs	29.00	20.00	24.50

1.20. BPL status \*

Percentage of STs living below BPL – 90.89%

Name of ITDPs above state average of 90.89%

(i) Gadchiroli	97.25%	(vi) Bhandara (Deori)	92.65%
(ii) Thane - Shahapur	96.59%	(vii) Ahmed Nagar(Rajur)	92.60%
(ii) Thane - Jawahar	95.53%	(viii) Nashik (Trimbuk)	91.08%
(iv) Raigad (Pen)	94.56%	(ix) Jalgaon (Yawal)	91%
(v) Chandrapur - Rajur	94.52%		

\* Source: Universal Bench March Survey, 1980. 528

Chandrapur-Chimur 92.69%

1.20.1 All India poverty line (NSS 1997-2000 for STs for State as a whole for rural and urban areas)

Rural 43.56% Urban 42.98%

1.21. Drop out rates at secondary stage<sup>@</sup>

Unit	STs	All students
Boys	71%	52%
Girls	77%	57%
Average	73%	54%

## 2. Scheduled Areas

The Scheduled Areas in the state were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O. 9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O.26) dated 7.12.1950). With the introduction of the Tribal Sub-Plan (TSP) strategy, the Scheduled Areas were enlarged and were re-specified under the Scheduled Areas of Maharashtra Order, 1985 (C.O.123) dated 2.12.1985 after rescinding the above mentioned Orders. The State Government has not informed the areas that they wish to include in the Scheduled Areas.

### 2.1. Annual Report on the administration of Scheduled Areas of Maharashtra State

In compliance of paragraph 3 of Fifth Schedule of the Constitution, the Governor of the State submits an annual report on the administration of Scheduled Areas in the State to the President of India. The Union Ministry of Welfare (now Ministry of Tribal Affairs) addressed a communication to the concerned States in Jan.,1987 stressing the need for regularity in its submission and making a qualitative improvement in its format.

**2.1.1.** The present report made available to the Commission is for the year 1999-2000. **The report running into 115 pages, gives in a passing manner the role of TAC and does not mention the working of protective laws/regulations enforced in the Scheduled Areas. Though there is reference to the role of TRI in conducting research in general and specific areas of economic activities, the summary of researches conducted and their important findings have not been highlighted. The report describes the implementation of the various TSP programmes but it does not give any qualitative analysis of the programmes and work being done by voluntary agencies. Legal protection to the tribals against their exploitation by traders, money lenders and other exploitative agencies has been described but important dimensions of problems in restoration of alienated lands has been skipped over.**

**2.1.2.** The Commission feels that the sweeping powers given to the Governor in enforcing general laws fully/partially, enforcing special regulations for ensuring peace and good government in the Scheduled Areas are woefully missing in the report. The Commission recommends that a small Cell should be set up in Governor's office to apprise him about the working of regulatory safeguards in the Scheduled Areas

<sup>@</sup> Source: Maharashtra State/General Education/Statistical Information, 2000-01.

including the extension of the provisions of PESA Act to Maharashtra in 1997.

### 3. Tribes Advisory Council (TAC)

Maharashtra has Scheduled Areas encompassing 46,531 sq. kms. Under Article 244(1) of the Constitution. The State Government has constituted a TAC comprising of 20 members, which includes 15 ST MLAs, 2 members nominated by the Governor. The Chief Minister is ex-officio President; the Minister of Tribal Development is ex officio vice-President while the Secretary TDD is ex officio Member Secretary of the TAC. The main purpose of the TAC, according to the State Government is to advise the Governor on tribal development and decide policy matters pertaining to development of tribals.

3.1. There were complaints from tribal representatives during the course of the tour that the TAC was not meeting frequently to discuss the implementation of various constitutional safeguards and regulations particularly relating to land alienation, money lending, working of excise policy for socio-economic and educational development of STs living in the Scheduled Areas. **The Commission recommends that all regulations/laws/government resolutions applicable to the scheduled areas should be reviewed by the TAC periodically for tackling the spread of tribal unrest. This review will also help in plugging the loopholes in the regulatory mechanism.**

### 4. Unrest in tribal areas

The remote and most backward areas of Maharashtra adjoining Andhra Pradesh and Madhya Pradesh are affected by the activities of naxalites. South Chandrapur circle spread over two districts, namely, Chandrapur and Gadchiroli is a vast tribal belt. This area has 4 territorial revenue sub-divisions out of which Allapalli, Sironcha and Bhamragarh fall in Gadchiroli while Central Chanda sub-division is a part of Chandrapur district. The entire area is covered with good forests and is inhabited by Gond STs, Madia Gond and Kolam PTGs. The area is endowed with abundant natural resources but sorrowfully the area is devoid of basic amenities. **Due to poor transportation, communications, lack of all-weather roads, almost absence of any industrial activity, education and electricity, the circle is simmering with many-fold problems. Due to flooding of the 5 rivers (Wardha, Vainganga, Godavari, Khobragari and Indravati) in the rainy season, the villages are not accessible to the health care centers and in the absence of proper health care; certain diseases like sickle cell, anaemia, malaria, diarrhoea and malnutrition, which are widespread in the district, have remained beyond the pale of health care centers.**

4.1. Agriculture is primitive and at subsistence level in the area. Tribals are able to grow only one crop a year where they could grow two very easily. Modern agricultural practices have still not reached this belt. The main activities of the tribals of the region are food-gathering, hunting and farming. Their dependence on collection of *tendu* leaves enables them to add to their meager income.

4.2. There are 1613 ex-malguzari tanks in the district of Gadchiroli. These tanks are now non-functional due to siltation. In the good old days, these tanks were an important source of water supply for irrigation and drinking-water purposes. Their disuse coupled with the alienation of tribal land, operation of non-tribal moneylenders in the tribal areas has deprived the tribals of their permanent asset – agricultural land. They do not have any recorded titles to land and restoration of alienated land despite legal provisions has not taken place.

4.2.1. The tribals are not happy about the functioning of Govt. functionaries and this resentment has been utilized by certain groups to foment strife against Patwaris, forest rangers, police constables etc. Normal law and order machinery has come to a grinding halt and the PWG rules the roost. According to the figures, supplied by the Forest Deptt., it is reported that the State suffered a loss of Rs. 114.14 lakhs due to 54 cases of burning of forest produce, 6 Govt. vehicles and 6 Govt. buildings by the PWG during 1996-2000. Additionally, the Forest Deptt. Staff received 66 threats from the PWG for venturing into the sensitive area during this period. The subordinate staff residing in the villages are reportedly always under constant pressure. Forestry operations, like plantations, coupe working, transportation of forest produce, collection of MFP, roadwork and other work are at standstill. The situation is quite grave as we have not taken into account the losses suffered by the other developmental deptts. like, education, health, irrigation, PHED, drinking water, electrification etc. This is leading to reduction in employment to the local tribals and consequently the monetary loss due to PWG threat would be monumental and run into billions of rupees. Resultantly, the district administration are unable to construct internal roads connecting the block-head headquarters to the villages. The State Govt. had to take the help of the Border Roads Organization (BRO) for connecting district headquarters and major villages.

4.3. During the Commission's meeting with Baba Amte in his village at Hemalkasa on 4.8.2003, it was suggested by him that the Tribal Development Deptt. should construct embankments to store water for irrigation purposes so that the river water is properly harnessed. This according to him could provide irrigation water in the extremist infested sub-division of Bhamragarh which borders the sensitive district of Bastar of Chhattisgarh. It was felt by Baba Amte that the naxalites would have no objection to any honest attempt made by the Govt. to empower the tribals. The Commission reiterates the suggestions made by Baba Amte. The Commission recommends that the Bhamragarh area should be saturated with irrigation facility while at the same time, 1613 ex-malguzari tanks referred to above should be desilted on a war footing with a view to ensuring supply of irrigation and drinking-water to the tribals. These programmes coupled with other agriculture related inputs will go a long way in economic development of STs. The Commission further recommends the land *Pattas* should be given to STs and alienated land should be restored to them

## Speedy development of Naxalite affected areas

4.4. The entire district of Gadchiroli, four tehsils of Chandrapur, seven tehsils of Gondiya, Sakoli tehsil of Bhandara, Pandharkawada and Wani tehsils of Yavatmal and Kinwat tehsil of Nanded are covered by the Special Action Plan. **The Government has drawn up a plan costing Rs.733 crores for development of agriculture, horticulture, animal husbandry, roads, education, technical education, forest development, drinking water and soil conservation. Development of irrigation is the major problem in these areas, which can be tackled by deepening the existing irrigation tank and construction of minor irrigation projects.** It is only after irrigation facilities are available that the development of agriculture and horticulture can take place. The Government has decided to give 90% subsidy to the ST farmers, who adopt drip and sprinkler methods for irrigation. Improved varieties of rice and oil seeds are also to be distributed encouraged. At the same time, horticulture alongwith cultivation of vegetables in the surrounding areas of farmers' houses will be encouraged. The work of road construction in Gadchiroli & Gondiya areas has been entrusted to Border Road Organization to facilitate speedy communication and connectivity to the villages will be provided under PGSY.

## Action plan for backward talukas of Nandurbar district

4.5. Nandurbar district is one of the most backward ST districts in the state. The two talukas of Dhadgaon and Akkalkuwa in the district are the most backward tribal areas. In these two talukas, 89 villages are not connected by all weather roads and 132 villages are cut off during monsoon. The health care delivery system, ICDS, supply of potable water, horticulture, animal husbandry and supply of electricity are extremely insufficient. The State Government has drawn up a time bound programme costing of Rs.219 crores for a period of 5 years. The State Government has sanctioned funds amounting to Rs.9.68 crores and the Government of India has approved an expenditure of Rs.10.12 crores as indicated below:

### State Government

(i)	Establishment of health infrastructure	:Rs. 1.00 crore
(ii)	Construction of roads in Dhadgaon and Akkalkuwa Talukas	:Rs. 7.20 crore
(iii)	Construction of mini hydro-electric projects	:Rs.1.00 crore
(iv)	Construction of solar energy, wind power Hybrid power projects in 5 villages	:Rs.0.48 crore Rs.9.68 crore

### Government of India

(i)	Wadi programme for integrated development of tribal families	: Rs. 2.52 crore
(ii)	Strengthening of electricity distribution system And establishment of power stations	: Rs. 2.90 crore
(iii)	Water supply schemes for 94 villages in Dhadgaon and Akkalkuwa talukas	: <u>Rs. 4.70 crore</u> <b><u>Rs10.12 crore</u></b>

4.5.1. The State Government had requested Government of India to allocate Rs.75 crores for undertaking this project, but the State Government has been informed to provide funds out of the State share of Special Central Assistance, which amounts to Rs.30 crores per annum. **The Commission recommends that the Central**



Government should take up financing of at least one backward taluka in the district of Nandurbar so that there will be a visible impact in a defined area in a short period of time. The Commission would also suggest that the Govt. of India after consulting the State Govt. should prepare a comprehensive financial package for the most backward talukas of Dhadgaon and Akkalkuwa of Nandurbar district on the lines of Kalahandi – Balangir – Koraput (KBK) or Bastar packages for removal of backwardness. Alongside, the delivery system should be improved by reaching to a large number of poor with focused measures in the shortest possible time.

#### **Western Ghats Development Programme**

4.5.2. National Development Council identified in 1965 areas under Hill Area Development Programme (HADP) while areas in Western Ghats Development Programme (WGDP) were recommended by a High Level Committee in 1972. WGDP takes care of 62 talukas of Maharashtra out of which 2 talukas of Dhadgaon and Akkalkua of Nandurbar district are the most backward talukas. Areas under HADP and WGDP receive SCA in the ratio of 90:10 and 60:40 respectively. Thus, the HADP and WGDP funds are being operated differently. **The Commission recommends that the SCA in respect of WGDP should be released on the basis of the norms of HADP in the ratio of 90:10. The approach under WGDP should be on the basis of TSP strategy and all sectors of development should be funded. On the lines of HADP, there should be a provision of 15% of annual allocation for maintenance of assets under WGDP.**

#### **Visit to Central Prison Gadchiroli (05.08.2003)**

4.6. Gadchiroli with 39 percent of tribal population bordering, the naxalite prone area of Bastar district of Chhattisgarh is home to the most backward Madia Gond (PTG). The Commission visited the Central Jail on 5th August, 2003 and had a rapid interface with 75 male and 7 female prisoners. The Inspector General of Prisons who accompanied the Commission to the various dormitories of the jail informed that out of 561 prisoners, 41 had been convicted, of whom, only 4 were tribals. The only tribal female prisoner was arrested under section 306 of the IPC for causing death of her spouse for demanding dowry. One other non-tribal female was jailed as she was allegedly harbouring naxalites as their clothes were found at her residence. 9 ST male tribal prisoners were interviewed out of them, 33% (3) were involved in loitering in the forest with an attempt to do *shikar* which is prohibited under the Wild Life (Protection) Act and the National Forest (Conservation) Act, 1980. Another 33% (3) were involved in murder cases while 22% in group dacoity and 11% (1) in kidnapping.

4.6.1. The tribals, particularly those living in the most backward and afforested region like Madia Gond 'PTG' and Gond ST are fond of *akhand shikar* as a ritual and go to the forest in a group for the purpose. Due to stringent provision of forest laws, they are invariably deprived of their age-old ritual and put behind the bar. It cause for a different approach and putting STs behind the bar will not help. Kidnapping by the tribals has been reported to be due to prompting by the naxalites, with a view to extorting money for them.

## **Visit to Dormitories**

4.7. The Commission visited 3 male dormitories and the only female dormitory. **It found that the dormitories were over-crowded. The Chairman suggested that the prisoners should be shifted to a new and spacious jail. The aluminium utensils had been provided to the prisoners for food and drinking water. These are very old and not hygienic. There are no fans in the dormitories. The Commission, therefore, suggested to the jail authorities to provide stainless steel utensils to the prisoners and to install fans in the dormitories. The Commission found a mentally unsound male prisoner in the jail. It was suggested to the jail authorities to refer the prisoner to a psychiatrist for treatment and he should be segregated from the other prisoners as his presence was having a dampening effect on the morale of other prisoners who are mentally sound.**

### **Potable water**

4.7.1 The prisoners are served rice, daal and vegetable twice a day. Drinking water stored in uncovered tank in the kitchen was found to be contaminated with mosquitoes and dust particles and, therefore, not potable. The Commission suggests that the water should be kept in big earthen pitchers for drinking purposes.

## **5. Protective measures**

### **5.1. Land alienation**

The Tribal Research and Training Institute, Pune conducted a study at the end of 1987 to determine the extent of tribal land alienation in the State. The Institute studied the impact of anti-alienation enactments by undertaking a survey of 1,339 tribal families drawn from 23 villages spread over six districts of Dhule, Yavatmal, Thane, Nashik, Bhandara and Chandrapur in the State.

5.1.1. The surveyed families belonged to ST communities of Bhil (361), Mahadeo Koli (275), Gond (193), Raj Gond (134), Andh (183), Malhar Koli (79), Ma Thakar (56), Katkari (49) and Warli (29). The annual income of majority of families ranged from Rs.1001 to Rs.6,000. Most of the expenditure was incurred on food (68.35%), and clothing (13.25%). The annual expenditure of the households indicated that the families had little capacity of saving against their meager income and had to borrow money. When the tribals found that it was difficult to get loans from banks and cooperative societies for meeting their daily needs they were forced to approach village shopkeepers and money lenders by alienating a piece of land for a specific period as stipulated.

5.1.2. The average size of land held by the tribal households was about 5 acres, mostly dry land and the percentage of wet land holdings were only 3.4%. 34.72% of total land belonging to the tribals were transferred to non-

tribals and Government for public purposes and the percentage of alienated wet lands was higher (35.92%) as compared to dry land 34.68%. The problem of alienation of land was acute in Thane, Dhule and Nashik districts. Majority of cases of land transferred was by way of sale and lease followed by mortgage which covered about 92.77%. **It was noticed that the popular mode of transfer adopted by the tribal family was *Kabuli Tabegahan* under which no proper documents are maintained by either parties. It is merely an oral agreement under which de jure possession rests with the tribal transferor while the de facto possession is enjoyed by the non-tribal transferee cultivating the land for usufructuary benefits.** 75% of the amount was realised by sale of their lands. 40.80% of the amount realised was spent to meet their consumption needs and social obligations like marriages and festivals and 25.89% realised by the tribals by transferring the lands to the non-tribals was for clearing the private as well as Government loans.

**5.1.3.** 46% households filed applications for restoration of their lands. In some cases tribals did not want the land back for various reasons like the size of the land was very small, the place of residence was far away from the land etc. **A very interesting finding of the survey was that 215 households (34.90%) were given possession only on paper and 401 (65.10%) were given physical possession.** However, the procedure of handing over of physical possession of land along with the mutation entries in the record of rights was completed in respect of 32% households only.

**5.1.4.** Another significant finding of the survey undertaken was that 1.30 lakh hectares of tribal land belonging to 1.50 lakhs tribal families was alienated by non-tribals. The position after the lapse of 16 years has worsened. Urbanization and industrialization has made the position of tribals precarious as pointed out elsewhere in the report.

**5.1.5.** General average area of land per tribal household is 0.98 hac. 41.8%\*\* of the STs in the State are landless. Another 43% tribals have land holdings ranging from 0.01 to 4.04 hacs, which are obviously uneconomic on account of factors like fragmentation, low level of technology and with no assured means of irrigation facilities. The agriculture is dependant on the vagaries of nature that being the reason, they are forced to migrate for employment.

**5.1.6** In the district of Thane the tribals do not possess land. The State Govt. has proposed to purchase land for allotment to the tribal families under the Wadi Programme, which is an integrated Horticulture, growing of millets, trees and intercropping of vegetables. Under this programme Rs. 5 crores has been allocated. NSC&ST Corporation will advance interest free loan. There would be a Zila Parishad Committee under the Collector for selection of land. Approximately Rs. 30,000 will be spent on purchase of 4 acres of dry land and Rs. 60,000 for 2 acres of irrigated land. Recovery of loan from the beneficiaries will be spread over a period of 15 years.

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\*\* Source: 44<sup>th</sup> Round of National Sample Survey Organisation

## **Bombay Land Revenue Code 1879**

**5.1.6.** The colonial rulers enforced legal protection through Bombay Land Revenue Code 1879 in order to protect the interests of certain backward communities including tribals from transfer of these lands to non-tribals. They further fine-tuned the Land Revenue Code 1879 by incorporating two new sections, viz. 73-A and 79-A. Under section 73-A, in certain tracts or villages, where the original survey and settlement had not been introduced, government could by issue of notification, declare that the occupancies shall not be transferable without the prior sanction by the Collector, after the date of such notification. Accordingly, a notification was issued in 1902 covering certain villages of the state. The restriction was made applicable only to the lands held by members of the backward communities and excluded others. Under Section 79-A provision was made for summary trial of an unauthorized occupant of such land.

## **Maharashtra Land Revenue Code, 1966**

**5.1.7.** Maharashtra Land Revenue Code, 1966, prohibits the transfer of tribal land without prior permission of the Collector. But despite this, such permissions appear to have been given as a matter of routine. The tribals were also compelled to sell their lands because of indebtedness and the Government has, therefore, taken the following measures to ensure that tribals are not deprived of land and that their land already alienated to the non-tribal is restored -

- 1) The Maharashtra Land Revenue Code, 1966 and Tenancy Laws (Amendment) Act, 1974.
- 2) The Maharashtra Restoration of Land to Scheduled Tribes Act, 1974.

**5.1.8.** The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 was brought into force with effect from 6<sup>th</sup> July, 1974. This Act imposes stricter restrictions on future alienation of tribal lands to non-tribals. No tribal can, with effect from 6<sup>th</sup> July, 1974, transfer his land to a non-tribal, by way of sale (including sales in execution of a decree of a Civil Court or an award or order of any Tribunal or authority), gift, exchange, mortgage, lease or otherwise transfer without the previous sanction (1) of the Collector, in the case of mortgage or lease for a period not exceeding five years, and (2) of the Collector, with previous approval of Government, in other cases.

**5.1.9.** For timely and effective implementation of the restrictions imposed by the Act, the Revenue Officers at village level have been instructed to ensure that entries of ownership in village forms which contain the details of each land should be made to facilitate identification at the time of certifying mutation in respect of transfer of land.

**5.1.10.** The Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974, provides from 1<sup>st</sup> November, 1975 for restoration to a tribal his land which has gone into the hands of a non-tribal during the period from 1<sup>st</sup> April, 1957 to 6<sup>th</sup> July, 1974 as a result of validly effected transfer (including exchange). Lands purchased or deemed to have been purchased by a non-tribal, during the above period, under the provisions of the Tenancy Act (including acquisition

of land regularized on payment of penalty under Tenancy Laws) are also covered by this Act. Further, under Section 36 (3) of the Maharashtra Land Revenue Code, 1966 and Tenancy Laws (Amendment) Act, 1974 all transfers within of occupancies made in favour of non-tribals within thirty years of such transfer of possession may be regularized. Important provisions of the Acts / Enactments are given at **Appendix II**.

**5.1.11.** #53% of the cases of land alienation and its restoration were rejected by the courts in the tribal dominated distts. of Gadchiroli, Yavatmal, Wardha, Bhandara, Dhule, Pune, Raigad and Thane as on 31.03.2000. The poor economic condition of the tribals in Thane, Nashik, Dhule and Chandrapur distts. has resulted in alienation of tribal land going into the hands of money lenders. *Benami* transactions are also quite high as the tribals are not conversant with the legal provisions that protect their interests on land. Due to no proper check, by the Sub-Registrar to the effect whether the land belonged to a ST or not, the land passed off to a non-tribal. Due to poverty, some non-tribal transferors in Nashik distt. did not want land for personal cultivation and the district administration had no other alternative except dropping such cases even if found genuine. 10.23 lakh acres of Govt. waste land was distributed as on March, 2002, without any preference or quota for STs. 1.04 lakh acres of Bhoodan land was donated in the state out of which 0.27 lakh acres could be distributed and the balance 0.77 lakh acres remained to be distributed to the landless persons. No separate figures of Bhoodan land given to STs are available.

**5.1.12. The Commission recommends that**

- (i) **A statutory provision should be enacted for restoration of alienated land belonging to STs irrespective of the period of limitation and without payment of compensation.**
- (ii) **No leasing of tribal land should be allowed.**
- (iii) Voluntary surrender of land by the tribal to non-tribal after due restoration be made ineffective ( Null and void) in the eye of law. Till the law is enacted as suggested at (i) above, in genuine cases where the tribals, due to economic constraints do not want to retain the validly transferred land for personal cultivation, STs should be assisted by the Govt. to retain the land and provide financial help and services of reputed NGOs like BAIF to develop the land by taking up horticulture, inter cropping of vegetables and its marketing etc.
- (iv) **The tribal families, do not seem to have been sufficiently enlightened on the subject of land alienation laws, with the result that a large number of cases of tribal land alienation have not been reported. However, many tribals are aware of alienation of the lands effected by their ancestors. *Suo-moto* action should be initiated by the enquiry officers for effective restoration of land to tribals in such cases.**

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# Source: Governor's report on the administration of Scheduled Areas for the year 1999-2000).

- (v) **Project Officers of ITDPs should be of the rank of Additional Collectors and entrusted with the responsibility of making enquiries in all alienation cases.**
- (vi) **A large number of alienation cases are reported under "dropped" category and further proceedings were not taken up due to various reasons. These cases should be reviewed by a special cell at the Tahsil level.**
- (vii) **Many non-tribals have got executed fictitious affidavits from the tribals that they do not belong to STs and on the strength of these declarations, the non-tribals have grabbed tribal lands. Such cases should be properly investigated by the revenue authorities to protect the interests of real tribals.**
- (viii) **Civil Courts should be barred from trying the cases under land Transfer Regulations. This will ensure that the stay orders granted by Courts will not impede the legal proceedings concerning restoration of alienated land to the tribals.**
- (ix) **The defacto and de jure possession of land restored to the tribals should be reflected in the records of rights of cultivators and tenants and for this purpose each case of restoration should be updated promptly and the revenue department should call for quarterly reports from the collectors for effective monitoring.**
- (x) **To curb the tendency of suppression of the tribals by the vested interests in usurping the tribal land by the non-tribals, a special cell at Block Level may be constituted to deal with such cases on priority basis. This will help the tribals to raise their voice against exploitation by the local elements.**
- (xi) **In many cases social and community lands in the tribal areas have passed into the hands of non-tribals who are politically strong. Urgent action is necessary to get these "community lands" released from the non tribals and restored to the tribal community/landless families. Help of tribal representatives and voluntary agencies should be taken to find out such transfers to initiate action for restoration of tribal land.**
- (xii) **The orders of restoration of land to tribals and compensation to be paid to non tribals are not issued simultaneously or at one time. It has resulted in friction between land transferor and transferee. The order of restoration of land to tribal and compensation of land to be paid to non-tribal should be issued simultaneously to avoid conflict. The law should be amended suitably to ensure protection to STs.**
- (xiii) **The land records and record of rights of tenants and cultivators should be computerized and made available to gram panchayats in the Scheduled Areas urgently.**
- (xiv) **Law should be enacted to ensure that the registration authorities do not transfer land belonging to a ST unless it is certified by registration authority that no law governing transfers or alienation of such land has been violated.**
- (xv) **With a view to effective implementation of the provisions in**

land revenue code and to facilitate detection of the transfer of tribal land to non-tribals, the State Govt. in Jan. 1982 directed all the Collectors that under Section 36 and 36(b) of Maharashtra Land Revenue Code, the entry regarding the tribal land in other columns must be made in village forms VII and XII. This has not happened in all cases, which needs to be done.

- (xvi) Tribal lands are sold to non-tribals for a specific purpose after obtaining the prior permission from the authorities concerned. Test checks should be carried out by the district authorities to find out if such lands have been made use of for a different purpose. If it is found that tribal lands are misutilised, steps for annulment of such transactions should be initiated. The lands acquired for industrial purpose but not utilized should be restored to the original owners.

**5.1.13.** The Commission was informed that association of social workers and voluntary organizations in the problem of land alienation has yielded good results and at a few places the tribals were restored possession of land with standing crops. This spectacular result was achieved by Thane district Bhumi Sena in August 1970. It is desirable that voluntary organizations and social workers are associated wherever possible in land alienation cases and Gram Sabhas should be involved in identification of land alienation cases and its restoration as indicated in PESA Act, 1996.

**5.1.14.** The following loopholes are observed in the Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974 regarding invalid transactions.

- (i) If the tribal tenant surrenders the land with his own will and wish, the land goes back to non tribal.
- (ii) If the tribal refuses to purchase the land it is given back to the non-tribal.

**Necessary provision in the Act may be made so that land can be allotted to needy tribals of the same village, instead of giving it back to non-tribals.**

- (iii) The tribals are economically very weak. Sometimes they are not able to pay the instalment of land value fixed. Hence they are treated as defaulters on account of arrears of payment. Under such circumstances, tribals have to lose their land. There is no provision in the Act to safeguard the interest of the tribals.

**5.1.15.** It is therefore recommended that provision should be made in the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. 14 of 1975) that under no circumstances tribal would lose his land on account of failure to pay the amount or instalments of the payment. The amount of arrears may be recovered from the tribal either by suitable instalments or it should be paid by Government in the form of loan or subsidy.

**5.1.16.**The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act 1974 (Mah. 35 of 1975) and the Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 (Mah. 14 of 1975) do not hold good in case of leased land. The laws may be made applicable in the case of leased land of the tribals also, so that the tribals cultivating land, on lease could be benefited.

**5.1.17.**Section 4 of the Maharashtra Land Revenue (Conversion of use of land and non-agricultural assessment) Rules 1969 permits conversion of use of agricultural land for any non-agricultural purpose. Through this mechanism the vested interests are able to get the land of STs converted for commercial/residential purposes. Large scale conversion of tribal lands for commercial and residential purposes has been reported from the districts of Thane, Raigad and Dangs. Exact figures of acreage of land converted was not furnished by the State Government. **The Commission feels that the aforesaid rules allowing conversion of ST agricultural land for non-agricultural purposes are violative of the special constitutional protection granted to the STs living in the Scheduled Areas.**

### **Urbanisation and industrialization in Raigad district**

**5.1.18.**The subject of *dalhi* land in Raigad and Pune districts has been discussed elsewhere in this report. The present issue that is facing the owners of tribal land is the attempt by the land mafia to take over the *dalhi* land from the poor STs, mostly Katkaris – a PTG, for its commercial use. This deprives the tribals of agricultural land, the only tangible asset to live a life of dignity and honour. This problem has been highlighted by the voluntary agencies and tribal leaders and has received considerable media coverage for several years. The *modus operandi* is given as under:

The Forest Department does not want to part with the land in favour of the tribals on the plea that in the event of transfer of the land to tribal cultivators, the State Government would have to provide alternative non-forest land to the Department which it does not have. The Forest Department is going in for bilateral or multilateral finance for its projects, specially from the World Bank for promoting JFM against the government decision in 1969 & 1970. The local vested interests are also encouraging bamboo plantation on *dalhi* and *eksali* plots in Thane district so that pulp and paper factories can be set up.

**5.1.19.**Another method to take over *dalhi* land is for industrialization and urbanization due to close proximity of Raigad to Mumbai. The limits of the Mumbai mega polis have been expanded by including almost half of the Raigad district in its jurisdiction. The Mumbai Metropolitan Regional Development Authority (MMRDA), a statutory urban development authority has superseded all the local self government institutions in the area.

**5.1.20.**The implications of these two processes in the present context are that land use priorities have changed in the district. The MMRDA has charted out its own development plan with a top to bottom approach. In the new paradigm, tribal lands have lost their identity, not to mention about sanctity. They have become subservient to elite urban and industrial interests. At



present, more than 400 has. of *dalhi* lands is reported to have been taken over in the MMRDA plans. And this is only the beginning. Similarly, a number of infrastructure development projects of irrigation, transportation and power sectors are being implemented which have acquired *dalhi* lands at a number of places. The new express highway project between Mumbai and Pune is also said to have displaced the tribal households in the vicinity.

**5.1.21.** Another neo-rich urban pressure group wants to capitalize on the present State policy on the growth of tourism and entertainment industry in Raigad district which is in the vicinity of Mumbai. Due to this, large chunks of land have been purchased in the Konkan region by the neo-rich. Many resorts, holiday homes and townships at hill stations in the Raigad district on the tribal land have been developed.

**5.1.22.** The above programmes of urbanization and industrialization have marginalized the tribals of Raigad district. Permission is being granted to the owners and developers of the above mentioned projects for purchase of tribal land as per provisions under Section 36-A of the MLR (Maharashtra Land Revenue) Code subject to the proviso that the developer shall take the responsibility of rehabilitation of the displaced tribals by way of providing employment to them in the project or allotment of shops etc. The fact whether the affected tribals have been settled or not, is not known to anyone. The Tribal Development Department has got no jurisdiction over the matter despite the fact that no such settlement of the displaced tribals should be done without the prior knowledge of this department.

**5.1.23.** The Commission recommends that the State Government should commission a study by a team of experts including social activists to ensure that the interests of the tribals are fully protected and they are partners in the process of industrialization and not compelled to become wage labourers and slum dwellers. The Commission also recommends that a comprehensive plan to develop *dalhi* land to enhance the land-retention capacity of the tribals by adopting necessary socio-economic measures should be undertaken within the framework of tribal sub-Plan through a reputed Voluntary Agency. The Commission further recommends that the land alienation laws should also apply to non-agricultural land in order to protect the interest of STs.

### **Homestead land**

**5.1.24.** Another subterfuge method of displacement of the tribals is from their hamlets on the land of the landlords on whose farms they work. The law permits the non-tribal landlord on whose farm the tribal is working to apply to the Tehsildar to apply for transfer of the land under the house/hut of the tribal occupant to him (landlord) for sale. Since the case lingers in the Court for final settlement for years, the Tahsildar expresses his inability to pass necessary orders for want of court verdict in favour of the tribal. **The occupant applies to the Tehsildar for buying the land while the landlord files a revenue (Civil) suit in the Civil Court. There the case remains pending lingering over years together and under the pretext that the matter is pending in**

the court of law, the Tehsildar also expresses his inability to pass necessary orders in favour of the tribal occupant.

## 5.2. Control on money lending in Scheduled areas

Bombay Money Lenders Act, 1946 provides that no money lender shall lend any money to a member of the Scheduled Tribe residing in the Scheduled Areas of the State without previous sanction of the village panchayat. In order to mitigate the poor financial condition of the tribals in the TSP areas, the State Govt. has enacted the Maharashtra Tribals Economic Condition (Improvement) Act, 1976, which bans the operation of money lenders and traders and creation of an alternative agency to advance consumption loans to STs. This Act has made the lending before the commencement of this Act invalid and void and *abinitio*, it prohibits marketing of certain agricultural items and minor forest produce in specified tribal areas by private agencies. Adivasi Cooperative Societies have been set up since 1990 to meet the cooperative loaning needs of the tribal farmers.

**5.2.1. In order to provide easy credit to the tribals - artisans, landless labourers and small farmers, who quite often suffer from the pangs of drought and are forced to borrow money from moneylenders at usurious interest rate or in its absence to migrate to bigger towns for employment are being advanced *Khavati* (Consumption) loans through the State Tribal Development Corporation (STDC). The Consumption Finance Scheme is in vogue since 1978-79. The State Govt. has created a revolving fund of Rs. 3.00 crores to be implemented in the 40 talukas of tribal areas of Nashik, Thane, Dhule, Ahmednagar-Pune, Amravati-Yavatmal, Nagpur-Bhandara and Yavatmal-Chandrapur.**

**5.2.2.** The amount of *Khavati* loan @ 7.50% depends on the size of the family, as follows:

<u>S.No.</u>	<u>Unit (family size)</u>	<u>Loan amount (in Rs.)</u>
1.	upto 4 members	400/-
2.	between 5-8 members	800/-
3.	More than 8 members	1000/-

**5.2.3.** The loan is payable once a year in cash and kind in the ratio of 1:9. The latter includes foodgrains, kerosene and edible oils. The recovery of loan is made in one instalment by the agriculturist loanee by the agent appointed under the scheme from the agricultural sale proceeds and MFP procured by the agent. In respect of landless labourers, the recoveries can be made from the wages under EGS or works undertaken by them directly under Govt. or contractors. The interest @ 7.50% is recovered from the borrower. The State Govt. has now decided that even the defaulters' families having children in grades III & IV of schools, would be entitled to a fresh *khavati* loan.

**5.2.4.** The Commission found during the course of tour in Pandarkwada town in Yavatmal district on 06-08-2003 that only wheat was being given to Kolam (PTG) family by deducting the wheat in kind equivalent to the interest amount

payable for the year, in advance. Kerosene and edible oils were not found stored in the godown.

5.2.5. Table below gives the *Khavati* loans disbursed during 2003-04.

**Table No. I**

(Rs. In lakhs)

District	No. of families		Loans distributed		
	Sanctioned loans	Beneficiaries	in kind	in cash	Total loan
1	2	3	4	5	6
Nashik	9,192	7,437	56.18	5.67	61.84
Dhule	1,370	1,330	6.18	0.64	6.82
Nandurbar	18,531	17,536	118.74	12.90	131.64
Jalgaon	498	497	3.70	0.41	4.11
Ahmednagar	4,076	2,630	20.41	2.04	22.45
Gadchiroli	296	296	-	-	-
Total	33,963	29,726	205.21	21.66	226.86

5.2.6. The Commission recommends that the scale of consumption finance should be doubled for all categories of families as the per capita consumption of cereals is more among the poor tribals. The authorized godowns of STDC should also sell kerosene and edible oils to the needy tribals.

### 5.3. PESA

The State has enacted legislation by amending the Bombay Village Panchayats Act, 1958 to extend the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA). The law has been hampered by the reluctance of the State Government to make the relevant laws and rules to strictly conform to the spirit of the Central law.

5.3.1. Some of the important mandatory provisions of the PESA Act, 1996 which have either been given a go bye or are not implemented in the true spirit of the Central act are listed below with the Commission's observation:

- (i) **Definition of village:** The State is silent on this subject.
- (ii) **Planning & management of minor water bodies:** The Central Act mandates to entrust to the Panchayats the power of planning and management of minor water bodies but the State Act woefully does not make any mention of it.
- (iii) **Grant of prospecting licence or mining lease for minor minerals and concession for exploitation of minor minerals:** The Central Act mandates that the prior recommendation of the Gram Sabha or the Panchyats at the appropriate level shall be a pre requisite for grant of prospecting licence or

mining lease for minor minerals. The Maharashtra act assigns powers to Gram Panchyat only. The Gram Sabha has no role in the matter of concession for exploitation of minor minerals by auction.

(iv) **Management of village markets:** The State act is silent on the mandatory provision regarding management of village markets by the Panchayats at the appropriate level .

**5.3.2. The Commission recommends that in order to make the PESA Act, effective , it is desirable that the State Government should make amendments in the relevant Acts in tune with the Central legislation. Another issue which vitally concerns the interests of the STs is the poor performance of DRI credit facility to STs. The Commission recommends that regional rural banks should sanction loan applications for rural credit for various approved schemes by having greater interface with and concurrence of the Gram Panchayats. This will surely strengthen the functionaries of the Gram Panchayats at various levels.**

## 6. Tribal Sub Plan (TSP)

The State Government had appointed a committee during 1992 under the chairmanship of Shri D. M. Sukathankar, retired Chief Secretary for allocation of resources for implementation of tribal sub-plan. As a follow up to the acceptance of the recommendation of the committee, the State Government laid down that 9% of the funds of the total size of the annual plan would be earmarked for the TSP. The state plan outlay provided to TSP, expenditure incurred under TSP and total expenditure under plan during the years 1993-94 to 2002-03 is given below:

**TABLE – II**

**(Outlay & Expenditure Rs. in Crores)**

Year	State Plan Outlay	Budget-able Outlay	Percentage of budget-able outlay	Outlay provided for TSP	Percentage of budgetable outlay of the TSP	Expenditure incurred under TSP	Total Expenditure under State Plan
1	2	3	4	5	6	7	8
1993-94	3804.00	3284.44	86.34	265.00	8.07	266.00	3652.94
1994-95	4400.00	4000.32	91.92	330.00	8.25	275.00	4400.00
1995-96	6062.00	5275.80	87.03	412.50	7.82	412.00	6627.24
1996-97	8284.00	7520.11	90.78	588.58	7.83	535.00	6856.76
1997-98	8325.00	6282.56	73.88	550.00	8.75	498.00	8161.88
1998-99	11600.73	6400.00	55.17	561.00	8.77	520.00	8229.58
1999-00	12161.66	6641.82	54.61	580.59	9.00	467.00	10418.59
2000-01	12330.00	5798.00	47.02	525.00	9.00	444.00	10369.00
2001-02	11720.56	6750.00	57.59	567.00	9.00	288.00	8526.08
2002-03	11562.00	5704.04	49.33	585.00	10.26	249.00	9354.89

6.1. It will be seen from the above table that except during the 4 years 1999-2003, in the earlier 6 years 9% funds were not allocated for TSP. In fact, the population of the STs in Maharashtra is (9.27%). It will further be observed that from the table that the total expenditure under the State Plan during the years 1997-98 to 2002-03 was more than the budgeted outlay. This was due to the money raised by the State Government from the financial institutions. The allocation for TSP should relate to not only the state plan outlay but also to the money raised from financial Institutions.

6.2. The State Government has now decided to enact legislation to provide for the regulation of outlay in the budget allocation for TSP in consonance with a special formula, indicated in the bill as passed by the State Legislative Council (Upper House) on 17.12.2003. It is reportedly scheduled to be submitted to the State Assembly during the next session. The short title of the Act is 'Maharashtra Regulation of Outlay and Budget Allocation to the Tribal Sub Plan Act, 2003'. The formula is given under Section 35 of the Act, which states that "of the total size of the State Annual Plan, the outlay for the Tribal Sub Plan for the State for every financial year, on and after the date of the commencement of this Act, shall be determined as per the following formula" as given below:

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

Explanation – (a) In the above formula, the letters 'X' and 'Y' shall be construed or calculated as follows:

- (i) Total geographical area of the State under Tribal Sub Plan X size of State's Annual Plan for that year

$$X = \frac{\text{-----}}{\text{Total geographical area of the State}}$$

- (ii) Total population under Tribal Sub Plan area X size of State's Annual Plan for that year

$$Y = \frac{\text{-----}}{\text{Total population of the State}}$$

6.3. During the year 2002-03, the budgeted outlay was Rs.5,704.04 crores, but the total expenditure under the State Plan was Rs.9,354.89 crores. Taking the figure of outlay for the year 2002-03, if we apply the formula indicated above, the outlay that should have been provided for TSP which comes to Rs.707.27crores, which is Rs.122.27crores more than the outlay of Rs. 585 crores provided for TSP during that year while the expenditure during that year was only Rs. 249 crores. **This formula, therefore, would ensure that the Finance Department must allocate outlay by applying the above-mentioned formula. This would help in removing the backlog in**

TSP areas for allotment of increased funds for irrigation, health, energy, general and technical education.

### Human Development Report (HDR)

6.4. The Government of Maharashtra has brought out Human Development Report (HDR), which has highlighted a number of points pertaining to the tribal areas. One of the most disturbing aspects of the report relates to the inter-district variations in development of tribal districts for example as compared to the HDI of Mumbai (1), Gadchiroli and Nandurbar districts had the HDI of 0.20 and 0.25, respectively at the last two steps of the ladder. This brings out vividly how skewed and imbalanced has been the development in the state. Maharashtra is one of the states, which has under the provisions of Article 371 of the Constitution set up separate development boards for Vidarbha, Marathwada and the rest of Maharashtra. The Governor has been given "special responsibility for the equitable allocation of funds for development expenditure over the said areas, subject to the requirements of the state as a whole, and an equitable arrangement providing adequate facilities for technical education and vocational training and adequate opportunities for employment in services under the control of the state government, in respect of the said areas, subject to the requirements of the state as a whole." However, these steps have not made any perceptible difference to the regional imbalance. In fact, it has increased in a few crucial sectors such as irrigation.

6.5. The State Government has raised large extra-budgetary resources since 1995-96 and bulk of the share has gone for development of projects in western Maharashtra. In 2001, the Governor under Article 371 of the Constitution, issued orders that extra-budgetary resources raised during a year should also be distributed among the regions according to the principles laid down by him earlier. This order would ensure that the tribal areas get a proportionate share of such extra-budgetary resources out of Rs. 100 crores given to the boards as special fund for the development of the backward area in the region, the Vidarbha Development Board gets Rs. 48 or 49 crores per year. This amount is spent as per the recommendations of the Board. However, the Vidarbha Development Board has spent only 7.66% of the amount in the tribal area. The Vidarbha region has two backward Scheduled Areas districts of Gadchiroli and Chandrapur. **The Commission has observed that while allocating funds by the Vidarbha Board, due weight age has not been given to the tribal areas with the result that these areas do not get adequate share of the funds for their development. The Commission, therefore, recommends that the development board of Vidarbha should allocate funds to the tribal areas on the basis of their geographical area and backwardness in various developmental indicators and not on population basis alone.**

## **Administrative set-up**

**6.6.** A separate Tribal Development Department (TDD) was set up in the year 1983 to look after the welfare and development of the tribals in the state. The field set up of the Department was reorganized in 1992 by creating a post of Tribal Commissioner with Nashik as head quarters and four posts of Additional Tribal Commissioner at Thane, Nashik, Amravati and Nagpur. The state has been divided into 24 Integrated Tribal Development Projects mainly concentrated in TSP, Outside Tribal Sub Plan, Additional Tribe sub Plan (ATSP), MADA and Mini MADA areas. Each ITDP Project is headed by a Project Officer.

**6.7.** In order to ensure public participation in the planning, implementation and monitoring of the schemes of tribal development at the district level, District Tribal Sub-Plan Committees have been set-up. The concerned Guardian Minister is the Chairman, the Divisional Commissioner and the Additional Tribal Commissioner are the Vice-Chairman and among others, the tribal MPs and MLCs are members of the District Tribal Sub Plan Committee. The Collector is the Member Secretary of this Committee. At the Project level, there is a Project Level Implementation Committee under the chairmanship of the local MLA. The Additional Tribal Commissioner is the Vice-Chairman and the Project Officer is the Member Secretary of this Committee, which is required to meet every month and review the progress of the tribal development schemes.

### **Cabinet Sub-Committee for the TSP**

**6.8.** There is a Cabinet Sub-Committee for the TSP headed by the Chief Minister. The Committee approves the TSP, oversees and monitors its implementation and takes all necessary steps for its effective and speedy execution.

**6.9.** The Tribal Development Department distributes the outlay for district level and state level schemes in accordance with for the following criteria:

- (i) About 75% of the outlay is earmarked for district level schemes.
- (ii) The balance 25% is kept for the State level, State pool and backlog schemes.
- (iii) 75% of the district plan outlay is meant for TSP areas and tribals living outside TSP areas.  $\frac{1}{3}^{\text{rd}}$  of the district plan outlay is distributed among the district in TSP areas on the basis of tribal population living in the TSP areas and  $\frac{1}{3}^{\text{rd}}$  geographical area of TSP. The remaining  $\frac{1}{3}^{\text{rd}}$  of the district plan outlay is allocated among the districts in proportion to the tribal population living outside TSP areas.

**6.10.** Under the State level schemes, funds are allotted mainly to the sectors like irrigation projects, energy development, state highways, general education and public health. The State pool schemes are district level

schemes for which the funds required are substantial and the concerned districts cannot provide the same within their district fund ceilings or for important schemes from the point of view of the State Government, but the districts do not provide adequate outlay. The schemes included in the State pool are Social Forestry, Hilly Area Development Programme, Minor Irrigation (costing more than Rs. 100 lakhs), roads constructed by BRO and Share Capital to Cooperative Sugar Mills and Spinning Mills. As per the recommendations of the Committee constituted for Removal of Backlog, special funds are allocated to major sectors like Road Development, Irrigation, Health, Energy Development, General Education and Technical Education to remove regional backlog. To remove backlog in TSP areas, funds upto 5% of the total TSP area are allotted. **The State Govt. should undertake an evaluation of the schemes financed from the State pool and special funds allocated for removal of regional backlog.**

## ITDPs

6.11. There are 24 ITDPs in the State, out of which 10 cater to the TSP areas exclusively whereas 7 ITDPs cover both TSP and ATSP areas. In addition 4 more ITDPs cater to ATSP areas only. The following ITDPs cover TSP as well as ATSP areas:

**Table – III (a)**

ITDP Project		Kalwan	Nandurbar	Rajur	Ghodegaon	Pandharkawada	Gadchiroli	Chandrapur
No. of villages covered under	TSP area	383	549	106	123	334	752	182
	ATSP area	3	9	12	21	194	44	5

ITDPs which cover exclusively ATSP areas

**Table – III (b)**

ITDPs	ATSP	ITDPs	ATSP
1. Nagpur	97	3. Chimur	555
2. Deori	284	4. Pen	47

6.12. The responsibility for preparation of draft Annual Plan has been given to the Project Officer of Integrated Tribal Development Project under the guidance of concerned Additional Tribal Commissioner and Collector. The draft plan is then approved by the District Tribal Sub-Plan Planning Committee. The Tribal Development Department scrutinizes the draft Annual Plan prepared by the districts. These plans are approved in a State level meeting held under the Chairmanship of Minister (TDD). **The Commission suggests that the Project officers should belong to IAS or comparable Central Services like Indian Forest Service with regulatory powers in**



**respect of control on money lending, restoration of alienated land to the tribals. It is only when they are armed with these powers that they can have a better interface with the officers of other departments to safeguard the interests of STs.**

### **Primitive Tribal Groups (PTGs)**

**6.13.** Katkari/Kathodi, Kolam and Madia Gond are the three PTGs in the State. Katkari/Kathodi numbers 2.18 lakhs and inhabit the districts of Raigad, Thane, Ratnagiri, Sindhurdurg, Pune and Nashik. The Kolam PTG numbers 1.48 lakhs and resides in the districts of Yavatmal, Nanded, Wardha, Gadchiroli and Chandrapur. Madia Gond numbering 0.83 lakh inhabit Etapalli, Bhamragarh and Dhanora Talukas of Gadchiroli district. Their combined population is 4.49 lakhs (1991) and forms 6.14 per cent of the ST population of the State. The PTGs live in remote and inaccessible areas which have mixed forest cover with wild life.

**6.13.1.** The percentage of literacy attainment among them is very low, particularly among female population is as low as 1.64%. 8.66% and 13% among Katkari, Kolam and Madia Gond respectively as against the total ST male and female literacy rates of 49.09 and 24.03 percents respectively.

**6.13.2.** Apart from the centrally sponsored programmes for PTGs, the state govt. has formulated a proposal specifying "reservation within reservation for tribals" for the PTGs on a population basis for employment and educational purposes. The State Govt. is going to have a PTG component in the district plans on a population basis.

### **Katkari**

**6.13.3.** Katakari are concentrated in the district of Raigad (0.93 lakhs) and Thane (0.73 lakh) and are spread in other 24 districts of Maharashtra. The literacy percentage among them according to the 1991 census was 36.77 but according to the benchmark survey conducted by TRI, Pune the literacy percentage was only 16.38%.

**6.13.4.** A special scheme sanctioned by the Government of India is to provide incentive of Rs.80 per month to the parents of girl students for sending them to school regularly and two educational complexes have been established in low literacy pockets for 215 Katakari girls students; one is in PEN at Gagode and the second in Shahapur tahsil at Babre. Gram Bal Shiksha Kendra Kosbad, tahsil Dahanu, distt. Raigad is running the first complex and received grants of Rs. 14.83 lakhs during the period 1994-1997. After that, grants are not being released to them by the Central Government. The other complex is managed by ABM Samaj Prabodhan Sanatha, Katemanivli, Kalyan distt. Thane and has not received grants from the Central Government for the years 2002-03 and 2003-04. The State Tribal Development Department has proposed to

start 8 Ashram schools in Thane and Raigad district during the years 2003-04 to 2007-08. Three Ashram schools at Mumurshi and Taloshi, Tahsil Mahad and at Uttekhol, tahsil Mangaon, distt. Raigad are already being run by voluntary organizations.

## **Development of dispersed tribals**

6.14. The State Government does not have any separate policy for administration of scattered (dispersed) population. The Government apart from covering tribal population living in the Scheduled and TSP areas has covered 25% of the STs living outside the TSP areas by carving out Additional TSP (ATSP) areas and MADA pockets. The TSP and MADA areas which are not included in the TSP area are being extended the benefits available to the tribals living in the ITDPs. In addition to project officers in ITDPs, sub project officers have been appointed at Hingoli, Pusad and Vardha which are headed by Assistant Project officers to attend to the needs of the dispersed tribals. As regards education, the State Government has opened 346 Ashram schools, 128 hostels in the non-TSP areas for the educational needs of dispersed tribals. Dispersed STs get protection under the regulatory measures for restoration of alienated land, grant of post-matric scholarships etc. Supply of concessional foodgrains is also extended to them.

## **Part – II Economic Sector**

### **7. Forest**

#### **7.1. Settlement of pre-1980 and post-1980 tribal forest encroachers**

The tribals have symbiotic relationship with the forests. Due to abundance of forests, there was no dearth in the form of forest resources like minor forest produce (MFP), fuelwood, timber etc. The operation of the forest laws and the National Forest policy was also benevolent. The tribal could face hardship during drought years but those were few and far between as the cycle of drought was not that frequent then. They could, with comparative liberty and ease collect roots, tubers, honey and other MFP for sustenance and survival and for exchange on barter system in the weekly market, buy essential items like salt, kerosene oil etc. There was no dearth of timber for construction of huts, fuel wood for cooking purposes and fodder for their cattle. But over the years, forest contractors in collusion with the forest rangers played havoc with the forests, denuded the precious forest wealth. The loss of forest cover was so swift that the Central Govt. intervened to enact legislation for protecting the Nation's flora and fauna through a legislation called 'National Forest (Conservation), Act 1980. Alongside, the provisions of the Wild Life (Preservation) Act, 1975 were also made more stringent. Meanwhile, all this adversely affected the interests of the tribals

living in the forests or in the vicinity of game sanctuaries and National Parks. They were living in these areas for generations without any formal title to land. They were also cultivating the land for agriculture either in a traditional manner or through 'slash and burn' cultivation (*Jhoom*). The Tribal Research Institute, Pune conducted a revealing study of encroachment of forest land by tribal cultivators who were unauthorisedly cultivating the land without any 'First Offence Report' (FOR) being registered against them by the forest officials, by payment of bribe, periodically to them. The brief note on the study report conducted by the TRI in Nov. 2002 is given at **Appendix III**.

**7.1.1.** The guidelines issued by the Union Ministry of Environment and Forests for regularization of pre-1980 forest encroachers came to be implemented with severity. So much so that it was difficult to get the genuine claims of pre-1980 forest encroachers regularized. This is revealed by a perusal of the monitoring of the status of encroachment proposals. The monitoring report received recently (2003) from the Ministry of E&F shows that the Govt. of Maharashtra submitted three proposals for regularization as detailed below:

**Table – IV**

S.No.	Distt. Involved	Area in hacs.	Status
1.	Dhule	10,185.32	Proposal incomplete. Additional information has been sought from the State Govt. by the Union Govt. on 19-8-1988.
2.	Gadchiroli and other distts.	28,886.410	Withdrawn by State Govt.
3.	4 Divisions in three distts.	952.43	Proposal returned to the State Govt. on 09-08-2001. The State Govt. has been asked to submit consolidated proposal for the whole state.

Thus all the proposals have not seen the light of the day. This was confirmed by the Commission from the State Government in January, 2004 that the status of the proposals referred to above remained the same.

**7.1.2.** The Commission toured 11 districts in Maharashtra out of which information about 9 districts on pre-1980 tribal encroachers could be available (**Appendix IV**). A perusal of the appendix shows that the information in respect of claims received, area of claims received in hacs, eligible claims etc has not been furnished uniformly for all the districts. This is despite the fact that Maharashtra is the only State which has devised a simplified procedure for verification of village and Taluka Level Committees to examine eligibility of encroachers on forest land. This pattern was formulated by the District Collector Amravati and has since been adopted by the Government of Maharashtra vide (i) Govt. Decision, Revenue & Forest LEN

1078/3483/1095/2325/96/J-1, dt. 20-12-1995. The simplified procedure of verification of claims for regularization of encroachment on forest land consists of the following steps:

#### **Local Committee**

- (i) Constitution of a local Committee headed by the Sarpanch etc., Kotwal/Police, Patil, Talathi and Forest/Beat Guard.

#### **Review Committee**

- (ii) In case the decision of the Committee is not acceptable to the encroachers, they can present their views to the Review Committee consisting of Naib Tahsildar, (ii) Circle office and (iii) Range Forest Office. In order to give an opportunity to the all the aggrieved to be heard, the Review Committee shall hold an assembly of the village in a time schedule.

**7.1.3.** The Committee shall see all documents, relevant evidence collected by the three members of the Committee. In the absence of documentary evidence, other relevant evidence shall be taken into consideration in favour of the pre-1978 encroachers.

#### **Training & Publicity Workshop at Taluka level**

**7.1.4.** The functionaries of the above Committees will be given training so that they are made aware of the procedures and processes of the village level enquiry. A separate session shall be held for the NGOs and journalists for their exposure on the above lines.

**7.1.5. The Commission has commended the Amravati pattern referred to above to all States having STs for adoption by them as it would expedite the settlement of long drawn out claims.**

**7.1.6.** However, the Commission feels that despite this simplified procedure, the pre-1980 tribal forest encroachers have not been given *pattas* (title deeds). The fate of the tribal encroachers (pre 1978 or pre 1980) still hangs in the balance as a Damocles sword. In short, the Commission feels that the interests of the tribal encroachers have not been truly reflected on the ground in various districts visited by the Commission despite the simplified procedure having been adopted. One MLA who met the Commission at Talashri on 12-01-2004 stated that the National Forest (Conservation) Act, 1980 was destroying the fate of the pre-1980 encroachers and it should be amended. In Pune distt., a Committee has been constituted and as against 83 cases involving 27.07 hacs. of land in respect of pre-1980 tribal encroachers only 7.28 hacs. of land were declared eligible for settlement but their fate is still not known . The Minister of State for Tribal Development who met the Commission at Gadchiroli stated that the tribals who had been cultivating the forest land for 30-40 years as encroachers should have been regularized by giving them *pattas* but this has not been

done as yet. The situation is so volatile in Bhamragarh Taluka (Gadchiroli) that there are 5442 pre-1980 tribal forest encroachers and none of them have got their land regularized despite the Amravati Pattern of simplified verification of forest encroachers. This had led to serious and obvious ramifications- breeding of frustration among the tribals. This Taluka has preponderantly Madia Gond- a PTG population. They have virtually fallen a prey to the PWG which has since entrenched itself in this Taluka. The normal administrative machinery has been made dysfunctional in the Taluka. However, the Naxalites do not pose any threat to the NGOs like Lok Biradari Prakalp of Baba Amte which is running a dispensary and a school at Bhamragarh. Baba Amte himself stays at Bhamragarh and he is appreciated by everyone.

**7.1.7. The Commission, therefore, recommends that the entire process of regularization of tribal forest encroachers would have to be expedited by some innovative method, that is by involving the motivated NGOs who can have a better interface with the effected tribals for early solution of this vexed issue.**

### **Dalhi and Eksali lands in the Konkan region**

**7.1.8.** In the Konkan coastal area, the districts of Thane and Raigad have substantial tribal population. The tribal farmers practiced "slash and burn cultivation" on common lands before the British administration brought this area under their control. The tribal people protested against the land settlement and operations carried out by the British administration. As a result of this protest, the tribals were given patches of forest land on annual lease basis. Where these leases were granted to individuals, they were called **eksali** leases whereas these were granted to communities they were called **dalhi** assignments. The British forest department laid down detailed instructions meticulously for the administration of eksali & dalhi lands. Dalhi lands were leased out to a community and the actual lease title was made in the name of the local headman (called as Naik) who was to collect the assessment for the whole hamlet and pay it to *talati*. The eksali lease was renewed annually and regular passbooks were issued by the forest department.

### **Dalhi Lands**

**7.1.9.** The system of administering dalhi lands continued even after the independence. A decision to release the eksali lands permanently to the cultivators was taken by Maharashtra Government in March 1969. On 14<sup>th</sup> January 1970, the Government of Maharashtra took a decision to confer individual property rights on the dalhi plot holders. The dalhi lands were to be first deforested and then handed over to respective beneficiaries. The forest department disafforested 11,389.51 ha. of land between 1970-71 and 1975-76 but transferred only 1,180.712 ha. to the revenue department before 1975,

of which only 718.26 ha. were actually granted to 422 plot holders as class II occupants. Later on, an area of 225.140 ha. was transferred to the revenue department making the total to 1,405.852 ha.

**7.1.10.**In 1976, the subject of forest was transferred from the state list to the concurrent list, to be jointly administered by the State and Central Governments. Had the process initiated in 1971 continued in right spirit no discontent would have arisen. After 1976 and passing of Forest (Conservation) Act, 1980, the process came to a standstill. A number of organizations took lead in organizing mass mobilization and protest. The State Government took shelter under the provision of Forest (Conservation) Act 1980. The Bombay High Court gave a judgment on February 13, 1987 directing the State Government to transfer the *eksali* land to the petitioner cultivator on permanent tenure. The Court further stated in their judgment "that the insertion of the subject of the forest in the concurrent list and passing of the Forest (Conservation) Act will have no bearing on this case". A circular dated September 18, 1990 issued by the Ministry of Environment and Forest clearly states that the State Government should take steps to regularize eligible category of encroachments if decision had been taken before enactment of the Forest (Conservation) Act, 1980. However, as no concrete action was visible in spite of a number of agitations launched by the tribals, the Shoshit Jan Andolan filed a writ petition in the Supreme Court of India. "The apex court gave its verdict in October 1995 and directed the Government of Maharashtra to form district committees and solve the matter immediately."

**7.1.11.**In 1996, the State Forest department initiated a survey of *dalhi* lands enumerating the names of the inheritors and actual cultivators as well as the land cultivated during that year and the area under residential purposes but did not record the *warkas* land (land not suitable for sedentary cultivation), which is cultivated by the tribals for millet cultivation. There were protests by the tribal people and a fresh survey was initiated in September 1998 but it also had a number of deficiencies. Objections were once again raised and another survey was initiated in December 1998 which was the Sixth survey since the decision taken in 1970.

**7.1.12.**A division bench of the Mumbai High Court passed another landmark judgment "on November 19, 1998 on a writ petition by Shramik Mukti Sanghatana (WP No.4431 of 1995) for the implementation of the government resolution of March 22, 1969 on the *eksali* lands. The high court found that their decision of 1987 was not complied with by the state government and directed the latter to take steps to measure the entire (*eksali*) area within one year from the judgment for distribution to the plot holders. The high court also declared that the lands given on *eksali* lease to the tribals and situated in Thane district were released from the forest land in terms of the judgment of the division bench in Writ Petition No.503 of 1984".

**7.1.13.**As mentioned earlier only 1,405.852 ha. were transferred by the Forest Department to the Revenue Department while 11,513.68 ha. area is still

cultivated by the plot holders. The Government of Maharashtra has informed that revised proposals of 2,107.35 ha. land of 1405 plot holders in Roha Division and 5,929.23 ha. land of 3,900 plot holders in Alibag Division were submitted to Government of India vide Government letter dated 13.03.2001 and 26.04.2001 respectively. Government of India raised certain queries vide its letters dated 20.06.2001 and 28.06.2001. The compliance reports to the queries have been sent by the Nodal Officer Nagpur, to Government of India vide his letters dated 26.06.2003 and 10.06.2003 respectively. **The approval of Government of India is awaited. It will be seen that this issue has been hanging fire since 1970 and correspondence is still being exchanged between Maharashtra and Central Governments and the State Government has not indicated the position regarding 3,352.92 ha. of land, which is being cultivated by the plot holders.**

### **Eksali Plots:**

**7.1.14.**According to the State Government, there are 17,000 *eksali* plot holders cultivating about 30,000 ha. of land. A proposal for diversion of 3495.25 ha. of forest land to *eksali* plot holders (11,346 plots) for cultivation in Thane district was submitted to Government of India by the State Government on 19.08.2000. The Government of India raised queries vide their letter dated 5.10.2000 and other subsequent letters. Compliance have been made by the State Government from time to time. However, Government of India vide letter dated 19.09.2002 intimated that some of the areas have not been cultivated. Therefore, the State Government was asked to re-survey the area and submit proposal in respect of subsisting agriculture being carried out by the legal *eksali* lease-holders. This exercise of re-survey is very time consuming. The plots have already been cultivated for the last several decades. A considerable delay in regularizing plots has already taken place, since the State Government took decision in 1969.

**7.1.15.**It is worth mentioning that most of the *dalhi* lands are cultivated by Katkaris, who are the most backward ST community. The Commission takes note that the tribals have all along carried out a non-violent and peaceful struggle and suffered untold hardships and ordeals and the events narrated above indicate the insensitive attitude of the Government and perseverance with which the people and the action groups have fought on this issue. The Commission recommends that the State and Central Governments should take urgent steps to give land rights to the *dalhi* land cultivators and *eksali* lease holders and the Government of Maharashtra should also examine the status of tribal cultivators who are cultivating 3,352 has. of *dalhi* lands and submit a proposal to the Government of India for regularizing their claims.

### **Wild Life Sanctuaries & tribals**

**7.1.16.**The state has 15,430 sq. kms. of protected (forest) area network comprising 36 wild life sanctuaries and 5 national parks including 3 Tiger

Reserves. Reserve forest comprises 5,959 sq. kms. while other forest areas including revenue and private lands comprise 9,741 sq. kms. These protected areas have also 219 villages. Section 19 of the Wild Life (Protection) Act, 1972 stipulates that an enquiry has to be conducted to ascertain the existence, nature and extent of rights on a wild life sanctuary. Based on these enquiries, 122 villages (8,135 families) have been identified which would require relocation outside the Project areas. So far, 29 such villages have been relocated and the work is in progress to relocate 11 more villages. The State Government does not have the break-up of tribal and non-tribal families relocated/to be relocated. **Despite Supreme Court judgment, which comes in the way of the interests of tribals living within and in the periphery of wild life sanctuaries, Parliament should change the law keeping in view the interests of the tribals. The Commission also feels that grazing by sheep belonging to tribals should be permitted, as it would help in regeneration of forests.**

7.1.17. The rehabilitation of families is undertaken as per the provision of the Maharashtra Rehabilitation of Project Affected Persons Act, 1999, which has laid down the amount of land admissible per family and other individual and community amenities to be provided at the site of resettlement like roads, schools, hospitals. 97 remaining villages would continue to be located inside the Project areas.

7.1.18. Since the tribals living within or in the periphery of the game sanctuaries keep herds of livestock, leaving the animals, particularly sheep and goats astray which damages the precarious and fragile forest ecology. Further, the access to the needs like fuel, fodder and MFP also has a telling effect on the flora & fauna of the project areas. As a special case, the grazing in the sanctuary is permitted by the Chief Wild Life Warden under section 33 of the aforesaid Act. However, the Supreme Court has ordered that no forest produce can be removed from the sanctuary or national park.

7.1.19. **The Commission feels that as a large number of families living in sanctuaries and parks is tribal and despite the fact that this is perhaps a singular State with the relocation act in position, the rehabilitation of the affected families is going on at a snails pace. This should be speeded-up.**

(ii) **The Commission also feels that the Forest Department should make special provision for cattle fodder.**

(iii) **The tribals affected by the project areas should be given preference for employment in forest works so that they are able to eke out a living till such time they are fully rehabilitated. The Forest Department should ensure that prescribed minimum wages are paid to the tribal labourers and strict action should be taken against violation of the Rules.**



## Forest Villages

**7.1.20.** There are 300 forest villages in the State out of which 225 have already been regularized as revenue villages. 73 forest villages of Nandurbar district fall in Dhadgaon Taluka. The District Collector Nandurbar informed the Commission in the meeting of District level officials and non-officials in Jan, 2004 that as per State Govt. Resolution of 1969 all these 73 villages should be converted into revenue villages. The non-officials including representatives of Narmada Bachao Andolan complained that pretty little was done to sort out things. Meanwhile, as time passed by the National Forest (Conservative), Act 1980 came in the way of the process of conversion. The State Minister of Environment and Forests approached his counterpart in the Union Govt. for the conversion of these 73 villages. But by that time, someone had approached the Supreme Court questioning the regularization of these villages into revenue village on the plea that it would impinge on the fragile forest resources. Hence the matter is still pending with the Supreme Court. The Commission was informed by the local people of Bilgaon village as well as officials of Commissionerate Tribal Development that even the school building of Bilgaon village had not been regularized. All the 73 forest villages have got no basic amenities like electricity, roads, irrigation, drinking water supply etc for the tribals of these villages.

**7.1.21.** The Commission recommends that the State Forest Department should provide all basic amenities to the forest dwellers till such time the matter is decided by the Supreme Court. As regards regularization of Bilgaon school, the State Govt. should prepare a separate proposal justifying the need for its early regularization as the school caters to the fundamental right to education of wards of tribals of a number of surrounding villages and any delay may adversely affect the interest of students.

## 7.2. Irrigation

### Watershed Development

The objective of watershed development is to conserve soil and moisture by reducing surface run-off, increasing percolation and augmenting ground water resources. The programme undertaken consists of terracing, *nala* bunding, small dams, tree planting, etc. These works have been done by voluntary agencies and the Agricultural Department of the State Government. In 2002, a study was undertaken by the TRTI, Pune in four villages in which both the voluntary agencies as well as government had executed works. The findings showed that, (i) terracing work was done by tractors instead of employing labourers, (ii) the bunds at many places were not actually constructed and (iii) less payment was made to the labourers than the amount shown in the muster rolls. **The Commission hopes that the State Government would have taken steps against the defaulting NGOs and**

**Government officers so that the execution of such schemes in the tribal areas are free from misappropriation of funds and full benefits of such schemes are derived by the tribals. The Commission recommends a detailed work plan for water harvesting should be prepared in consultation with the tribals.**

## **Broken Dams**

**7.2.1.**The Rural Development and Water Conservation Department implements minor irrigation work and during the year 2001-02, Rs.2,386 lakhs were spent on construction of small dams, percolation tanks, lift irrigation schemes. TRTI, Pune undertook a survey of 22 constructed dams out of which 6 dams were constructed prior to 1999. The total expenditure incurred on these dams was Rs.43 lakhs of which one was non-existent. 21 dams either did not have shutters or the shutters were broken and therefore, there was no water storage and consequently no irrigation benefit. The entire expenditure of Rs.43 lakhs in 19 villages was wasteful. It is hoped that the suggestions made by the TRTI, Pune would have received the attention of the State Government to ensure that the money is properly utilized for the construction of small irrigation projects to benefit the tribals. **The Commission recommends that the construction of small dams should be done in consultation with the villagers and water user groups should be formed and trained in water management.**

## **Resettlement of Tribal Families Displaced by Irrigation Projects**

**7.2.2.**The Dimbhe and Pimpalgaon Joge projects in Pune district displaced 2,574 families who were to be resettled at other places. The TRTI, Pune undertook a survey in nine villages in Dimbhe project and five villages in Pimpalgaon Joge project. The main findings of the survey are as follows:

- In the Dimbhe project, the submergence of villages took place in 1992-93 and there was delay of 10 years or more in land distribution provision of irrigation etc.
- In the Pimpalgaon Joge project displaced persons opted for compensation instead of allotment of alternative lands due to delay in the resettlement programmes – compensation not paid.
- There is a lack of transparency in key operational areas in spite of the elaborate procedures prescribed in the Land Acquisition Act and the Resettlement Act. There has been deterioration in the economic profile of the displaced families after their resettlement.
- 57% of the households had not received irrigation after resettlement in spite of receiving alternative land within the command area of the project and in spite of the area calculation for alternative land being based upon the provision of irrigated land.

- The reasons for not receiving irrigation after land allotment were that water channels had not been completed, water supply was inadequate, the lands were not leveled and the lands were at a higher level than the canal.
- 57% of the families did not receive alternative land before submergence of their holdings.
- Of those who had received alternative land, 46% did not receive alternative land prior to the submergence of their holdings.
- Before displacement, agriculture was the main occupation of 83% of the households. After displacement this fell to 56%. Agricultural labour as the main occupation rose from 10% to 33%. This shift in occupational pattern indicates a lowering of living standards and harsher living conditions.
- The difference in the land area owned by the project affected families before and after resettlement shows a decrease of 55%. The size of holdings decreased after the project. Households holding more than 5 acres decreased from 69% to 26%. Landless families and those with less than 2.5 acres increased from 19% to 41%. (This was expected to be compensated by the provision of irrigation in the alternative lands granted).
- Livestock ownership in terms of the number of households owning cows, buffaloes and bullocks declined by 56%, 75% and 51% respectively.
- In terms of the total number of animals the trend was even more disturbing. The number of cows, buffaloes and bullocks decreased after resettlement by as much as 85%, 88% and 65%. Even goats which are usually owned by the poorer families decreased by 83%. The total number of large livestock and goats fell from 652 animals to 122.
- Before displacement, 12% of the households had employment beyond 5 kms. After displacement this proportion rose to 19%.
- In terms of food availability at the household level, the situation had worsened considerably. Prior to the project, 69% of the families were obtaining food grains from their own farms to last them for a period of 10 to 12 months. After the project this figure fell to 5%. Prior to displacement there was only one family (1.4%) which was producing grain sufficient for a period of two months or less but after the project the families in this category rose to 36 (51%).
- Though all the surveyed land holding families received compensation for land lost there was a lack of transparency in calculating/awarding compensation. 92% of the families who claimed to have owned trees stated they did not receive compensation for trees. Similarly, 95% of the families who claimed to have owned bunds and grassland claimed not to have been compensated.

- 6% of the households received agricultural land beyond 8 kms. from their new house sites.
- Conversations with displaced persons of the Pimpalgaon Joge project revealed that they did not opt for alternative land because they feared that the original holders would cause obstructions to peaceful cultivation.

7.2.3. The Institute has pointed out a few beneficiary programmes taken up by the State Government for the displaced persons in their new settlement colonies.

- 72% of the families were receiving tap water after the project for the first time.
- Social infrastructure covering schools, roads and electricity were provided in the 9 villages surveyed but cattle sheds, threshing floors, market areas and cremation/burial grounds had not been provided in villages.
- 63 certificates were issued to project affected persons of which 7 were able to get employment.

7.2.4. The Commission hopes that the State Government must have considered the recommendations made by the TRTI and taken appropriate action. **The Commission recommends that the submergence or water storage should not commence unless the distribution of alternative land has been completed.**

### **Workdone by Shashwat Trust**

7.2.5. 56 villages in Ambegaon tehsil and 65 villages in Junnar tehsil of Pune district are declared as Scheduled Areas. The Dimbhe Dam with its 190 km. long canal network for irrigation of 35,000 ha. of agricultural land and 5 MW power house constructed at a cost of Rs.250 crores has an assumed life of 100 years. The economical life of the dam is likely to be reduced by about 50 years if the siltage rate is not brought under control.

7.2.6. Shashwat, a voluntary organization is working in the tribal villages in the catchment area of Dimbhe dam for regeneration of the natural resources of the area namely land, water and forests. In 1989-1993, the voluntary agency had taken a pilot project for 203 farmers of 4 villages in this area, which led to increase in food grain. Same programme was taken up for 2 years under the nucleus budget of Tribal Development Dept. in one village, availability for an average family from 6-7 months to 10-11 months in a year.

7.2.7. The voluntary organization has taken up a Land Development Programme in June, 2002 on experimental basis with the support of the State Government for creation of paddy fields with stone bunds on steep hill slopes under the Employment Guarantee Scheme (EGS) sanctioned for 250 tribal farmers in 4 scheduled villages for making 13 ha. paddy fields. Under the traditional co-operative system of *Padkai*, every tribal family would make one

paddy field of area about 0.05 ha. on their own land with an average investment per family for Rs.6,110 for which government contribution will be 1/3<sup>rd</sup> of the cost and 2/3<sup>rd</sup> would be contributed by the tribal families by doing **sharamdhan**. Shashwat has also contributed Rs.1,250/- per family.

**7.2.8.** The EGS programme was started in January, 2003 for 250 farmers and 98% of paddy fields have been completed. One of the difficulties is that land ownership documents are not up-to-date. The land is still in the name of great grandfather. But the voluntary agency is confident that with the co-operation of Revenue department officials and tribal farmers it will be able to prepare and submit papers of 82 tribal owners for upgradation of land title.

**7.2.9.** For covering 42 tribal villages, 995 ha. for creation of paddy fields can be taken up at a cost of Rs.12.20 crores. This will increase food grains production by 6000 quintals. Steps are also being taken for re-greening of the fringes of the Dimbhe dam lake, which will provide sustenance of fodder and fruits for tribals living on the edge of the lake. It has helped tribals to build 16 temporary bunds to tackle water scarcity in their villages. Planning is also being made to provide help to tribal farmers to use low drawdown land – available when water level of the dam lake goes down, to take irrigated winter crop by providing diesel engine pump sets with sprinklers to groups of farmers. 3 lightweight manual fishing boats made of GI sheets fixed on a wooden frame were provided in 2003 to tribal fishermen in the Dimbhe dam. The Shashwat Trust has also started 9 pre-primary schools, one primary school and hostel, health programmes for tribal women and children.

**7.2.10. The Commission recommends that the Shashwat Trust should be given necessary funds by the Government of Maharashtra so that displaced Mahadeo Kolis can be suitably rehabilitated under land development programme, forestry, water resources development and fisheries. The Government of India should also sanction funds under Article 275(1) so that the tribal oustees could be fully rehabilitated.**

### **Irrigation projects in Vidarbha**

**7.2.11.** Of the total forest area in the State more than 58% forest area is in Vidarbha. Total forest coverage in Vidarbha as against its geographical area is about 38.44%. Gadchiroli district of Vidarbha which is one of the most backward scheduled districts of the state has more than 90% forest coverage as against its geographical area. All the agricultural land in Gadchiroli can come under irrigation but due to Forest (Conservation) Act, 1980 not a single irrigation project has been cleared by the Forest Department. Only 0.3% of the Gadchiroli forest area is required for all irrigation projects of the district.

**7.2.12.** Vidarbha region was part of old Madhya Pradesh till 1957. So far as Vidarbha's forest area in old Madhya Pradesh was concerned, it was recorded as (1) "Big Tree Forest" (2) "Small Tree Forest" (3) "Zudpi (shrub)

Forest". The forest recorded as "Zudpi Forest" was in possession of revenue

department. About 18 lakh hacs. was declared as Zudpi forest land and outside the purview of Forest (Conservation) Act, 1980 by Madhya Pradesh Government. In 1992, a decision was taken by the Maharashtra Government that "Zudpi Forest" land would be included in 'Land Bank' and double the land would be accepted for compensatory afforestation. This decision which was taken by the State Government was not implemented by the Forest Department which refused to accept Zudpi forest land for alternate afforestation. The decision of the Apex Court to charge afforestation cost of about Rs. 7.25 lakhs per hac. is a hurdle in providing irrigation facilities in Gadchiroli district. **The Commission, therefore, recommends that Zudpi forest land should be accepted as alternate land for afforestation and the heavy price for afforestation should be treated as requirement of state as a whole under Article 371(2) and Rule 7 of 1994 Order issued by the Governor. The Commission further recommends that Zudpi forest land should be treated as revenue land and not forest land as this alone will safeguard the interests of the tribals.**

**7.2.13.** During the course of meeting with Baba Amte at Bhamragarh it was revealed that there were a large number of irrigation tanks in Gadchiroli district which require to be desilted and could provide irrigation facilities to the tribals. **This matter was brought to the notice of the Tribal Development Commissioner for appropriate action for being financed under TSP. The Commission hopes that the Tribal Development Department will draw a master plan for deepening the existing irrigation tanks and construction of new irrigation tanks for providing irrigation facilities to the tribal cultivators.**

## **8. Electrification**

### **Electrification of Tribal Villages/Padas/Wadis**

A village which has any electric connection for agriculture, residential or street light is supposed to have been electrified. This appears to be a defective criteria as the tribal villages are made up of several *Padas* (hamlets), which are usually spread over a vast expanse.

**8.1.** The Commission toured 11 districts of the State and the information about the electrification in 9 districts could be available (**Appendix V**). The information reveals that all the tribal villages of Gadchiroli, Dhule and Raigad districts were reported to have been electrified till the date of visit by the Commission. As regards Nandurbar, Nagpur, Wardha, Chandrapur, Nashik and Thane districts, 138,55,5,4,1 & 1 tribal villages respectively remained to be electrified. The position of electrification of *Padas* and *Wadis* is the worst in respect of the most backward district of Nandurbar where 589 out of 1100 or 53.45% *Padas* were yet to be electrified. 460,69 and 9 *Padas* of Thane, Nashed & Dhule districts for which the information is available still remained to be electrified. The information about the list of *Padas/Wadis* of Gadchiroli,

Raigad, Chandrapur, Nagpur & Wardha could not be furnished by the district authorities/TDD or MSEB.

**8.2.** The tribal representatives and the office bearers of the voluntary agencies of Talasri (Nashik) complained on 12-01-2004 that many tribal villages/*Padas/Wadis* had not received the benefit of electrification as the electric lines did not pass through these villages/*Padas/Wadis*. One ST was sanctioned motor pump but the electrification was not done by the MSEB. There was lack of coordination between the deptt. that sanctioned motor pumps and the one providing electricity. Mr. Dongre SE MSEB promised to hold an enquiry but he informed the Commission candidly that 400 STs of Talasri needed the benefit of electrification. Rs.6.00 crores was reported to have been sanctioned out of TSP funds but due to a technical hitch the money could not be put in the Central Pool.

**8.3.** The Commission also came across complaints of non-electrification of 68 forest villages in Nandurbar distt. due to non-receipt of clearance by the MSEB from the Forest Deptt. as the lines would have to pass through the protected forests. The matter was hanging fire for a long time. The tribal representatives complained at Talasri (Nashik) that they had been sent domestic electricity bills for three months at a time without taking any metre reading by the MSEB. Due to non-payment of hefty bills, their domestic connections were disconnected.

**8.3.1. The Commission recommends as under**

**1.** The formula for electrification of a tribal village should be more flexible and unlike the non-tribal population where the availability of electric connection is both affordable and a necessity unlike the tribals who have no wherewithals to get connection without subsidization.

**2.** Nandurbar has been declared the most backward district and brought under special development under R.S.V.Y. The Govt. should therefore take steps to electrify all uncovered *Padas* on a war footing.

**3.** 68 forest villages in Nandurbar district could not be electrified due to want of clearance from the Forest Deptt. as required under the Forest (Conservation) Act, 1980. **The Commission recommends that the Forest Department should itself undertake the electrification of these villages for which the State SEB should reimburse the electrification charges.**

**4.** The district units of SEB should send monthly electricity bills towards domestic points after regular reading to enable the tribals to make payment of the bills at the nearest post office/bank. The practice of sending quarterly bills which are beyond the paying capacity of the tribals should be discontinued.

5. The deptt. sanctioning motor pumps and the State EB should function in a coordinated manner so that the electric lines are laid in a village/*Pada/Wadi* before the motor pump is sanctioned by the TDD as this would save the tribals from avoidable harassment.

## 9. Mining

The STs live close to mines. Unplanned exploitation of mines by the contractors adversely affects their interests. It has also been observed that the contractors are generally outsiders and they bring their own non-tribal labour for prospecting mines and for extracting minerals without engaging local tribals as workers. This has been a cause of resentment among STs. This is against the relevant provision of the PESA Act, 1996 and Samatha judgement of the Supreme Court.

## 10. Road connectivity

### Pradhan Mantri Gram Sadak Yojana (PMGSY)

The objective of the PMGSY is to provide road connectivity by way of roads with necessary culverts and cross drainage structures so that the rural habitations with a population of 1000 and above are covered by 2002-03 and saturation of those with a population of 500-999 by the end of the 10<sup>th</sup> Plan period. The tribal habitations comprise of villages and hamlets having population of 250-499 which are to be covered thereafter. 15 and 14 such tribal habitations were covered during 2000-01 and 2001-02 and there are no eligible tribal habitations to be covered now as per the official report of the Union Govt. However, the position of such tribal habitations still remaining to be connected were reported to this Commission during the tours of Maharashtra in August, 2003 and Jan., 2004 by the district level PW departments at Yavatmal, Thane and Nandurbar as per details given below:

District	No. of unconnected ST hamlets
1. Yavatmal	17
2. Thane	237
3. Nandurbar	<u>84</u>
	<u>338</u>

10.1. The Commission feels that the Govt. of India, Department of Rural Development should ascertain the reasons for the discrepancy between the data reported by them and that made available to the Commission by the district administrations of Yavatmal, Thane and Nandurbar and steps taken to provide connectivity to the tribal villages. Absence of roads deprives the STs access to health care, marketing of MFP, accessibility to educational institutions and Taluka and district headquarter for grievance redressal.

10.2. The Commission was aghast to find in Akkalkuwa and Akrani Talukas of Nandurbar district on 8 Jan., 2004 that the roads built by the contractors through the State PW department only 20 days prior to its visit had caved in due to use of poor material. This matter was



discussed in the meeting with the Chief Secretary and officers at Mantralaya on 14-01-2004. The Commission suggests that the norm of the PMGSY which makes the contractor responsible for maintenance of the roads for five years after its construction should also be applied to rural roads being built by the PWD/Zila Parishad.

## **11. Agriculture and allied schemes**

### **Income generation scheme & distribution of Agricultural Inputs**

Under the income generation schemes 50% subsidy is given to the poor farmers and the subsidy is 100% for tribal families who are below poverty line for agricultural implements, bullocks, bullock carts, repairing wells. For land development works, pump sets, drilling open and new wells, the subsidy limit is Rs.11,000, Rs.10,000, Rs.8,000 and Rs.50,000 respectively. During 2002, the TRTI, Pune, made a study of 40 beneficiaries out of 175 from 16 villages under both the income generation and distribution of agricultural input schemes in Ambagaon and Junnar talukas of Pune district, the main findings were as follows:

- i) None of the surveyed beneficiaries were below the poverty line.
- ii) 45% of the surveyed beneficiaries did not use the money for the purpose for which it was granted and did not create any assets from the assistance.
- iii) 15% of the beneficiaries belonged to families where more than one member had been assisted. 70% of the beneficiaries already had shops or family members were in employment and should not have been given assistance.
- iv) 13 farmers received assistance for new wells. However, this brought no irrigation because 11 farmers stated that they had no pumps. Two wells were dry for which no survey had been done by the Ground Water Survey and Development Agency prior to well construction.
- v) Eligibility criteria should be explained to villagers and should clearly state that preference would be given to poorer households.
- vi) The subsidy for a bullock pair is Rs.4,500. This should be increased to Rs.10,000 as the price of a pair of animals is between Rs.15,000 to Rs.20,000.

**11.1. The Commission hopes that the State Government will take adequate steps to improve the working of income generation and distribution of agricultural input schemes and recommends that non-eligible ST farmers should not be extended help and that farmers who**

go for digging new wells should be informed that they will have to use animal power for irrigation. It is also necessary that Commissioner, Tribal Development should monitor and evaluate the schemes.

## Agriculture

11.2. 41.8% of the tribals of Maharashtra are landless. Another 43 percent of STs own 01 – 4.04 has. of land, which is not viable for cultivation. To sum up, 84.8 percent of the STs are either landless or own uneconomic pieces of land. Due to loss of their access to minor forest produce as a means of sustenance and timber for construction of huts and firewood, they have to fall back upon agriculture. It is estimated that 80% of tribal population is engaged in the agriculture and allied occupations as their main source of livelihood. But their cultivable land is characterized by low productivity per hectare. Another inhibiting factor is extremely limited availability of irrigation facility. They have hardly any means to make investment to increase agricultural productivity as the agricultural land is located in hilly areas.

## State Intervention

11.3. Thus the State intervention to help them in making their agriculture sustainable is *sin-qua non*. The State Government gives subsidy<sup>\*\*\*</sup> for various agricultural schemes to the tribals but the rates were last revised in 1992. These are as under:

Table No. -V

Sr.No.	Item	Maximum Limit of Subsidy (Rs.)	Subsidy (% age)
(1)	(2)	(3)	(4)
1.	Land Development Work	20,000	100
2.	Input Supply	1,500	100
3.	Plant Projection Appliances/Improved Agricultural Implements.	6,000	100
4.	Repairs to old wells and pipe-lines	4,000	50
5.	Bullock-pairs	4,500	50
6.	Bullock-carts	3,000	50
7.	Inwell bore	8,000	100
8.	New Wells	(As per Ganga Kalyan Yojana)	100
9.	Pump set	10,000	100
10.	Pipe line	Upto 300 metres	

11.4. The Commission feels that these schemes should be revamped again due to escalation in costs of all commodities. The Commission also recommends that as a technical and specialist department, the agricultural department should prepare a comprehensive package for

<sup>\*\*\*</sup> These figures do not tally with the figures given in the TRI Report.

**overall agricultural development of small and marginal tribal farmers to increase productivity. The Commission further suggests that the 'Wadi' programme should be expanded.**

## **Horticulture**

**11.5.** The Commission appreciates efforts made by the Tribal Development Department in promoting horticultural and intercropping of vegetables, millets and cereals among marginal farmers of degraded land.

**11.6. Wadi:** Wadi means an orchard along with forest trees established on wasteland owned by tribal family. Individual families work on their own plot. Thus the programme is focused on development of family. A health component is an integral part of the programme. Special emphasis is given on involvement of women in all activities along with introduction of need based supplementary programmes like Soil Conservation, Water Resource Development, Timber cultivation, Vegetable cultivation etc. The State Govt. has made a plan of bringing 52,000 tribal families under the Wadi Programme. They have involved BAIF as well as intervention of various departments under the Zila Parishad. The scheme would cost Rs. 144 crores during the period of five years. Last year an amount of Rs. 8.5 crores was allotted which could not be spent. This year they have made an allocation of Rs. 6 crores for this programme. Extension assistants would also be posted under the programme.

**11.7.** The places which can be said to be success stories visited by the Commission are Kharonda, a remote village in Jawhar Taluka (Thane district), Ojarkhed (Nashik) and Thakurwadi (Pune). Kharonda village consists of 286 families belonging to Kokana, Varli and Dhor Koli STs. The number of Wadi participants benefited STs where the kharif crop of paddy, Nagli, niger, tur, Urad, Khurasni etc are being grown now. The rabi crop consists of wheat, tur, clusterbean, water melon, pumpkin, bottle gourd etc. The members have been constituted into 4 SHGs, who have been able to earn Rs. 74,722 giving a total saving of Rs.32,000. The SHGs have distributed Rs. 1, 63, 913 as loan to members (out of which the recovery is 1,27,763) for vegetable cultivation, mango graft nursery, etc. For supply of irrigation and drinking water, one temporary check dam has been built, which is a boon to the tribals.

**11.8.** Ojarkhed Wadi Project (Nashik) commenced about 20 years back, is also a success story. The tribals were trained to grow mango-Kesar and Rajapur varieties, the former is famous for pulp while the latter is good for making pickles. These varieties of mangoes have good market in Maharashtra. Apart from this, the other marginal farmers have also successfully grown millets like nagli, niger, urad, rice etc on degraded land. BAIF has trained the local tribals in preparing vermicompost by engaging them on wage labour. BAIF is also planning to set up a food processing center at Kharonda employing the local tribals. This value addition through packaging of jam, pickles, etc would generate additional income to the tribals.

BAIF has purchased a truck for export of vegetables, amla, mangos to Mumbai where it has a tie-up with Apna Bazaar. This has been fetching them good return. The tribals are also growing bamboo and Amla, due to demand.

**11.9.** The third Wadi programme seen by the Commission was at Thakur Wadi, Pune Block (Pune) in January, 2004. This project is benefiting 23 tribals (Thakur) and 32 non-tribals, who used to migrate for employment to Mumbai during lean period. Now, due to assured irrigation facilities, they are growing onion, vegetables, pulses, millets and cereals. The migration has become a thing of the past.

**11.10.** The Commission observed that access to Kharonda is very difficult because the road is almost non-existent and recommends that the govt. should provide funds for improving communication that would hasten development and ensure mushrooming of the area with Wadi projects at other places where water harvesting is possible. The Govt. should also encourage the formation of Women's Self Help Groups to look after the 'Wadi' and inculcate saving habit among the tribals.

## **12. Animal husbandry**

Due to poor agricultural income, the tribals who keep large herds of cattle like cows, sheep etc. should be encouraged to improve the cattle breed so as to increase the milk yield for improving their economic conditions.

## **13. Fisheries**

Nearly 37,600 hac. Of water sheets in the form of tanks and reservoirs are available in the tribal areas for the development of fisheries. Fishing is a part-time vocation of tribals, it supplements their meager income. The tribals do fishing by traditional methods in the small streams, rivulets and seasonal rivers. Since the catch is not enough, due to traditional technology, a major portion of it goes towards domestic consumption and a small portion is sold in the market.

**13.1.** Efforts are being made through the strategy of TSP to introduce the benefits of modern technology to the tribal fishermen for which allocation of Rs. 92.42 lakhs was made under the TSP 2002-03 by way of fish farming in impounded water, fish seed production, fish farmers development agency and development of fisheries cooperatives, assistance for purchase of fishery requisites, development of fisheries in brackish water.

**13.2.** The Commission could not see much evidence of state support to fisheries sector to the tribals during the course of its tour. However, some work is being done in Thane and Nagpur districts. In Thane, fish seed is being supplied at subsidized rates to the tribal fisheries cooperatives and local bodies for stocking. The ultimate aim is to increase fish production and provide employment opportunities to the rural STs. Similarly in the fish farms

in tribal areas of Arongaon of Dahanu Taluka of Thane districts, the farm has an area of 50 hac. of which 35 hac. is water spread area and covered by 32 ponds. The proposed fish farmer's development agency in Thane district will act as a catalyst agency for the entire district. Excepting for fish seed (rearing) farm at Khindri (Nagpur) no other work seems to have taken roots in the district.

**13.3. The Commission recommends that the outlay provided for the annual TSP 2002-03 is hardly sufficient and should be doubled in the subsequent annual Plans of the 10<sup>th</sup> Five Year Plan period. The Commission further recommends that the tribals living close to ponds, rivulets, rivers, canal and lakes should be given incentives to catch fish for domestic requirements and for supplementing their meager income.**

## 14. Public distribution system

### Navsanjivani Yojana:

43.56% (rural) and 42.98% (urban) STs of Maharashtra live below the poverty line (BPL)<sup>##</sup>. The Commission was informed during the tour that rationed foodgrains are supplied to the tribals through Fair Price Shops under Revamped Public Distribution System (RPDS) and door step delivery system under the Navsanjivani Yojana which caters to a package of schemes relating to; employment guarantee programme, health schemes, nutrition programme, supply of food grains, consumption loans and grain banks.

**14.1.** Under the foodgrains scheme, wheat and rice is supplied through ration cards in the 11 districts visited by the Commission. However, the information about seven districts only could be available, which is given below:

**Table-VI**

District	Yavatmal	Chandarpur	Gadchiroli	Nashik	Nandurbar	Nagpur	Raigad
No.of FP shops	412	516	1040	932	1000	1503	Scheme in force but data are not available
No.of ST villages	1049	1049	1661	920	927	297	-do-

**14.2.** Under the Door Step Delivery System, the Tribal Development Corporation has been assigned the job of making supplies of rationed items under the RPDS at the door steps of the villagers. The Nashik region with 6 districts has been given 20 vehicles for the supply of rationed items, while

<sup>##</sup> Source: worked out from NSSO- distribution of persons (implicit) All India Poverty Line for 1999-2000.

Yavatmal district has got 8 vehicles out of which 2 are not in working condition.

**14.3.** The Commission recommends that the number of vehicles for Door Step Delivery System in Nashik zone being only 20 is quite inadequate considering that the area serviced by the 20 vehicles in the 6 districts of Nagpur, Wardha, Gadchiroli, Bhandara, Gondiya and Chandrapur is vast with 15.88 lakhs tribal population. The number of vehicles should be doubled for better coverage. The need for more vehicles should also take into account the fact that the Gadchiroli (fully), Chandrapur (partly) fall in the naxalite affected belt and require special attention. Many tribal representatives and NGOs complained that the supply of rationed food grains was erratic and should be streamlined. The Commission recommends that the TDCC should also act as a vigilante for taking timely corrective action.

**14.4.** One tribal lady activist complained at the Nashik meeting of the Commission with district level officers and NGOs that all the fair price shops in the tribal areas of the district remained open for only one day of the month causing lot of inconvenience to them. The Commission feels that this irregularity is very serious and the District Administration should ensure that the shops remain open on all working days of the month.

**14.5.** Katkari, Kolam and Madia Gond PTG of the State were not being given free rations as per Supreme Court direction. The Commission recommends that the State Govt. should ensure compliance of the Supreme Court directions.

## **Part-III Social Sector**

### **15. Education**

44 literacy rate among STs is 36.56 as against the general literacy rate of 64 percent (1991 census). Separately, the male and female literacy rates among STs are 49.09 and 24.03 percents respectively.

**15.1.** In order to overcome the backlog in ST enrolment, the State Govt. has ensured that there is a primary school within 1.5 kms. of the village. Apart from 8445 Primary, 864 Secondary and 151 Senior Secondary Schools functioning in the State (the Primary schools are under the control of the Zila Parishads). There is enrolment of 8.43 lakh, 3.68 lakh and 1.46 lakh respectively at these stages of education respectively. The TD Department has opened 507 Aided Ashram Schools which includes 162 Ashram schools upgraded to classes 8 to 10, all benefiting 1.60 lakh tribal students (2002-03). The TDD also runs 153 and 93 Govt. hostels having strength of 12,120 and 7210 for boys and girls respectively. GOI post matric scholarship benefited

55,403 ST students at a total cost of Rs. 1399.00 lakhs.

**15.2.** The State Govt. pays an incentive of Re. 1/- per day for 10 months to the parents of ST girls enrolled in classes I – IV provided there is monthly enrolment of 75%. Further, an incentive @ Rs. 50 P.M. in classes V-VII and Rs. 100/- P.M. in classes VIII – X is paid to the parents of tribal girls as an opportunity cost in the form of foodgrains. More than 3.20 lakh ST girls are to benefit for which the State Govt. has made a provision of Rs. 21 lakhs.

### **Drop outs**

**15.3.** The Commission noticed that though the enrolment of ST students has gone up rapidly due to opening of primary schools, it is a matter of concern that the drop out of ST students was very high which adversely affected the retention of girl students. The TD Department has informed that the drop out rate for tribal girls is as high as 77% as against 71% for boys at secondary stage of education. The Commission, however, found that the drop out rate of girls in Govt. Ashram Schools at secondary stage was 78% while in the Govt. and Aided Ashram Schools it is as high as 78% and 79% for boys and girls respectively in Nandurbar district. The National Commission for SC/ST in its Third Report (1994-95 & 1995-96) of Maharashtra brought out in 1998 has observed that only 6%, 3%, 3% of the teachers for Primary, Secondary and Higher Secondary Schools were tribals, which is far from satisfactory.

### **Aided Ashram Schools**

**15.4.** The NGOs running Ashram Schools receive a maintenance grant of Rs.335/- per month per child which has recently been increased to Rs.500/-. In addition, expenditure on salaries of teachers and staff is borne by the government. Assistance from government is also given for books, stationery, medical expenses, clothing and rent for the building. On an average, a primary ashram school of 200 students receives an annual grant of more than Rs.20 lakhs. The assistance for larger schools and the rates of subsidy for high schools is higher. About 1.60 lakh ST students were enrolled in these (aided) schools during 2002-03.

**15.5.** The State Govt. last year started a scheme of educational awards to the Ashram schools run by the State Govt. and Non-Official Agencies. The recipient of the first award of Rs. 5 lakhs was a Govt. Ashram School and the second award (Rs. 3 lakhs) and third award (Rs.1 lakh) went to Aided Ashram schools. There were some reports of harassment of girl students in the girls Ashram schools. The state govt. has asked the Tata Institute of Social Sciences to make discreet enquiries as well as study how to ensure adequate arrangements for the custodial care of children.

**15.6.** The Tribal Research & Training Institute (TRTI) conducted a study of 484 Ashram schools out of which 270 schools were run by voluntary agencies. The TRTI found during its study that there were a number of bogus

names entered in the schools run by voluntary agencies and suggested a plan of action for proper check to overcome this malady. **The Commission hopes that the State Government would have initiated steps to ensure that money earmarked for the tribals is purposefully utilized. The TRTI, Pune should undertake a comparative study of the quality of education imparted in the Ashram Schools run by the State Government and the voluntary agencies.**

**15.7. The observations and recommendations of the Commission are as follows:**

**(i) Education of the tribal students at primary stage particularly in class I and II should be imparted in tribal dialects.**

**(ii) There should be proper linkages between primary schools and Angawadis from where the class I students should be drawn.**

**(iii) Stipends/post-matric scholarship are usually sanctioned and reimbursed very late. For instance, the post matric scholarship for the educational session 2003-04 had been sanctioned by the Addl. Tribal Development Commissioner, Nashik for Nandurbar distt. in Jan., 2004 and had not been disbursed till 08-01-2004 as sanctions issued are sent to the colleges for making disbursement who take their own time to disburse the money. This came to light when several students of Dhadgaon and Nandurbar complained of inordinate delay in payment of scholarship money to them. The T.D. Department officers should ensure that stipends/PMS are disbursed to ST students within one month of the receipt of the sanction orders.**

**(iv) There have been cases of food poisoning in an Ashram Hostel as one reported in Yawatmal district as a result of which one tribal student died & 42 were admitted in the rural hospital at Pandhar Kawada.**

**(v) The Commission came across several complaints of the teachers not attending the classes regularly as they are drawn from outside districts. The Commission was informed that in Nandurbar district the teachers were in the habit of remaining present in the school for 2-3 days in a month and then playing truant after receiving their monthly salary. The Commission recommends that in order to arrest the burgeoning truancy among the teachers posted in the tribal areas, the State Govt. should engage teachers on contract basis by Gram Sabha Committee with at least signatures of two persons; village head and a member of Parent Teacher Association (Palak Sangh)**

**(vi) Residential accommodation for all teachers should be provided by giving preference to lady teachers till such time residential quarters are not built for all teachers. Special educational grant may be given to the teachers for education of their children.**



(vii) The percentage of reservation for the posting of ST teachers may be raised from 7% to the percentage of STs in the district so that more local tribal teachers are recruited, who can ultimately replace the non-tribal outside teachers.

(viii) Education at the secondary stage should be vocationalised so that after passing out from the school the ST boys and girls are placed with the concerned industries. Such of them who are able to undertake self employment ventures may be given financial assistance.

(ix) A sub-cadre of teachers in the tribal areas should be created so that they are required to serve in the tribal areas for the full tenure.

(x) The Primary schools should be made girl friendly by among other things ensuring girls' safety, construction of separate toilets for girls in each school and hiring more female teachers.

(xi) The State Govt. should take urgent steps to recruit adequate no. of tribal teachers in primary schools. ST teachers who are matric pass may be recruited and sent for training to upgrade their skills. This will arrest drop-outs at primary level and upwards and ensure higher percentage of retention of girls' students in schools.

### **Opening of Anganwadi centres in tribal districts**

**15.8.** The rate of IMR among ST areas is higher as compared to non-tribal areas of the State. Only 78 percent children of 12-23 months received all vaccinations (1998-99), malnutrition among children is highly prevalent in Maharashtra. More than 50% of such children were malnourished (underweight) (1998-99). A major cause for such high rates of child malnutrition is the low birth weight babies, which is directly related to the poor nutritional status of women. Due to abject poverty, the pregnant tribal mothers rarely get adequate nutrition.

**15.9.** I.C.D.S. seeks to address to the problems of nutrition, health care early childhood and preschool education. This programme aims to cover disadvantaged areas including backward local areas, tribal areas and urban slums to provide nutritional care to children of 0 – 6 years of age and meet essential needs of pregnant and nursing mothers. At present 5,262 (2002) ICDS projects function through Anganwadi Centres, which is the focal point for delivery of services to children of 0 – 6 years of age and pregnant and nursing mothers and adolescent girls.

**15.10.** The Maharashtra Government has proposed that each hamlet of tribals having population of 500 should have an Anganwadi Centre. It has even advocated for setting up of Mini Anganwadi Centre in the PTG areas, depending on the PTG population in each hamlet. The State Tribal Development Department has pleaded for opening of more than 600

Anganwadis in 5 sensitive tribal districts of Nandurbar, Thane, Nashik, Gadchiroli and Amravati districts having to cover at least one lakh children. The State Government has informed that the Government of India, MTA has stopped sanction of grants for Anganwadis.

**15.11. The Commission feels that on account of malnutrition, death of children in Thane distt., Akkalkuwa and Dhadgaon Talukas of Nandurbar district and Amravati district, the Government of India, Ministry of Human Resources development should open Anganwadis even by relaxing the eligibility norm to even 300 children per Pada (hamlet) in these sensitive districts so that the malnutrition among underaged children and proper feeding to pregnant and nursing mothers would build a healthy tribal society. Anganwadi Centres, manned by trained tribal workers can function as engine of growth of tribal awareness and education. This focused programme would go a long way in taking care of social unrest movements in these sensitive tribal districts. The Commission recommends that to begin with 89 Anganwadis Centres and 215 Mini Anganwadi Centres identified in the (i) Akkalkuwa and Dhadgaon Talukas may be considered for approval by the Government of India, Ministry of Human Resource Department.**

## **16. Health**

### **Health Care Services**

The entire health care programme in the state is being implemented by the primary health care system, which is based on a 3 tier system with the population norms, which are relaxed in favour of STs, for overcoming the special health problems of the tribals in a time-bound manner. The State Government has made departures from the norms by substituting the CHCs with Rural Hospital (RH) and introduced the new concept of opening of Public Health Units (PHUs). Thus at present there are 183 RHs, 958 PHCs, 129 PHUs and 5404 Sub-Centres functioning in the tribal areas.

**16.1.** It was observed during the tour that CHCs, PHCs & SCs have not been opened in many districts, particularly the most backward tribal districts of Gadchiroli and Nandurbar as per the relaxed norms laid down by the Government of India. Some of the glaring deficiencies in the programme found during tour by the Commission are as under:

**16.2.** In one of the PHCs at Nandurbar, only one MBBS tribal doctor was in position for the last 26 years without adequate number of para-medical staff. Since no residential accommodation was provided to him, he was staying in the godown of the veterinary dispensary located nearby. At many other places like in Harshul, in Nashik district, the state government has opened one PHU in place of PHC and only one MBBS doctor, one sister and one nurse were holding the fort in an area where there should have been more medical and para-medical staff keeping in view the fact that the only MO

performed more than 50 tubectomy and vasectomy operations on January 9, 2004 (date of visit of the Commission) and these patients should have been made to rest a while in the ward after the operation, as per medical ethics, but they were immediately asked to leave the PHU after the operation for want of resting space. The PHU had only one fan in working condition. The deep freezer required in the hospital for storing anti-rabies and snake-bite serum was not provided by the government and were being kept in the deep freezer of a neighbour. **The Commission recommends that the working conditions in the PHU should be improved and a deep freezer provided for keeping vital medicines.**

### **Malnutrition related deaths**

**16.3.** Malnutrition related deaths of tribal children have been reported in the media from the district of Nandurbar for the last few years. The State Government has contested these reports. The fact, however, remains that in spite of efforts made by the State Government in strengthening the health care system by appointing special staff, the situation has not improved. **Side by side with the steps taken by the State Government, it is necessary that employment guarantee programmes should be drawn up well in advance of lean agricultural season, to provide employment to the tribal families so that they are in a position to purchase food-grains from the public distribution shops. The State Government has also been providing financial assistance to pregnant tribal women and TRTI, Pune made a survey of this scheme and suggested that payment should be made to the beneficiaries in the presence of all the beneficiaries, the village teacher and other villagers on the dates announced by beat of drums to obviate reported corruption in the payments to pregnant tribal women. It is hoped that the State Government will act on the suggestion made by the Director of TRI.**

**16.4.** The Commission found that 13 out of 47 MOs grade-B (15%) and 4 out of 58 MOs grade-A (7%) posts were lying vacant. Similarly, 38.20 percent (34 out of 89) posts of Health Assistants (M), 13.33 per cent posts (18 out of 135), Health Assistant (F) were lying vacant for a very long period, 48 ANMs (48 out of 475), 14 Pharmacists (16.10%), 5% Health Supervisors and 1216, (18% car drivers) were lying vacant in the health centres under Gadchiroli Zila Parishad. In Chandarpur district, there is no MO, grade A or B, but only 34 AMOs to man the PHCs. 3 out of 17 posts of MO (Class III), 8 out of 39 (18%) posts of MPW, 5 out of 17 (29.50%) posts of Compounder & 6 out of 37 (35.50%) posts of Lab. Technicians were lying vacant in the health centres under the control of the Zilla Parishad. Similarly, four posts of MOs in Amravati district and 3 & 4 posts of Lab. Technicians in Amravati and Nagpur districts respectively were lying vacant.

**16.5.** Dr. Arole of Ahmednagar has been asked to take up training of women health workers in 8 districts covering about 30-40 villages. This will enhance medical care facilities available to STs.

**16.6. The Commission has found that the vacancies of MOs and Lab. Technicians, Multipurpose workers (Male & Female), Auxiliary Nurses and Midwives (ANMs) and Pharmacists were having a telling effect on the health of the tribals. The position in respect of Nandurbar, Nashik, Thane & Raigad districts is more or less the same and is not being repeated for the sake of brevity.**

### **Status of buildings of Health Centres / residential buildings**

**16.7. In Gadchiroli district, 10 out of 45 PHC buildings (22.25%) were in need of repairs, construction of 13 out of 45 staff quarters attached thereto were under construction and no arrangement had been made for the staff till the construction of buildings was completed. Similarly, 14 buildings for staff of PHUs, mobile health teams, etc. were under construction and 29 staff quarters needed repairs. In Amravati district, construction of 3 PHCs, 1 PHU, 5 Ayurvedic dispensaries and 2 SCs had not yet started, while 28 residential quarters of 8 PHCs & 20 SC buildings needed repairs.**

### **Special diseases in the Scheduled & TSP areas**

**16.8. The Commission was informed by the tribal representatives and NGOs like SEARCH, etc. at Gadchiroli and Nandurbar districts that Sickle-cell anemia was still haunting the tribals. Due to presence of fluoride in 54 villages, 24,629 Kolam PTG were affected in the Yavatmal district. The Zila Pramukh Yavatmal informed the Commission that the estimated cost of supply of potable water and filtration of affected villages was 382.16 lakhs. The Commission recommends that funds should be made available under Article 275(1) of the Constitution for setting up of cost-effective miniature filtration plants for supply of safe drinking water to the tribals of Yavatmal, Gadchiroli and Chandrapur districts.**

**16.9. Steps being taken to eradicate TB, Malaria, Scabies, Pneumonia, dysentery, Diarrhoea, malnutrition and other water-borne diseases in almost all the districts visited by the Commission need to be fine-tuned and geared up as a healthy generation of tribals alone can take advantage of emerging educational and developmental programmes.**

#### **(i) Supply of medicines / vaccines**

The availability of medicines at these centres is a problem due to delay in replenishment of stocks of medicines. It is understood that due to non-availability of vaccine boosters for four months till October 2003, throughout India, the tribal areas were worst affected and could ill-afford to buy one MMR booster costing Rs. 100/-. **The Commission recommends that the antiquated tender system should be reviewed so that the difficult tribal areas get life saving medicines and immunisation boosters on time. This is very important as the tribal areas are regions of intense poverty and the tribals, who are at the bottom of the heap, cannot afford the**

luxury of private hospitals / clinics, where the cost of treatment is quite high.

(ii) **Grant of incentives / staff quarters**

The unwillingness of doctors / paramedical staff to work in tribal areas can be overcome by payment of incentives and residential accommodation and educational allowance to their wards to pursue studies in urban areas on a liberal scale and without hassle.

(iii) **Creation of Sub-Cadre of health staff.**

The chronic shortage of medical staff can be overcome by way of creation of sub-cadre of health staff under a separate Directorate of Tribal Health Services in the Tribal Development Deptt. This may not involve any additional financial liability as the health staff working in the tribal areas under the control of the Director General, State Health services would have to be brought under the direct administrative control and supervision of the T.D. Department. **The Commission recommends that the separate sub-cadre of Health Staff under the Directorate of Tribal Health Services should be created urgently and a permanent consultative mechanism may be arrived at with the State Department of Health Services, as the latter is the nodal health agency of the State Government.**

**16.10. Lastly the Commission would like to suggest that some NGOs like SEARCH under Dr. Abhay Bang and Dr. (Mrs.) Rani Bang and Comprehensive Rural Health Project, Jamkhed implemented by Padmabhushan Dr. Arole in the districts of Thane, Nandurbar, Amravati, Ahmednagar, Gadchiroli Yavatmal and Raigarh should be liberally aided and consulted for integrated health care of the tribals in the State.**

**16.11. In the tribal areas of the state, the tribal physicians who are known as 'Bhagats' possess a wealth of knowledge about herbal medicines and render traditional health care by treating specific diseases. The State Government is considering a proposal to give monthly honorarium to the 'Bhagats' so that they will be able to focus better in the area of basic tribal health care. The Commission suggests that as Gujarat has done good work on indigenous medicines, there is strong need for sharing of ideas between States.**

## **17. Drinking Water**

The Tenth Five Year Plan document has stated that highest priority is to be given to 'not covered habitations', SC/ST etc are to be covered fully on a priority basis. "A systematic survey of all such identified habitations will be undertaken" and Panchayats to be endowed by law with the power and authority to enable them to have full autonomy to prepare plans including drinking water and maintenance of community assets.

**17.1.** The Commission observed during the tour of Vidharbha region that Gadchiroli district is endowed with good potential of water resources. The district has 1613 ex Malguzari tanks, which are 250-300 years old and are capable of irrigating 27698 hacs. of land as well as meet the drinking water needs of the tribals but these require desiltation, deepening and strengthening of their bonds to restore their original water holding capacity so that these meet the dual purpose of irrigation and drinking water supply to locals. Yavatmal distt. has got water supply schemes such as hand pumps, electric pumps, dug wells in 639 villages which cater to both SCs/STs. Similarly in Nagpur distt., work on 14 water supply schemes in Ramtek Taluka costing of Rs. 87.62 lakhs has been completed but one more scheme at Kuirapur village in that Taluka at a cost of Rs. 7.69 lakhs is in progress since 02-01-1998. Amravati distt. had provided 20024 electric and oil pump sets till 2003 in the 891 tribal villages. The water is used both for irrigation and drinking purposes.

**17.2.** As per a white paper on provision of safe drinking water to problematic villages in Maharashtra, prepared in 1995 there were 361 such villages in Chandrapur distt. Work on 116 villages, 12 *Wadis* only could be completed while work on 245 sources in 245 villages and 13 *Wadis* and 43 piped water supply schemes is under progress.

**17.3.** 75 drinking water sources in **Chandrapur** district as given in **Appendix VI** and parts of **Yavatmal** district are having fluoride content in drinking water. According to 1 PPM tests undertaken by the PHED. 1802 tribals suffered from dental problems while 20 STs of Chandarpur had dental and bone deformities. Similar reports are not available in respect of Yavatmal distt.

**17.4.** The authorities have completed water supply schemes in respect of 116 villages and 12 *Wadis* work on 245 villages and 13 *Wadis* and the 43 piped water supply schemes was under progress at the time of the Commission's visit. In **Thane** district, 4546 drinking water wells and 5276 bore wells were provided to the tribals. 326 water sources were under the control of Zila Parishad and 16 under Gram Panchayats. The information regarding failed and/or dry wells has not been supplied.

**17.5.** The Commission was informed by the tribal representatives in Nandurbar, Nashik & Thane districts that many schools did not have drinking water sources.

**17.6.** Under recently introduced *Swajal Dhara* Scheme 10% contribution has to be made by the beneficiaries and the rest is Govt. of India subsidy. Hardly, any tribal was motivated to take benefit of this scheme.

### **The Commission recommends that**

- (i) **The problematic villages in the tribal areas from the point of view of drinking water supply should be tackled on priority basis.**
- (ii) **The suggestions made in the 10<sup>th</sup> Five Year Plan document to cover all uncovered ST habitations by water supply on a priority basis, should be implemented in a time bound manner.**
- (iii) **The Gram Panchayats in the Scheduled Areas should be empowered by budgetary support by the State Govt. to implement rural water supply scheme.**
- (iv) **Delay in desilting and deepening of the 1613 Ex Malguzari tanks of Gadchiroli district should be taken up on priority basis to meet the drinking water and irrigation needs of the tribals.**
- (v) **Adequate measures should be taken to provide potable water in villages in Chandarpur and Yavatmal districts having high fluoride content.**
- (vi) **Every school should have at least one safe drinking water source and arrangements made for periodical maintenance of water sources by the PHE department. The schools should overcome the drinking water shortage by rain water harvesting for which the State Govt. should provide necessary funds.**
- (vii) **Dried wells/hand pumps should be deep bored so that drinking water is available to the needy STs.**
- (viii) **Tanks should be provided to ensure easy supply of drinking water to the tribals, wherever necessary.**
- (ix) **In order to ease the financial burden on the STs, the Gram Panchayat should share 5% of the contribution to the GOI Swajal Dhara scheme and the balance 5% may be borne by the STs in groups of 3-4 so that the drinking water scarcity can be overcome, wherever needed.**

## **18. Housing**

Housing is the basic necessity for all. In compliance with the Govt. of India National Housing and Habitat Policy, 1998 which aims at providing 'Housing for all' a comprehensive action plan has been launched by the Govt. of India. Various schemes for housing shelterless STs have been started through the Union Ministry of Rural Development under Indira Awas Yozana. (IAY). The ceiling for assistance of a house unit is Rs. 20,000 for urban areas and Rs. 22,000 for hilly/difficult areas. Sanitary latrines and smokeless *chullah* is an integral part of the IAY housing unit.

**18.1. Although the district administration could not supply information about the working of IAY, the Commission had an occasion to see houses built under the scheme in Chikaldhara( Amravati district). The tribals have built good houses with some additional accommodation at their own cost.**

18.2. As regards PTGs, State Govt. is implementing the scheme of construction of houses under Article 275(i) of the Constitution. 1588 houses have been constructed for the PTGs - Katkari, Kolam and Madiya Gond at a total cost of Rs. 455.48 lakhs during the period 1993-94 to 1997-2000 as per table given below:

TABLE NO.-VII

Statement showing construction of pucca houses for PTGs  
from 1993-2000

(Rs. in lakhs)

Sr. No.	Year	PTG Group	District	Amount sanctioned	Expenditure incurred	Target	
						Fixed	Achiev.
1.	1993-94	Katkari	Raigad	28.04	28.04	180	180
2.	1994-95	Kolam	Yavatmal	12.00	12.00	100	100
3.	1998-99	Kolam	Nanded	60.00	73.74	200	200
		Kolam	Yavatmal	40.60	40.60	142	142
		Kolam	Chandrapur	107.06	107.06	376	376
		Madiya Gond	Gadchiroli (Aheri)	27.30	27.30	69	69
		Madiya Gond	Gadchiroli (Bhamragad)	31.80	31.80	106	106
		Madiya Gond	Gadchiroli	30.00	30.00	100	100
4.	1999-2000	Madiya Gond	Gadchiroli (Bhamragad)	15.00	15.00	15	15
		Kolam	Yavatmal	90.00	90.00	300	300
			<b>Total</b>	<b>441.80</b>	<b>455.54</b>	<b>1588</b>	<b>1588</b>

Report presented by the TDD during the tour of Maharashtra in Jan., 2004.

18.3. The Commission recommends that the State Govt. in the Tribal Development Department should also associate itself with the monitoring of IAY at the State level in terms of number of tribals benefited, quality of housing units built and expenditure incurred on the scheme so as to ensure that decent houses are available to all STs by the end of the 10<sup>th</sup> Five Year Plan (2002-07).

18.4. As regards PTG housing, the Commission recommends that the housing unit should be provided with improved *chullah* and a toilet. The tribals are not used to having a separate community toilet block and therefore it should be provided as a part of the housing unit. Extra funds may be made available to the State Govts. to provide road connectivity and street lights and a playground for children in each PTG housing complex. The PTGs should be involved in the construction of housing units so that the houses are built according to their felt needs and according to their own design.



## **19. Research, Monitoring & Evaluation**

The Tribal Research and Training Institute established in 1962 at Pune is headed by the Commissioner of IAS rank. He is supported by Joint Director-1, Dy. Director- 2, Law Officer-1, SRO-1, R.O.-4, Lecturer -2, S.O.-1 and Administrative Officer-1 plus supporting ministerial staff.

**19.1.** Its functions are to: (i) conduct research into the general and specific areas of economic activities affecting tribal life. It has conducted 212 studies regarding impact of different schemes, (ii) undertake pilot studies with a view to devise suitable schemes for the socio economic development and amelioration of living conditions of tribals, keeping in view the customs and other specific features of particular tribal areas and groups, (iii) maintain effective "Data Bank" on the socio economic aspects of tribal life, its collection and content should sub-serve the objective of the TSP/ITDP as well as their periodical evaluations, (iv) undertake case studies and sample surveys during the course of actual implementation of the schemes under the Tribal Sub Plan, with a view to arrive at an objective understanding of impact of schemes in operation on the tribals and (v) undertake studies in ethnographic and anthropological problems bearing upon the formulation of developmental schemes and their implementation.

**19.2.** The activities of the TRI are broadly divided into (i) Research; (2) Integrated Area Development Project; (3) Training; (4) Publications; (5) Library; (6) Museum and Cultural Unit; and (7) Scrutiny and Verification of Tribal Claims.

**19.3.** The Institute holds tribal handicrafts, exhibitions so as to expose the tribal artists to the urban market. The institute has succeeded in upgrading the economic status of tribal artists by giving them an opportunity to become self-employed.. TRI preserves the tribal dance and tradition. The dance groups are given prizes. To promote and preserve the art of *Warli* painting, the institute has been holding *Warli* painting competitions in tribal areas for adults as well as for school children. The winners are given cash prizes. Documentary films on various aspects of tribal life and development are produced by the Institute. Films have been prepared on 45 topics since 1981-82. A museum was set up by the Insitute which displays nearly 1770 exhibits of all the tribes in Maharashtra. The museum serves as a medium to spread awareness about the tribals and their activities.

**19.4.** TR&TI has conducted benchmark survey of tribal families covered under TSP in the state in 1979-80 and 1996-97. Information about economic and social status of tribals is stored in the data bank of the Institute for planning new schemes for their development.

**19.5.** Summary of recommendations of some of the studies undertaken by the Institute in the recent past are given at appropriate places in the Report.

## 20. Voluntary agencies

Voluntary agencies play an important role in the development of disadvantaged sections of society. In the state of Maharashtra the voluntary agencies are required to be registered under the Bombay Public Trust Act, 1950 and Societies Registration Act, 1860. These agencies are mainly engaged in educational development in the state up to the secondary level. The available information shows that they are running 507 Ashram Schools benefiting 1.60 lakh ST students for which the State Govt. pays cent percent grant for teaching and non-teaching staff and a maintenance grant of Rs. 335 per month per student. In addition to this, a contingency corpus on account of furniture, repair of buildings, purchase of books, writing material etc. is also given. These agencies are encouraged to construct their own buildings for which 75% of the actual certified expenditure subject to a ceiling of Rs. 3 lakhs for primary schools and Rs. 5 lakhs for post basic Ashram schools respectively is given by the Govt. The voluntary agencies in the State are also engaged in the field of medical care. Prominent among them are:

- (i) Society for Education, Action and Research in Community Health (SEARCH), Gadchiroli
- (ii) Lok Biradari Prakalp, Bhamragadh
- (iii) Comprehensive Rural Health Project, Jamkhed
- (iv) Bharat Agro Industries Foundation (BAIF)

**20.1.** The Govt. of India, Ministry of Tribal Affairs gave grant to 5 voluntary agencies for hospital, mobile medical unit (2), Balwadi/Cretche (1), residential school (1) and computer center (1) at a total cost of Rs. 11.74 lakhs during 2001-02.

**20.2.** The Commission recommends that the amount of grant in aid for construction of buildings for primary school and post basic Ashram schools is not adequate and it should be revised upwards considering the escalating cost of building material, labour charges etc.

**20.3.** The State Govt. pays only 75% of the actual expenditure as certified by the PWD. The Commission feels that for the reasons given above the ceiling of certified expenditure should be raised to 90% as voluntary agencies are unable to collect adequate donations to meet the constructions of buildings from their own funds.

**20.4.** A number of tribal representatives complained to the Commission that the grant in aid by the Central Ministry of Tribal Affairs is sanctioned late and there is inordinate delay in the release of second instalment. The Govt. of India should simplify the procedure of release of grant in aid and lump sum money may be placed at the disposal of the voluntary agencies so that they are in a position to execute their job without any financial problem.

**20.5. Bharat Agro Industries Foundation (BAIF) has been doing useful work for the economic development of STs by way of horticulture, through *Wadi* programme.**

## **Part – IV Others**

### **21. Excise Policy in the Scheduled Areas**

The Government of Maharashtra has permitted the STs to brew liquor out of *mhowa* flowers, toddy, *sindhi* and *gorga* trees for domestic consumption and social functions. The orders stipulate that brewing is not allowed for commercial purposes and an ST who possesses *mhowa* flowers more than 25 KGs at a time shall have to make a declaration of the same to the Gram Panchayat of his village.

**21.1.** The State Excise Department issued licences for opening of 10 country liquor and 17 IMFL shops in Chandrapur district and 28 country liquor and 2 IMFL shops in Yavatmal district respectively till August, 2003.

**21.2.** The tribal leaders were not happy with the opening of country liquor and IMFL shops, more so when there is need to have different yardsticks for tribal areas and non tribal areas in the matter of opening of such shops. The tribals have started moving towards temperance and opening of liquor shops is not in the interests of STs. Addiction to country liquor and IMFL has had a telling effect on their health. This has in fact ruined some of them. **The Commission, therefore, recommends that the CL & IMFL shops in Scheduled areas should be closed down by the State Govt. in the Scheduled Areas. The Gram Sabhas may be involved in the matter.**

### **22. Reservation in services**

The State Govt. provides 7% reservation to STs in services and posts under the control of the State. It may be recalled that the STs constitute 9.27% as per 1991 census.

**22.1.** A number of districts in the Scheduled Areas have ST population which far exceeds the existing reservation percentage of 7%. The State Govt. has since revised the reservation percentage from 7% to 9% and it varies from 9% to 22% in Raigad, Yavatmal, Chandrapur, Gadchiroli, Thane, Nashik, Dhule & Nandurbar districts in various grades. The State Govt. has been conducting special recruitment drives to clear the backlog of posts in groups A, B, C & D posts.

**22.2.** In order to increase the intake of STs in the Police force & Army, the state gov't. has set up training centers in predominantly tribal districts to train tribal youth. Each center has an intake capacity of 100 trainees for each session which has a duration of 4 months. So far, 12,268 ST youths (including 337 girls) have been trained out of whom 3,818 persons including

43 ST girls have been absorbed in the Police force.

**22.3.** The Commission was informed by the Principal Secretary Higher Education Mantralaya that there was a backlog of 1 lakh teachers. 95% of the backlog of govt. teachers had been filled up while the backlog of teachers in aided Ashram schools and in cooperative institutions was quite high and efforts were being made to fill up the backlog. The Commission also tried to enquire about the position of backlog in various Departments/offices at the district level. The Commission could not get information for all the districts visited. However, in Yavatmal district as against 7% reservation for STs in services and posts, an enhanced reservation of 14% has been provided in Group C & D posts for teachers in schools, compounders, nurses, technicians, *dais* (TBAs) in health centers and dispensaries in distt.

**The Commission makes the following recommendations:**

- (i) The percentage of intake of STs in services and posts in group C and D posts should be in accordance with the percentage of ST population in each district as such a policy would reduce higher percentage of unemployment among STs and lead to overall development of STs and their contentment.**
- (ii) Steps should be taken to liquidate the huge backlog of teachers in the privately managed schools.**
- (iii) The Commission recommends that the enrolment of girl trainees should be increased so as to allow their participation in the State Police Force, Central Reserve Police Force and Army.**
- (iv) The Commission recommends that the backlog of tribal teachers in the Aided Ashram Schools should be filled up on contract basis by recruiting local teachers.**

### **23. Issue of ST certificates**

Maharashtra is an amalgam of the erstwhile states of western India which belonged to 4 different administrative hegemonies-the original British Bombay Province, five districts of the Nizam's domain of Hyderabad, 8 districts in the south of the Central Provinces (Madhya Pradesh) and a number of native ruled States, which all were merged on the linguistic basis and formed part of the present Maharashtra State w.e.f. May 1, 1960. This would mean that for old British Bombay Province the corresponding Order is the Constitution (Scheduled Tribes) Order, 1950 which includes only 24 STs, while the amendment to the Constitution (Scheduled Tribes) Order 1950 issued on April 1956, the list consists of 28 STs by addition of Part IV – Madhya Pradesh – the areas of Malghat of Amravati district and certain other tribes in the districts of Gadchiroli, Yavatmal. With the removal of area restrictions, by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the number of tribes has increased to 47. However, due to the SC & ST Orders (Amendment) Act, 2002 (No. 10 of 2003) Chodhara and Thoti tribes have been omitted from the list. ST population increased from 29.54 lakhs in 1971 to 38.41 lakhs, due to removal of area

restrictions in 1976.

**23.1.** Taking advantage of the removal of area restrictions and certain other factors like similarity in nomenclature, occupation, etc these communities were attracted by the educational benefits like admission to educational institutions, grant of pre/post matric stipends/scholarships, admission to hostels, etc, economic benefits and special dispensation of reservation in services, there has been proliferation of claims by non STs for inclusion in the list of STs.

**23.2.** This has had a telling effect on the genuine claims of the communities who are declared as Scheduled Tribes under the Presidential Orders. A special mention may be made of the Madhuri Patil, a Hindu Koli who obtained ST certificate as 'Mahadev Koli' in the state. In the civil appeal No. 5854 of 1994 (arising out of SLP (civil) No. 14767 of 1993 – Kumari Madhuri Patil and another appellant Vs. Additional Commissioner, Tribal Development and others, the Hon'ble Supreme Court in the judgement suggested to Govt. of India a procedure for issuance of social certificates by the Revenue Sub-Divisional Officers, Dy. Collector or Dy. Convenor, their scrutiny and approval to be followed so that only genuine persons got ST certificates to be issued by the aforesaid officers only and benefits intended for STs in the Constitution reached only the right persons.

**23.3.** In compliance of the above directions of the Supreme Court, the Government of Maharashtra has reconstituted the Scheduled Tribe/Caste Scrutiny Committees at Pune, Nashik, Nagpur, Thane, Aurangabad and Amaravati in July, 1997. The Committee is headed by the Director, Tribal Research and Training Institute, Pune and consists of four other official members – Additional Commissioner, Tribal Development (Vice Chairman), Deputy Director (Research) – Member Secretary, Senior Research Officer – Member, Research Officer – Member. These committees are constituted division-wise and, therefore, the area of each scrutiny committee is co-terminus with the jurisdiction of each division.

**23.4.** Each Committee is assisted by a Vigilance Cell, consisting of a Deputy Superintendent of Police and six Police Inspectors. The cell makes necessary enquiries after collecting copies of relevant documents and submits a report to the Committee in respect of doubtful claims. A copy of the report is also made available to the applicant so as to enable him to adduce any evidence of the personal hearing. The decision given by the Committee in

the matter is final and can only be challenged through a Writ Petition in the High Court.

**23.5** A number of delegations of tribal leaders and their registered associations met the Commission during the tour of the State. Some of the prominent ST organizations who petitioned the Commission during the course of the tour were Adivasi Vikas Sangh, Pune and Akhil Bharatiya Adivasi Vikas Parishad, Nagpur as well as a number of ST MLAs.

**23.6.** The Scrutiny Committee has the power to verify caste certificates issued to ST candidates of the following types:

1. Certificates issued to students seeking admission in Engineering and Medical colleges.
2. Certificates issued to candidates recommended by the Maharashtra Public Service Commission (MPSC) and different Selection Boards appointed by the State Government for seats reserved for scheduled tribes.
3. Certificates issued to Government servants according to the request or complaints made by the concerned departments / officers.
4. Certificates issued to the employees / officers appointed or selected in the Central Government or Undertakings of the Central Government on the posts reserved for scheduled tribes.
5. Certificates issued to the employees of Zilla Parishads, Municipal bodies and semi-government bodies.
6. Certificates issued to candidates contesting elections to the local self-government bodies and those who are declared elected.

**23.7.** In order to give a legal framework and facilitate foolproof method of issue of Caste Certificates as well as to provide adequate opportunity to the scheduled tribe persons in respect of doubtful cases, the State Government has enacted "Maharashtra Scheduled Caste, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulations of Issuance and Verification) of Caste Certificates Act 2002".

**23.8.** During the visit to Amravati distt., the Commission found that the district Collector has laid down a well-defined procedure for verification and issue of ST certificates. Important features drives are as under:

- Well defined and planned village level summary enquiry
- On the spot distribution of caste certificates
- Saving in time, money and energy of the tribals in getting caste certificates
- Lamination of certificates through Govt. funds for safety and durability.
- Trying to tie up with district administration of Khargone, Madhya Pradesh to have certified copies of birth record to resolve long standing demand of caste certificate by tribal migrants from MP tribals received important document of caste certificate at their doorstep.

These drives are launched at the sub-divisional level.

**23.9.** The Commission during its tour was informed that the drives launched in the three sub-divisions of the Amaravati district led to issue of caste certificates to 10,344 Korku which is the most backward ST and on the spot distribution of 90 certificates to Pardhi tribals.

**23.10.** For the State as a whole, the Commission was informed that the three scrutiny committees at Pune, Nagpur and Thane, the divisional Head Quarters scrutinized 5624 and 4214 cases during 1999-2000 and 2000-01 respectively. It was found that 55% of the certificates scrutinized by the committees were found to be invalid and around 2550 Writ Petitions filed against the decisions of the Committees are still pending in the courts for a decision.

**23.11.** During Commission's meeting with the Chief Minister, large number of pending cases (17,000 caste validity certificates pending ) were brought to his notice and he directed the Director, TRI who was also present then that the huge arrears of cases should be liquidated. He also informed that he was considering to appoint retired session judges to head such committees for quick disposal of the cases. This Commission hopes that the State Government will ensure that the genuine STs are given ST certificates in time for their recruitment in govt. services and admission to educational and technical institutions.

#### **24. Employment openings for STs through new communication technology**

The Commission during extensive tour of the Scheduled and Tribal Sub Plan areas of Maharashtra in August, 2003 and Jan, 2004 found that education has made considerable strides in the tribal areas of Maharashtra but there was hardly any awareness among them about the absorbing capacity of the Business Process Outsourcing (BPO) industry in generation of additional income among the educated unemployed tribal youths for which eligibility criteria is 10+2 and onwards. The carrier prospects in BPO are immense and there is enough scope to rise in a short period of time. It goes without saying that a stint in BPO improves the career prospects because one learns how to communicate directly and assertively.

**24.1.** The excellent job opportunities available under BPO industry are at present being cornered by non-STs. The sooner the benefits of this industry are opened to the eligible tribal youth, it will surely, besides improving the purchasing power of the hitherto financially hard pressed tribals, also motivate many more tribal youths to go in for BPO industry. **The Commission**

**strongly recommends that the State Tribal Development Department and the Union Department of Information Technology should take positive steps so that ST educated youths make a dent into this lucrative area which has so far been outside their domain. Suitable steps will have to be taken towards skill development in software development of spoken English among the prospective St candidates.**

## Part-V

### 25. Categorization of STs

The Commission during its tour in the state had wide ranging discussions with the Ministers, MLAs, representatives of Voluntary Organizations and tribals and propose that the categorization of the tribals in the state should be on 'rotation basis' in respect of entry of STs in government services and admission to educational institutions to ensure that the STs who have not received proportionate benefits during the last 57 years of independence get their due share. **The Commission recommends that the State Government should investigate the issue and the Commission suggests a tentative categorization of STs are as follows:**

- |             |  |
|-------------|--|
| Category I  | Kathodi, Katkari, Kolam and Madia Gond (PTGs)    |
| Category II | STs excluding STs mentioned in Category I above. |



## Tribe-wise population of Maharashtra as per 1991 census

S.No.	Name of the ST	Population
1.	@ Gond Rajgond, Arakh, Arrakh, Agaria, Asur, Badi Maria, Bada Maria, Bhatola, Bhimma, Bhuta, Koilabhuta, Koilabhuti, Bhar, Bisonhorn Maria, Chota Maria, Dandami Maria, Dhuru, Dhurwa, Dhoba, Dhulia, Dorla, Gaiki, Gatta, Gatti, Gaita, Gond Gowari, Hill Maria, Kandra, Kalanga, Khatola.	1442986
2.	Bhil, Bhil Garasia, Dholi Bhil Dungri Bhil, Dungri-Garasia, Mewari Bhil, Rawal Bhil, Tadvi-Bhil, Bhagalia, Bhilala, Pawra, Vasava, Vasave	1344554
3.	Koli Mahadev, Dongar Koli	999321
4.	Kokna, Kokni, Kukna	463585
5.	Varli	461916
6.	Thakur, Thakar, Ka Thakur, Ka Thakar, Ma Thakur, Ma Thakar	400583
7.	Andh	295380
8.	Halba, Halbi	278378
9.	Koli Malhar	206741
10.	Kathodi, Katkari, Dhor Kathodi, Dhor Kathkari, Son Kathodi, Son Katkari	202203
11.	Kolam, Mannervarlu	147843
12.	Korku, Bopchi, Mouasi, Nihal, Nahul, Bondhi, Bondeya	141202
13.	Pardhi, Advichincher, Phans Pardhi, Phanse Pardhi, Langoli Pardhi, Bahelia, Bahellia, Chita Pardhi, Shikari, Takankar, Takia	123813
14.	Gamit, Gamta, Gomit, Mavchi, Padvi	122407
15.	Pardhan, Pathari, Saroti	120836
16.	Koli Dhor, Tokre Koli, Kolcha, Kolgha	117091
17.	Oraon, Dhangad	96524
18.	Dhanwar	79030
19.	Naikda, Nayaka, Cholivala Nayaka, Kapadia Nayaka, Mota Nayaka, Nana Nayaka	72029
20.	Dhanka, Tadvi, Tetaria, Valvi	62110
21.	Kawar, Kanwar, Kaur, Cherwa, Rathia, Tanwar, Chattri	25508
22.	Dubla, Talavia, Halpati	21168

23.	Dhodia	14866
24.	Kharia	12921
25.	Barda	9100
26.	Kamar	7489
27.	Binjhar	7479
28.	Kol	5225
29.	Bhunja	2807
30.	Khairwar	2680
31.	Patelia	2547
32.	Bharia Bhumia, Bhuinhar Bhumia, Pando	2240
33.	Parja	1780
34.	Bhaina	1696
35.	Rathawa	1258
36.	Vitolia, Katwalia, Barodia	1203
37.	Kondh, Khond, Kandh	1122
38.	Bhattra	1102
39.	Birhul, Birhor	1003
40.	Baiga	886
41.	@Thoti (in Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts and Rajura tahsil of Chandrapur district)	568
42.	Koya, Bhine, Koya, Rajkoya	564
43.	@Chodhara (excluding Akola, Amravati, Bhandara, Buldana, Chandrapur, Nagpur, Wardha, Yavatmal, Aurangabad, Bhir, Nanded, Osmanabad and Parbhani districts)	549
44.	Pomla	539
45.	Bavacha, Bamcha	436
46.	Nagesia, Nagasia	436
47.	Sawar, Sawara	357
48.	Unclassified	12220

@ Chodhara and Thoti ST communities omitted and "Gond Raj Gond" substituted by "Gond, Raj Gond" vide 'The SCs & STs Order (Amendment) Act, 2002' (No. 10 of 2003)

## Appendix II

### Important provisions in the Maharashtra Land Revenue Code Act

S.NO.	Act	Jurisdiction	Salient features	Remarks
1	2	3	4	5
1.	Bombay Land Revenue Code, 1879 as amended in 1901	Certain unsurveyed tracts or villages notified in 1902. The notification covered tribal communities in certain specified areas of the districts of Thane, Kulaba, Ratnagiri, Nasik, Dhule, Jalgaon, Aurangabad, Nanded, Bhir, Pune, Amravati, Chandrapur etc.	<p><b>Section 73-A</b> Occupancies in these areas shall not be transferable without the previous sanction of the Collector.</p> <p>2. The State Government may, by notification from time to time exempt any part of such tract or village or any person or class of persons from the operation of this Section.</p> <p><b>Section 79-A</b> Persons occupying land in contravention of the provision of this Act may be summarily evicted by the Collector.</p>	The restriction was made applicable for the first time in the British administered areas of the State, though, in a limited way.
2.	Maharashtra Land Revenue Code, 1966 (Maharashtra Act No.XLI of 1966)	Certain notified areas.	<p><b>Sub-section(2) of Section 36</b> The occupancies of persons belonging to such Scheduled Tribes, which the State Government by notification in the Official Gazette may specify, shall not be transferred except with the previous sanction of the District Collector.</p> <p><b>Section 36(3)</b> If any transfer takes place without such sanction, the tribal or his successor</p>	<p>The Act came into force from 15-8-67. The voidable transfers cannot be restored by Collector if the application is not made within two years of such transfer.</p> <p>In case of restoration the applicant has to bear the arrear</p>

			<p>can make an application to the Collector for restoration of the land.</p> <p><b>Sub-Section(3) of Section 36</b>  1. Where a Tribal in contravention of sub-section(2) or any other law for the time being in force, has at any time before 6-7-74 transferred possession of his land to a non-Tribal and such land is in possession of such non-Tribal or his successor in interest, and has not been put to any non-Agricultural use before that date, then the Collector can either <i>suo-motu</i> at any time or on an application from the tribal transferor or his successor in interest made within three years from 6-7-74, make inquiry as he thinks fit declared the transferor land to be invalid and restore the land to the tribal transferor or his successor in interest.</p>	<p>liabilities on the holding.</p> <p>The tribal is not required to pay any amount for restoration under this provision.</p>
3.	<p>Maharashtra Land Revenue and Tenancy laws (Amendment) Act, 1974 (Maharashtra Act No.XXXV of 1974).</p>	<p>All Scheduled Tribes in the State irrespective of the fact whether they hold land in the Scheduled Areas or outside.</p>	<p><b>Sub-section (1) of Section 36-A</b>  2. No occupancy of a tribal shall be transferred in favour of a non-tribal by way of sale (including sale in execution of a decree of a Civil Court or an award or order of any tribunal or authority), gift, mortgage lease or otherwise, except the application of the non-tribal transferee and except with the previous sanction of the Collector in case of a lease or a mortgage for a period not exceeding 5 years and in other cases of the Collector with previous approval of State Govt.</p>	<p>The Act was brought into force w.e.f. 6-7-74. The Act amended Maharashtra Land Revenue Code 1966, the Bombay Tenancy and Agricultural Lands Act, 1948, the Hyderabad Tenancy and Agricultural Lands Act, 1950, and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.</p>

			<p>3. No such permission will be accorded by the Collector unless he is satisfied that no tribal within 5 kilometers is prepared to take the occupancy on lease, mortgage or by sale or otherwise.</p> <p><b>Sub-section (3) of Section 36-A</b> On expiry of the period of the lease or of the mortgage notwithstanding any decree or order of any Court, Tribunal or authority, the Collector will <i>suo-motu</i> or on application by the tribal restore the possession to the tribal owner.</p> <p><b>Sub-section (4) of Section 36-A</b> Where on or after the commencement of the Act (6-7-74) occupancy transferred in contravention of sub-section (1) of section 36-A, the Collector on <i>suo-motu</i> or on application of any interested persons made within three years from the date of transfer decide the matter after holding an inquiry in the prescribed manner.</p> <p><b>Sub-section (5) and (6) of Section 36-A</b></p> <p>1. Where the Collector declares the transfer as invalid, the occupancy together with the standing crops shall vest in the State Government free of all encumbrances and shall be disposed of as the State Government directs. Where the occupancy vested</p>	<p>Restoration of Land to tribals is free of cost in case of transfers on lease or mortgage.</p> <p>Restoration of occupancy in case of illegal transfer will be in form of a purchase from the State Government. For the purpose of the section, the expression "economic holding" means 6.48 hectares (16 acres) of jirayat land, or 3.24 hectares (8 acres) of seasonally irrigated land, or paddy or rice</p>
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			<p>in the State is to be disposed of, the Collector shall give notice to the tribal transferor to state within 90 days whether or not he is willing to purchase the land. If he agrees to purchase the occupancy, he must pay the prescribed purchase price and undertake to cultivate the land personally provided that the total land held by him as far as possible does not exceed an economic holding.</p> <p><b>Section 36(b)</b></p> <p>A non-tribal who after the occupancy is ordered to be restored or after the occupancy is vested in the State continues to be in possession, then he is to pay to the tribal/State for the period from the year following such order till he holds the occupation as the Collector may fix in the prescribed manner.</p> <p><b>Section 36 (c)</b></p> <p>No Civil Court shall have jurisdiction to settle, decide and deal with any question which is by or under 36, 36A or 36B required to be settled or dealt with by the Collector. No Civil Court or authority shall entertain an appeal or application against an order of the Collector under the above sections unless the appellant deposits such security as in the opinion of the Court or authority is adequate.</p>	<p>land, or 1.62 hectare (4 acres) of perennially irrigated land and where the land held by any person consists of two or more kinds of land, the economic holding shall be determined on the basis of one hectare of perennially irrigated land being equal to 2 hectares of seasonally irrigated land or paddy or rice land or 4 hectares of jirayat land.</p> <p>Penalty measures for further illegal occupation.</p> <p>Bar on the Jurisdiction of Courts.</p>
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4.	The Maharashtra Restoration of Lands to Scheduled Tribes Act, (Maharashtra Act No.XIV of 1975).	Whole State of Maharashtra	<p><b>Section 9</b></p> <p>The section amended the Bombay Tenancy and Agricultural Lands Act, 1948. The Hyderabad Tenancy and Agricultural Lands Act, 1950 and the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 by inserting the sections 88CC, 102CC and 130 A respectively.</p> <p>The new sections invalidated the right of a non-tribal after the commencement of the Act, to purchase under this Act the land duly leased to him with the previous sanction of the Collector.</p> <p><b>Sub-section (1) of Section 3</b></p> <p>1. Where the land is held by a non-tribal from a tribal transferor or the land acquired by a tribal transferor is less in value than the value of land given in exchange and land held by the non-tribal transferee has not been put to any non-agricultural use on or before 6-7-74, the Collector either <i>suo motu</i> at any time or on application of a tribal transferor made within three years from the commencement of the Act make an enquiry and restore the land to the tribal transferor free from all encumbrances.</p>	<p>This Act only deals with valid transfers effected during the period from 1-4-57 to 6-7-74 and provides for the restoration of land involved in such transfers to the original tribal transferor.</p> <p><i>Suo motu</i> action by the Collector to restore the transfer of occupancy to the tribal.</p> <p>In case of exchange, the tribal transferor shall pay the difference in value of improvements as determined by the Collector in the prescribed manner. Where land was</p>
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			<p>Where any land of a tribal is at any time during the period 1-4-57 to 6-7-74 purchased or acquired under or in accordance with the provision of the relevant tenancy law by a non-tribal transferee or where any acquisition has been regularized on payments of penalty and such land is in possession of a non-tribal transferee which has not been put into any non-agricultural use before 6-7-74, then the Collector shall either <i>suo motu</i> or on application by the tribal made within 30 years from the commencement of this Act restore to the tribal from all encumbrances after making enquiry. The amount of purchase price, if any, paid by such non-tribal transferee shall be refunded in instalment not exceeding 12 with a simple interest at 4½ per cent.</p>	<p>transferred in favour of a non-tribal on or before 6-2-74 after such transferee was rendered landless by reason of acquisition of land for public purpose, then only half the land so transferred shall be restored to the tribal transferor.</p> <p>The improvement, if any, determined by the Collector, the amount may be paid in annual instalments not exceeding 12 with 4½ percent of interest per annum.</p> <p>Where the land is purchased or acquired by a non-tribal before 6-7-74 after such transferee was rendered landless by reason of acquisition of his land for public purpose, than only half the land shall be restored to tribal transferor.</p>
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			<p><b>Section 5</b></p> <p>If the non-tribal transferee after the land is ordered to be restored continues to be in possession of the land, then he has to pay to the tribal for the period following from the year in which the land is ordered to be restored till possession of the land is given to the tribal, such amount as the Collector may fix. If the non-tribal transferee fails to pay the amount it shall be recoverable by the Collector as an arrear of land revenue.</p> <p><b>Section 6</b></p> <p>Appeal against the decision of the Collector be made to the Maharashtra Revenue Tribunal within a period of 60 days from the date of receipt of the decision or order of the Collector.</p> <p><b>Section 9</b></p> <p>Order passed by the Collector under this Act, subject to an appeal to the Maharashtra Revenue Tribunal and the decision of the Tribunal be final and shall not be questioned in any suit or in any Court.</p>	<p>Damages of occupation of land after restoration is order.</p> <p>Appeal.</p> <p>Finality of decision lies with Collector/Tribunal.</p>
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**A rapid study by TRI Pune on regularization of forest land**

The Ministry of Environment & Forests has given guidelines for regularization of forest lands on which forest dwellers have been doing cultivation prior to 1980. One of the conditions is to find out if there is First Offence Report (FOR) against the tribals. The actual position is that it is very difficult to produce this evidence because in the past it was in the interest of the tribals and the forest officials not to create the evidence. The tribal did not want offence registered against him because the forest officials under the Forest Act can imprison him and destroy his crop. The poor tribals willingly paid a bribe to the forest officers for not bringing the land occupied by him on record. The forest officials ignored the cultivation by the tribals and did not register FOR. It is really a paradox that the forest department, which did not create any evidence is now asking for the same. The forest officials even if they reveal the truth recording the period of encroachment cannot do so because they would be questioned why the encroachment was not brought on records.

A study made by TRTI, Pune in November 2002 revealed that 29 tribal farmers of 9 villages of Nawapur and Nandurbar tehsils of Nandurbar district of Maharashtra had encroached 121.5 acres of forest land prior to 1978 and the names of 9 encroachers' appeared in the house tax register of the villages. There was no FOR registered against any of these persons by the forest department and they had been paying annually money (bribe) ranging from Rs.50/- to Rs.5,000/- per annum along with food grains from 7 kg. to 40 kg to the forest officials. Most of them borrowed money from moneylenders for paying bribes to the forest officials. Some of them had received electric pumps/hand pumps, cattle, bullock carts from the Government.

The State Government had issued a policy letter popularly known as Amravati Plan for regularizing the area cultivated by the tribals prior to 1980. In Dhule district 10,946 persons in 7 tehsils had encroached 17,262.88 acres land out of which only 1,247 persons occupying 2,110.42 acres land have been considered eligible and the remaining 9,699 persons occupying 15,103.7 acres have been considered ineligible. **The Commission observed that the district authorities are not following the policy laid down by the State Government and as reliance on the documentary evidence is unrealistic, it recommends that the investigating team should take into account the circumstantial evidence from villagers, Sarpanch and other elders so that this problem can be solved.**

**Appendix IV**

**Settlement of pre-1980 tribal forest encroachers**

S.No.	Name of the district	Claims received		Eligible encroachers		Ineligible	Encroachers land area	Remarks
		No.	Area(in hac.)	No.	Area (in hac.)			
1	2	3	4	5	6	7	8	9
1.	Amravati	1564	NA	528 (53%)	1172	736 (47%)	510.14	-
2	Wardha	63	80.59	30	30.09	33	50.50	Encroachment below 1972-78
3.	Gadchiroli	2502	2569.68	00	00	-	-	1980
4.	Yavatmal	306	367.4496	97	123.13	173	00	1972-78
				.2	.0372	34	-	After 1978
5.	Nagpur	-	16	26.34	NA	NA		
6.	Chandarpur	348		92	101.87	256	3148.98	1972-78
7.	Thane	NA	-	3225	NA	1967	-	Thane(report) Page – 74
8.	Raigad	3270	-	34	-	132	-	Raigad report Page - 165
9.	Nandurbar	26356	-	19847	-	6509	-	Nashik report Page – 82

# Appendix V

## Electrification of tribal villages/Padas/Wadis

S.No.	Districts	Total ST villages		Total	
		No.	Electrified	Padas	Padas electrified
1.	Gadchiroli	1503	1503	-	-
2.	Chandrapur	764	764	-	-
3.	Nashik	907	906	1341	1272
4.	Dhule	669	669	318	309
5.	Nandurbar	932	794	1100	571
6.	Nagpur	1686	1631	-	-
7.	Wardha	967	962	-	-
8.	Thane	1374	1373	4634	4174
9.	Raigad	135	135	-	-