

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1992-93)**

(TENTH LOK SABHA)

FIFTEENTH REPORT

MINISTRY OF WELFARE

**WORKING OF INTEGRATED TRIBAL DEVELOPMENT
PROJECTS IN ORISSA**

*Presented to Lok Sabha on 23.12.1992
Laid in Rajya Sabha on 22.12.1992*



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LOK SABHA SECRETARIAT
NEW DELHI

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**Compendia to the Fifteenth Report (10th Lok Sabha) of the
Committee on the Welfare of Scheduled Castes and
Scheduled Tribes.**

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COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND SCHEDULED TRIBES (1992-93)

Shri K. Pradhani—*Chairman*

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2. Shri S.C. Gupta—*Joint Secretary*
3. Shri N.M. Jain—*Deputy Secretary*
4. Shri S.K. Sharma—*Assistant Director*

INTRODUCTION

1. The Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Fifteenth Report (Tenth Lok Sabha) on the Working of Integrated Tribal Development Projects in Orissa relating to the Ministry of Welfare.

2. The Committee took evidence of the representatives of the Ministry of Welfare and Ministry of Law, Justice and Company Affairs (Department of Legal Affairs) and State Government of Orissa on 21 and 22 September, 12 October and 24 November, 1992. The Committee wish to express their thanks to the officers of these Ministries and the State Government of Orissa for placing before the Committee material and information the Committee desired in connection with the examination of the subject.

3. The Report was considered and adopted by the Committee on 18 December, 1992.

4. A summary of conclusions/recommendations contained in the Report is appended (Appendix-II).

NEW DELHI;
December 18, 1992

Agrahayano 20, 1914 (S)

K. PRADHANI
Chairman
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER I

INTRODUCTORY

A. Historical Development

1.1 Scheduled Tribes are the most exploited people of our country. Therefore, they occupy a unique position in the Constitution and a special responsibility is enjoined both on the Central and the State Government to carefully plan for their socio-economic and educational development without disturbing their social cultural heritage. Eight States in the country including Orissa have tribal areas which have been declared 'Scheduled Areas' under the Fifth Schedule to the Constitution. According to 1981 Census, Scheduled Tribes in Orissa were 59.15 lakhs which constituted 22.43 per cent of the total population of the State.

1.2 As per the estimate made by Planning Commission, percentage of ST persons living below the poverty-line in 1983-84 in Orissa was as under:

Rural Area	68.90%
Urban Area	52.80%

B. Integrated Tribal Development Projects (ITDPs)

1.3 The ITDPs are generally contiguous areas of the size of a Tehsil or Block or more in which the ST population is 50% or more of the total. 193 ITDPs have established in the 20 TSP States/UTs including 21 in Orissa State. Besides there are 45 MADA Pockets in Orissa which have tribal concentration. In all the TSP States/UTs, the ITDPs are headed by Project Officer, though they may be designated project Administrators or Project Directors. The number and quality of staff in ITDPs, delegation of financial and administrative powers, etc., varies from State to State in the eight States having "Scheduled Areas", the ITDPs are generally coterminus with the Scheduled Areas. In Orissa each ITDA is manned by whole time Project Administrator (PA) who is a senior IAS or State Service Officer.

1.4 Each Project Administrator is assisted by Special Officer of Class-II rank. Clerical support has also been provided for running the day to day work. Each ITDA has been given one Assistant Engineer, two to three Jr. Engineers, in addition to normal staff of line Departments stationed in ITDAs, 30 Jr. Engineers, 9 Social Scientists, 21 SCA/A.E.O. have been posted to ITDAs. Besides, for each of the 118 Sub-Plan Blocks one Addl. W.E.O. has also been posted to assist the B.D.O. and 71 Jr. Engineers, 42 U.D. Clerks have also been posted to different blocks.

1.5 There is a project level Committee in each ITDAs. The Collector is the Chairman and the Local M.P./M.L.A., Chairman of the Panchayat

Samiti, Tribal Women and All Dist. level Officers in-charge of Development Programmes are its members. The P.A., is the Member-Secretary. He is fully responsible for formulation and implementation of schemes. Periodical review for implementation of various programmes is done at the Project Level.

1.6 Asked about the suggestions to improve functioning of ITDPs and to make them more effective, the State Government in a note have stated that there should be a conceptual shift in matters of quantification, budgetary mechanism and single line administration in tribal areas. There should also be single demand budgeting system for effective implementation of tribal sub-Plan strategy.

C. Relevance for Tribal Development

1.7 For implementation of TSP strategy, the ITDPs/ITDAs were conceived during Fifth Five Year Plan. This basically takes into account an area approach keeping in view the separate geographical location of tribal habitations. Subsequently, isolated pockets have also been added to cover dispersed tribals. The TSP strategy, with identified areas has helped in focussing the attention of the planners and implementors on the special needs of the tribal society and tribal areas and on adopting a more integrated approach for their development. The objectives have been two-fold, namely—

- (i) Socio-economic development of the Scheduled Tribes; and
- (ii) Protection of tribals against exploitation.

1.8 The Committee desired to know the number of ST families who have been brought above the poverty line during the Seventh Plan period. In reply, they were informed that 7,63,348 ST families during VII Plan period and 87,627 ST families during 1990-91 have been assisted under different poverty eradication programmes, but no systematic survey has been conducted to assess the exact number of ST families brought above the poverty line during the said period.

CHAPTER II

ADMINISTRATIVE SET UP

A. Role of Central Ministries in Tribal Development

2.1 The role of Central Ministries in tribal development has been enunciated in d.o. letter No. 280—PMO/80 dated 12 March, 1980 from the then Prime Minister to the Central Minister and re-emphasised by the Prime Minister vide his note dated 12.1.90 (Annexure I) the TSP approach requires Central Ministries/Departments to take the following steps:

- (i) Formulate appropriate need-based programme for tribal areas;
- (ii) Suitably adapt all the ongoing programmes to suit the specific requirements of STs;
- (iii) Quantify funds for tribal areas under Central Ministries' Programmes; and
- (iv) Earmark a senior officer exclusively to monitor the progress of implementation of the programmes for the welfare of STs.

2.2 Prior to it, Planning Commission had issued guidelines vide d.o.letter No. PC/SW/12(1)/88 dated 13 December, 1977 to the Central Ministries (Annexure II) detailing the steps they were required to take to formulate programmes, quantify funds and adopt the ongoing programmes to suit the specific requirements of STs.

2.3 The Prime Minister in her note dated 12 March, 1980 had highlighted the fact that "Scheduled Tribes are not only exploited, but live in remote inaccessible areas which have poor infrastructure so that the fruits of development cannot readily reach them. The approach has therefore area development with focus on tribals".

2.4 The Committee were informed that Ministry of Welfare is the nodal organisation which keeps a close watch over the entire tribal scene in the country. It also ensures that all concerned authorities have an adequate appreciation of the situation, identify the problems and adopt a methodology to subserve the common objective of protecting the tribal interests. Protection of the tribal communities is a special responsibility of the Tribal Development Departments of the States/Union Territories. This covers numerous aspects like alienation of land, indebtedness, bonded labour, exploitation in marketing, exploitation resulting from excise policy, hardships caused by forest policy, etc. The Tribal Development Division in the Ministry is responsible for ensuring that these aspects are not overlooked by the concerned authorities and, wherever necessary, suitable directions are given in this regard.

2.5 In his letter forwarding the guidelines, the Secretary, Planning Commission, has pointed out that outlay from the Central Ministries' Plans is one of the important constituents of the Tribal Sub-Plans. Each Central Ministry is expected to quantify the investment which it proposed to make in the Tribal Areas. The exercise carried out by them so far have, however, not yielded much results, except in the case of certain area-specific programmes which may be taken up in the tribal areas. It will be necessary for each Ministry/Department to get a clear idea of the problem of the tribal areas and prepare special programmes relating to the concerned sector or adapt the on going programmes wherever necessary, in consultation with the State Governments, keeping in view the special requirements of the tribal areas.

2.6 In this context, the Committee desired to know the problems encountered in implementing the above-mentioned measures by the Central Ministries. In reply, the Ministry of Welfare in a note have stated that the following types of shortcomings have been noticed in this regard:

1. The Ministry/Department does not consider a TSP to be feasible or necessary in the area of its activity.
2. Though TSPs have been formulated, the quantification of funds and physical targets is worked out purely on notional basis, by applying a percentage to the overall outlays and physical targets/achievements.
3. Though a TSP is formulated and funds/targets quantify these are not disaggregated State-wise or year-wise and consequently, review of achievements is not possible.
4. No guidelines have been issued to States/UTs to ensure that an adequate share in the benefits arising from the activities of the Ministry/Department flow to the ST population and TSP areas.

2.7 Scheduled Tribes are the most exploited people of our country. Integrated Tribal Development Projects/Integrated Tribal Development Agencies had been conceived as basic tool to implement Tribal Sub-Plan strategy during Fifth Five Year Plan. This is basically an area approach keeping in view the separate geographical location of tribal habitations. Subsequently isolated pockets have also been added to cover dispersed tribals. This strategy with identified areas has helped in focussing the attention of planners and implementers on special needs of the tribal society and tribal areas. The objectives of the scheme had been socio-economic development of the Scheduled Tribes and protection of tribals against exploitation. The information gathered by the Committee in connection with their examination of 'Working of Integrated Tribal Development Projects in Orissa' reveals that progress made during the last 10 years in formulation, implementation and monitoring of the programme had been tardy and lopsided. This has been amply brought out in the succeeding paragraphs.

2.8 During the Seventh Plan period 7,63,348 Scheduled Tribes families have been assisted under different poverty alleviation programmes implemented through ITDP approach. Another 87627 families were assisted during 1990-91. Orissa has a total tribal population of 60 lakh and out of them 69% residing in rural areas and 53% in urban areas were below poverty line according to an estimate made by the Planning Commission in 1983. However no systematic survey has been conducted to assess the number of ST families brought above the poverty line. The Committee would, therefore, like that a systematic survey may be undertaken within a year to identify the ST families who are still below the poverty line and added emphasis given on their development.

2.9 The role of Central Ministries in tribal development has been enunciated in Prime Minister's D.O. letter No. 280-PMO/80 dated 12 March, 1980 to the Central Ministries and the guidelines issued by the Planning Commission in this regard as early as 1977. According to these, Central Ministries are *inter-alia* required to formulate appropriate need based programmes for tribal areas; suitably adapt all the on-going programmes to suit the specific requirements of STs; quantify funds for tribal areas and earmark a senior officer exclusively to monitor the progress of implementation of programmes for welfare of STs. It is, however, distressing to note that Central Ministries/Departments do not consider TSP to be feasible or necessary in their area of activity. Funds have been quantified and physical targets worked out purely on notional basis by applying a percentage to the overall outlays and physical targets. No funds/targets have been disaggregated State-wise or year-wise rendering review of achievements impossible. The Central Ministries/Departments have also failed to issue to States/U.Ts directions as to ensure that an adequate share in the benefits arising from their activities flow to ST population and TSP areas in proportion to total population in the area. It is deplorable as these shortcomings persist even after the ITDP /ITDA programme being in force for more than a decade and despite detailed guidelines issued by the Planning Commission in 1977. The Committee desire the Ministry of Welfare to take up the matter with the Planning Commission and the Ministries/Departments concerned at the highest level to ensure the implementation of the programme as per the guidelines issued by the Planning Commission.

2.10 The State Govt. have pleaded that to improve functioning of ITDPs and to make them more effective, there should be conceptual shift in matters of quantification, budgetary mechanism and single line administration in tribal areas and also single demand budgeting system. In Committees' view these suggestions merit consideration. The Committee, therefore, urge the Ministry of Welfare to look into these suggestions and take up the matter with the Planning Commission and other concerned authorities with a view to streamline the procedure.

B. Governor's Report

2.11 Clause 3 of the Fifth Schedule of the Constitution requires the Governor of each State having Scheduled Areas to make a report to the President annually or whenever so required regarding administration of the Scheduled Areas in the State. The Working Group on Development and Welfare of Scheduled Tribes during Eighth Five Year Plan (1990-95) set up by the Ministry of Welfare in its report have pointed out that these reports have been scrutinised. These are submitted late and are only a catalogue of achievements of the State Government in tribal developments. There is no attempt to qualitatively analyse and critically evaluate the problems of Scheduled Areas Administration, the efforts of the State Govts. and the special attention being given for the development of the people and these areas. Reports of the Governor of Orissa for the years 1982-83, 1983-84 and 1984-85 were submitted in 1987-88 and for the year 1985-86 in 1988-89. In this context, the Committee enquired why the Orissa Govt. have not furnished these reports regularly.

2.12 In reply the Additional Chief Secretary, State Govt. of Orissa Stated:—

“The Report for 1989-90 has already been approved and is in print. We will send it soon. The report for 1990-91 is awaiting the Governor's approval and within one month we will send that also. The report for 1991-92 is due by October. So, we crave your indulgence to send that report by December, 1992 so that we shall not be in arrears. The Report for 1990-91 is ready and is awaiting the Governor's approval.”

2.13 Asked about the reasons for delay, the witness stated:—

“The compilation of the data takes time. The Tribal Advisory Council meets twice in a year. The TAC will now meet in the month of October, as decided by the Chief Minister. We will place, the 1991-92 report also before the TAC and send it by December, 1992, so that we shall not be in arrears as far as the Governor's report are concerned.”

2.14 The Committee enquired whether the State Govt. had submitted these reports within the time framework to the Governor, the witness replied:—

“No sir. There has been delay. I have stated right at the beginning that the reports have been delayed. We will pull up the arrears and ensure that the latest report which is due by October, 1992 shall be made available in December, 1992. In future, we will see that the report reaches the Ministry within the stipulated time.”

2.15 Under Clause 3 of the Fifth Schedule to the Constitution, special responsibility is cast on Government of each state having Tribal Areas to report to the President through Governor's Report on administration of Scheduled Areas. It is disturbing to note that this function is not performed

in right earnest by the State Govt. of Orissa. The Reports for the years 1989-90 onwards have not so far been presented to the President. No doubt, compilation of data and consideration and approval of the draft report by the Tribal Advisory Council takes time, but the extent of delay which has taken place in submission of such an important document can hardly be justified on this pretext. The Committee take a serious view of the inordinate delay on the part of the State Government in submitting these reports. The Committee would like, the procedure in this regard to be streamlined.

2.16 It is also distressing to note that generally these reports are only a catalogue of achievements of State Governments in tribal development. There is no attempt to qualitatively analyse and critically evaluate the problems of Scheduled Area Administration. The Committee would like the Ministry of Welfare to frame guidelines in this regard and lay emphasis on the State Government concerned to furnish qualitative analysis and critical evaluation with a view to make Governor's Report a useful document.

C. Tribal Advisory Council (TAC)

2.17 The Tribal Advisory Council under the Fifth Schedule of the Constitution is a Constitutional devise for consultation with tribal representatives. The Councils are required to advise on all such matters pertaining to the Welfare and Development of Scheduled Tribes as may be referred to it by the Governor. Tribal Advisory Council in Orissa was formed on 24 June, 1950 to advise the Government on matters pertaining to the Welfare and advancement of the Scheduled Tribes in the State. Progress of different programmes is reviewed in the meetings of the Council from time to time. The recommendations made by the Council are required to be duly examined and necessary action taken at appropriate level. The progress of the ITDPs is often reviewed by the Council and necessary instructions are issued to the concerned authorities to follow the same. The meetings of the Council are held twice every year which is the minimum prescribed under the law.

2.18 In the Thirteenth Report (Seventh Lok Sabha) of the Committee on this subject, the Committee had pointed out that very sketchy information has been furnished to them in regard to the action taken by the State Government on various recommendations made by the Council during its meetings held from 1975 to 1980. The Committee had recommended streamlining of the whole procedure of the working of the Council and timely action on the part of the Government to implement its recommendations. However, in spite of this recommendation having been accepted by the Government, no action appears to have been taken to implement it. This is evident to have been taken to implement it. This is evident from the fact that in its meeting held on 20 January, 1989, the Tribal Advisory Council had *Inter-alia* passed a resolution unanimously recommending that Executive Magistrates may be empowered for tribal and disposal of cases under Excise Law and to settle the case under the Money

Lending Law (Regulation 2/68). The Committee pointed out that these recommendations have not been implemented so far.

2.19 A perusal of the proceedings of the TAC meetings held in 1989-90 and 1990-91 revealed that these proposals have been discussed but nothing appears to have been done to amend the Excise Act. In fact, only sketchy information has been made available about the action taken on their recommendations. The Committee desired to know how a unanimous resolution of the Tribal Advisory Council has remained unimplemented so far.

2.20 In reply, the Additional Chief Secretary, Orissa stated in evidence:

“The particular reference regarding amendment of Excise Law was referred to the Law Department in the mean time, another development took place. The Govt. took a view that the entire Excise Law in the State of Orissa appears to have become a little obsolete, and therefore, it should be comprehensively amended. Committee was set up by the Govt. to look into this matter. The Govt. decided that this particular amendment proposed regarding magisterial powers to be given to the executive magistrates should be referred to the Committee.”

2.21 The Committee further learnt that it was not necessary to amend, the Excise Act, because as per the provision in the Constitution any decision taken in the Tribal Advisory Council is final and that will be sent to the Governor. The Governor will send it to the President and after President's assent, it becomes a Law. Asked in this context, the Secretary, Welfare stated in evidence:

“In Bihar, we came across this problem and that Law Ministry seems to have advised them a little differently. So, we gave the advise that they refer all those cases to us here. We will get them examined and take President's consent. Similarly, Orissa Govt. also agreed to suspend those provisions. They can send a proposal to us and we will get it examined and take the orders of the President's.”

2.22 Clarifying the position further, the Additional Chief Secretary Orissa stated as under:

“Now, arising out of the discussions here we will separate that from the Committee's deliberation and send a proposal on the Ministry.”

2.23 Tribal Advisory Council under Fifth Schedule of the Constitution is a constitutional device for consultation with the representatives of tribals on such matters pertaining to the welfare and advancement of scheduled tribes in the State as may be referred to them by the Governor. Progress of the Integrated Tribal Development Projects is often reviewed by the Council and necessary instructions are issued to the concerned authorities to follow the same. The Committee regret to note that meetings of the Councils are not held frequently and it meets only twice a year. The Committee are of

the view that all the problems of tribal areas cannot be discussed fruitfully when meetings are held at such long intervals and only for a few hours in a year. The Committee, therefore, desire that Tribal Advisory Council should meet more frequently and for longer time.

2.24 Further, on perusal of the minutes of the sittings of the tribal Advisory Council, in Orissa, the Committee find that recommendations of the Council are not promptly implemented. For instance, the recommendation of the Council regarding amendment of Excise Act to empower Executive Magistrates to try cases under Excise Law and to settle cases under Money Lending Act (Regulation 2/68) has not been implemented till today even though the Council had passed resolution to this effect unanimously in 1989. Instead of forwarding the regulation to the Central Government for President's consent and thereafter issuing a notification to give effect to these proposals, the State Government referred the matter to Law Department and clubbed it with the comprehensive amendment of Excise Law for the whole state which resulted in abnormal delay for a period of 4 years. This amounts to defeating the proposal of the Tribal Advisory Council. The Committee, therefore, urge that Council's proposal may be separated from the other suggestions and forwarded to the Central Government for obtaining consent of the President in form of a regulation.

D. Single Line Administration

2.25 The Fifth Schedule imposes a special responsibility for peace and good Government of Scheduled Areas. For this purpose, it gives powers to the Governor of the State for making Regulations and to the Union Government for issuing directives to State Governments for administration these areas.

2.26 No formal interpretation has been made yet as to what constitutes 'peace and good government' in the context of tribal areas. The Working Group for the Eighth Five Year Plan felt that besides Regulations for regulating the land transaction and the business of money lenders, etc., "peace and good government" also requires providing an administrative structure in tribal areas which is within the comprehension of the people and which is responsive to them. The present super-imposition of general administrative structure evolved for advanced areas on tribal areas has resulted in a wide gulf between the tribal people and the administration. The present administrative structure involving different Departments of the State Governments performing their specialised area of activities, is not intelligible to the tribal people who, therefore, find it difficult to associate themselves or participate in the implementation of development schemes and programmes. The Working Group felt that the simple tribal situation requires a simple administrative structure and that comprehensive regulation should be framed by the States using the Fifth Schedule provisions which will provide for administrative set up of Scheduled Areas

with unity of command at the level of block and project, which will lay down a code of conduct for officers and other staff posted to these areas to make them more accountable for actions which affect the tribal interest, which would regulate the activities of outsiders including foreigners, in these areas and which would work for redressal of tribal grievances on account of land, forests, employment, money-lending etc.

2.27 Integrated Tribal Development Projects had been conceived as operational units with a view to achieve administrative, organisational and financial integration of the areas and programmes for speedier development of the Scheduled Tribes. In this context, the Committee desired to know if any action has been initiated to delegate more powers to ITDAs. In reply, the State Government of Orissa in a note have stated:

“A number of steps have been initiated to strengthen the ITDA and streamline its role as a catalyst of tribal development. State Government have designated P.A., ITDAs as A.D.M. (Dev.) and have vested powers of A.D.M. under Cr. P.C. They are also being vested with power under different regulatory laws having a bearing on the Welfare of Tribals. Ministry of Welfare have recently suggested a conceptual shift in the matters of quantification, budgeting mechanism and single line administration in tribal areas. The proposal to have a single demand budgeting system and single line administration is under examination by the State Government.”

2.28 The Committee pointed out that in order to streamline the administration and make it more effective in tribal sub-plan areas Collector has to be vested with powers to overlook the functions of various line, department functionaries viz. excise, forest, revenue, development and police etc. at district level and has to be made responsible for efficient running of administration at that level. In reply, the Chief Secretary, Orissa stated in evidence:—

“In our State, Excise is already formally under the Collector. Now the Collector has considerable authority over the Police and the Forest Departments. There have been cases where, if the Collector has complained against a particular police officer or a forest officer, he has either been proceeded against or removed from that district. Now that control is informal and even the police manual provide for the overall superintendence of force by the Collector. But that is not the difficulty. The difficulty that has arisen is about the trial of cases.”

2.29 The Committee pointed out that in Andhra Pradesh Project Officer/administration has been given controlling power over all the officers of other departments posted in the area and has also been designated as Additional District Magistrate under the Criminal Procedure Code and has also been given a say in the matter of posting, transfer and

recruitment of staff-officers to be posted in these areas by the line department and enquired why this system has not been adopted by the Orissa Government. In reply the Chief Secretary stated as under:—

“We will try to get that scheme. But the difficulty that has arisen recently is with regard to trial of cases which is formally passed over to an organisation which is not controlled by the Collector.

We are suggesting an amendment to Cr. P.C. because it is a Central Act., it will go for President's assent and, as I told you, we are placing the matter before the Cabinet. The High Court has not agreed.”

2.30 Under the Fifth Schedule, the executive powers of the Union extend to giving directions to the States as to the administration of Scheduled Areas. The Working Group felt that it is time for the Centre to consider giving directions to these States for framing regulations on administration and for ensuring peace and good government of these areas.

This is particularly required in tribal areas where extremist activities are on increase due to discontentment among tribals.

2.31 The Committee desired the Ministry of Law to clarify if the powers under para 5(2) is not restricted to provisions under (a), (b) and (c) under that para as mentioned above. In their reply, the Ministry of Law have confirmed that “the powers to make regulations under para 5(2) is not restricted to the subjects expressly mentioned therein. It extends to all matters considered by the Governor to be conducive to the peace and good government of a Scheduled Area or part thereof.”

2.32 The Committee pointed out that Central Government in 1975 had issued instructions that there should be a single line of administration and desired to know the powers which the State Government contemplate to invest in Project Administration. The Additional Chief Secretary stated in evidence:—

“The Project Administrators will enjoy the powers of the additional district Magistrate under Cr. P.C. and all other laws.”

2.33 The Committee pointed out that generally it is alleged that Project Officers who are senior officers have not been delegated any administrative power and Sub-Divisional Magistrate who is much junior to him enjoy all powers at Project level. Asked in this context, the Additional Chief Secretary stated:—

“This was discussed in a meeting. The Chief Minister has directed to introduce the question of a single line pattern of administration. A paper to be prepared and brought up before the P.Q.C.”

2.34 Elaborating the point further, the Principal Secretary, H&TW Department Orissa stated:—

“Regarding single line administration, we have extracts from the Working Group recommendations Reports of the Planning Commission and the various Committees on this aspect; and also we have studied the Gujarat pattern, MP pattern and the Andhra Pradesh pattern. We have placed the papers before the T.A.C. It is not that we have not brought to the notice of all the members of the TAC the concept of single line Administration; and we have also in that paper given details regarding our present administrative set up and the powers and functions of the project administrators of the ITDAs and the difficulties in the administration.

As Director, T.W. has already stated, so far as special central assistance is concerned, this is routed through the State Government, directly to the ITDAs by the Government of India, Ministry of Welfare. It is the ITDA which has got full powers both technical and administrative, to spend the fund in the project area. There is a project level Committee where all the schemes are discussed and approved for funding. This Committee consists of the local MLAs and the MPs and the Panchayat Samiti Chairman, besides the officials.”

2.35 He further added:

“With all this, the Chief Minister desired that there should be again a detailed position paper; and that was also prepared for the next meeting.”

2.36 In the context of unsatisfactory results of school examinations of Koraput District, the Committee enquired whether Project authority can take action unless single line of administration is introduced, the witness replied:

“Recently, we have taken a decision that all the assistant teachers, that means teachers below the Headmaster level would form the district cadre. Collector would be the appointing authority for all of them, and PA ITDA in his area could be disciplinary authority under the appointing authority. Orders have been issued also for this.”

2.37 The Committee enquired about the position in the case of other departments like Forest, Excise and Revenue etc. The Additional Chief Secretary replied:

“A decision will be taken in these cases also.”

2.38 The Committee were further informed that ‘under all the anti-exploitative measure/laws the project Administrator/ITDA would be given full authority, appellate and revisional authority and of not more than 3 stages, otherwise it will be locked up’.

2.39 The Committee pointed out that Project Officers are often transferred frequently, much before the completion of their tenure and desired to know if any transfer policy has been framed in this regard. The Principal Secretary, H&TW Department, Orissa replied as under:

“Regarding the transfer policy the Government has defined transfer policy for a particular station and out of the district. In the district the maximum stay is three years at a particular station and in the district it is six years. These rules are followed but in some cases, there have been some transfers, before three years.

Now there are some exceptions on administrative grounds and on promotions, in these exigencies, this three year rule could not always be followed.”

2.40 The Maheshwar Dayal Group on Administrative Arrangements/ Personal Policy in Tribal Areas had made a series of recommendations for improving the quality of administration in tribal areas. These included *inter-alia* grant of monetary and non-monetary incentives. In this context, the Committee enquired about the incentives given to the officials posted in tribal areas. The Additional Chief Secretary replied:—

“As on today there is no incentive, because that was a conscious decision of the Government that no incentive should be given to any officer of the Government irrespective of the Station/Place of posting.”

2.41 The Committee drew attention of the witness to the fact that the State Government has been advised by the Ministry of Welfare to continue payment of compensatory allowance to the officers/staff posted in tribal area and asked about the action taken thereon. The Additional Chief Secretary stated:—

“I do not remember. We have placed the matter before the Government again saying that this was to a certain extent helping officers to go to difficult areas. But the Government have taken a conscious decision that no incentive is to be given.”

2.42 The Committee learnt that the Union Minister of State for Finance in reply to Question No. 828 on 10 August, 1992 and Minister of Welfare on 29 August, 1990 in reply to Question No. 3498 had stated in Lok Sabha that during 6th and 7th Plan a sum of Rs. 30 crores was allotted for staff quarters and compensatory allowance to State Government employees posted in tribal areas in the country. But during the 8th Plan separate allocation for compensatory allowance has been discontinued and to the 9th Finance Commission has stated to have allotted funds for the compensatory allowance with the Devolved Funds of the State. The discontinuance of compensatory allowance to employees of the State Government posted in tribal areas has resulted in discontentment among employees posted there and the number of posts remaining vacant increased during this period. Maheshwar Prasad Committee recommended that cadre should be created for tribal areas and local people should be

recruited with relaxed qualification to improve the standard of work. The State Government though accepted the recommendation but has not been implemented it so far.

2.43 Integrated Tribal Development Projects have been conceived as operational units with a view to achieve administration, organisational and financial integration of the areas and programmes for speedier development of Scheduled Tribes. The State Government of Orissa has claimed that they have delegated powers to project Administrators of ITDAs and streamlined its role as a catalyst of tribal development. But the Committee find that they are dealing with only land regulation under Tribal Regulation Act 2/1956, and a few other administrative functions as A.D.M. (Dev.) are being performed by them. Other functions under Cr.P.C. Indian Penal Code like law and order, Revenue, Excise, Civil Supply, Forests, Community Development and Supervision of work carried out in Project areas by line departments are done by other respective departmental functionaries. The proposal to have a single demand budgeting and a system of single line administration is under consideration of the State Government. The Committee observe that Sub-Collectors/ADMs are having more powers than the Project Administrators in certain spheres as the PAS are not authorised with the regular functions of additional Distt. Magistrates. In this context, to streamline administration at project level, the Committee will like the State Government to examine pattern of administration introduced by Andhra Pradesh Government where Project Administrator is empowered to transfer all officers posted under his project by the line department, in consultation with the senior officers of that department. Besides this, in order to make his functioning smooth and result oriented, Project Officer should be authorised to record remarks in the ACRs on the performance of employees including Class II Officers like Block Development Officers within that area in consultation with the Collector of that District. In every developmental activity in the project area, project officer should be in the chain of administration and not left out. The Committee trust that such a simplified administrative set up at project level with a single administrative authority overlooking functions of every functionary will be helpful in making rapport with simple tribals and they would be more responsive. As the State Government is already seized of the matter, the Committee expect an early action within six months.

2.44 The Maheshwar Dayal Group on Administrative Arrangements/ Personnel Policy in Tribal Sub-Plan areas had recommended a series of measures for improving the quality of administration in tribal areas. These *inter alia* included grant of monetary and non-monetary incentives, creation of cadre for tribal areas and recruitment of local people with relaxed qualification to improve standard of works. During VI and VII Plan a sum of Rs. 30 crores each was allocated altogether making a total of Rs. 120 crores for staff quarters and compensatory allowance separately to the staff of the State Government posted in Tribal Areas. However, during VIII Plan

compensatory allowance has been discontinued though the Ninth Finance Commission is stated to have allocated funds for the Compensatory allowance in the Development Funds of the State. The Committee are surprised to find that State Govt. of Orissa have discontinued payment of compensatory allowance to its staff posted in tribal areas which are comparatively more backward, lack communications network and have underdeveloped infrastructure. In the absence of these amenities, staff is often reluctant to serve in those areas without being adequately compensated.

The Committee are unable to understand how the State Govt. intend to motivate its employees, who come from other parts of the State which are comparatively developed, to work in tribal areas.

2.45 The Committee will also like to be apprised of the action taken by the State Govt. on other recommendations of the Maheshwar Dayal Group like creation of cadre for tribal areas and recruitment of local persons with relaxed qualification in order to improve standard of work, which have been accepted by the State Govt.

CHAPTER III

PROTECTIVE AND ANTI-EXPLOITATIVE MEASURES

A. Excise Policy

3.1 Excise administration in tribal areas has turned into a new instrument of exploitation of simple tribal communities. Liquor has acted as an important conduct through which the wily forces of exploitation have long been entering tribal areas. In Pursuance of the provision of Article 339 of the Constitution which required the President to appoint a Commission on the expiry of 10 years from the commencement of the Constitution, a Scheduled Areas and Scheduled Tribes Commission was appointed under the Chairmanship of Shri U.N. Dheban to report to the Government regarding the problems of STs and to recommend measures to solve them. During its tenure the Commission visited Koraput and other tribal areas of the Country. The Commission in its Report presented in 1961 had *inter-alia* recommended:

“(a) The Parchooniya or smuggled liquor must be put down with a strong hand. Traffic in it should be made a peral offence with severe punishment.

(b) The sale and use of distilled liquors should also be discontinued forthwith and offenders should be punished severely. Pending the adoption of this policy the grant of licences to sell distilled liquors in the weekly markets should be immediately discontinued.

(c) We would not like at this stage to interfere with the use of the normal beverage that the tribals are accustomed to take. We are hopeful that by and by with the spread of education and with the realisation that rice and other articles that they use for the purpose of beverage, can be more suitably utilised, the tribals will also give up this habit.”

3.2 The main contention of this recommendation was that the distilled/ country liquor and smuggled liquor were not only hazardous to the health of the tribals but also affected their economy and reduced them to destitution and indebtedness. It resulted in greater exploitation as the liquor venders not only sold liquor but also lend money. Therefore, the Commission suggested that the sale of distilled liquor should be banned in tribal areas and the offenders should be severely punished. The tribals, who are accustomed to take home-made fermented liquor should be allowed to brew this liquor for their consumption during ceremonial occasions and not for sale.

3.3 Thereafter, a large number of tribal MPs submitted a memorandum to the then Prime Minister in support of the recommendation of Dhebar Commission and wanted the country/distilled liquor to be banned in tribal areas in the interests of the tribals.

3.4 The Central Advisory Board of Prohibition held a meeting of all the Excise Ministers of the States and endorsed the recommendation of Dhebar Commission. On 19.6.74 Smt. Indira Gandhi, the then Prime Minister addressed minutes to the Home Minister stating, *inter-alia* that though the Advisory Board of Prohibition comprising Excise Ministers of States have agreed to the recommendation of Dhebar Commission and these have been accepted by the State Government, it was not implemented by them. Since the matter was gone into in detail she wanted to take a decision on the new Excise Policy without further delay. On 25.1.75 the Department of Social Welfare issued following guidelines to all the Chief Secretaries of the State Governments/Union Territories:

- (1) Commercial vending of alcoholic beverages should be discontinued in the tribal area.
- (2) Scheduled Tribes should be permitted to brew their traditional beverages for consumption at home for religious and special occasions.
- (3) Attempts may be made to wean the Scheduled Tribes away from the habit of drinking alcoholic beverages and for this purpose official and non-official voluntary organisations may be encouraged to take up work in tribal areas.

3.5 Later on the Home Ministry reiterated these guidelines.

3.6 In pursuance of these guidelines, Government of Orissa abolished licence of country liquor shops in tribal areas of Koraput, Mayurbhanj and Sundargarh, except the urban areas, tehsil headquarters, block headquarters and district headquarters and other places where the tribal population is less than 50%. But they allowed the tribals to manufacture country liquor and possess 1.5 litres per head and 5 litres per family alongwith 18 kgs. of diluted and 7 kgs. of undiluted parchooniya.

3.7 *The Committee learnt that before the adoption of new excise policy in Orissa, there were licences for country liquor shops and there were one or two shops in a block. But after adoption of new guidelines the State Government not only annulled the restriction but also aggravated the position to manufacture, possess and consume country liquor without licence thus converting every village and every home a liquor shop.*

3.8 The Study Group I of the Committee visited Koraput District of Orissa on 10.1.1992 and held meeting with the non-officials, i.e., ex-Ministers, MLAs, ex-MLAs and representatives of various parties at

different levels in the District regarding the tribal development, at Nowrangpur. Many leaders complained about the present excise policy of Orissa Government and large-scale illicit distillation. After that the Committee discussed this subject with the Chief Secretary at Bhubaneswar who stated that they would abide by the guidelines of Government of India with slight deviation.

3.9 When the Committee visited Bhubaneswar on 13.1.92 the State Government of Orissa submitted a written statement which contained :

“Tribals usually spend large amount of their income on social and religious ceremonies mostly based on superstitions and spend lavishly on consumption of liquor as a result of which they are perpetually indebted to the money-lenders. Further, they lack basic knowledge about health precautions and, therefore often become victims to vulnerable diseases. Keeping in view all these problems, it is of utmost importance to provide them the basic communication facilities in terms of roads, culverts, bridges etc. so as to make them and their areas accessible. Adequate attempts have to be made to make them literate, aware of the land laws, environment and necessary skill for innovative income generation schemes. Active participation of voluntary organisations in these spheres is expected to be helpful. Emphasis on prohibition will relieve them of their various socio-economic maladies and religious superstitions to some extent. Health measures such as making them aware of the vulnerable diseases and precautions thereto, assisting them in terms of supply of free medicines, vaccines etc. should be given priority in interior localities. Adequate provisions also should be made for availability of safe drinking water.”

3.10 Pointing out that vending of liquor in Tribal Sub-Plan Areas has resulted in impoverishment of tribal population and it is linked to money lending and indebtedness of tribal families, the Committee desired to know if the abovementioned guidelines have been implemented by the State Government of Orissa. In reply, the Orissa Government in a note have stated :

“The guidelines issued by Govt. of India have been accepted by the Govt. In pursuance of the recommendation of the Central Prohibition Committee contract system of liquor vending in the scheduled districts of Koraput, Mayurbhanj and Sundergarh except District Sub-Divisional and Tehsil head-quarters, Industrial, N.A.C. and Municipal areas and areas having urban characteristics have been abolished from 1.4.1977 and the tribals in these districts have been allowed to brew their traditional beverages for their bonafide domestic consumption and consumption in social and festival occasions but not for sale and to possess upto a limit of 1.5 litres for individuals and 5 litres per family. Similarly, concessions have been

allowed to tribals to possess 18 kgs. diluted and 7 kgs. of undiluted pachwai for domestic consumption.”

3.11 It was stated that present excise policy is being followed since 1988. The Committee pointed out that with liquor vends continuing in urban and semi-urban areas, how it could be claimed that State Government has accepted and implemented Central Guidelines in this regard. In reply, the Chief Secretary, Government of Orissa stated in evidence:

“In the Sub-Plan areas, over the years, the Government have abolished 461 shops. Now, the shops are allowed to continue only in district, sub-divisional, tehsil, urban and semi-urban areas. In many of the urban areas, if you take a census of the population, the non-tribal population outnumbers the tribal population by a very large margin. Therefore, if we close the shops in the urban areas, it is actually not going to benefit the tribals. There is one more factor also. We are not doing commercial vending of liquor in rural and tribal areas. So, let us be pragmatic. The fact is, illicit distillation has become rampant. Like any other society, the tribal society is also changing.

I have some figures of excise cases in the Schedule Areas. In a district like Koraput, from 1989-90 to 1991-92, there has been a regular annual increase in the number of excise offences, mostly relating to illicit distillation and sale of liquor. You know that a lot of liquor flows into Koraput from Andhra Pradesh. We are trying to check that. But these figures of Excise offences show that they do not relate to home-brewing and that they relate to illicit distillation and sale of liquor. We are not opening any shops in the rural areas.”

3.12 The Ministry of Welfare, replying to the query stated that Orissa Government has implemented the guidelines partially only.

3.13 The Committee asked whether discontinuation of liquor vends in Scheduled Rural Areas with continuation of the same in urban and semi-urban areas in scheduled districts of Koraput, Mayurbhanj and Sundergarh will have the desired effect. In reply, the Ministry of Welfare have in a note stated:

“Commercial vending of alcoholic beverages should be stopped in the tribal areas both in rural and urban areas”.

3.14 The Ministry of Welfare replied in affirmative when the Committee asked whether the tribals would not procure liquor from nearby urban areas for their consumption.

3.15 The Committee desired to know if the Excise Policy being followed by the State Government was in conformity with the guidelines issued by the Central Government in 1975. The Ministry of Welfare replied:

“This does not conform to the guidelines”.

3.16 The Committee pointed out that under the Central guidelines mentioned above, sale of distilled liquor was to be banned in tribal areas and they have been permitted to brew their traditional beverages which is non-alcoholic for their consumption. However, the State Government has permitted them to brew alcoholic beverages and possess it @ 1.5 litres per family besides their traditional non-alcoholic beverage @ 18 kg. diluted and 7 kg. undiluted pachwai for domestic consumption. Asked in this context, the Additional Chief Secretary, Government of Orissa stated in evidence:

“It is slightly different. There are deviations from the guidelines. We accept that position.”

3.17 The Committee enquired if the State Government was competent to modify the guidelines which were evolved for the whole country. In reply the Additional Chief Secretary stated:

“This matter was thoroughly examined and was placed before the Tribal Advisory Council to take a view in October, 1990 and the Tribes Advisory Council decided that the present policy of Govt. of Orissa should continue for the time being.”

3.18 Asked how a State Government could overlook a Central directive in this case, the witness stated:

“Our stand is that taking the local situation into consideration, we have made certain deviations with concurrence of the IAC. We go by the decision of the Council. This was decided on 8.10.91.”

3.19 Clarifying the position regarding distilled liquor, the Chief Secretary stated in evidence:

“One is a rice brew. That is allowed. The other is Mahua. That is distilled spirit. That is country spirit.”

3.20 The Committee enquired if the State Government will ban the sale of country liquor in Tribal Sub-Plan area in conformity with Central guidelines, the Chief Secretary replied:

“I will place this before the Tribal Advisory Council and the Government and convey this recommendation to them.”

3.21 The Committee desired to know if State Government could not ban distillation of liquor from Mahua-flowers by tribals which is intoxicant. In reply, the Chief Secretary stated:

“I would be in a position to recommend to the Government to consider withdrawal of this concession. But I would plead before you to consider the consequences. It is true that some of them might have done illicit brewing. Suppose, an adivasi keeps a small quantity of this type of liquor. He will be subjected to the jurisdiction of an Excise Officer. I am not pleading for anything. You are aware of the way the Excise and Police Officers function there. For keeping a small quantity of this liquor the man concerned will be arrested and he will have to appear before the Court.”

3.22 The Committee drew attention of the witness to the fact that as per Central guidelines issued in 1975 and mentioned earlier, contract system of vending of liquor was to be abolished in tribal areas and liquor has to be sold only through Govt. agencies where non-tribal population was mixed with other population and pointed out that in Orissa sale of liquor in tribal sub-plan areas was still being carried out by unscrupulous private contractors who indulge in all types of mal-practices including sale of liquor in tribal areas outside the urban conglomerate. In reply, the Chief Secretary, Orissa State stated as under:

“That is very important suggestion. The departmental shops will also prevent a lot of smuggling. But you would kindly agree that it requires an organisation, some staff and other facilities.”

3.23 The Committee enquired if it is on revenue consideration that liquor vends have been allowed in tribal areas, the Chief Secretary replied:

“Revenue is not the consideration. After all what is the revenue that we are getting. But I am really worried about the illicit liquor and distillation and sale of it.”

3.24 He further added:

“All that I am mentioning is that you are aware of the geography of the Koraput district. But adjacent to it is a non-TSP area of Andhra Pradesh and there is large scale production of liquor.”

3.25 The Committee asked if the State Government would like to consider amendment of Excise Act to provide more stringent punishment to deal with the problem of illicit distillation and smuggling of liquor in tribal areas. In reply, the Additional Chief secretary stated in evidence:

“Yes sir, certain amendment is under contemplation. Actually this is now before the Committee. We have deliberated on this issue. Very negligible punishments are there. Similarly, the vehicle which carries the goods is not confiscated. Now in both these things, we will increase the penalty, and also we will make a provision to confiscate the vehicle which carries excise contrabands.”

3.26 The Chief Secretary, Orissa State further clarified the position as under:

“I am actually heading a Committee to consider amendment of the Excise Act as to how to make this punishment more stringent. The main operators seldom get caught. As you know, it is the small retailers against whom our administrative action is directed. Now we are considering how to revise the law so that the punishment is more rigorous for the main manufacturer of this illicit liquor.”

3.27 He further clarified:

“If you break two or three brass pots, it is not a great deterrent for him. The only thing that we can do is to put him behind the bars, size his property and auction his property as we do under the Narcotic Substance Act.”

3.28 The Committee enquired if voluntary organisations in the State have been associated to create awareness among tribals against bad effect of liquor on them. In reply Director, Tribal Welfare. Govt. of Orissa stated in evidence:

“No specific role has been given to them with regard to excise. Wherever possible, grant-in-aid is given for implementation of various programmes with public involvement.”

3.29 The Committee pointed out that in 1989, TAC has passed a resolution recommending that Excise cases should be tried by Executive Magistrates. The Chief Secretary concurred and stated that these cases should be tried by Executive Magistrate, mainly because the harrasment caused to a tribal in going to court hearing is not commensurate with the offence. The Committee enquired about the steps taken to amend the Excise Act to give effect to that resolution of the TAC. The Chief Secretary replied:

“It is not necessary because the jurisdiction of Magistrates is laid down in the Cr. P.C. We have to make a special order or amend the criminal procedure for which consultation with the High Court is necessary. We have to take powers for Executive Magistrates under the Cr. P. C. We are now trying the cases of not only the tribal areas but of the State as a whole. Considering the quantum of the sentences, we are now trying to vest the powers with the Executive Magistrates. We are on this exercise and the results of that exercise will be reported to this Committee.”

3.30 The Committee pointed out that to empower Executive Magistrates to try cases under Criminal Penal Code, concurrence of the High Court was not necessary. The Chief Secretary admitted that consultation with High Court on amendment of Cr. P. C. may not be necessary as per fifth Schedule para 5(1) of the Constitution, Governor has powers to notify in official gazette for the amendment of existing laws say Cr. P. C. or excise Act.

3.31 Under Article 46 of the Constitution, the Central and State Governments are responsible to promote economic development of Scheduled Castes and Scheduled Tribes and they are responsible to protect them from all sorts of exploitation. As required under Article 339 of the Constitution a Commission headed by Shri U. N. Dhebar was appointed to report on the problems of Scheduled Tribes and recommend measures to solve them. The Commission in its Report submitted in 1971, had *inter-alia* recommended that sale of smuggled liquor must be put down with a strong

hand and traffic in it should be made a penal offence with severe punishment, the sale and use of distilled liquor should also be discontinued forthwith and offenders should be punished severely, pending adoption of this policy grant of licences to sell distilled liquor in weekly markets should be immediately discontinued.

Subsequently, the Central Government issued the following guidelines to the States in 1975 and reiterated them a number of times asking them to give effect to them:

- (1) Commercial vending of alcoholic beverages should be discontinued in the tribal area.
- (2) Scheduled Tribes should be permitted to brew their traditional beverages for consumption at home for religious and special occasions.
- (3) Attempts may be made to wean the Scheduled Tribes away from the habit of drinking alcoholic beverages and for this purpose official and non-official voluntary organisations may be encouraged to take up work in tribal areas.

3.32 The Committee are distressed to note that these important recommendations made as early as 1961 and by a Commission headed by an eminent persons as Shri Dhebar have not been implemented by the State Government and State Government of Orissa have remained a silent spectator to the exploitation of poor tribals due to large scale illicit distillation and smuggling of liquor in tribal area in spite of Central directions in this regard. The state Govt. all these years have continued to pursue a policy which is contradictory to these guidelines by allowing every tribal family to manufacture and possess country liquor upto 5 litres without licence which lead to large scale illicit distillation and sale while the Central Govt. wanted the State Govt. to ban the sale of country liquor in tribal areas. According to the Ministry of Welfare, Excise policy of the State Government does not confirm to Central guidelines. The Committee consider it a serious lapse on the part of the State Government to the detriment of the poor and simple tribals.

3.33 The representatives of the State Government have contended before the Committee that the guidelines issued by the Central Government to State Governments on Excise Policy are only optional and not mandatory. The Committee therefore, thought it appropriate to seek legal advice from the Ministry of Law. The representative of this Ministry who deposed before the Committee were of the view that any directive which may be issued by the Government of India under Fifth Schedule and Article 339(2) of the Constitution are mandatory. In the light of this expert opinion, the Committee desire the Ministry of Welfare to issue directive to the State Governments with immediate effect under Para 3 of the Fifth Schedule and Article 339(2) of the Constitution to implement guidelines issued by it earlier which is a national policy evolved after consulting all concerned.

3.34 The State Government of Orissa have tried to justify their stand of permitting tribals to brew distilled liquor on the plea that the Excise Policy being pursued by them had been slightly different and that there are deviations from the Central guidelines. It was contended that deviations were made taking local situation into consideration and that it was done with the concurrence of the Tribal Advisory Council. It was submitted that TAC decided in October, 1991 to continue the present policy of the Orissa Government. The Committee are not at all convinced of this line of reasoning. Nor are they inclined to believe that the decision of the TAC is final as contended by the Additional Chief Secretary of the State. On the contrary, the Committee are of the view that TAC cannot decide contrary to the directions issued by the President or Union Government. The Committee, therefore, urge that the issue may be understood in right perspective and permission granted to tribals to brew and possess distilled liquor should be withdrawn immediately by the State Government.

3.35 The Chief Secretary of the State Government had also pleaded before the Committee that if the concession to possess distilled liquor is withdrawn then the tribals found possessing small quantities of liquor would be harrassed and would be subjected to the jurisdiction of an Excise Officer and police. The Committee are not convinced with this reasoning. They are of the view that this consideration should not influenced a decision which is for the welfare and economic development of tribals. Offenders must be punished to prevent use of distilled liquor which is health hazard and leads to economic distruction.

3.36 The Committee would also like the State Government to ban sale of country liquor in tribal sub-plan areas as it is contrary to the Central Guidelines and spirit of the Constitution. In fact, this is one of the basic prime factor at the root of the economic exploitation and to backwardness of simple tribal folk. They spend lavishly on liquor which leads then to perpetual indebtedness and also make them victim of vulnerable diseases. This has been admitted by the State Government in a note furnished to the Committee on 13.1.1992. Such a vital aspect of tribal life concerning sixty lakh tribals should not be overlooked on revenue considerations.

3.37 Another reason advanced by the State Chief Secretary for deviation from Central Guidelines to ban sale of liquor in Scheduled Areas of Orissa has been that adjacent to Koraput District of Orissa is a non TSP Area of Andhra Pradesh which produces liquor on a large scale and liquor can be smuggled into Koraput area from those places. He also expressed the fear that Gap on sale of liquor in Tribal Sub-Plan area might lead to illicit distillation and sale of liquor. The Committee do not subscribe to this view at all. They are of the opinion that such problems can be encountered by strengthening law enforcing machinery and because of such fears, the tribal people should not be left to be exploited.

3.38 The Committee also recommend that to tackle the problem of smuggling and illicit distillation stringent penalty should be provided by amending the Excise Act which will act as deterrent as is the case under Narcotic Act. The Committee are fully convinced that the sale of country liquor in Tribal areas has resulted in exploitation and is the main reason for backwardness of tribal people. The Committee, therefore, urge that the Government of Orissa should ban sale of distilled liquor immediately in ITDA areas including block and tehsil headquarters, except urban areas in the Scheduled Districts. The Block and Tehsil headquarters are part of ITDA areas where there are more than 50% tribal population and people living there enjoy the subsidised essential commodities and subsidy under IRDP and ITDA economic development programmes. In urban areas, foreign liquor can be sold through departmental shops to avoid smuggling of this liquor in tribal areas by the unscrupulous liquor contractors.

3.39 The Chief Secretary, Orissa had posed the problem of building an organisation, staff and other related matters. But the Committee feel that these are not unsurmountable.

3.40 The Committee also note that no specific role has been given to voluntary organisations to dissuade tribals from the habit of drinking though these are associated in implementation of various programmes. The Committee feel that voluntary organisations can play a very useful role in creating awareness among simple tribal folk about the bad effect of drinking and helping authorities in checking brewing, illicit sale and smuggling of liquor in tribal areas. The Committee, therefore, recommend that cooperation and assistance of Voluntary Organisations of repute should be solicited by the Government in implementation of Excise Policy also.

3.41 The Committee note that Tribal Advisory Council had passed a resolution in 1989 recommending that excise cases should be tried by a Executive Magistrate instead of Judicial Magistrate because of the harrassment caused to a tribal in attending Court hearings which is not commensurate with the offences committed. The State Govt. clubbed this issue with the amendment of the Excise Act for the whole State and referred the matter to the High court for concurrence to which latter has not consented. Because of it, the resolution of the TAC has remained unimplemented so far. However, for effecting delegation of powers to Executive Magistrate to try Excise cases in Scheduled Areas, the Committee find that consent of the High Court is not at all required as under para 5(1) of the Fifth Schedule of the Constitution, Government has powers to notify amendment in Cr.P.C. or Excise Act in official gazette. The resolution in form of a regulation of the TAC has to be simply forwarded to Govt. of India for assent of the President and thereafter, a Notification has to be issued to give effect to the proposed amendment. The Committee, therefore, urge the State Govt. to separate the resolution of the TAC from the issue of the whole state for early implementation of the TAC proposal.

B. Indebtedness

3.42 State Government of Orissa, have in order to monitor effectively the money lending business and contract the activities of money lending business and contract the activities of money lenders have enacted the 'Orissa (Scheduled Areas) Money Lenders' Regulation 1967 which is in force in Scheduled Areas of the State. Besides, the State Govt. have enacted the Orissa Debt Relief Act, 1980 and Orissa Money Lenders Act, 1939.

3.43 The Report of the Working Group on development and Welfare of Scheduled Tribes during VII Five Year Plan describes the problem of indebtedness among the tribals as serious. It states that it is a symptom of economic malaise. At the household level, at is indicative of poverty, of an imbalance between income and minimum consumption requirements and lack of resources for carrying on gainful activity and employment. According to a sample study done by the Planning Commission in selected ITDPs, the indebted among the tribals increased from 14.4% in 1975-76 to Rs. 818/- in 1982-83. The tribals borrowed money both from institutional and non-institutional sources. 22% of the tribals were indebted to non-institutional sources including shopkeepers, friends, relatives etc., while 4% of the tribals were indebted to institutional sources including both banks and cooperatives.

Reacting to these observations, the Director, Tribal Welfare Orissa stated in evidence:—

“The problem is, as we all know, a large number of banks including the R.R.Bs have opened branches in the rural areas for the implementation of the various poverty alleviation schemes like IRDP and ITDP etc. Similarly, agricultural production had also been linked with crop loans. Earlier tribals were availing loan from the money lenders to meet their basic needs. We have been implementing poverty alleviation schemes continuously for the last 12 years. Possibly we could not ensure quality in the implementation and succeeded in increasing in quantity in terms of coverage of beneficiaries under the loans link schemes. The beneficiaries also got the impression that the loan was not to be repaid. That resulted in the indebtedness in a very large scale.

In the year 1988-89 we did not find sufficient number of beneficiaries during the Eighth Plan period so far. Then the State waiving loan of tribal families upto Rs. 250/- each, if they were under the poverty line. That really helped them. We could get a large number of tribal beneficiaries for assistance again under various income generating schemes”.

3.44 Replying to other query in this regard from the Committee, the witness added:—

“The literacy rate and awareness is very less in South Koraput District. Probably tribals could not understand much about the schemes to be implemented by Banks having component of subsidy. The implementation of highly subsidised schemes at that point of time drove the beneficiaries to default because they could not really understand the implications of the bank loans.”

3.45 The Committee learnt from the banking circles that rate of recovery from tribal people was quite high and therefore asked the witness how it can be a reason for indebtedness. In reply, he stated:

“Our studies do not substantiate that. In fact, we have made the guidelines more flexible. If the beneficiaries contribute in the shape of labour we allow them subsidy without bank loans under certain land based schemes. Suppose we take up horticulture, banana plantation and minimum 20 families undertake to have the scheme in a patch of cluster, we allow them subsidy limited to Rs. 3000/- each without bank loan. They have to contribute labour worth the loan amount. Last year, 1400 acres of land was brought under the banana plantation and I have seen that majority of the beneficiaries have earned sufficient profit. Some of them earned Rs. 30000 to Rs. 10000 as profit. Our suggestion is that instead of implementing the scheme through the banks, we should ensure the involvement of the beneficiaries and allow them to contribute something. That would reduce their further indebtedness and they would not be defaulter.”

3.46 Asked if any study has been conducted by the State Govt. in recent years to gauge the impact of indebtedness among tribals, the State Govt. replied in negative.

3.47 The Committee were informed that 37 cases of indebtedness have come to the notice of the State Government till 1989-90 and out of them 11 cases have been settled.

3.48 The Committee are concerned to note that in spite of the various measures taken by the State Govt. to effectively monitor money lending business in Scheduled Areas, indebtedness of tribals has increased, on an average, from Rs. 419/- in 1975-76 to Rs. 818/- in 1982-93, 72% of the tribals are indebted to non-institutional sources. No doubt, scheduled banks and Regional Rural Banks have opened their branches in tribal areas in large number, tribals being illiterate and simple folk scattered in small villages have not been benefited to the desired extent. Even those who have taken loans under various poverty alleviation schemes are not fully aware of the implication of subsidy component and terms and conditions of such bank loans and have therefore, become defaulter. The Committee, therefore, urge the State Govt. to devise ways in consultation with banking

institutions to make tribals aware of their rights and responsibilities with regard to bank loans so that they may avail it and come out from the clutches of unscrupulous moneylenders.

3.49 The Committee would also like the State Govt. to undertake studies to assess impact of institutional finance on tribals and its impact on their indebtedness. The Committee also desire to know the reasons for such increase in indebtedness in spite of various economic development programmes undertaken in those areas.

C. Land Alienation

3.50 The Working Group on development and Welfare of Scheduled Tribes during VIII Five Year Plan in its Report has observed the Tribal Sub-Plan States have issued Regulations or enacted laws safeguarding the interests of tribals in land. However tribal land continues to pass out of their hands. Alienation of tribal land has been taking place in various ways. A study conducted by the Deptt. of Rural Development shows that of the total land alienated, about 40 per cent was by the way of sale, 25 per cent by way of land acquisition for public purposes, 25 per cent by way of mortgage, lease and remaining 10 per cent by other modes. In the modes other than land acquisition, 80 per cent of the land alienated has gone to non-tribals. It has also been found that Scheduled Tribes are generally unaware of the protective laws in respect of alienation of lands. Asked in this context, it was stated that to check land alienation of Tribals, State Govt. have enacted the Orissa Scheduled Areas Transfer of Immovable property (by Scheduled Tribes) Regulation 1956 (Orissa Regulation 2 of 1956). Similar protective provisions have also been made under Sections 22, 23, 23A and 68(3) of the Orissa Land Reform Act, 1960. While Regulation 2 of 1956 is applicable only to the Scheduled Tribe persons of the Scheduled Areas of the State, the provisions of O.L.R. Act, 1960 are applicable to the Scheduled Tribe persons of the non-Scheduled Areas of the State and Scheduled Caste persons of the entire State.

3.51. In terms of the Section 3(1) of Regulation of 1956 and Section 22 of the O.L.R. Act, 1960, any transfer of holding or a part thereof by a Scheduled Tribe or Scheduled Caste person to a person not belonging to the respective community is void unless the same is made with the prior permission in writing of the Revenue Officer or the competent authority as the case may be. In case of transfers effected in contraventions of the above restrictive provisions, the Revenue Officer/Competent Authority may on receipt of the application *suo motu* declare such transfer void and cause appropriate action for restoration of the land in the transferer or his heirs.

3.52 Under Section 3-A of Regulation 2 of 1956 and Section 23-A of O.L.R. Act, 1960 the competent authority/Revenue Officer is empowered to evict the encroachers and impose fine on them who have unauthorisedly occupied the land belonging to Scheduled Tribe/Scheduled Caste by way of trespass or otherwise.

3.53 During the period 1985-86 to 1990-91, 8699 cases of land alienation were reported to have been detected and out of these 8533 cases have been disposed of.

3.54 The Committee desired to know if any case of 'Benami Transaction' has come to the notice of the State Govt. and whether State Govt. has conducted any survey as regards the land alienation of tribals in the State, the State Govt. in a note have stated:—

"No State wise survey has been undertaken so far. No such case of Benami Transaction has come to the notice of the Government."

3.55 However in the course of a Study Tour undertaken by Study Group I of the Committee in January, 1992 of tribal district of Koraput in Orissa, the district administration had informed them that "in all, 3 cases of benami transactions involving 6.37 acres have been detected. Out of these, in 2 cases lands have been restored to the original owners. The remaining one is in trial stage."

3.56 In reply to another question the State Govt. in a note have stated that '5640 cases of land transfer in violation of the restrictions have come to the notice of Government during the last 3 years from 1988-89 to 1990-91 and such land transfers involved an area of 9753 acres of land. So far in 3487 cases, land has been restored to tribals and in 2446 cases the matter is still under dispute.'

3.57 The Committee asked about the steps being contemplated by the State Government to prevent land alienation of tribals. In reply the State Government have stated that to prevent land alienation of tribals, the proposed amendment in the Orissa Scheduled Areas Transfer of immovable property (by Scheduled Tribes) Amendment Regulation, 1990 has been sent to Govt. of India for Presidential assent.

3.58 To this the Chief Secretary, State Government of Orissa added in evidence:

"We in the State are very keen that these unauthorised transfers must stop and the transferee must restore the land to the tribal transfers. We have made extensive changes in the law which will be formally notified very shortly. One important change which I would like to bring to the notice of this Committee is this. Previously, if a restoration case was disposed of, there was a small period for appeal. If the tribal who was aggrieved by the order did not file an appeal, the case ended there. No further intervention could be made by any authority. We have now intervened to change the law saying that within five years of that order, if the order was passed by any officer other than the Collector, the Collector can reopen the case in exercise of *suo motu* powers, bring it to the file and decide the case once again. Similarly, if the Collector had decided the case, the Revenue Divisional Commissioner, will have *suo motu* power and

within five years of the decision, can reopen the case and decide it again. This, I think, will go a long way in giving relief to the tribals who have been affected adversely by the decisions of the lower courts in cases in which they did not have the knowledge or the resources to go up and appeal."

3.59 The Committee enquired whether the State Government has banned the transfer of land from tribals to the non-tribals, the Chief Secretary replied as under:—

"With the permission, it is going on. But, they say, in a larger number of cases, the transfers are unauthorised and these people come back and say that the land either did not belong to the tribal or it was transferred more than 30 years ago."

3.60. Asked about benami transactions where transferer tribal has been working with a non-tribal, he stated:

"We do not have any provision because it will be very difficult to determine. The fact that he is occupying the land being a non-tribal is enough to attract the provisions of this regulation."

3.61 Replying to another query by the Committee in this regard, the Additional Chief Secretary stated in evidence:

"We take note of this and we will see how far it can be implemented."

3.62 To this, the Director, Tribal Welfare Orissa added:

"The decision taken in the last T.A.C. meeting was that even tribals from other States would not be allowed to buy land from the tribals of our State. In fact, tribals have been defined in the Presidential Order for each State. It was seen that tribals of other States are coming to our State and buying lands from our tribals. This is now under examination of the Law Department of the Government. It has already been decided that non-tribals should not be allowed to buy land from tribal without approval of competent authority."

3.63 As the Central Govt. have certain responsibilities under the Constitution in the administration of Sub-Plan areas, the Committee enquired whether the State Govt. would prefer to refer it to the Central Govt. for legal advise on the steps contemplated in the first instance, the Additional Chief secretary replied:—

"Yes Sir, we will follow this procedure that any decision of TAC, where law making is involved, we will refer it to the Law Ministry."

3.64 The Committee note that in order to protect tribals from land alienation, State Govt. has enacted Orissa Scheduled Areas Transfer of Immovable Property Regulation, 1956 and protective provisions have also been made under various other laws. In spite of these provisions on statute book, the Committee found that 8700 cases of land alienation during the

period 1985-86 to 1990-91 have come to notice. Further about Benami Transactions, the State Govt. has contended that no such case has come to the notice of the State Govt. The Study Group I of the Committee were however informed during study Tour of Koraput, by the District Administration that 3 benami transactions involving 6.37 acres of land had been detected and out of these, in 2 cases land has been restored to original owners and that the remaining one case was under trial. In view of these facts, the Committee are not inclined to believe State Government's claim that no benami transaction has come to their notice. In fact, as no State wide survey has been conducted, there might be many cases remaining unnoticed. The Committee are distressed to find that in spite of various provisions made in law, there has been larger number of land alienation cases. Tribals being illiterate and simple folk are not aware of these provisions and in more than 80% cases the land alienated has gone to non-tribals.

3.65 In view of these revelations, the Committee feel there is need to further tighten the loopholes in law and to educate the farmers about the provisions made for their protection. The Committee will like the State Govt. to devise measures in this regard in consultation with the Ministry of Welfare and others concerned. The Committee are of the view that where tribals effect sale of land under distress Govt. should purchase that land for redistribution among landless tribals under various poverty alleviation programmes.

3.66 The Committee were informed that 5640 cases of land transfer in violation of the restrictions had come to the notice of the State Govt. during the period from 1988-89 to 1990-91 involving an area of 9753 acres. Of these in 3487 cases, land has been restored to tribals and in 2446 cases the matter was still under dispute. The Committee are deeply concerned at the slow pace of proceeding with these cases. It is pity that such a large number of cases of land alienation are still pending even after lapse of 2 years. Some of the pending cases might be lagging for more than this period. The Committee, therefore, urge the State Govt. of Orissa to strengthen the official machinery in this regard for early disposal of the pending cases. The Committee would also like to be apprised of the progress made in this regard.

CHAPTER IV ACHIEVEMENTS IN SECTORAL PROGRAMMES

A. Education

4.1 According to the Working Group Report on development of Scheduled Tribes during Eighth Plan, education as reflected in levels of literacy is an area in which the Scheduled Tribes are undoubtedly much behind the rest of the population. Recognising this fact the National Education Policy, 1986 had *inter-alia* recommended that following measures will be taken urgently to bring Scheduled Tribes on par with others:—

- (i) Priority will be accorded to opening primary schools in tribal areas. The construction of school building will be undertaken in these areas on a priority basis under the normal funds for education, as well as under the NREP, RIEGP, Tribes Welfare Schemes, etc.
- (ii) Education and promising Scheduled Tribes Youths will be encouraged and trained to take up teaching in tribal areas.
- (iii) Residential Schools, including Ashram Schools, will be established on a large scale.
- (iv) Incentive Schemes will be formulated for the STs, keeping in view their special needs and life styles. Scholarships for higher education will emphasise technical, professional and para-professional courses. Special remedial courses and other programmes to remove psycho-social impediments will be provided to improve their performance in various courses.
- (v) Anganwadis, Non-formal and Adult Education Centres, will be opened on a priority basis on areas predominantly inhabited by the Scheduled Tribes.

4.2 As per 1981 census, literacy rate of Scheduled Tribes in Orissa was 13.96 (23.27% for males and 4.76 for females). As against it, the literacy rate of general population in the State was 44.22% (47.10% for males and 21.22% for females). The State Government had furnished the Study Group I of the Committee during study tour in January, 1992 at Bhubaneswar written information as under:—

“The low rate of literacy *i.e.* 13.95% among tribals makes them vulnerable to various kinds of exploitation.”

Tribals usually spend large amount of their income on social and religious ceremonies, mostly based on superstitions and spend lavishly on consumption of liquor as a result of which they are perpetually indebted to the moneylenders. Further, they lack basic knowledge

about health precautions and therefore often become victims to vulnerable diseases. Keeping in view all these problems, it is utmost importance to provide them the basic communication facilities in terms of roads, culverts, bridges etc. So as to make them and their areas accessible. Adequate attempts have to be made to make them literate, aware of the land laws, environment and necessary skill for innovative income generating schemes. Active participation of voluntary organisations in these spheres is expected to be helpful. Emphasis on prohibition will relieve them of their various socio-economic maladies and religious superstition to some extent. Health measures such as making them aware of the vulnerable diseases and precautions thereto, assisting them in terms of supply of free medicines, vaccines etc. should be given priority in interior localities. Adequate provisions also should be made for availability of safe drinking water."

4.3 Keeping in view the policy objectives of education, it was claimed, that State Government has opened large number of schools and hostels were programmed in the tribal sub-plan area of the States during the Seventh Plan period. The total outlay during the plan period 1985-90 was 143.07 crores including C.S.P. for tribal sub-plan areas. It also included Rs. 48.16 crores provided in the budget of Harijan and Tribal Welfare Department of the State. The State Tribal Welfare Department has reported to have opened schools and hostels in TPS areas during the Seventh Plan period as follows:—

<i>Boys High Schools (R)</i>		<i>Girls High Schools(R)</i>	<i>Ashram School (R)</i>
39		7	6
<i>Residential Sevashram</i>	<i>Sevashram</i>	<i>Kanyashram</i>	<i>Primary Schools Hostels</i>
30	75	3	700

4.4 However, during the Study Tour of Koraput tribal area in January, 1992, the Committee was informed that though many educational institutions right from primary to college level have been set up, there has not been much progress in improving literacy in that district particularly for SCs and STs. Literacy rate for STs in the district was 8.31%. The Principal Secretary, Harijan and Tribal Welfare Orissa admitted in evidence that "the lowest figure of literacy is of course for Koraput."

4.5 The Committee learnt that Nowrangpur Sub-Division of Koraput district having five blocks are inhabited mainly by Bhattada tribe and their literacy rate has been stated to be among the lowest in the district and not

a single high school is located there. In this context the Committee enquired why no high school has been opened so far in that area. In reply, the Principal Secretary, H&TW Department of Orissa stated as under:—

“The guidelines for opening the school are very clear. There are four of five parameters. Some of these parameters are literacy level, no. of children of school going age in that area, distance of other institutions etc. There are 47 high schools in 42 blocks of Koraput district. There is necessity of opening some more schools. The Committee’s suggestion would be looked into provided the funds are available.”

4.6 In Koraput district, there are 44 residential high schools. The Collector Koraput also furnished to the Study Group details of the number of students studying in Class X or matriculation standard and those appeared in examination and passed during the last 4 years which is as under:—

Year	No. of Students			
	Studying in Class X	Appeared in X Class Exam.	Passed X Class Exam.	Pass % to these studying
1987-88	441	135	43	10
1988-89	406	168	39	10
1989-90	470	135	70	15
1990-91	451	193	49	11

4.7 A perusal of these details reveals that of the total number of students who appeared in X Class Examination ranged between 31 percent to 43 percent and the percentage of those who passed out of those who appeared was 32% in 1987-88, 23% in 1988-89, 52% in 1989-90 and 25% in 1990-91. These results cannot be termed satisfactory at all. Further, it has been observed from school-wise details that in about 8 schools not a single student passed the matriculation examination.

4.8 These tribal boys who failed in the examination were allowed to study in the residential schools giving them lodging and boarding till the 10th Class Examination that is for about six years each and only a very meager percentage of tribals boys passed out of the examination due to the mismanagement of these schools by the department concerned. In the year 1989-90 only 70 tribal boys passed out of these 44 schools. The boys who are retained in the high schools examination were about 86% and they are not entitled to get lodging and boarding to complete the matriculation examination. In Koraput District the literacy percentage is very low and still much lower among tribes like Bhumia, Bhottuda, didayi, gudwa,

goundhai, bondapuraja, lodha, paroga & Thoraya. The residential schools which have been built are in interior areas and most of them have no all weather communication, as a result of that the inspecting officers do not go these institutions frequently.

4.9 Reacting to these observations of the Committee, the Principal Secretary, Harijan and Tribal Welfare Department, Government of Orissa stated in evidence:—

“From H&TW Institutions in Koraput District 593 students appeared and 269 passed in 1992 out of which STs were 209 and 60 respectively. There are 8 schools from which no student qualified in 1991. After this result of 1991, we analysed in which subject they have failed and have found that most of the students failed in Mathematics, English and other Science subjects. So once these cause were identified, we analysed that because of the absence of Science teachers, this had happened. Secondly, the students require special coaching apart from class teaching. Since these are residential schools, the students are available and they can be given training after the school hours and that has been the latest instructions.”

4.10 The witness further told the Committee in reply to their query that they have initiated disciplinary proceedings against 30 teachers and called for their explanations. After receiving explanations we would take action against them. Secondly, there are a few teachers who have been suspended already.

Drop Outs

4.11 Enrolment of Scheduled Castes and Scheduled Tribes students in different classes from I to X was stated to be as under:—

ENROLMENT OF SCHEDULED TRIBE IN DIFFERENT CLASSES OF SCHOOL EDUCATION AS PERCENTAGE OF CLASS-I

Sl. No.	District	Class-I	Class-II	Class-III	Class-IV	Class-V	Class-VI	Class-VII	Class-VIII	Class-IX	Class-X
1.	Balasore	100	96.73	83.16	61.29	49.44	21.94	18.45	17.77	17.62	11.08
2.	Balangir	100	75.87	68.00	40.37	26.92	17.11	13.21	10.23	7.31	6.19
3.	Cuttack	100	87.19	76.94	50.56	38.79	24.37	17.62	14.77	13.35	9.05
4.	Dhenkanal	100	68.26	48.69	27.11	18.28	10.51	7.35	5.46	4.26	2.47
5.	Ganjam	100	90.45	83.29	37.10	25.32	6.52	6.09	5.07	4.28	3.06
6.	Kalahandi	100	52.04	38.00	20.05	17.36	10.21	8.25	2.69	2.31	2.13
7.	Keonjhar	100	61.32	44.06	28.73	24.57	24.20	20.77	12.00	10.62	9.92
8.	Koraput	100	87.34	81.99	45.59	29.00	18.57	8.49	4.02	3.30	2.29
9.	Mayurbhanj	100	44.76	32.76	22.41	16.90	13.94	12.76	9.03	8.72	6.70
10.	Phulbani	100	86.85	67.34	36.35	28.76	16.42	14.75	8.98	7.98	6.65
11.	Puri	100	84.02	78.48	61.20	51.15	31.34	26.24	15.56	13.62	13.17
12.	Sambalpur	100	68.21	56.25	41.28	31.91	17.45	16.40	10.42	9.31	8.58
13.	Sundargarh	100	62.67	55.96	44.90	41.04	34.35	30.59	21.67	17.40	10.86
	ORISSA	100	67.13	56.52	35.61	28.22	18.58	15.79	10.37	8.83	6.60

ENROLMENT OF SCHEDULED CASTE STUDENTS IN DIFFERENT CLASSES OF SCHOOL EDUCATION AS PERCENTAGE OF CLASS-I

Sl. No.	District	Class-I	Class-II	Class-III	Class-IV	Class-V	Class-VI	Class-VII	Class-VIII	Class-IX	Class-X
1.	Balasore	100	96.83	96.36	75.04	65.65	29.83	24.24	21.47	20.27	14.94
2.	Bolangir	100	72.69	69.88	48.47	35.95	27.63	21.66	20.37	10.36	11.92
3.	Cuttack	100	92.23	91.44	71.50	60.80	52.57	40.91	33.18	25.79	20.14
4.	Dhenkal	100	69.04	47.96	34.76	27.64	19.39	13.90	11.39	9.54	6.80
5.	Gunjam	100	96.62	93.97	60.56	46.68	22.43	20.54	17.94	15.89	6.33
6.	Kalahandi	100	52.23	38.01	25.70	18.99	16.24	13.86	4.45	3.68	3.59
7.	Konjhar	100	58.12	40.27	31.32	29.55	27.91	24.28	18.37	15.43	14.33
8.	Koraput	100	74.96	62.68	45.06	32.66	20.81	16.15	5.64	5.32	4.5
9.	Mayurbhanj	100	46.22	36.13	27.25	15.59	15.52	13.59	10.28	10.18	8.58
10.	Phulbani	100	77.19	59.22	38.75	34.34	21.59	18.59	13.62	11.27	9.52
11.	Puri	100	93.14	87.91	74.39	58.65	39.80	35.79	23.18	18.66	17.13
12.	Sambalpur	100	75.17	64.25	51.13	42.16	24.42	21.39	16.64	13.71	12.82
13.	Sundargarh	100	82.02	61.18	43.86	38.01	34.00	26.45	22.40	20.67	15.31
	ORISSA	100	81.08	71.76	53.96	43.49	30.47	24.72	18.58	15.24	12.10

4.12 It would be seen from about that from 100 students' enrolment in class I, final turnout at class X was 6.60 in case of Scheduled Tribes and 12.10 per cent for Scheduled Castes. In Koraput District, the turnout at class X is as low as 2.13 for 100 students in class I for Scheduled Tribes, and 4.5 for Scheduled Castes.

4.13 Analysing the figures, the Principal Secretary Harijan and Tribal Welfare Department, Government of Orissa stated in evidence:—

“The drop out in respect of non-residential schools is much higher than in respect of residential schools. In respect of residential schools, we have calculated that drop-out is hardly ten per-cent up to the stage of matriculation but in respect of non-residential schools, it is enormous. I can give the figures of drop-outs. If there is admission of 100 students in class I upto class V, the drop-out percentage would be around 70 in non-residential schools. The reason is that apart from the attitude towards education in the family teaching is not in their mother tongue. The state language Oriya is not known to them. They talk in their own mother tongue. We have got 32 tribal dialects in the State. In Koraput District along we have got 15 dialects.”

4.14 Asked about the steps taken to check the drop-out it was submitted by the State Government that:—

“The opening of primary schools hostels at the G.R. level in the TSP areas has given the tribals creater access to education. Opening of Residential Schools and hostels at the secondary and higher level has also restricted drop-outs. National Text Books are being supplied to the SC and ST students as per their requirement free of cost upto secondary level and incentives like dresses, reading and writing materials are given to the children of most primitive tribes at the time of enrolment in the schools. Besides, boarding charges and scholarships provided by the Government have benefitted the tribal students considerably which the has certainly contributed to the reduction of dropouts.”

4.15 As per the information furnished to the Committee the position in regard to physical achievements in education in ITDP areas at the end of Seventh Five Year Plan was as under:—

AGE-GROUP	Achievements
(i) Enrolment (age-group 6-11)	
Class I to V—Boys	3,10,000
Girls	1,51,000
Total	<hr/> 4,61,000 <hr/>

(ii) Enrolment(age-group 11-14)	54,400
Class VI to VII.—Boys	25,160
Girls	<hr/>
	79,560
	<hr/>

4.16 In addition to this, enrolment of ST students in schools opened by the Harijan and Tribal Welfare Schools in TSP areas was stated to be 66000 in standard I to V (age-group 6-11) and 13000 in standard VI to VIII (Age-Group 11-14).

4.17 However according to an estimates made by the Working Group on Tribal Welfare and development during Eighth Five Year Plan, estimated Scheduled Tribes population in Orissa in March, 87 in age group 6-11 was 7,84,900 (3,95,800 boys and 3,89,100 girls and in age group 11-14 was 4,72,000 (2,36,200 boys and 2,36,100 girls). It is therefore, clear that achievements in enrolment at Primary state was less than 60 per cent and at Middle stage less than 17 per cent.

4.18 Commenting on it, the Secretary, Ministry of Welfare stated in evidence:—

“In residential schools in Andhra Pradesh, hundred percent children pass and sixty percent students got first class marks. In hostel the percentage of result is 45. But I do not know why Orissa is not able to produce the same kind of results. Wherever there is no schools, we would request them to use our Special General Assistance in a big way. They can cut down on roads and other things in order to put more on schools so that the children will benefit from these schools. When our Prime Minister was the Chief Minister of Andhra Pradesh he started residential schools for open category students. The results achieved by these schools were so good that our boys in the medical, engineering, IAS and IPS were coming from these schools. Similarly, we started for SC and ST students also at the rate of one school for SCs and one school for STs in all the district. The society runs these schools I would recommend that pattern be adopted by the Orissa Government, also because it has yielded a lot of results. Let all the schools of the Harijan Welfare Department be taken off and kept under a society which will again be managed by Government officials. But we will have a lot of openness and flexibility to run these institutions.”

4.19 In the course of their Study Tour of Koraput, the Committee learnt that in most of the schools, attached hostel rooms were utilised

as class rooms by teachers. Clarifying the position in this regard, the witness stated:—

“Sir, actually, wherever hostels have been built and these have been utilised as class-rooms we immediately issued instructions to the Collector that these buildings out to be utilised for the purpose for which they have been built and that the compliance should be reported within three months. I have received the compliance report from the Collector, Koraput. Alternative class-rooms are being arranged and as soon as these are arranged, classes will be held there. Already three hostels which had been converted into class-rooms have been cleared in other places also we are taking steps for arranging alternative accommodation for class-rooms.”

4.20 Since the drop-outs in residential schools is not much, the Committee enquired whether the State Government would examine the opening of more and more residential schools in tribals areas. In reply the witness stated:—

“Providing residential facilities to all the tribal schools in our motto and policy of course, has not yet been framed. It all depends on the resources we have got. Every year we are going to build more and more hostels and convert the Sevashrams to residential schools. So far as I remember, we are going to convert 90 hostels this year. So every year we are going to expand as and when we get funds. The resources position is very tight.”

4.21 The Committee desired to know the constraints experience in spreading education among tribals. In reply they were informed that:—

“attitude towards education, incidence of poverty and infrastructural weaknesses are some of the main constraints being faced in spreading education among tribals. The atmosphere at home does not appear to be conducive and economic compulsions prevent the parents from sending their children to the schools spontaneously.”

4.22 In a subsequent note furnished to the Committee the State Government have stated that:—

“1294 hostels have been constructed till the end of 1991-92 out of which 923 are being used as such. 363 hostels are being used as class rooms and 8 for other purposes. Instructions have been issued to all the District Collectors to avoid use of hostel buildings for other purposes. As such, 41 Nos. of hostels being used other-wise have restored, during the last nine months after the visit of Parliamentary Committee to the State during the month of January, 1992.”

Stipend

4.23 The Committee were informed that Scheduled Tribes students studying in classes I to X were paid monthly stipend @ Rs. 150/- p.m. for boys and @ Rs. 155/- for girls. This was actually stated to be ration money @ Rs. 120/- and for dress etc. @ Rs. 30/- p.m. In this context the Committee enquired if the amount of stipend was sufficient. In reply, the Principal Secretary stated:—

“Not sufficient. Actually this was also proposed by one of the hon. members of the TAC in the meeting and actually there was a deliberation. With effect from 1.7.1991 this has been fixed—Rs. 150/-. It was previously Rs. 100/-. It was raised from Rs. 100 to Rs. 150/-. The hon. Chairman knows it. It is being proposed to be revised and we are giving a proposal for it.”

4.24 The Committee note that literacy rate among Scheduled Tribes in Orissa has been less than 14% as per 1981 census (23.27% for males and 4.76% for females). As against it, the literacy rate of general population in the State was more than 44% (47.10%) for males and 21.12% for females). Position is still worse in case of Koraput district where literacy rate for STs is as low as 6.31%. Undoubtedly, Scheduled Tribes are much behind the others in literacy also and this makes them vulnerable to various kinds of exploitation. Recognising this fact National Education Policy had recommended in 1986 a series of measures aimed at opening of new schools and qualitative improvement in the standard of education; and formulation of incentive schemes for Scheduled Tribes keeping in view their life style; to employ educated and promising ST youths as teachers. However, the result are not yet visible.

4.25 The Committee are distressed to find that quality of education imparted in tribal areas is not at all satisfactory. This is amply borne out by the fact that in Koraput District during the year 1987-88 to 1990-91, not even half of the students studying in class X have been allowed to appear in examination each year. In total, 631 students appeared in X class examination during these years out of 1768 on rolls. Out of those who appeared, only 296 students passed examination which comes to less than 16 per cent of the total students on rolls in class X. It is a sad commentary on the quality of education being imparted in tribal areas in Orissa State. The Committee feel that the reasons for this miserable plight has been their location in interior areas, inaccessibility and lack of communication which discourage inspecting officers to visit these institutions frequently; vacancies of teachers remaining unfilled during academic session; and lack of interest among teachers to teach students. The Committee urge the State Government to look into the low standard of education and analyse the causes thereof and take corrective steps at an early date.

4.26 The Committee find that student who were not allowed to appear in examination is quite high ranging upto 84% and they are not entitled to free

boarding and lodging facilities during the 2nd year. These retained students neither get employment nor they are prepared to work in their paddy fields having attained a little education and thereafter they become liability to the family and their activities discourage other tribals to educate their children.

The Committee, therefore, recommend that retained and unsuccessful students may be allowed to appear during second year and in that year they may be provided free boarding and lodging as these poor students cannot afford to pay these charges.

4.27 The Committee find that schools in Andhra Pradesh managed by societies of local officials have performed well and annual results have been around sixty per cent in matriculation examination. The Committee will, therefore, like the State Government to examine the management pattern of the schools run by societies in Andhra Pradesh and introduce that system for the schools run by the Harijan and Welfare Department in the State to achieve better results.

4.28 One of the reasons for higher rate of failure and retention at senior school level had been that posts of teachers have remained vacant for better part of an academic year and consequently loss of studies of students. Similarly, at primary and middle stages also, posts of teachers remaining vacant might also be a reason for higher rate of drop-outs. The Committee, therefore, urge that vacant posts of teachers should be filled up urgently by employing educated tribal youths on preferential basis who, the Committee feel, will be in a better position to understand and appreciate problems of tribal students and motivated in their job because of their association with tribal areas.

4.29 The Committee are also of the view that the stipend provided to students @ Rs. 150/- p.m. for boys and Rs. 155/- p.m. for girls at school level is not adequate in these days of rising prices. The representatives of the State Government shared this view of the Committee and informed the Committee that they would submit proposal for its revision. The Committee would like the Ministry of Welfare to consider these proposals sympathetically. For better management of primary hostels, the Committee feel that assistance from voluntary organisations may also be solicited.

4.30 The Committee are deeply concerned to note the high percentage or drop-outs of ST students in different classes in schools located in tribal areas. Out of 100 ST students enrolled in class one— only 6.6 manage to reach class X in tribal districts of Koraput, the percentage as low as 2.29 for STs and 4.5 for SCs. The drop-outs in non-residential schools, is around 70% upto VIth standard. However, drop-out in residential schools is stated to be only ten per cent. Thus, it is evident that residential schools have been very effective in tribal areas. The Committee were informed that providing residential facilities in all tribal schools is the moto of the State Govt. The Committee would, therefore, urge the Government to open more residential schools in tribal areas with stress on quality education. At the

same time they would like the State Government to analysis causes of high rate of drop-outs which is as high as 70% in general and 97.71% for STs and 95.5% for SCs in Koraput District and take remedial steps at an early date.

4.31 The Committee find that Nowrangpur sub. division of Koraput district having 5 blocks has been inhabited mainly by Bhattada tribe which ranks among the lowest in literacy rate in the district. Still, not a single tribal residential high school has been provided in their area. The representatives of the State Government admitted in evidence the necessity of opening some more schools. The Committee trust that the matter would be looked into and steps taken by the State Government to provide high schools in all those areas which areas with low literacy which do not have it at present.

4.32 The Committee note that as per an estimate made by the Working Group on Welfare and Development of Scheduled Tribes during VII Five Year Plan in 1987, estimated scheduled tribes population in age group 6-11 was 7,84,000 (3,95,800 boys and 3,89,000 girls) and in age group 11-14 was 4,72,300 (2,36,200 boys and 2,36,100 girls). As against it enrolment in age groups 6-11 (Class I to V) was 4,61,00 (3,10,00 boys and 1,51,000 girls) and in age group 11-14 (Class VI-VIII) 79,560 (54,400 boys and 25,160 girls) Percentage-wise, enrolment at primary stage was less than 60 and at middle stage less than 17 of the school going children in TSP areas in Orissa. It is distressing that enrolment is so low even after 45 years of independence. The Committee, therefore, urge the Government of Orissa to make utmost efforts to provide educational facilities to those unfortunate students who have not been covered so far. Tribal parents may also be prevailed upon to send their wards to schools by convincing them of the virtues of education.

4.33 The Committee are perturbed to note that out of 1294 hostels constructed till the end of 1991-92, 363 hostels are being used as class-rooms and other 8 for other purposes. This has been so despite the Committee having pointed out this fact to the State Government early this year and had desired to get the hostels vacated by making proper arrangements for class-rooms. The Committee feel that continuous use of hostels as class-rooms deprive the tribal students of the much needed hostel facilities. They, therefore, desire that alternate arrangements for school buildings may be made expeditiously so that these hostels may be available to the students for use as hostels.

B. Agriculture

4.34 As per the 1981 Census, 42.54 per cent of the ST population was main workers. Of them, 54.43 per cent were cultivators and 32.67 per cent were agricultural labourers. Therefore, about 87 per cent of the main workers were wholly or largely dependent on agriculture.

4.35 According to the Report of the Working Group on development and Welfare of Scheduled Tribes during VIII Five Year Plan low agricultural productivity is a cause for alienation of tribals land, chronic

indebtedness and failure to repay credit obtained from banks and institutions such as LAMPS. This sets in motion a cycle leading to pauperization of the tribals, dependent largely or wholly on agriculture.

4.36 A research project sponsored by the Ministry of Welfare had documented the outward migration of tribal workers from certain TSP areas in Orissa and Bihar and found linkage between such migration and backwardness of agriculture.

4.37 At present, almost all quantification of funds in the agricultural sector, whether by Departments of the State Governments or by the Central Ministry of Agriculture, is done by application of a percentage on the outlays for various existing schemes. These schemes are generally not designed with the TSP areas in mind.

4.38 According to a compilation of productivity of certain major crops in 32 Tribal Sub-Plan districts in TSP States reported by the Commissioner for Scheduled Castes and Scheduled Tribes in his Report presented in 1981, the following facts have come to light:—

- (i) That productivities in the TSP districts, except in three States, have generally been lower than the State averages, for all crops.
- (ii) That several of the TSP districts have shown decline in productivity in 1985-86 as compared to 1980-81.
- (iii) That there is a shrinkage in area under certain important food crops.
- (iv) That there is a drop in productivity in 1985-86 as compared to 1980-81 in respect of certain crops/districts, even though the corresponding State averages of productivity have increased for the same crops.

4.39 In this context, the Committee enquired about the reasons for low productivity in tribal areas. In reply, the Secretary, Agriculture, Govt. of Orissa stated in evidence:—

“The State has 118 tribal blocks out of which 107 are located in five tribal districts, including Ganjam and Phulbani. The State has 60.4 lakhs hectares under cultivation out of which the five districts account for 21.48 lakhs hectares. Rice, we agree, is the most important crop of the State but other important cereals in these districts are ragi and maize. The State has, as many as ten agro-climatic sub-zones.

I would like to point out that it is really not correct to say that the productivity in the tribal sub-plan area is lower. It cannot be a general statement. In respect of certain crops, the productivity in the tribal area is much above the State-average. When it comes to rice, we are really in a vulnerable position so far as the tribal areas are concerned. Some districts have got 44 per cent in the net area irrigated, where the fertilizer consumption is as high as 34.4 kg. per

hectare. I want to highlight the relationship between irrigation and fertiliser consumption, which will account for the increase in production. In districts like Koraput the consumption per hectare of fertiliser is only ten kg. and in respect of Phulbani, it is as low as 5.4 kg. per hectare. Fertiliser can be used only if fertiliser reaches the nook and corner of the State. So far, we have had no satisfactory arrangement whereby the fertiliser can really reach the interior areas. About eight years back, the Government of India decided that fertiliser manufacturers will have the responsibility of reaching fertiliser in the Block headquarters, whether it has a rail head or not. That is why all the block headquarters of the country were treated as notional railhead. They finalised an arrangement called 'secondary freight rate', which will be paid by the Government of India to the fertiliser manufacturers so that the manufacturers will reach the fertiliser in the Block Headquarters. As you know, the State is very poorly served by the railway network. Most of the Blocks do not have the railway network at all. But the secondary freight rate which was fixed for the State was only Rs. 21. There are States where higher secondary freight rate has been agreed to; for example, West Bengal has Rs. 45; Madhya Pradesh has more than Rs. 50. We have been trying to plead with the Government to remove that anomaly. We were told that a general revision would be forth-coming. The Chief Secretary has recently taken up the matter with the Government of India stating that pending a general revision, at least the State should be given an *ad hoc* increase to Rs. 52. It is an anomaly which is continuing and which is inhibiting the consumption of fertilisers. With the intervention of this august Committee if the secondary freight could be increased by the Fertiliser Ministry, it will really be a boon to the State, because with an increased secondary freight, we can certainly reach more fertiliser to the tribal areas."

4.40 He further added:

"In fact, the Centrally sponsored scheme is applicable throughout the State except perhaps only Ganjam district. The intensive Rice Production Programme which is now under implementation covers the entire state except perhaps Ganjam district."

4.41 To this, the Chief Secretary, Orissa State added:

"Out of 314 blocks that we have, only 57 blocks are on the railheads. The other blocks have to be served by road transport. The fertiliser company is given a secondary freight so that it can take the fertilisers to the block headquarter. Because of the inadequacy of the secondary freight allowed by the Government of India, the fertiliser manufacturers are not interested in carrying the fertiliser to these blocks."

4.42 Clarifying the position further, the Chief Secretary added:—

“The area under summer rice, which can be taken up, wherever you have assured irrigation for a second crop is smaller. That requires intensive fertiliser application. For example, in Koraput, rabi irrigation is available. But if you do not reach the fertilisers, people will not take to the high-yielding varieties and the yield will be low. Our plea to the Government of India has been that they are giving us only 21 rupees or so per ton as secondary freight. For Madhya Pradesh, it is more than Rs. 50 and for West Bengal, it is Rs. 45. At least give us the Madhya Pradesh rate. We have taken this up with the Government of India and argued that because of this low secondary freight that you have allowed many of the fertiliser companies are not taking fertilisers to the block headquarters. Therefore, please increase this at least to the level of West Bengal or Madhya Pradesh. This is the point to which we did not have any response.”

4.43 The Committee enquired about the steps being contemplated by the State Government to increase agricultural production and thereby provide gainful employment to tribals in sub-plan areas. In reply, the Chief Secretary stated:—

“There are certain crops which do well in tribal areas but rice is not among them. Unfortunately, we cannot say this for rice because, as you know, the yield of rice is lowest in autumn, high in winter and still high in summer. In our State, the yield of autumn rice is 9.81 quintals per hectare, winter rice is 15.31 quintals per hectare but for summer rice it is 21.76 quintals per hectare which compares very favourably with the national average. If you provide irrigation and inputs, the farmers in Orissa can give a good account like anywhere else. Unfortunately, in tribal areas of Orissa, irrigation is not sufficient. So they have to go either for oilseeds or pulses or short duration crops like millets, etc. We have to, therefore, think of crops that are suited to that area. For example, spices and sericulture are the areas where thrust has to be made.”

4.44 The Committee enquired whether the State Government has drawn up any programme to encourage tribals to grow spices and other crops suitable to their areas with a view to augment their income. In reply, the Chief Secretary, Govt. of Orissa stated:—

“We are trying to launch some programme for production of spices. As you are aware, these crops will have a future, provided the farmer gets the correct price for his produce. If he does not get a reasonable price, then he will not grow it next time. We are therefore trying to bring in large firms with the assurance that we will not give them large extents of land but they will do cultivation on contract basis with the farmers

at a specific price and they will do the extension work. We are discussing with a number of firms and we can grow coffee also.”

4.45 The average productivity under major crops during 1988-89, 1989-90 and 1990-91 in tribal areas *vis-a-vis* the State was reported to be as under:—

Average Agricultural Productivity Kg./Hect.

	1988-89	1989-90	1990-91
I. TRIBAL SUB-PLAN AREA			
Rice	1035	1116	1084
Total Cereals	1024	1083	1063
Total Pulses	650	672	550
Total Oilseeds	571	573	537
II. STATE			
Rice	1237	1431	1198
Total Cereals	1209	1383	1181
Total Pulses	560	555	552
Total Oilseeds	764	769	822

4.46 Asked about the difficulties/constraints experienced in undertaking agricultural developmental schemes in the tribal areas, the State Government in a note have detailed the following difficulties:

- (a) Lack of education among tribals attributed to low acceptability of any technological advancement.
- (b) Inadequate communication net-work as a result, the essential inputs for higher agricultural production are not available to the tribal farmers at easy reach.
- (c) Absence of organised market. The tribal farmers face difficulties in getting higher price for their Agricultural produce. This itself does not encourage the tribals for reaping better harvest.
- (d) In Keonjhar and Koraput districts the tribal farmers take up rearing of silk worms at their natural habitat. In the event of any pest attack in the neighbouring crop lands, no pesticide could be applied promptly for survival of silk worm, causing loss of field crops in wide areas.

4.47 it was also stated that to increase productivity Centrally Sponsored Schemes like I.P.R.D., N.P.D.P. and O.P.P. are being implemented for boosting of production of Rice, Pulses and Oilseeds, respectively. These schemes envisage supply of required inputs for conducting demonstration. By that the tribal farmers could realise the benefit of adopting technological advancements. The input of these schemes has been reflected in the production and productivity mentioned above.

4.48 The I.T.D. as have been extending financial assistance for crop demonstration, particularly in rainfed uplands, where the less

remunerative crops are gradually being replaced by remunerative ones. Mixed cropping is being introduced for rendering more benefits to the tribals as well as for insurance of returns against weather aberrations.

4.49 The Committee enquired why the State Government could not arrange supply of pesticides to farmers in Koraput and Keonjhar districts to control loss of field crops where tribals have taken to rearing of silk worms. The Chief Secretary, Orissa State replied:—

“Pest Control will have to be done by the Government. Medicines will have to be supplied by the Government.”

4.50 The Committee pointed out that in spite of the fact that agricultural productivity in tribal areas is comparatively lower as reported earlier why no appreciable efforts have been made to improve it. In reply the Chief Secretary stated:—

“It is because of lack of irrigation, lack of fertilizers and our failure to adopt the crops that are suited to the soil. You have given valuable suggestions regarding Tea and spices crops and we will follow those suggestions.

You may also kindly consider this. Take the example of rice. In 1988-89, the productivity was lower because it was a drought year. In 1990-91, it was higher than 1988-89, That means that while it is not increasing significantly but the thesis that it is declining from year to year is also not correct.”

4.51 Agriculture occupy a pivotal position in tribal life. According to 1981 census, about 87% of ST main workers are dependent on agriculture. The Committee observe that average agricultural productivity per hectare of rice, cereals and oil seeds has been comparatively lower in tribal sub-plan areas *vis-a-vis* the state average during the years 1988-89, 1989-90 and 1990-91. In case of pulses also, where average productivity was higher than the States average in the earlier two years, it has come down to 550 from 650 kgs. in 1988-89 and 672 kgs. in 1989-90 against the States average productivity of 552 kgs. in 1990-91. Thus, in this case also, the average productivity is on the decline. Though the representatives of the State Govt. did not agree at the time of the evidence before the Committee that the productivity in tribal areas is comparatively low and has been on decline yet the statistics provided by the State Govt. subsequently about productivity confirm it. The Committee are deeply concerned at the lower level of agricultural productivity in tribal areas. According to the studies conducted in this regard low agricultural productivity is a cause of alienation of tribal lands, chronic indebtedness and failure to repay loans obtained from banks and other institutions. This has also been a cause of outward migration of tribal workers from TSP areas. The Committee, therefore, urge the Government to take immediate measures to develop agriculture in TSP areas and increase its productivity as 87% of tribal workers are dependent on agriculture.

4.52 The Committee note that quantification of funds in agricultural sector by the various Departments of the State Government and also by the Central Ministry of Agriculture has been done by application of a percentage on the outlays for various existing schemes. These schemes are generally not designed with the Tribal Sub-Plan areas in mind. So the results are not commensurate with the investment on various schemes. The Committee trust that the Ministry of Welfare will take up the issue with the Ministry of Agriculture, Govt. of Orissa and all other concerned to improve the procedure.

4.53 Fertilizer is a major input applied to increase agricultural production. In order to encourage its use, Govt. of India have taken a number of steps including subsidising its price and making its availability uniform in every corner of the country through the mechanism of Freight Equalisation Scheme. Under this scheme, Central Govt. provides subsidies to Chemical Fertilizer Manufacturers to send their products upto block headquarters all over the country even by road. However, it is disturbing to note that fertilizer manufacturers have not been provided adequate incentive under this secondary freight scheme for delivering their product in various Blocks of TSP areas of Orissa State whereas in the neighbouring states of West Bengal and Madhya Pradesh incentive on this account ranged from Rs. 45 to 50 per tonne. This has been found to be a major deterrent in supply of fertilizers in some parts of Orissa which are not served by rail-network. Therefore, the State Government has been pleading with the Govt. of India to remove this anomaly and pending a general revision, grant at least ad-hoc increase of Rs. 52 per tonne. As this factor has been inhibiting availability of fertilizers in Tribal Sub-Plan areas of the State resulting in low agricultural productivity, the Committee strongly recommend that anomaly may be resolved urgently. This fact assumes added importance in the light of the fact that consumption of fertilizers in TSP districts has been as low as 5.4 kg. in Phulbani and 10 kg. in Koraput and farmers cannot take up high-yielding summer rice varieties in the absence of fertilizers.

4.54 The Committee note that in the absence of adequate irrigation facilities in TSP areas it is not possible to take up rice cultivation at larger scale. The State Govt. has, therefore, been contemplating launching of spices and sericulture schemes and coffee to some extent besides oil seeds and pulses. The Committee will like Tea plantation also to be tried on experimental basis. However, tribal farmers can take up these schemes only if they get fair price for these products. For that purpose, marketing assumes added importance, State Government stated to be trying to bring in large firms with the assurance that they would be permitted to procure produce of these crops from the farmers at specific price in return for the extension work they would undertake in tribal areas. The Committee welcome this innovative scheme of the State Govt. However, as a matter of abundant caution, the Committee would like to be ensured that tribal

farmers interests would not be lost sight of and the scheme should not turn into another form of their exploitation. The farmers must be assured remunerative prices for their produce.

4.55 The Committee have been informed of the various constraints experienced in undertaking agricultural developmental schemes in tribal areas. These have been lack of education among tribals; inadequacy of communication net-work resulting in low availability of essential inputs for higher agricultural production to tribal farmers; unremunerative prices to farmers for their produce and non-availability of pesticides, etc. These difficulties once again, bring into focus the need of ITDA approach which is a multi-facet approach leading to all round development of tribal areas. The Committee trust that various sectoral departments of the Central and State Govts will take note of these infrastructural bottlenecks and pool their resources and devise schemes collectively to develop these areas speedily. The Committee will also like to be apprised of the action taken in this regard.

4.56 Another impediment in low agricultural productivity has been lack of irrigation potential. The Committee's observations on this aspect are available elsewhere in the Report. The Committee would like that new schemes are formulated speedily to augment irrigation potential in tribal areas.

C. Shifting Cultivation

4.57 Shifting Cultivation has been a major impediment to the forest development in tribal areas in Orissa. The State Government have stated that no universal systematic survey of total area under pocu cultivation have been done district-wise. According to an estimate made in mid-fifties by Dr. H.F. Mooney nearly 12,000 sq. miles of forests were affected by shifting cultivation. Subsequently, the Forest Enquiry Committee reported the figures of 12,270 sq. miles. The forests in seven out of thirteen districts have been badly affected with Koraput being the worst and followed by Phulhani, Kalahandi, Ganjam, Sundergarh, Keonjhar and Sambhalpur.

4.58 Hill slopes are generally chosen for shifting cultivation. The land is selected individually by each family. He turns over to the same area again on a cycle of 5 to 15 years. Shifting cultivation on the hill slopes results in replacement of valuable forests by inferior forests of secondary region. Accelerated erosion has taken place in the affected hill slopes resulting in silting up of agricultural lands down below. The shifting cultivation has adverse effect on the environment and ecology also.

4.59 The State Government in a note submitted to the Committee have concluded as per the last study of Soil Conservation Organisation

conducted with the funds provided by H & T. W. Department by remote sensing method estimated in 1979-80, the podu cultivation area in the State was about 1.94 lakh hectares. The District-wise area has been stated to be as follows:—

<i>DISTRICT</i>	<i>AREA IN HEACT</i>
1. Bolangir	1795.40
2. Dhenkanal	5121.20
3. Ganjam	21690.30
4. Kalahandi	55861.40
5. Keonjhar	49638.20
6. Mayurbhanj	7303.40
7. Koraput	30651.16
8. Phulbani	20995.66
9. Sambalpur	41781.10
10. Sundargarh	8190.74

4.60 The Committee were informed that to prevent shifting cultivation a scheme was launched in the State during 1987-88 for a period of five years and a project report of Rs. 17 crores was prepared and was submitted to the Ministry of Agriculture. The State Director of Tribal Welfare stated in evidence that "State could get about 50 per cent of the projects cost. As against 6000 families, we could assist 5449 and most of the families have been assisted partly". Now the scheme has been stopped by Government of India because of resources constraint.

4.61 Asked about the expenditure to be incurred per family for rehabilitation, it was stated that "cost per family was of the order of Rs.30,000—32,000/—It was according to the scheme drawn up at the ITDA level after grass-root survey at the village level."

4.62 Appreciating the fact that by indulging in shifting cultivation a handful of tribals have been destroying precious forest wealth, the Committee enquired if the State Government would offer tribals indulging in shifting cultivation some land for cultivation and warning them that they should not indulge in shifting cultivation. The Chief Secretary replied:—

"We can do this."

4.63 The Chief secretary of the State further added as under:—

"Lately there has been very large encroachment of forest areas, particularly by tribals coming from other States like Bihar. They came in hundreds and destroyed valuable forests and they have settled down there. This has caused damage not only to the forests but also to those tribals who depend very heavily on these forests. Now, our policy is that we must be very firm with such encroachments. Controlling shifting cultivation is one of our

schemes. But this is also a human problem. We must be in a position to give some agricultural land to them so that they can settle at one place and do cultivation."

4.64 The Committee pointed out that people from a particular tribe called 'Gond' and 'Kondh' etc. are indulging in shifting cultivation in Orissa. By burning and cutting the valuable forests, these tribes are acting against the interest of other tribals also by depriving them of the forest produce and desired that shifting cultivation should be checked. The Chief Secretary replied:—

"We will take the follow-up action."

4.65 The Committee asked about the number of tribal settlements in deep forests which have now been declared as reserved forests and about the steps contemplated to prevent any kind of harassment to these tribals who have been living in those areas prior to the declaration of those forest areas as Reserved Forests. In reply the Chief Secretary, Orissa stated:—

"Our tribals have occupied specific areas. There is no dispute about that. These 20 areas are within the reserve forest. We are trying to survey these areas. I may submit that the recent encroachments that have taken place by the tribals from outside the State. We are determined to throw them out. We are conducting enquiries and we will submit the proposal to the Government of India for dereservation."

4.66 The State Government have further stated that to control podu cultivation, 10 location specific podu control schemes on a pilot scale have been launched in seven ITDA areas namely Balliguda, Benai, Keonjhar, Koraput, Parlakhemund, Rayagada, and Th. Rampur covering 185 villages and 1681 podu practising families at an estimated cost of Rs.17.00 crores for a Project period of five years i.e.(1987-88 to 1991-92) with the financial assistance from Ministry of Agriculture, Govt. of India. Govt. of India has released a sum of Rs.7.27 crores till 31.3.92 and the entire funds have been utilised. It was further contended that the scheme provides an integrated package for improvement of the eco-system, rehabilitation of degraded lands, provision of necessary inputs, including irrigation for increasing the productivity of settled agriculture as well as employment opportunities in subsidiary occupations to the families practising shifting cultivation to wean them from such ruinous work.

4.67 Shifting cultivation has been a major impediment to forest development in Orissa. No systematic survey about the total area under shifting cultivation has been conducted. However, according to earlier studies, about 12000 sq. miles of forests were affected by it. According to the latest estimates podu cultivation area in the State was stated to be about 1.84 lakh hectares. Shifting cultivation results in destruction of valuable forests which leads to soil erosion and silting of

agricultural land down below. It also adversely affects environment and ecology. In order to contain podu cultivation, project report of a scheme costing Rs. 17 crores and spread over 5 years period was submitted by the State Government, to the Ministry of Agriculture. The State had received about fifty per cent of the project cost and about 5500 families were assisted, most of them partly. The scheme has since been stopped because of resource constraint. While the Committee would like the Ministry of Welfare to take up the matter with the Ministry concerned to provide funds to restart the scheme as early as possible, keeping in view its manifold benefits, they at the same time desire the State Govt. to settle the tribes permanently by providing them cultivable land. Thereafter simple warning that they would be prosecuted if they indulged in this type of unlawful activity will in Committee's opinion deter them as tribals are generally simple and law abiding people.

4.68 The Committee note that there are 20 specific areas in reserved forests which have been occupied by Orissa tribals and State Government is trying to survey these areas. The Committee will like that these tribals as well as those who have been living in deep forests for years together should not be harassed and disturbed by the forest officials of the State Government and they should be permanently settled there by the State Government.

D. Animal Husbandry

4.69 Animal Husbandry has traditionally been an important secondary source of livelihood in TSP areas. The Scheduled Tribes have been rearing not only milch and drought cattle, but also smaller animals like pigs, goats and poultry.

4.70 A substantial part of the investments under anti-poverty programmes have gone into the animal husbandry sector. Under dairy development, the three tier cooperative marketing structure consisting of (i) village level primary cooperatives (ii) district level unions and (iii) State level federations, has now become the standard structure. Scheduled Castes and Scheduled Tribes are estimated by the Ministry of Agriculture to constitute one fourth of total beneficiaries under Operation Flood and other dairy development programmes. Guidelines have been issued by the Ministry of Agriculture to State Governments, stipulating that 20-25% of benefits flowing from animal husbandry schemes should go to tribal areas. Under the Special Livestock Production Programme (SLPP), 30% of the beneficiaries should be SCs/STs.

4.71 Sudden deaths of drought animals bring miseries to poor people as not only their source of income goes away, but they go under debt also on this account. In this context, the Committee enquired if the State Government have any plan to introduce insurance scheme for drought animals.

4.72 The additional Chief Secretary of the State replied:—

“There is no proposal at present.”

4.73 Asked if the state Government would examine it for introducing in the State, he replied:—

“We will work-out a scheme and see it.”

4.74 Animal Husbandary has traditionally been an important secondary source of livelihood in TSP areas. Scheduled Castes and Scheduled Tribes rear not only milch and drought cattle, but also smaller animals like pigs, goats and poultry. Scheduled Castes and Scheduled Tribes, according to an estimate made by the Ministry of Agriculture, constitute one fourth of the total beneficiaries under operation flood and other dairy development programmes. The Ministry of Agriculture has also issued guidelines to the State Governments stipulating that 20-25% of benefits flowing from animal husbandry schemes should go to tribal areas and that under special livestock production programme (SLPP), 30% of beneficiaries should be SCs and STs. The Committee are, however, dismayed to find that in spite of such important measure taken by the Government no thought has been given to introduce insurance scheme for drought animals. Premature and sudden deaths of these animals bring miseries to poor tribals, as not only their source of income goes away, they also undergo debt. The Committee, therefore, strongly recommend that Govt. should examine feasibility of such insurance schemes even for all types of livestock reared by the tribals apart from those supplied to them under various poverty alleviation programmes.

E. Irrigation

4.75 One of the strategies of the Tribal Sub-Plan during VII Five Year Plan has been to give special emphasis on minor irrigation as well as lift irrigation, soil and water conservation. The VII Five Year Plan physical targets and achievements under this head were stated to be as under:

Lift Irrigation	Targets	Achievements
Survey and investigation of water resources	Sq. Kms. 6000	3000
Installation and energisation of new Lift Irrigation Projects	Nos. 1760	947
Creation of additional irrigation potential	Hect. 42000	19052
Pumpsets energisation	Nos. 4500	2093
Major and Medium Irrigation		
(a) Kharif	000 Hect. 51.91	22.20
(b) Rabi	000 Hect. 30.03	14.21

4.76 It would be seen that the achievements of targets against each item above had been less than 50%.

4.77 During the visit of Study Group I of the Committee to Koraput Distt. in January, 1992, large number of complaints were received regarding diversion of water from Indravati river, from Godavari Basin to Mahanadi basin. The people of the area wanted that the downstream of Indravati project, which is going to be dried after the completion of this project, should be provided with check dams to store water during summer and winter for the use of human-beings and animals, of that area and also for the irrigation as the area has been very fertile. It was apprehended by them that in the absence of irrigation facilities agricultural production will go down.

4.78 The Committee brought these complaints to the notice of the Chief Secretary with whom they had a discussion at Bhubaneswar. Asked about the steps that have been taken in this regard to provide the people of Koraput distt. with alternate source of water the State Govt. in a note have stated that the technical viability of having alternative source of water for multi-purpose necessity in the down-stream area of upper Indravati reservoir is under examination.

4.79 One of the strategies for development of tribal areas during Seventh Plan was to give special emphasis on minor irrigation as well as lift irrigation and soil and water conservation. The Committee are distressed to find that in spite of this added emphasis, physical achievements in these sectors has been far below the targets laid down. As against the target of 81.94 thousand hactare under major and medium irrigation during 1985-90, the actual achievement was as low as 36.41 thousand hactare. Similarly, under lift irrigation schemes, survey and investigation of water resources was 3000 sq. kms. against the target of 6000 sq. kms; installation and energisation of new lift irrigation projects was 947 nos. against 1760, creation of additional irrigation potential was 19052 hactare against the target of 42,000 and only 2093 pumpsets were energised out of 4500 planned in Tribal areas. Evidently, achievements fell far below the targets.

4.80 The Committee desire that reasons for such a dismal performance may be analysed and remedial steps taken promptly to accelerate the process of development in these sectors. The Committee will also like to be apprised of the action taken in this regard.

4.81 The Committee note that some parts of the Tribal district of Koraput have been adversely affected by diversion of water of Indravati river from Godwari basin to Mahanadi basin which is a diversion from Scheduled Area to non-Scheduled Area. The people of the area are agitated over it as areas downstream Indrawati Project will dry up after completion of this project and their fertile land will become barren due to diversion of water and in the absence of adequate irrigation facilities. They have been legitimately demanding that check dame may be built up in the area to store

water for use of human beings and animals and also to irrigation land which is stated to be very fertile. Appreciating their view point, the Study Group I of the Committee took up the matter with the Chief Secretary of the State with whom they had a discussion at Bhubaneswar. However, nothing concrete appears to have emerged so far as the latest information furnished by the State Government states that 'technical viability of having alternative sources of water for multi-purpose necessity in the downstream area of upper Indravati reservoir is under examination. The Committee urge the Govt. to accord priority to this matter and devise steps to provide alternative source of water to the people living down-stream of Indrawati Project.

4.82 The Committee understand that the Upper Indravati Project is going to be completed with a year or two but the check dams for the down stream areas cannot be constructed by that time. Therefore, the Committee recommend that 33% of the project water should be allowed to go to down stream to keep the life of the people living in that area normal till the check dams are constructed.

F. Health

4.83 Inadequacy of the network of health institutions, lack of medical/paramedical staff and lack of medicines have been the major constraints to realisation of the goal of "Health for All" in TSP Areas. During 7th Plan period (1985-86 to 1989-90) the following health institutions were reported to be functioning in TDP areas in Orissa.

Name of the Medical Institution	Established/ Functioning	Established
Dist. Hd. qrs. Hospital	05	00
Sub-Divisional Hospital	10	00
Community Health Centres	70	22
PHCs/APHCs/(New)	267	184
S.H.Cs.	64	00
M.A.C./Dispensaries	162	00
Other Hospital	42	00
	520	206
Sub-Centres	2297	830

4.84 The Ministry of Health and Family Welfare has relaxed the norms for establishment of Primary Health Centres (PHCs) and Sub-Centres in tribal areas to cover a population of 20,000 as against 30,000 in other areas. Similarly a sub-centre can be set up for a population of 3000 in tribal areas

as against 5000 in other areas. Further relaxation can be given where a habitation is more than 5 Kms. from the nearest health delivery point.

4.85 The Committee were informed that out of the 2297 Health-Sub-Centres in the State, 642 are not connected by all weather roads.

4.86 The Committee were further informed that medical and para-medical staff have been provided in the Medical Institutions functioning in the Tribal Areas by the State Government as indicated below:—

<i>Staffing-pattern of Government of India</i>	<i>Staff provided by the State Government</i>
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I. Sub-Centre

1. A.N.M. (H.W.E.)	1	All Staff provided according to the approved pattern of Govt. of India
2. Health Worker (M)	1	
3. Voluntary Worker (With honorarium @ Rs. 50/- per month)	1	

PHCs (New)

II. 1. Medical Officer	1	Medical Officer	1
2. Community Health Officer	1	Pharmacist A.N.M.	1
3. Pharmacist	1	Class IV	2
4. Staff Nurse	1	(As per the decision taken in a meeting taken by the Chief Secretary on 24.8.87 and attended among others by A.C.S., A.D.C., Secty., F.D./Works Depts./H&FW Deptt. and D.H.S.)	
5. A.N.M.	1		
6. Health Educator	1		
7. Health Asstt. (M)	1		
8. Health Asstt. (F)	1		
9. U.D.C.	1		
10. L.D.C.	1		
11. Lab. Technician	1		
12. Driver (subject to availability of vehicles)	1		
13. Class IV	4		

(Uniform throughout State)

III. Community Health Centres

1. Medical Officer (either 4 qualified or specially trained to work as Surgeon, O&G, Physician & Paediatrician. One of the Existing M.Os. should be either qualified or specially trained in public health).		Medical Officer depending on bed strength 16/30	4/6
2. Nurse-Midwives	7		2
3. Dresser	1		1
4. Pharmacist	1		1
5. Lab. Technician	1		1
6. Radiographer	1		—
7. Ward Boys	2		2
8. Dhobi	1		—
9. Sweepers	3		1
10. Mali	1		—
11. Choukidar	1		—
12. Aya	1		—
13. Peon	1		1
		Opth. Assistant	1
		Computer	1
		Health Assistant	1
		L.D.C.	1
		B.E.E.	1
		L.H.V.	1
		A.N.M.	1
		Cook	1
		Cook Attendant	1

4.87 Asked about the reasons for not providing Medical Officer and paramedical staff in Medical Institutions as per the staffing pattern of the Government of India the State Government submitted as under:

“As per the prescribed pattern the Medical Officer and Paramedical staff are being provided to the Medical Institutions located in ITDP areas in phased manner due to paucity of funds.”

4.88 Additional Chief Secretary, Orissa State informed the Committee in evidence in reply to their query that Tribal Sub-Plan area the State have a population of 60 lakhs and the number of doctors sanctioned for this area was 921. Out of these 772 were in position and 149 posts were lying

vacant. According to this, the ratio of doctors sanctioned and population comes to about 1:6000.

4.89. In reply to a query in this context, the Additional Chief Secretary stated in evidence:

“The constraint of funds does not relate to doctors. Up to 50% of the sanctioned posts of doctors are vacant because the doctors do not move and they do not go to the tribal areas. Doctors should not treat the tribal areas differently. We post batch after batch of doctors to the area but they do not join.”

He further added:

“The policy of the Government is to post doctors on certain doctor population basis. But this proportion has become distorted because the doctors are not going to tribal areas.”

4.90 In a note furnished to the Committee subsequently in reply to their query, the State Government have stated that Medical Institutions were not adequately staffed in TSP because of the following reasons:

- (i) Doctors posted are not joining.
- (ii) Specialists are not available in adequate number.
- (iii) No accommodation exists for most PHW and paramedical staff. Central funding for Sub-Centres discontinued.

4.91 With a view to have first hand information about the Working of ITDPs, the Study Group I of the Committee undertook a study tour of Koraput district which is entirely covered by ITDPs and came to know that the district had 35 PHCs, 2 up-graded PHCs and 14 additional PHCs and 594 Sub-Centres for the total population of the district which was 24.84 lakh as per the 1981 census and 30 lakh as per the 1991 census.

Out of the 24.84 lakhs total population, rural population was stated to be more than 22 lakhs. On the basis of the norms prescribed by the Ministry of Health and Family Welfare the district should have at least 125 PHCs and 730 sub-centres. Presently, a PHC is covering on an average a population of about 50000 persons and sub-centre more than 4000 persons. The Doctors-Patient ratio of PHC/Dispensaries during 1989-90 and 1990-91 was reported to be 6852 and 6523 persons respectively which is more than double the prescribed norms. Out of the 400 doctors sanctioned for running the Medical Institutions, 275 were reported to be in position and 125 posts lying vacant. 391 posts of other trained medical personnel out of the sanctioned post of 2352 were lying vacant. The Study group was also informed that 179 medical institutions were proposed for the district. Out of these 135 were functioning and 44 medical institutions were not opened for want of buildings.

4.92 It was submitted to the study group of the committee by the District Administration that due to non-position/non-joining of the

doctors/other para medical staff and also for want of accommodation to the Medical Institutions, the people, particularly in tribal areas were deprived of adequate medical personnel, some incentive in the form of allowance was necessary.

4.93 In this context, the Committee desired to know the number of PHCs and Sub-Centres in TSP area which are functioning without doctors and other technical staff in reply the State Government have stated as under:—

“There are 532 Medical Institutions in the TSP areas of the State. As against the sanctioned posts of 921 Doctors for these medical institutions, 772 were in position when the earlier report was submitted to the Parliamentary Committee. The position has improved in the mean time, after appointment of 146 Doctors in the State on ad-hoc basis. As such, the doctors in position in the TSP areas as on 9.10.92 is 841. Out of 80 posts vacant at present, 52 posts belong to the Addl. PHC/PHCs (New). As such, 52 Addl. PHCs/PHC (New) do not have regular doctors in position at present. These Addl. PHCs are being managed by deputing Leave Reserved Doctors and Doctors of other nearby PHCs/CHCs/Sub-divisional Hospitals/District Hospitals. The other technical staff are in position, in all the Medical Institutions, including Sub-Centres as per sanction.”

4.94 The Committee asked about the reasons for not taking up postings in TSP areas. It was stated by the State Government that actual reasons for their indifference in taking up postings are commonly known as follows:

- (i) The medical institutions situated in the remote Tribal Sub-plan areas do not provide enough amenities to the doctors, they are used to.
- (ii) Educational institutions of good quality, are not available in the remote T.S.P. areas for the children of Doctors.
- (iii) Some of the newly opened Medical Institutions in the remote areas do not have residential accommodation. Construction of residential buildings takes some time.
- (iv) Communication and other infrastructure is relatively poor in the T.S.P. areas, compared to the Non-TSP blocks.
- (v) The doctors do not fully depend upon the salaries received by them and income earned through private practice keeps them going without going to the difficult T.S.P. areas.

4.95 It was further submitted that there is hardly any case of P.H.Cs and Sub-centres remaining without Doctors/Technical staff. In the event of non-joining or leave by Doctors/technical staff in certain medical institutions, the existing doctors/technical staff of nearby medical institutions are invariably deputed to such institutions by Chief District Medical officers through local arrangements.

4.96 The committee enquired about the incentives being offered to doctors and other technical para medical staff working in Medical Institutions located in TSP areas as TSP areas are generally backward and lack normal facilities and infrastructure. The Additional Chief Secretary replied:

“No incentive is available to any of the staff.”

He further added.

“We have recommended to the Government more than one occasion to provide these facilities. But the Cabinet decided that no incentive be given.”

4.97 Reacting to another query from the Committee in this context, the witness stated that paucity of funds in regarding the number of institutions to be opened. But once the institutions are opened, we have to provide the staff, the minimum requirements of a doctor and a pharmacist are to be met. They are to be posted. The fact is that in 1992, we have posted 300 doctors throughout the State to different hospitals and PHCs. But most of them have not joined.

4.98 He further informed the Committee that tendency is that doctors want to get posted near district headquarters and towns.

4.99 The Committee asked if it were so, then why the State Government have withdrawn the compensatory allowance which was being paid to those posted in tribal areas, the witness replied:

“We do appreciate it. But we can only give advice saying that incentives should continue. A policy decision has been taken that incentives are not to continue. Where is the question of my option coming into the picture?”

4.100 The Committee drew attention of the witness to the fact that Union State Finance Minister in reply to Question No. 828 had stated in Lok Sabha on 10 August, 1992 that Central Government had been providing funds to the States to grant compensatory allowance to their staff and that during Sixth and Seventh Plans it was shown separately while during Eighth Plan it is being included in Budget Estimates of States. The States have not been distributing this money. Reacting to these observations, the Additional Chief Secretary replied:

“I don't know. I will find out.”

4.101 The Committee have been informed subsequently that incentive allowances were given to medical and paramedical staff during Seventh Plan period.

4.102 The Committee enquired about the norms prescribed for providing medicines to PHCs and Sub-Centres. In reply it was stated by the Addl. Chief Secretary that it was about Rs. 6000 per annum. He further elaborated the point as under:

“During 1990-91, we had spent Rs. 1,54,32,000 on medicines out of which Rs. 61,73,000 were spent in ISP area. The figure per capita, per annum comes to Rs. 61 lakhs for 60 lakh population in ISP areas.

It comes to Re. 1 per capita per year. That is the norm prescribed. That is how the allocation is made by the State Government. It is because all people will not fall sick and all of them will not need medicines."

4.103 Asked if allocation of funds for medicines has not to be increased, he replied:

"I accept that whatever funds are provided may not be sufficient."

4.104 Clarifying the position further, the State Government in a subsequent note furnished to the Committee have stated as under:

"An amount of Rs. 3057 lakhs, Rs. 706 lakhs and Rs. 627 lakhs have been spent by the Department on supply of medicines, diet and equipments respectively during the 7th Plan period. Out of this, an amount of Rs. 794 lakhs, Rs. 177 lakhs and Rs. 157 lakhs have been spent on supply of medicine, diet and equipment respectively in T.S.P. area during the said period. During the said plan period funds around Rs. 25 lakhs pertaining to Diet money of TSP area was surrendered due to the reason that the patients in Tribal area do not prefer to undergo treatment in the medical institutions as In-door patients. Hence, less consumption of diet. These figure indicate the sum total of Plan and Non-Plan expenditure."

Construction of Buildings for PHCs/Additional Primary Health Centres under the 8th Finance Commission Award

4.105 In reply to a query by the Committee, the State Government stated that out of 118 PHC/Addl. PHC buildings sanctioned under the Eighth Finance Commission Award under Model Village Scheme, 87 Buildings have been completed fully so far. The remaining 31 are under construction at different stages.

4.106 The Committee note that medical and paramedical staff provided in new Primary Health Centres and Community Health Centres in tribal areas of Orissa State has not been on the pattern prescribed by the Central Government. In fact, new PHCs have been manned only by the one Medical Officer who is supported by one Pharmacist and one A.N.M. besides 2 Class IV staff while the Government of India had prescribed in addition to this Community Health Officer, staff nurse, health educator, health assistant, male and female, laboratory technician, U.D.C, L.D.C and two more class IV staff. Similarly, in Community Health Centres also medical and paramedical staff provided was much less than the prescribed pattern. Paucity of funds has been stated to be the main reason. Further, the Committee note that out of the total 921 posts of doctors sanctioned in sub-plan area, 149 posts were lying vacant. The Committee are at loss to understand how the new PHCs and CHCs could function effectively in the absence of adequate staff. Obviously, full health care benefits have not been made available in tribal areas and whatever facilities have been provided get worsen further because of the vacancies caused by the reluctance on the

part of staff to serve in tribal areas which are remote and lacked infrastructure and communication facilities. The Committee are gravely concerned at this state of affairs and desire that adequate medical and paramedical staff be provided in new PHCs and Community Health Centres and all other medical institutions at an early date.

4.107 The Committee are also deeply concerned at the fact that tribal areas have not been served properly and the medical institutions provided are not adequate as per the norms laid down by the Ministry of Health and Family Welfare. The Committee find that in Koraput district having a rural population of more than 22 lakhs, there are only 35 PHCs, 2 upgraded PHCs, 14 additional PHCs and 594 health sub-centres. It is thus clear that a PHC is covering a population of more than 50,000 and a Sub-centre of more than 4,000 which is much more than the prescribed norms. The picture becomes more grim in the light of the fact that the tribal habitations are scattered over a large area and population density is very thin. Tribals have to cover large distance to get medical attention. Out of the 400 doctors posts in the district, 125 posts are lying vacant. Besides that 391 posts of other trained medical personnel posts are also yet to be filled. Out of 179 medical institutions proposed to be opened in the district during plan period only 135 have been opened. 44 Medical institutions could not be opened for want of accommodation. Thus, a large number of tribals have been deprived of the medical help. This is a sad commentary on the provision of health facilities in tribal areas.

4.108 The reason for not taken up postings in Tribal sub-Plan areas by medical, paramedical and other staff are many. Besides remoteness of the area and lack of amenities, it included lack of reputed educational institutions for quality, education, lack of residential accommodation, poor communication and infrastructural facilities. Besides, there are as the Committee has been informed little avenues of earning additional income through private practice. To make the things worse, no incentive has been provided by the State Government to the staff posted there. The Finance and Welfare Ministry informed that compensatory allowance was included in the devolved fund to continue payment of this allowance by the State Government. The Committee are at loss to understand that in spite of positive recommendation by the State Chief Secretary to grant compensatory allowance to the staff which they were getting earlier, the Cabinet decided otherwise. This decision of the State Government when viewed in the light of the fact that Central Government has been providing funds to the State Governments on this accounts become intriguing. Under these circumstances, tribal areas continue to suffer. The Committee, therefore, strongly recommend that grant of compensatory allowance to the medical, paramedical and other staff posted in tribal areas be restored at once. The Planning Commission, Ministry of Finance may be requested to release this allotment separately to Harijan and Tribal Welfare Department.

4.109. The Committee are distressed to find that during the year 1990-91, the State Government has spent Rs. 61,73,000 on medicines in tribal areas which has a population of 60 lakhs. In other words, Government has been providing medicines of Re. 1 per annum on an average to a tribal. No doubt constraint of funds is the major reason, yet such a meagre amount is utterly insufficient. Problems of ailing tribals gets further accentuated by lack of availability of prescribed medicines near their habitations and they have to haul long distances to urban areas to purchase prescribed medicine and quite often considering the time and fatigue involved these people avoid taking medicines. The Committee, therefore, strongly recommend that allocations for medicines for tribal areas be substantially increased. The Committee desire the Ministry of Welfare to take up the matter with the concerned Ministries and impress on them that funds being provided to the State for medicines in tribal areas are insufficient and this amounts to negation of health care.

4.110 The Committee are distressed to find that out of the 118 PHC/ Additional PHC buildings sanctioned under the Eighth Finance Commission Award, only 87 have been completed. The remaining 31 are stated to be under construction at different stages. The unusual delay on this account are highly deplorable as the delay amounts to deprivation of medical facilities to poor tribals in remote and inaccessible areas where no other alternative is available. The Committee urge the Government to expedite the construction work and open new PHCs/Additional PHCs at an early date.

G. Forestry

4.111 The National Forest Policy provides for protection of customary rights and concessions of the tribals living in the forest area, association of tribals in working and developments of forests with special emphasis on providing them employment through plantation and other forestry activities and development of forest villages. It was contended by the State Government that tribals continue to enjoy their customary rights and concessions in the forests and they are entitled to collect fuel wood, small timber and minor forest produce (MFP) items free of cost for their domestic requirement. In the tribal districts, social forestry project has been extended to tribal beneficiaries from which they derive gainful income.

4.112 The Committee was further informed that the system of engaging contractors in working of forests and collection of M.F.P. items have been discontinued and tribal cooperatives and Orissa Forest Development Corporations are being given lease for collecting of M.F.P. items on priority basis.

4.113 It was also continued that rules provide that a tribal can collect firewood to the extent he can carry it on his head. "It is considered his genuine requirement and he is not troubled. He has the right to enter the forest freely and collect the head load." The Committee enquired whether

a tribal can carry fire wood from forests by employing any other mode of transport than carrying on his head, the Additional Chief Secretary stated in evidence:—

“If tribal men folk want to carry their requirement of firewood in a cart and it is not for any commercial purpose concerned rule can be amended. If they want to procure their stocks for one month, then we will examine what arrangements can be made.”

4.114 The Committee asked if the State Government has been collecting royalty on the minor forest produce collected by poor tribals from forests. In reply it was stated that:

“The forest royalty is paid by the TDCCOL for collecting of 17 M.F.P. Items as many as 14 Forest Divisions, leased out to TDCCOL. Way back in 1985, the Forest policy for the said items was assessed in accordance with the instructions conveyed in a meeting taken by the Chief Minister and a composite royalty of Rs. 12,12,705.00 was adopted per annum to be paid by the TDCCOL to the State Government which is still in force. The royalty fixed for Tamarind on the basis of the said decision happens to be per quintal, in its costing depending on the variation in quantum of collection from year to year. In respect of Mahua flower, the forest royalty per quintal has been fixed at Rs. 7.35 in a meeting taken by Finance Department. The forest royalty is not realised from the tribals primary collectors whereas the same stands included in the sale price fixed by the Corporation from time to time.”

4.115 The Committee asked why the State Govt. has been charging royalty on M.F.P. when tribals who collect it don't get minimum wage amount by their collection, the Addl. Chief Secretary replied:—

“.....I quite accept the point that for tribals there should be a concession and we will place it before the State Government saying that this is the advice of the Committee that royalty need not be charged.”

4.116 The Committee pointed out that despite the institutional arrangements made by the State Government it is alleged that tribals do not realise fair price for their collection of minor forest produce because of various handicaps these state institutions suffer from and enquired about the steps taken by the State Government to rectify the arrangements. In reply, they were informed that major constraints have been reaching out to the interior/remote areas for collection of M.F.P. for payment to tribals because of delay in flow of funds to the branches of banks situated in remote areas. It was further stated that steps have been taken to open more purchase centres during collection season so that tribals have not to cover long distance to sell M.F.P. items. Matter has also reported to have been taken with Head Offices of banks for release of more funds.

4.117. It was also stated by the State Government that to improve functioning of State institutions engaged in collection and marketing of forest produce following steps are required to be taken:—

- “(i) to exempt T.D.C.C. from payment of forest royalty;
- (ii) To exempt T.D.C.C. from payment of Purchase Tax/Sales Tax;
- (iii) To make available interest free working capital; and
- (iv) To provide adequate managerial subsidy.”

4.118 Asked if the State Government have experienced any constraint/difficulty in implementing the National Forest Policy of 1988, the State Government in a note have stated that “there is no coordinating agency to oversee/monitor implementation of aforesaid provisions in the National Forest Policy so far as welfare of tribals are concerned. Creation of a separate wing within the Forest Department for this purpose can be thought of.”

4.119 The National Forest Policy recognise the customary rights of tribals living in forest areas. They are allowed to collect fuel wood, small timber and minor forest produce free of cost for their domestic consumption. The Committee have been informed that a tribal can collect firewood to the extent he can carry on his head. The Committee feel that in the context of developing infrastructure like roads etc. in tribal areas this nomenclature should not be strictly insisted upon. Tribal may at some places might like to carry fuel-wood by cart etc. to avoid stresses and strain associated with carrying fuel-wood on head. Rules and procedure in this regard should be modified to allow him to cart away firewood so long it is for his family's domestic consumption.

4.120 The Committee find that minor forest produce collected by poor tribals are procured by State Government agencies for marketing at pre-determined prices. These State Government Agencies pay composite royalty to the State Government @Rs. 12,12,705/- per annum for certain M.F.P. Royalty on Mahua flower is stated to be @Rs. 7.35 per quintal and on tamarind it varies year to year on the basis of quantity procured. The Committee also find that these State Agencies have not been paying tribals who collect MFP, even minimum wages because of their high overhead and selling costs and unremunerative selling price. The Committee, in this context therefore, do not find any justification for collecting royalty on M.F.P. The Committee, therefore, strongly recommend that State Govt. and cooperative agencies which collect MFP from tribals should be exempted from royalty charges. These agencies in their turn should be asked to pass on these gains to tribals by increasing procurement rates and augmenting MFP procurement facilities by opening new centres in interior areas.

The Committee are of the view that tamarind now a days is grown mostly on private land by the tribals. Therefore, they do not find any justification

in keeping this produce on the list of M.F.P. The Committee, therefore, recommend that it may be deleted from the list of M.F.P.

H. Reservation in Services

4.121 The Committee were informed that reservation of vacancies in posts and services for the SCs and STs has been prescribed @15% for the SCs and 23% for the STs in the State as a whole in both direct recruitment as well as in promotion. There is no specific percentage of reservation fixed for the Scheduled areas of the State. The reservation is applicable to all appointments to the posts under the State and all Local or other Authorities under the control of the State Government, with the following exceptions:—

- (a) Senior Class-I posts for conducting scientific and Technical Research and Senior Scientific posts.
- (b) Tenure posts.
- (c) Posts filled up on the basis of any contract.
- (d) Posts filled up by transfer within the cadre or on deputations.
- (e) Ex-cadre posts.
- (f) Work charge staff which are required for emergencies like flood relief work, accident restoration and relief etc.
- (g) Temporary appointments of less than 45 days durations.
- (h) Posts filled up on rehabilitation assistance to deceased or permanent disabled employees.

4.122 Recruitment to 'C' and 'D' categories of posts have been made through employment exchanges of the State. In case candidates are not available through the Employment Exchanges, the same are being filled up through open advertisement.

4.123 The State Government have further informed the committee in a written note that number of SC and ST employees in groups 'C' and 'D' Services were being collected for the State as a whole. However, the information as on 1-1-1992 in respect of Group 'C' and 'D' was stated to be as follows:—

Category of posts	Total strength	Post filled up by		Percentage		Shortfall	
		SC	ST	SC	ST	SC	ST
C	85773	10570	7154	12.32	8.34	2.68	14.66
D	32844	7867	2707	23.95	8.24	—	14.76

4.124 Further, during Study Tour of Koraput District, the Collector furnished figures to the Study Group about the total number of employees as well as representation of Scheduled Castes and Scheduled Tribes among them in 29 Departments at the district level. As per these statements the

representation of SCs and STs in Group C and D posts comes to about 10 per cent.

4.125 Asked about the reasons for shortfall, it was stated by the State Government in a note that Orissa Reservation of Vacancies of Posts and Services for SCs and STs Act 1975 came into effect from 1-7-76 to tighten up measures for accruing increased representation of SC/ST in services under the control of the State. From the above data, it appears that there has been short fall in Group 'C' categories of posts which is mainly due to the non-availability of eligible SC/ST candidates having requisite qualification, it was contended.

4.126 As regards Group 'D' posts it was stated that the representation of SCs are nearly 24% as against the reservation of 15% and 8.24% in STs against 23% of vacancies reserved for them.

4.127 The percentage of representation of SCs are in excess of the prescribed percentage due to the provisions of Exchange of reservation between SCs and STs. To increase the representation of STs the provisions of exchange of reservation Group 'C' and 'D' posts have been withdrawn.

4.128 The following steps are reported to have been taken by the State Government to make good of the short-falls in in-take of SC/ST.

- (1) The provisions of exchange of reservation between SC and ST in Group 'C' and 'D' posts has already been discontinued.
- (2) The provisions of dereservation in respect of Group 'C' and 'D' posts have also been banned. In the event of on-availability of SC/ST candidates to fill up the reserved vacancies the same will lay vacant till suitable SC/ST candidates are available to fill up such vacancies.
- (3) Special recruitment drives are being launched from time to time to fill up the existing and back-log vacancies by SC/ST candidates.
- (4) In order to prepare the educated youths belonging to SCs and STs for appearing in various competitive examination conducted by the different recruiting agencies, pre-examination coaching and training facilities are being provided in the State in different pre-Examination Training Centres.
- (5) A Special Employment Exchange for SCs and STs is functioning at the State Head-Quarters to extend greater opportunities to the SC/ST educated youths for getting suitable employment under the Government.

4.129 Clarifying the position further, the Director, Tribal Development, Orissa stated in evidence:

"Now we have totally stopped dereservation of exchange between ST and SC. We are initiating recruitment drive and regularly monitoring it. We hope that the position will improve during the

years to come. The literacy rate being extremely low in Koraput. We have difficulties in filling up the vacancies.”

4.130 The Study Group I of the Committee was informed in the course of their Study Tour of Koraput in Orissa in January, 1992 by the Collector, Koraput that the percentage of SCs and STs population in the district was 14 per cent and 56 per cent of the total population and that the number of SC/ST educated unemployed registered with the local employment exchange was as under:

Scheduled Castes			Scheduled Tribes		
Men	Women	Total	Men	Women	Total
2496	322	2918	1024	99	1123

Asked in this context, the witness stated:

“That is the present position. the existing staff in different categories is there for the last 15-20 years. In Koraput, we would not find many qualified candidate without job.”

4.131 The Committee desired to know the number SCs and STs registered with the Employment Exchanges in various districts of the State vis-a-vis the general category persons and also the number of matriculate and graduates among them. In reply the State Government have furnished the following information.

LIVE REGISTER POSITION AS ON 30.9.1992

Sl. No.	Name of the Exchange	Below Matric			Matric			Graduate		
		Total	SC	ST	Total	SC	ST	Total	SC	ST
1.	Koraput	17376	2651	2967	21205	2787	1273	6382	272	82
2.	Mayurbhanj	15192	1567	5251	18148	1447	4273	4418	181	370
3.	Phulbani	4967	1340	1343	5949	953	952	1703	116	124
4.	Sundargarh	18347	2209	7974	16326	1403	5379	4646	142	462
5.	Kalahandi	8206	1912	1535	13698	2615	1368	1735	122	38
6.	Keonjhar	9503	1336	2597	11853	1498	2174	3718	264	163
7.	Sambalpur	16315	5585	2832	21087	3528	2677	5148	285	163
8.	Balasore	20133	2947	922	40479	5819	618	10443	662	40
9.	Ganjam	17764	3817	919	25175	2774	372	6037	192	44

4.132 Another interesting fact which came to the notice of the Committee during Study Tour was that for Class III and IV Posts, candidates are recruited from local employment exchange and the local employment exchange does not register the names of candidates from another district, if they cannot produce domicile or residential certificate of that district, where they wanted to register their names in employment exchange.

4.133 The Committee learnt that any employees of the tribal districts are from outside the districts and mostly from forward districts. The relations of these employees come to tribal districts and get the residential certificates to the effect that they had been staying with the related employees in that district. The candidates of tribal districts do not have any relations serving outside the district and they cannot get the opportunity to obtain residential certificate in this matter though there is reservation in non-tribal districts to the extent of 23% even though there are no tribals in that districts.

4.134 The tribals are so homesick that they do not like to go to other places to work for Class III and IV jobs.

4.135 It is often claimed that tribal candidates are not available for employment. However, it may be seen from the above statement that unemployed SC/ST candidates on the role of district Employment Exchange as on 30.9.1992 was quite substantial.

4.136 In addition to these candidates there are about 2967 ST boys who failed in the examination during the last 5 years as per the information furnished and many more are those who failed in previous years.

4.137 Therefore, the argument that there are no tribal candidates for recruitment in Groups C and D is meaningless.

4.138 Tribal people are those who are the most exploited people of this country, who are at the lowest rung of our society and they deserve consideration on priority basis. As per Article 46 of the Constitution the Central and the State Government are responsible to promote the economical and educational development of SC/ST people.

4.139 The Committee pointed out that unlike Scheduled Castes, Scheduled Tribe people are confined to certain pockets where they have heavy concentration and out number non-ST people. They also don't generally move out of their places because of their general backwardness and other related problems. Recruitment to Group 'C' and 'D' posts is done on district level and these employees generally remained within the district through-out their service career. In this context the Committee enquired whether it would not be appropriate to amend reservation rules to give representation to Scheduled Tribes in 'C' and 'D' groups on the

basis of their population in a district instead of in proportion to their population at the State level as has been done in Madhya Pradesh, Bihar and other States. In reply the Chief Secretary, Orissa, stated in evidence.

“Actually we have tried to deal with this problem otherwise by increasingly converting a number of Services into district cadre. This is different from district-wise reservation. But the same purpose can be served if a number of services which hitherto were State Cadre Services, i.e. appointment was made at State level, are progressively made into district cadres so that people in live register of the District Employment Exchanges can be appointed there and nobody from outside the district is appointed. Our policy is to convert a large number of Class III services to district services. Class IV is already a district service.”

4.140 the Committee pointed out that as per the information furnished by the State Government reproduced earlier there exists a huge backlog of more than 15% of vacancies reserved for Scheduled Tribes and that Scheduled Tribes are generally immobile. In view of it they enquired whether the State Government would consider amendment of reservation orders to increase reservation for them in district cadre posts in tribal districts. The Chief Secretary replied:-

“Keeping in view the overall interests of the tribals the formula will have to be followed. Let us examine it very carefully. Law is not important. It is important whether the interests of the tribals is served or not. In any case, the reservation cannot exceed 50%. Seven per cent is for ex-military persons and handicapped persons. So, maximum upto 43% is there. The Supreme Court decision is that reservation cannot exceed 50 per cent.”

4.141 the Committee enquired about the steps taken by the State Government to clear the backlog of reserved vacancies. In reply, the Additional Chief Secretary stated:—

“Till we complete the backlog the special drive will continue. Secondly, there are no employed ST candidates who are technically qualified.”

4.142 Subsequently, the Government of Orissa in a note have stated that the issue of district-wise reservation for SCs and STs in the posts and services under Government has been examined from time to time in the past. They furnished observations of the Government in Law Department and Minutes of Tribal Advisory Council, High Level Committee and standing Committee which are as follows:—

“The proposal of the Administrative Department to make reservation for the Scheduled Tribes in the appointments made in the Districts on the basis of their population in each District will not hold good as the second proviso to Section 4 of the Reservation Act provides for fixation of percentage of reservation on the basis of total population of the State Acceptance of the district-wise Reservation will lead to

inequality of reservation between the Scheduled Tribes of the Districts. Considering the percentage of Scheduled Tribe people in each District as spelt out in the notes of the Administrative Department, it is apprehended that the total reservations in some such Districts (after inclusion of those meant for Scheduled Castes, Ex-Service Men, Physically handicapped persons etc.) will exceed 50% and as such render the guarantee provided under clause (1) of Article 16 of the Constitution altogether nugatory. Besides, the State cannot follow two different principles of reservation for the Scheduled Tribes, one for District level posts and the other for State Cadres. Thus, both from the Constitutional and legal point of view, the proposal of the Administrative Department cannot be entertained.

This has the approval of the Legal Remembrancer.”

Sd/-A.C. Mohapatra
7th August, 1989
Deputy Secretary of Govt.

**PROCEEDING OF THE MEETING OF THE STANDING
COMMITTEE HELD ON 22.04.1992.**

Agenda Item No.3

4.413 “The reservation of vacancies in posts and services on the basis of district-wise percentage of SC and ST was discussed at length. The observation of Law Department was presented to the non-official members of the Standing Committee by Principal Secretary. Since the District-wise reservation was found in contravention of constitutional provisions under Article 16 and also not beneficial to the SC and ST candidates in view of greater job opportunity in relatively advanced coastal Districts, which have lesser concentration of SCs and STs, the Committee felt that the proposal of district-wise reservation should not be acted upon.”

**PROCEEDINGS OF THE TRIBALS ADVISORY COUNCIL
MEETING HELD ON 4.5.1992**

Item No.2 Proposal for district-wise reservation proportionate to SC and ST population.

4.144 “It was decided that there should be a meeting shortly under the Chairmanship of Minister, H&TW to be attended by Minister, Law Chief Secretary, Secretary to Government, Law Department and Principal Secretary to Government, H&TW Department to consider the proposal. A note prepared on the basis of consensus arrived at the meeting would be placed before the T.A.C. in the next meeting.”

PROCEEDINGS OF THE MEETING HELD IN THE OFFICE
CHAMBER OF MINISTER, HTW ON 12.5.1992

4.145 "On the issue of district-wise reservation, it was felt that such provision would not be beneficial to the SCs and STs as the reservation in districts having more than 50% SC/ST population, will be limited to 43% only. Whereas in other districts with SC/ST population, less than the State average, the reservation will be limited to their actual percentage. The Chief Secretary pointed that the ceiling of 50% cannot be exceeded in any case and reservation within this limit include the categories of physically handicapped Ex-Army personnel etc. These reservations would account for 7% of the vacancies and reservation for SC & ST would have to be limited to 43% only. The Secretary to Government, Law Department stated that the norm of reservation will be discriminatory and unconstitutional, if separate parameters are followed for different districts. It was noted that the reservation policy of the state was guided by the national policy on reservation. This meeting could not, therefore, recommend district-wise reservation.

The matter would be discussed in the Tribals Advisory Council again."

4.146 On the issue of district-wise reservation, it was felt that such provision would not be beneficial to the SCs and STs as the reservation in district having more than 50% SC/ST population, will be limited to 43% only. Whereas in other districts with SC/ST population, less than the State average, the reservation will be limited to their actual percentage. The Chief Secretary pointed that the ceiling of 50% cannot be exceeded in any case and reservation within this limit include the categories of physically handicapped, Ex-Army personnel etc. These reservations would account for 7% of the vacancies and reservation for SC and ST would have to be limited to 43% only. The Secretary to Government, Law Department stated that the norm of reservation will be discriminatory and unconstitutional, if separate parameters are followed for different districts. It was noted that the reservation policy of the State was guided by the National Policy on reservation. This meeting, could not, therefore, recommend district-wise reservation.

The matter would be discussed in the Tribal Advisory Council again.

4.147 The Committee further learnt that the Chairman of National Commission for Scheduled Castes and Scheduled Tribes in his 2nd Report submitted by Sh. Bhola Paswan Shastri in 1979-80 vide recommendation No. 432 and another by Sh. Bheekha Bhai vide recommendation No.2.20 of annual report 1984-85 strongly felt that for the tribals, the reservation of post of district level for district cadre posts is absolutely essential due to the circumstances mentioned above. The State Govts. of Maharashtra, Gujarat, Bihar and Madhya Pradesh have adopted this policy of higher reservation at the district level for the ST candidates. The Committee examined the Ministry of Personnel regarding Formulation,

Implementation of Reservation orders wherein the Secretary has stated that the reservation orders are only for employment proportionate to population, the rule of 50% can exceed under exceptional circumstances.

4.148 The Supreme Court Judgement issued during the last month on Mandal Commission has stated that reservation of SCs/STs and backward should not exceed 50% of the total posts but in exceptional circumstances considering the remoteness of the areas and to the diversity of the population, the rule of 50% can exceed under exceptional circumstances.

4.149 The Committee observe that the number of Scheduled Castes and Scheduled Tribes employees in 24 departments of the State Government for which information has been made available by the State Government is 10,570 and 7,154 respectively. In Group 'C' out of 85,733 total employees. In group 'D' the total strength is 32,844 and the number of SCs and STs is 7,867 and 2,707 respectively. Percentage-wise, the representation shortfall is more than 14 per cent for STs in both the Groups and 2.68 per cent for SCs in Group 'C' at the State level. Out of 7,719 employees in Group 'C' there are 931 SC and 664 ST employees and in Class 'D', out of 2285 employees there are 355 from SC and 396 from ST. The percentage of SC comes to 12 in Class 'C' and 15.5 in Class 'D' and for ST it comes to 8.6 in Class 'C' and 17.3 in Class 'D'. The Employment position of SC is better than those of STs. The Committee take a serious note of it. Though the reservation is followed by the States since 1950, the shortfall among ST is abnormal. In view of the large shortfall in the representation of STs in Group 'C' and 'D' posts on the one hand and a large number of STs with matriculation and graduation qualifications on the live registers of Employment Exchanges of various districts of Orissa, the Committee are inclined to believe that reservation policy is not being implemented seriously.

4.150 It is disturbing to note that even in districts like Koraput which has 56% STs and 14% SCs population, their representation is barely 12% in Group 'C' and 15.5% in Group 'D' for SCs. Similarly for STs it is 8.6% in Group 'C' and 17.3% in Group 'D'. The number of those registered with Employment Exchange with matriculation and graduation qualification is quite substantial. This is so in spite of the claim of the Chief Secretary of the State that to increase STs representation in services, State Govt. has increasingly converted a number of services into district cadre. Therefore, the argument that there are no tribal candidates for recruitment to Groups C & D is meaningless. Obviously non-SC/ST persons from other districts have been getting jobs in Koraput and other Scheduled Areas distts. by getting false domicile certificates.

4.151 The Committe also feel the 23% reservation provided to STs in all the Distts. and at the State level in Orissa has not served the interests of tribals. Not only at the State level and in other non-Scheduled Areas, even in Scheduled Areas districts like Koraput where STs outnumber others and

educated tribals suitable for district cadre posts are available in good number, they are deprived to get employment in proportion to their population because of the reservation to them having been linked to 23 per cent against their population of 56 per cent and they have to compete with general category persons who are comparatively more advanced resulting in formers failure in competition.

4.152 The State Government of Orissa pleaded that the formula for district-wise reservation will not be possible in Orissa as per the Reservation Act of the State of Orissa as it has got only one formula. The Committee feel that any act of Parliament or Assembly can be enforced with amendment in scheduled area or withheld from it under para 5(1) of fifth Schedule of the Constitution. The Governor can notify in the official gazette and enforce the provision in the interests of the tribals or the TAC can recommend it to the President through the Governor under para 5(2) of fifth schedule of the Constitution.

4.153 The State Government has stated that the Law Department objected to this on the ground that Article 16(1) of the Constitution prevents such reservation in the State. The Committee would like to point out that Article 16(1) is a general provision and Article 16(4) is a special provision for the reservation of backward classes which over-rides Article 16(1). The State Government further stated that there cannot be two reservation policies in one State, one for State and another for District. In this connection the Committee would like to state that Government of India have two reservation policies, one for 'A' and 'B' posts, i.e., 15% and 7½% for SC and ST respectively at the All India level and for 'C' and 'D' posts so the State or regional level which is proportionate to the population of the State or region. Orissa Government have two categories of posts, one is State cadre and the other is District cadre. The State policy of 23% reservation for the State cadre posts is under implementation and it will continue to be so. For the District cadre posts the proposed formula of District reservation posts should apply. Unlike Scheduled Castes, Scheduled Tribes are inhabited only in limited areas in concentration. Therefore, the single formula is of no use to them. The Secretary Department of Personnel, who was examined recently, stated that the reservation formula is based on "employment proportionate to population." There is no geographical barrier for this formula. Therefore, the argument of the State Government is not based on any fact.

4.154 Representatives of the State Govt. of Orissa have also quoted the Supreme Court judgement to restrict 50% of total reservation. But in the recent judgement delivered in November, 1992, the Supreme Court have relaxed the previous judgement and stated that considering the remoteness of the area and diversity of the population the rule of 50% can be exceeded under exceptional circumstances.

4.155 The District Cadre posts are recruited at District level and from the local employment exchange where candidates of other districts are not

registered. Therefore, the tribals who inhabit only in a few districts cannot go to other districts for employment. They are also home-sick and do not like to go to distant places to serve specially in class 'C' and 'D'.

4.156 The National Commission for Scheduled Castes and Scheduled Tribes in its 2nd Report (para 432) submitted by its Chairman, Shri Bhola Paswan Shastri in 1979-80 and also by Shri Bheekha Bhai in the Annual Report for 1984-85 (Para 2.20) recommended District reservation in favour of Scheduled Tribes considering huge backlog

4.157 The Committee, therefore, urge the Ministry of Welfare to take up the matter seriously with the State Government of Orissa in this regard to provide reservation at the District level for the District cadre posts proportionate to population in addition to the present policy implemented by the State Government to clear huge backlog of Scheduled Tribe candidates as early as possible.

CHAPTER V

MONITORING AND EVALUATION

5.1 Ministry of Welfare is the nodal Ministry for overall policy, planning and coordination of the programmes for the development of STs. A Cell has been functioning in the Ministry of Welfare (T.D. Division) for monitoring and evaluation of the tribal development programmes. The Committee were informed that monitoring on monthly basis of the number of ST families economically assisted under Point 11(b) of the 20 point Programmes is being done. Based on these periodical reports, thorough review is made and results are circulated to the PM's Office, Ministry of Programme Implementation and State Governments.

5.2 In addition to the above, the State Tribal Research Institutes are also assisted by grants on a matching basis from Ministry of Welfare (T.D. Division). They conduct evaluation studies of different ongoing programmes from time to time. Independent agencies are also appointed as Consultants by Ministry of Welfare (T.D. Division) for undertaking evaluation studies on various aspects of tribal development.

5.3 The Working Group on development and welfare of Scheduled Tribes during Eighth Five Year Plan has made an indepth study of the quality of the monitoring system prevalent in various States/UTs and opined that in the light of the restructured 20 Point Programme effective from April, 1987, present monitoring arrangements at various levels will require further sharpening and thrust. The Working Group was of the view that the existing monitoring mechanism are not very effective in their thrust in many States, the State level monitoring means a periodical review at the highest level which is quite often not followed up very seriously for corrective action. It was, therefore, desired that at the Chief Secretary level, the review should be more frequent say on quarterly basis and should be more effective.

5.4 To make monitoring more effective and meaningful, the Working Group felt that there was need for computerisation of data at the regional and State level.

5.5 In this context, the Committee desired to know the main findings/ deficiencies pointed out in the Evaluation Studies of various ITDPs undertaken in the State. The State Government in a note have stated that evaluation studies of ITDAs, Micro Project, MADA pockets have been assigned to different organisations. Of these, final reports on 13 ITDAs and 4 MADA pockets have been received. Draft evaluation reports of five Micro Projects have been received. Findings of these studies are examined and necessary guidelines are issued to all concerned to reorient

all programmes. The broad findings of the evaluation studies reveals that the different ITDAs have different problems. However, some of the common recommendations which emerged out of these studies are indicated below:

1. The project Level Committee are not functioning effectively nor are they meeting regularly and properly. Realistic and feasible action plan should be drawn up by P.L.C. The Committee should review various aspects of co-ordination between allied activities of different organisations and departmental functionaries for removing bottlenecks if any. Practice of sending junior Officers to P.L.C. by regular member to participate in the discussion should be discouraged.
2. Planning for development of tribals should have a long range perspective within which short term plans can be prepared based on the availability of funds, manpower and other infrastructure. Perspective plans should be prepared for a minimum period of 10 years and should take into account a detailed inventory of resources available in the area. Such plans should also identify growth potential for the optimum utilisation of resources and should prepare a shelf of schemes under various sectors with broad indications pertaining to their location. The plan should also highlight the issues and constraints specific to the project area indicating the type and magnitude of intervention required. This is necessary since some of the problems of a tribal area can only be solved over a long time span and no amount of hurry can settle the issue. Immediate steps should therefore be taken to prepare a perspective plan for each and every ITDP.
3. The instructions issued from the State level to all the Departments operating in the I.T.D.A. area to seek prior approval of the P.L.C. Governing Body for the programmes proposed in I.T.D.A. area should be strictly and meticulously enforced.
4. Project Administrator should be one of the Officers to review the performance of B.D.Os. and Sub-Divisional level authorities of line Departments within his territory.
5. There should be a horizontal linkage between ITDA and DRDA. The B.D.Os. and Financing Institutions should react with both the Agencies for such linkage.
6. In regards to coverage of beneficiaries, dialogue between DRDA and ITDA, has to be established regularly and the B.D.Os. should have a detailed schemes-wise coverage under each programme. The District Collector has to create a forum for regulating and defining the responsibilities of B.D.Os. in both the programmes.
7. The role of DRDA and ITDA should be clearly defined.

8. The staff strength of ITDA should be strengthened to include at least two professionals who can help the project Administrator in preparing the Annual Plan and undertake various educational and training schemes for human resources development. One of these professionals should be a person with adequate experience, training and knowledge in Regional Planning and Anthropology, so that he will not only be conversant with the various concepts of a regional planning exercise as envisaged in the respective plan but also be able to examine it in the context of peculiar problems of the tribal area.
9. The beneficiaries should be motivated to take up income generating activities in the non-agricultural sector. This would also call for giving suitable training in various trades/skills so as to let them take advantage of the investment that are being made in industrial field around the project area.
10. Whenever a scheme in the primary sector is financed it must be integrated with other supporting activities so that the beneficiary can take full benefit from the scheme.
11. The scale of finance fixed for various schemes should be constantly reviewed and appropriate changes made taking into account the price escalation.
12. The beneficiaries should be properly identified involving members of non-official organisation, local leaders, people representatives and traditional leaders. The non-official organisation should be associated to monitor the implementation of the programmes.
13. Attempt should be made to identify areas falling under the forest villagers and transfer the ownership of land to tribal cultivators where ever possible.
14. As a principle financing of plough animals should be discouraged unless the holding is very large and the cropping intensity is expected to go up with irrigation facilities.
15. The ITDA should have its own schemes, pattern of assistance etc. It should not be limited to the implementation of schemes as per IRD pattern which is meant for all. The ethos and traditions of tribals should be taken into consideration in preparing schemes for ITDAs.
16. Special Central Assistance is an additionality to State Plan effort. The planning of infrastructural programmes must be regulated by this additionality character of special Central Assistance.
17. Utmost care should be taken to select proper breed which the tribals can handle and which can go well with the climate of the area.
18. While organising the Crop demonstration in the farmers field it is necessary to determine the suitability of crops to be demonstrated so that demonstration programme does not become target oriented as is

happening at present, but becomes an effective instrument in bringing the desired change in thinking.

19. Activities under petty business, unlike self-employment require more of working capital. Therefore, the number of times that the capital can rotate should be the criteria for financing if the objective is to help the beneficiaries to acquire the required income. It may be advisable to adopt the "population thresh-hold" concept for financing these activities which by their nature are likely to be scattered over the entire area. In cases where the "Population thresh-hold" concept is not applicable due to the scattered nature of habitations, financing may be done to vendors who will move from place to place including the weekly markets to sell different goods.

5.6 It was further stated that the above general finding will be taken care of and appropriate steps taken.

5.7 In regard to the sectoral programmes and schemes of development of Central Ministries/Departments, the planning, monitoring and evaluation etc.as also coordination is the responsibility of the Central Ministry/Department concerned. Each Central Ministry/Department is the nodal Ministry/Department concerning its sector.

5.8 Cells have been constituted by the following Ministries/Departments to formulate and monitor tribal development and welfare programmes:

- (i) Agriculture & Cooperation
- (ii) Communications
- (iii) energy
- (iv) Environment and Forests
- (v) Food and Civil Supplies
- (vi) Health and Family Welfare
- (vii) Human Resource Development (Department of Education)
- (viii) Information and Broadcasting
- (ix) Labour
- (x) Petroleum and Natural Gas
- (xi) Surface Transport
- (xii) Textiles
- (xiii) Water Resources

5.9 The Committee note that arrangements have been made for monitoring and evaluation of Integrated Tribal Development project programme both at the Centre and State level. Various independent agencies have also been involved in this exercise, besides the official organisations. These Evaluation Studies have revealed varied nature of problems faced by different ITDAs. However, some of the common findings

and recommendations made by these studies have been to tone up the ineffective functioning of project level committees; formulation of perspective plan for a minimum period of ten years taking into account resources available and constraints in a given area; prior approval by the project level Committee of the proposed programmes to be taken up in ITDA area; single line administration and empowering project administrator to review performance of B.D.Os and Sub-Division level authorities; horizontal linkage between ITDA and DRDA; defining role of DRDA and ITDA; augmentation of staff strength of ITDA by including technical personnel; streamlining of the functions of various programmes; proper identification and motivation of beneficiaries etc. The Committee will like to be apprised of the specific steps taken to improve the functioning of ITDAs in the light of these findings.

5.10 The Working Group on development and Welfare of Schedule Tribes during Eighth Plan had made an indepth study of the quality of the monitoring system prevalent in various States and UTs and was of the opinion that the existing monitoring mechanism is not very effective in their thrust. The Group has further held the view that State level monitoring meant a periodical review at the highest level which is quite often not followed very seriously for corrective action. It was, therefore, desired that at the Chief Secretary level, the review should be more frequent and more effective. The Committee will like to be apprised of the action taken on these useful suggestion of the Working Group.

5.11 The Committee note that 13 Central Ministries/Departments have constituted Cells to formulate and monitor tribal development programmes. In this context the Committee note that guidelines issued by the Planning Commission had emphasised that each Ministry of the Government of India has a role to play in the development of Schedule Castes & Scheduled Tribes and had required them to formulate appropriate programmes which are tailor made to the needs of SCs & STs. The Committee therefore, desire the Ministry of Welfare to prevail on the remaining Central Ministries/Departments to expeditiously set up such cells for formulation of appropriate programmes and their monitoring.

NEW DELHI;
December 18, 1992
 Agrahayana 27, 1914 (Saka)

K. PRADHANI,
 Chairman,
 Committee on the Welfare of
 Scheduled Castes and Scheduled Tribes.

APPENDIX I
(Vide Para 2.1)

PRIME MINISTER

New Delhi

January 12, 1990

You are no doubt aware of the special problems of the Scheduled Caste and Scheduled Tribe people who have been the most oppressed, exploited and deprived sections of our society and constitute nearly one-fourth of the total population of the country.

Strategies of the Special Component Plan for the Scheduled Castes (SCs) were introduced earlier in the Fifth Plan for channelising to these categories of people their due share of plan benefits and outlays. I draw your attention to the letter of the then Prime Minister dated March 12, 1989 (copy enclosed) which explains very clearly the concept of the Special Component Plan and the Tribal Sub-Plan. These plans have enable substantial proportion of SCs and STs to receive benefits both in the matter of social upliftment and economic development during the Sixth and the Seventh Plans.

While the results show that the basic strategy is sound, there have been certain deficiencies in implementation. These need to be corrected during the Eighth Plan. Most of the Ministries have no quantified outlays separately for the Tribal Sub-plan and the Special Component Plan. Even those which have quantified outlays, have not drawn up need-based programmes to re-orient the existing programmes to suit the specific development requirements and meet the handicaps and problems being faced by the Scheduled Castes and Scheduled Tribes. The Outlays have also been very inadequate in comparison to the magnitude of the problem and the size of the population involved.

As this juncture, we have to take stock of the situation and introduce necessary corrective measures to the strategies of the Special Component Plan and the Tribal Sub-Plan. The steps that need to be taken are outlined in the Annexure to this letter. These may be carefully followed while formulating the Eighth Five Year Plan of your Ministry.

I am sure that your Ministry, under your guidance, will be able to gear itself to play its proper role in the advancement of the Scheduled Castes and Scheduled Tribes and ensure that by the end of the 8th Five Year Plan, they are brought at par with the Five Year Plan, they are brought at par with the rest of the population in the economic,

educational and social spheres. I shall be keenly watching the efforts made by your Ministry in this regard.

Yours sincerely,

(Vishwanath Pratap Singh).

New Delhi,

March 12, 1980

PMO/80

Dear,

I am taking the earlier opportunity to apprise you of our approach to the top priority task of the development of the Scheduled Castes and Scheduled Tribes and to seek your cooperation in this.

The Scheduled Castes suffer from the dual disabilities of severe economic exploitation and social discrimination. While they constitute 15% of total population of the country, their promotion is much larger in the poverty groups of the country, most of the Scheduled Castes are below the poverty-line. Accordingly, our thrust has to be on the economic development of the Scheduled Castes. The Scheduled Tribes are not only exploited, but live in remote inaccessible areas which have poor infrastructure so that the fruits of development cannot readily reach them. Our approach has, therefore, been area development with focus on tribals.

In respect of the Scheduled Castes the strategy is to take up programmes for the Scheduled Castes in different occupational categories, especially poverty groups. The Scheduled Castes are mostly landless labourers, marginal and small farmers, leather workers, fishermen, artisans like weavers and those who follow strenuous occupations like rickshaw pullers, car pullers etc. The details of these occupations are also appended. The approach is to reach the flow of benefits to the Scheduled Castes through individual, family and group-oriented to suit the specific developmental requirements and handicaps of the Scheduled Castes in different occupational groups. This can be achieved only if all Departments and Ministries take initiatives within their respective sectors for the development of these communities. In my inaugural address to the Conference of State Minister-in-charge of Backward Classes Welfare in April, 1975, I had pointed out the responsibility of each Department in executing programmes relevant to the Scheduled Castes. That Conference had recommended that each Department should identify schemes relevant

to the Scheduled Castes and quantify the benefits that should be made available to them.

For this purpose, the Central Ministries and States have been asked to prepare a Special Component Plan for the Scheduled Castes. While the State Governments have made a beginning in this regard, most of the Central Ministers are yet to do so. It is necessary now to ensure that an optimal Special Component Plan for the Scheduled Castes is expeditiously prepared by your Ministry, as part of your Annual Plan as well as the Five Year Plan.

In respect of the Scheduled Tribes, the concept of Tribal Sub-Plan launched in the Fifth year Plan is to ensure integrated development of the various Scheduled Tribes communities in the country with the aid of all pooled financial resources of the Centre and the States, keeping in view their different economic socio-cultural background. The State Governments have quantified funds from the various sectors for the Tribal sub-plan areas in their Fifth and Sixth Plan as well as Annual Plans. The Planning Commission have suggested to the Central Ministries to contribute to the effort from out of their resources also. Exercise for quantifying resources for tribal areas were commenced, accordingly by the Central Ministries to contribute to the effort from out of their completely. Special emphasis has to be laid on formulation of appropriate programmes and adoption of the existing programmes.

I hope that with your guidance, it will be possible for your Ministry to make its due contribution to the task of development of Scheduled Castes and Scheduled Tribes. You will hear further from the Ministry of Home Affairs which is the nodal Ministry in respect of this task. Please, keep me informed of the progress made in your Ministry and the results.

Yours Sincerely,
Sd/—

(INDIRA GANDHI)

Ministers of concerned Central Ministries (list attached).

APPENDIX 1(A)

DETAILED GUIDELINES ISSUED TO VARIOUS MINISTRIES/DEPARTMENTS

- (i) Every Ministry of the Government of India has a role to play in the development of Scheduled Caste and Scheduled Tribe people who form a substantial segment of our population. The overall size of the Special Component Plan and the Tribal Sub-Plan should be at least in proportion to the percentages of the Scheduled Castes and the Scheduled Tribes in the total population. Keeping in view the magnitude of the problems before them a somewhat larger proportion than gravity and extent of their past and present deprivations, and that of their percentages in the population might in fact be justified.
- (ii) Appropriate programmes which are tailored to the needs of SCs and STs will have to be formulated by each Ministry. Mere quantification of a proportion for them, out of the total outlays of plans meant for the general population will not do. At least some adoption will be called for in most programmes, keeping in view the extremely weak economic status and handicaps of the SCs and STs. The Planning Commission and the Ministry of Welfare will both be able to assist the Ministries in the exercise.
- (iii) Certain sectors rank high in priority in the development of SCs and STs. The schemes in these sectors have to be drawn up carefully, and the level of the outlays always has to be more than adequate, to achieve the objectives fully. These sectors include education, minor irrigation, soil conservation, land development, dairying and animal husbandry, horticulture, sericulture and village industries. Provision of minimum needs, including shelter, drinking water, health and lighting of homes as well as habitations, and also should rank high in importance.
- (iv) Development of the infrastructure, specially roads and communications is essential for the benefits of development to reach the population in the interior areas. Certain services such as provision of credit, including consumption credit, ensuring support prices for the produce both (agricultural and forest) of the Tribal people and also an effective public distribution system suited to their needs are other infrastructural support services of high priority. Greater attention needs to be paid to provide these services.

- (v) A greater thrust and an integrated approach in the implementation of Special schemes to overcome the special backwardness of Scheduled Castes/Scheduled Tribes are called for. In particular, programmes for the elimination of scavenging of dry latrines and rehabilitation of those engaged in scavenging, flaying and other "unclean" occupations have to be stepped up. Along with this improvements in the equipments, tools and other aids and equipments and technology used for cleaning wet latrines and sewage system is necessary.
- (vi) Certain schemes for ensuring social and economic justice to the SCs and STs are important. These include the effective implementation of land ceiling acts and distribution of the surplus land or other land earmarked/allocated to SCs and STs ensuring proper maintenance of land records for these categories taking effective measures for preventing alienation of tribal land, and restoring possession of land already alienated illegally. Sport has to be extended by the Central Ministries to the States to carry out such programmes in a time bound manner.
- (vii) An area calling for Special attention in the case of ST people is, protection of their rights in regard to forests, and ensuring a harmonious implementation of the National Forest Policy, while at the same time meeting the requirements of these people for food, fodder, fuel and timber. Participative programmes in social forestry involving ST people have to be drawn up by the Ministry of Environment and Forests and the Department of Rural Development to be executed in association with the States. Certain long standing disputes and pending issues in regard to forest villages and settlements and ownership of lands classified as forests have to be settled. Such settlements should be done in a human and equitable manner. Appropriate programmes for regularisation of ownership and rehabilitation of the affected people should be taken up.
- (viii) The problem of rehabilitation of ST people displaced by various projects is the cause of increasing concern and needs to be dealt with expeditiously. A comprehensive national policy for socio-economic rehabilitation of the displaced ST people, is being drawn up. The Central Ministries have a responsibility to ensure that the projects being taken up in their respective sectors, scrupulously adhere to the requirements of this policy.

APPENDIX—II

COPY OF D.O. NO. PC/SW/12/(1)/77 DATED 13.12.1977 FROM
SH. AJIT MAZOOMDAR, SECRETARY, PLANNING COMMISSION
TO SECRETARIES OF CENTRAL MINISTRIES

Sub: Central Programmes in the Tribal Areas.

As you are aware, the outlay from the Central Ministries' Plans is one of the important constituents of the Tribal Sub-Plans. Each Central Ministry was expected to quantify the investment which it proposed to make in the Tribal Areas. The exercises carried out by them so far have, however, not yield much results, except in the case of certain area specific programmes, which may be taken up in the tribal areas. The position has, therefore, been reviewed in Planning Commission. A detailed not covering various aspects of the problems and the steps which may be taken in this regard is enclosed for the consideration of the Ministries.

2. It will be necessary for each Ministry/Department to get a clear idea of the problem of the tribal areas and prepare special programmes relating to the concerned sector or adapt the on going programmes wherever necessary, in consultation with the State Governments, keeping in view the special requirements of the tribal areas. The total programme in a particular sector may have to be reviewed and additional effort built up on the base provided by the State-sector programmes. Some programmes could be taken up exclusively by the Ministry but these should be exceptions. In some programmes, the areas of responsibility between the Central Ministry and the State Departments may be clearly defined. These programmes will be in the nature of joint programmes. In the bulk of the cases however, it will be necessary to identify those programmes which the Ministry considered of highest priority for the tribal areas and which will need substantial supplementation of efforts by them.

3. The above exercise may be taken up both for the annual plan 1978-79 as also for the Five year Plan for 1978—83. The provision to be made in the Ministry's plan should be related to the level of development of the tribal areas in your sector and its relevance to the problem of tribal development. A beginning could be made with an ad hoc figure which may be worked by your Ministry in consultation with the Ministry of Home Affairs and Planning Commission.

4. You are requested to tentatively decide, to begin with the size of the outlay for the year 1978-79 on the basis of the outlays which may be approved in the current discussions. The precise needs and areas of supplementation in the tribal development programme of different States may be decided during the finalization of the annual plan for 1978-79.

5. It may also be necessary for you to exclusively designate senior officers who can attend to this task on a continuing basis.

APPENDIX II
(Vide Para 2.2)

COPY OF DO. NO. PC /SW/12/(1)/77 DATED 18.12.1977 FROM
SHRI AJIT MAZOOMDAR, SECRETARY, PLANNING
COMMISSION TO SECRETARIES OF CENTRAL

Sub.—Central Programmes in the Tribal Areas.

As you are aware, the outlay from the Central Ministries' Plans is one of the important constituents of the Tribal Sub-Plans. Each Central Ministry was expected to quantify the investment which it propose to make in the Tribal Areas. The exercises carried out by them so far have, however, not yielded much results, 'except in the case of certain area—specific programmes, which may be taken up in the tribal areas. The position has, therefore been reviewed in Planning Commission. A detailed note covering various aspects of the problems and the steps which may be taken in this regard is enclosed for the consideration of the Ministries.

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supplementation in the tribal development programme of different States may be decided during the finalization of the annual plan for 1978-79.

5. It may also be necessary for you to exclusively designate senior officers who can attend to this task on a continuing basis.

PLANNING COMMISSION (SOCIAL WELFARE UNIT)

Guidelines to the Central Ministries regarding Preparation of Programme for Tribal Sub-Plan—Sixth Five Year Plan.

The Sub-Plans for the areas of tribal concentration have been prepared in 16 States and 2 Union Territories. These are, Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal, Andaman and Nicobar Islands and Goa, Daman and Diu.

2. The tribal Sub-Plan represent the total development effort in the area in which all programmes operate in unison to achieve a common goal. The resources for the sub-Plan comprise (1) States Plan outlay, (2) Sectoral Outlays in the Central Ministries, (3) Special Central Assistance and (4) Institutional Finance. The basic frame for the economic development of these areas has been provided by the share in the sectoral outlay, the outlays from other sources are additive and supplemental. In Fifth Plan the quantum of outlay from the State Plan was arrived at keeping in view (a) total population (b) the geographical area, (c) the comparative level of development and (d) the state of social services. The State Plan outlays comprise a divisible and non-divisible portion. Those investments whose benefit does not confine to any specific region constitutes the non-divisible portion. Within the divisible pool a weightage was given to the tribal areas depending on the level of social and economic development. The investment in the non-divisible portion were also reviewed to ensure accrual of due benefits to the tribal regions. The efforts were also made to determine flow of institutional finance keeping in view the total ceiling for the State and special problems. The allocation from special central assistance for the tribal sub-Plan was supplementary to the total resources and was utilised for providing critical elements in the sub-Plan areas.

3. While quantification of the outlays from State Plan was made in the fifth plan, the level of investment from central programmes did not pick up as envisaged. The Central Ministries were also required to quantify the flow of benefits from their programmes to the tribal areas. This exercise did not yield much result except in the case of certain areas specific programmes which happened to be taken up in the tribal areas. A review of efforts of the Central Ministries shows that exercises in assessing the problems of the tribal areas are still at a preliminary stage and the disaggregation of outlays in the case of certain programmes are merely notional.

4. In the sub-plan, the role of the Central Ministries is crucial since they have to assure the overall responsibility for the development of tribal areas in their respective sectors. It is necessary for them to prepare specific schemes for tribal areas where they feel that the Government of India must supplement the efforts of the State Government in their respective sectors. The Approach of the Central Ministries in relation to supplementing their efforts in the tribal areas will have to be somewhat different from that in other areas. They have to play key role in case of these areas because of the special responsibility of the Central Government under the Constitution, particularly Article 339. Therefore, it is not enough to quantify or disaggregate the sectoral investments for these areas in the Central and Centrally sponsored programmes. Each Ministry must in addition take a total view of the development of the tribal areas under its sector even though bulk of the programmes may be covered by resources from the State Plans. Each Ministry may devise its own strategy and wherever necessary should give priority to the tribal areas from within its investments. The programmes may be modified to suit the needs of the tribal areas. The Ministries have to provide necessary guidance, secure reallocation of priorities and supplement the States' efforts wherever necessary.

5. Since each Ministry is responsible for the concerned sector, it must make its own arrangements for suitable monitoring of programmes in the tribal areas. A special cell should be created for monitoring of programmes in the sub-Plan areas which could be a part of the monitoring system of the Ministry. Since the Central Ministries will not have to have a constant dialogue with their counterparts in the States in relation to tribal areas, it may be necessary to make a special officer responsible for implementation of programmes in the tribal areas in various Ministries.

Programme Formulation:

6. The Central Programmes will be built up with reference to the programme in the concerned sector of the State Plans. The first step in the direction of programmes formulation will be to prepare a master Plan for the tribal areas by the development Ministries. The programmes needing special attention should be then identified and the special central supplementation worked out. It may be necessary for the Ministry to prepare a broad perspective of the relevant sector for various aspects so as to assess whether the programme priorities have adequately taken note of the potential of the respective areas.

7. The approach to programme formulation will vary depending on the nature of the scheme. The following are some of the alternative which may be adopted in suitable cases:

- (a) Area Specific Central Schemes: Some programmes are area-specific. They will require suitable adaptation.

- (b) **Joint Programmes:** There are certain programmes which may usefully be operated jointly by the central Ministries and State Governments. In such cases, while the State Government will shoulder the responsibility for implementation and other activities at the ground level through the normal administrative and extension apparatus, the Central Ministries should provide the higher level support technical, institutional and financial.
- (c) **Specially Supported Programmes:** Bulk of the Central programmes will belong to this category. The Central Ministries should identify precise areas having good potential for major thrust in the selected programmes. For example, in the development of horticulture which may provide tribal people with additional income, while normal programmes of the State sector may continue special programmes for the identified areas could be drawn up. The above illustration is just indicative of the approach precise details will have to be worked out in case of each State and each sector.
- (d) **Staff Support for programmes:** There is a tendency on the part of various departments of the states to demand staff for the implementation of each new programme. As far as possible support of the Central Ministries should be for programmes and not for staff unless these are staff-based scheme like a research station or a cattle breeding farm. The Integrated Tribal Development Project has attempted to consolidate the personnel position in the field. The staff requirements of the entire project should be reviewed with reference to the total programmes in the project and augmentation, if any, may be made from the State Plan. If necessary, the special central assistance provided by the Ministry of Home Affairs may be allowed for purpose.

8. Some of the points which need special attention in various sectoral programmes in the Central Ministries are given below:

Agriculture and Allied Activities

- (i) Shifting cultivation is one of the pressing problems of the tribal areas. Although substantial investment will accrue from the State Plan, a clear focus on the problems of the shifting cultivation and its solution is, however, necessary at the Central level. Necessary guidance and supplementation to State's efforts should be worked out by the Ministry.
- (ii) In relation of marketing to minor forest produce, it is necessary that role of the middlemen such as contractors should be gradually eliminated. The Ministry of Agriculture should take necessary steps so that the departmental agencies take over arrangements for direct purchase from the tribal areas or cooperatives under LAMPS made responsible for it.

- (iii) Keeping in view the special problems of the tribal regions, areas of research should be worked out and suitable programmes for agricultural education should be formulated.

Health

Special plans should be formulated for the eradication of the diseases of regional character like yaws, leprosy, malaria, venereal diseases etc. and preventive methods devised.

Transport and Communication

The Ministry should work out the details of the total road net work in the tribal areas and identify priority items like linking of growth centres, 'Hat' centres, PHC. etc.

Rural Electrification

Although rural electrification is picking up in the tribal areas, it is still slow. Attempt should be made to cover maximum number of the growth centres and other services centres of tribal areas in the next plan.

House Hold Industries,

Village and house-hold industries play an important role in the tribal economy. But unfortunately this important area has gone practically unattended. The tribal artisan who is facing a much keener competition with the opening of these areas than ever before may be done totally impoverished and the opportunity for diversification of tribal economy may also get lost. The Ministry of Industrial Development will require to go into this question and concretise an appropriate strategy for the development of tribal handicrafts. They have to look particularly into the aspects of organisation, technology, marketing and explore feasibility of central supplementation.

Education

In the educational programme, the basic problem in the tribal area is of heavy dropout and lack of relevance in the curriculum. To deal with these problems, adequate consideration should be given, besides conventional education, to non-formal education and part of the programme.

APPENDIX III

(Vide para 4 of Introduction)

Main conclusions/Recommendations

S.No.	Para No.	Ministry/ Deptt. Concerned	Conclusions/Recommendations
1	2	3	4
1.	2.7	Welfare	Scheduled Tribes are the most exploited people of our country. Integrated Tribal Development Projects/Indegrated Tribal Development Agencies had been conceived as basic tool to implement Tribal Sub-Plan strategy during Fifth Five Year Plan. This is basically an area approach keeping in view the separate geographical location of tribal habitations. Subsequently isolated pockets have also been added to cover dispersed tribals. This strategy with identified areas has helped in focussing the attention of planners and implementers on special needs of the tribal society and tribal areas. The objectives of the scheme had been socio-economic development of the Scheduled Tribes and protection of tribals against exploitation. The information gathered by the Committee in connection with their examination of 'Working of Integrated Tribal Development Projects in Orissa' reveals that progress made during the last 10 years in formulation, implementation and monitoring of the programme had been tardy and lopsided. This has been amply brought out in the succeeding paragraphs.
2.	2.8	-do-	During the Seventh Plan Period 7,63,348 Scheduled Tribes families have been assisted under different poverty alleviation programmes implemented through ITDP approach. Another 87627 families were

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			<p>assisted during 1990-91. Orissa has a total tribal population of 60-lakh and out of them 69% residing in rural areas and 53% in urban areas were below poverty line according to an estimate made by the Planning Commission in 1983. However no systematic survey has been conducted to assess the number of ST families brought above the poverty line. The Committee would, therefore, like that a systematic survey may be undertaken within a year to identify the ST families who are still below the poverty line and added emphasis given on their development.</p>
3.	2.9	Welfare/ Planning	<p>The role of Central Ministries in tribal development has been enunciated in Prime Minister's D.O. letter No. 280-PMO/80 dated 12 March, 1980 to the Central Ministries and the guidelines issued by the Planning Commission in this regard as early as 1977. According to these, Central Ministries are <i>inter-alia</i> required to formulate appropriate need based programmes for tribal areas; suitably adapt all the on-going programmes to suit the specific requirements of STs; quantify funds for tribal areas and earmark a senior officer exclusively to monitor the progress of implementation of programmes for welfare of STs. It is, however, distressing to note that Central Ministries/Departments do not consider TSP to be feasible or necessary in their area of activity. Funds have been quantified and physical targets worked out purely on notional basis by applying a percentage to the overall outlays and physical targets. No funds/targets have been disaggregated State-wise or year-wise rendering review of achievements impossible. The Central Ministries/Departments have also failed to issue to States/U.Ts....directions as to ensure that</p>

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			<p>an adequate share in the benefits arising from their activities flow to ST population and TSP areas in proportion to total population in the area. It is deplorable as these shortcomings persist even after the ITDP/ITDA programme being in force for more than a decade and despite detailed guidelines issued by the Planning Commission in 1977. The Committee desire the Ministry of Welfare to take up the matter with the Planning Commission and the Ministries/Departments concerned at the highest level to ensure the implementation of the programme as per the guidelines issued by the Planning Commission.</p>
4.	2.10	Welfare Planning	<p>The State Govt. have pleaded that to improve functioning of ITDPs and to make them more effective, there should be conceptual shift in matters of quantification, budgetary mechanism and single line administration in tribal areas and also single demand budgeting system. In Committees view these suggestions merit consideration. The Committee, therefore, urge the Ministry of Welfare to look into these suggestions and take up the matter with the Planning Commission and other concerned authorities with a view to streamline the procedure.</p>
5.	2.15	Welfare	<p>Under Clause 3 of the Fifth Schedule to the Constitution, special responsibility is cast on Government of each state having Tribal Areas to report to the President through Governor's Report on administration of Scheduled Areas. It is disturbing to note that this function is not performed in right earnest by the State Government of Orissa. The Reports for the years 1989-90 onwards have not so far been presented to the President. No doubt, Compilation of data and consideration and approval of the draft</p>

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			report by the Tribal Advisory Council takes time, but the extent of delay which has taken place in submission of such an important document can hardly be justified on this pretext. The Committee take a serious view of the inordinate delay on the part of the State Government in submitting these reports. The Committee would like, the procedure in this regard to be streamlined.
6.	2.16	Welfare	It is also distressing to note that generally these reports are only a catalogue of achievements of State Governments in tribal development. There is no attempt to qualitatively analyse and critically evaluate the problems of Scheduled Area Administration. The Committee would like the Ministry of Welfare to frame guidelines in this regard and lay emphasis on the State Government concerned to furnish qualitative analysis and critical evaluation with a view to make Governor's Report a useful document.
7.	2.23	-do-	Tribal Advisory Council under Fifth Schedule of the Constitution is a constitutional device for consultation with the representatives of tribals on such matters pertaining to the welfare and advancement of scheduled tribes in the State as may be referred to them by the Governor. Progress of the Integrated Tribal Development Projects is often reviewed by the Council and necessary instructions are issued to the concerned authorities to follow the same. The Committee regret to note that meetings of the Councils are not held frequently and it meets only twice a year. The Committee are of the view that all the problems of tribal areas cannot be discussed fruitfully when meetings are held at such long intervals and only for a few hours in a year. The

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			Committee, therefore, desire that Tribal Advisory Council should meet more frequently and for longer time.
8.	2.24	Welfare	Further, on perusal of the minutes of the sittings of the Tribal Advisory Council, in Orissa, the Committee find that recommendations of the Council are not promptly implemented. For instance, the recommendation of the Council regarding amendment of Excise Act to empower Executive Magistrates to try cases under Excise Law and to settle cases under Money Lending Act (Regulation 2/68) has not been implemented till today even though the Council had passed resolution to this effect unanimously in 1989. Instead of forwarding the regulation to the Central Government for President's consent and thereafter issuing a notification to give effect to these proposals, the State Government referred the matter to Law Department and clubbed it with the comprehensive amendment of Excise Law for the whole State which resulted in abnormal delay for a period of 4 years. This amounts to defeating the proposal of the Tribal Advisory Council. The Committee, therefore, urge that Council's proposal may be separated from the other suggestions and forwarded to the Central Government in form of a regulation for obtaining consent of the President.
9.	2.43	-do-	Integrated Tribal Development Projects have been conceived as operational units with a view to achieve administration, organisational and financial integration of the areas and programmes for speedier development of Scheduled Tribes. The State Government of Orissa has claimed that they have delegated powers to project Administrators of ITDAs and streamlined its role as a catalyst of tribal development.

But the Committee find that they are dealing only land regulation under Tribal Regulation Act, 2 of 1956, and a few other administrative functions as A.D.M.(Dev.) are being performed by them. Other functions under Cr.P.C. Indian Penal Code like Law and Order, Revenue, Excise, Civil Supply, Forests, Community Development and Supervision of work carried out in Project areas by line departments are done by other respective departmental functionaries. The proposal to have a single demand budgeting and a system of single line administration is under consideration of the State Government. The Committee observe that sub-Collectors/ADMs are having more powers than the Project Administrators in certain sphere as the PAs are not authorised with the regular functions of Additional Distt. Magistrates. In this context, to streamline administration at project level, the Committee will like the State Government to examine pattern of administration introduced by Andhra Pradesh Government where Project Administrator is empowered to, transfer all officers posted under his project by the line department, in consultation with the senior officers of that department. Besides this, in order to make his functioning smooth and result oriented, Project Officer should be authorised to record remarks in the AcRs on the performance of employees including Class II Officers like Block Development Officers within that area in consultation with the Collector of that District. In every developmental activity in the project area, project officer should be in the chain of administration and not left out. The Committee trust that such a simplified administrative set up at project level with a single administrative authority overlooking functions of every functionary will be

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			helpful in making rapport with simple tribals and they would be more responsive. As the State Government is already seized of the matter, the Committee expect an early action within six months.
10.	2.44	Welfare	<p>The Maheshwar Dayal Group on Administrative Arrangements/Personnel Policy in Tribal Sub-Plan areas had recommended a series of measures for improving the quality of administration in tribal areas. These inter alia included grant of monetary and non-monetary incentives, creation of cadre for tribal areas and recruitment of local people with relaxed qualification to improve standard of works. During VI and VII Plan a sum of Rs. 30 crores was allocated each altogether making a total of Rs. 120 crores for staff quarters and compensatory allowance each separately to the staff of the State Government posted in Tribal Areas. However, during VIII Plan compensatory allowance has been discontinued though the Ninth Finance Commission is stated to have allocated funds for the Compensatory allowance in the Development Funds of the State. The Committee are surprised to find that State Government of Orissa have discontinued payment of compensatory allowance to its staff posted in tribal areas which are comparatively more backward, lack communications network and have under developed infrastructure. In the absence of these amenities, staff is often reluctant to serve in those areas without being adequately compensated. The Committee are unable to understand how the State Government intend to motivate its employees, who come from other parts of the State which are comparatively developed, to work in tribal areas.</p>
11.	2.45	-do-	The Committee will also like to be apprised of the action taken by the State

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11.	2.45	-do-	<p>Government on other recommendations of the Maheshwar Dayal Group like creation of cadre for tribal areas and recruitment of local persons with relaxed qualification in order to improve standard of work, which have been accepted by the State Government.</p> <p>the State Government.</p>
12.	3.31 & 3.32	Welfare	<p>Under Article 46 of the Constitution, the Central and State Governments are responsible to promote economic development of Scheduled Castes and Scheduled Tribes and they are responsible to protect them from all sorts of exploitation. As required under Article 389 of the Constitution a Commission headed by Shri U.N. Dhebar was appointed to report on the problems of Scheduled Tribes and recommend measures to solve them. The Commission in its Report submitted in 1961, had <i>inter-alia</i> recommended that sale of smuggled liquor must be put down with a strong hand and traffic in it</p> <p>Report submitted in 1961, had <i>inter-alia</i> recommended that sale of smuggled liquor must be put down with a strong hand and traffic in its should be made a penal offence with severe punishment, the sale and use of distilled liquor should also be discontinued forthwith and offenders should be punished severely, pending adoption of this policy, grant of licences to sell distilled liquor in weekly markets should be immediately discontinued.</p> <p>Subsequently, the Central Government issued the following guidelines to the States in 1975 and reiterated them a number of times asking them to give effect to them:</p> <ol style="list-style-type: none">(1) Commercial vending of alcoholic beverages should be discontinued in the tribal area.(2) Scheduled Tribes should be permitted to brew their traditional beverages for consumption at home for religious and special occasions.(3) Attempts may be made to wean the Scheduled Tribes away from the habit of drinking alcoholic beverages and for this purpose official and non-official voluntary organisations may be encouraged to take up work in tribal areas.

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The Committee are distressed to note that these important recommendations made as early as 1961 and by a Commission headed by an eminent person as Shri Dhebár have not been implemented by the State Government and State Government of Orissa have remained a silent spectator to the exploitation of poor tribals due to large scale illicit distillation and smuggling of liquor in tribal area in spite of Central directions in this regard. The State Government all these years have continued to pursue a policy which is contradictory to these guidelines by allowing every tribal family to manufacture and possess country liquor upto 5 litres without licence which lead to large scale illicit distillation and sale while the Central Government wanted to the State Government to ban the sale of country liquor in tribal areas. According to the Ministry of Welfare, excise policy of the State Government does not confirm to Central guidelines. The Committee consider it a serious lapse on the part of the State Government to the detriment of the poor and simple tribals,

13. 3:33 Welfare

The representatives of the State Government have contended before the Committee that the guidelines issued by the Central Government to State Governments on Excise Policy are only optional and not mandatory. The Committee therefore, thought it appropriate to seek legal advice from the Ministry of Law. The representative of this Ministry who deposed before the Committee were of the view that any directive which may be issued by the Government of India under Fifth Schedule and Article 339(2) of the Constitution are mandatory. In the light of this expert opinion, the Committee desire the Ministry of Welfare to issue directives to the

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			State Governments with immediate effect under Para 3 of the Fifth Schedule and Article 339(2) of the Constitution to implement guidelines issued by it earlier which is a national policy evolved after consulting all concerned.
14	3.34	Welfare	<p>The State Government of Orissa have tried to justify their stand of permitting tribals to brew distilled liquor on the plea that the Excise Policy being pursued by them had been slightly different and that there are deviations from the Central guidelines. It was contended that deviations were made taking local situation into consideration and that it was done with the concurrence of the Tribal Advisory Council. It was submitted that TAC decided in October, 1991 to continue the present policy of the Orissa Government. The Committee are not at all convinced of this line of reasoning Nor are they inclined to believe that the decision of the TAC is final as contended by the Additional Chief Secretary of the State. On the contrary, the Committee are of the view that TAC cannot decide contrary to the directions issued by the President or Union Government. The Committee, therefore, urge that the issue may be understood in right perspective and permission granted to tribals to brew and possess distilled liquor should be withdrawn immediately by the State Government.</p>
14	3.35	-do-	<p>The Chief Secretary of the State Government had also pleaded before the Committee that if the concession to possess distilled liquor is withdrawn then the tribals found possessing small quantities of liquor would be harrassed and would be subjected to the jurisdiction of an Excise Officer and police. The Committee are not convinced with this reasoning. They are of the view that this consideration should not influence a</p>

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			<p>decision which is for the welfare and economic development of tribals. Offenders must be punished to prevent use of distilled liquor which is health hazard and leads to economic destruction.</p>
15	3.36	Welfare	<p>The Committee would also like the State Government to ban sale of country liquor in tribal sub-plan areas as it is contrary to the Central Guidelines and spirit of the Constitution. In fact, this is one of the basic prime factors at the root of the economic exploitation and backwardness of simple tribal folk. They spend lavishly on liquor which leads them to perpetual indebtedness and also make them victim of valunerable diseases. This has been admitted by the State Government is a note furnished to the Committee on 13.1.1992. Such a vital aspect of tribal life concerning sixty lakh tribals should not be overlooked on revenue considerations.</p>
16	3.37	-do-	<p>Another reason advanced by the State Chief Secretary for diviation from Central Guidelines to ban sale of liquor in Scheduled Areas of Orissa has been that adjacent to Koraput District of Orissa is a non-TSP Area of Andhra Pradesh which produces liquor on a large scale and liquor can be sumuggled into Koraput area from those places. He also expressed the fear that ban on sale of liquor in Tribal Sub-Plan area might lead to illicit distillation and sale of liquor. The Committee do not subscribe to this view at all. They are of the opinion that such problems can be encountered by strengthening law enforcing machinery and because of such fears, the tribal people should not be left to be exploited.</p>
17	3.38	-do-	<p>The Committee also recommend that to tackle the problem of smuggling and illicit distillation stringent penalty should be provided by amending the Excise Act which will act as deterrent as is the case under</p>

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			<p>Narcotic Act. The committee are fully convinced that Narcotic Act. The Committee are fully convinced that the sale of country liquor in tribal areas has resulted in exploitation and is the main reason for the backwardness of tribal people. The Committee, therefore, urge that the Government of Orissa should ban sale of distilled liquor immediately in ITDA areas including block and tehsil headquarters, except urban areas in the Scheduled Districts. The Block and Tehsil headquarters are part of ITDA areas where there are more than 50% tribal population and people living there enjoy the subsidised essential commodities and subsidy under IRDP and ITDA economic development programmes. In urban areas, foreign liquor can be sold through departmental shops to avoid smuggling of this liquor in tribal areas by the unscrupulous liquor contractors.</p>
18	3.39	Welfare	<p>The Chief Secretary, Orissa had posed the problem of building an organisation, staff and other related matters. But the Committee feel that these are not unsurmountable.</p>
19	3.40	-do-	<p>The Committee also note that no specific role has been given to voluntary organisations to dissuade tribals from the habit of drinking though these are associated in implementation of various programmes. The Committee feel that voluntary organisations can play a very useful role in creating awareness among simple tribal folk about the bad effects of drinking and helping authorities in checking brewing, illicit sale and smuggling of liquor in tribal areas. The Committee, therefore, recommend that cooperation and assistance of voluntary organisations of repute should be solicited by the Government in implementation of Excise Policy also.</p>

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20	3.41	Welfare	<p>The Committee note that Tribal Advisory Council had passed a resolution in 1989 recommending that excise cases should be tried by a Executive Megistrate instead of Judicial Magistrate because of the harrassment caused to a tribal in attending Court hearings which is not commensurate with the offences committed. The State Govt. Clubbed this issue with the amendment of the Excise Act for the whole State and referred the matter to the High Court for concurrence to which latter has not consented. Because of it, the resolution of the TAC has remained unimplemented so far. However, for effecting delegation of powers Executive Magistrate to try Excise cases in Scheduled areas, the Committee find that consent of the High Courts not at all required as under para 5(1) of the Fifth Schedule of the Constitution, Governor has powers to notify amendment in Cr.P.C. or Excise Act in official gazette. I resolution in form of a regulation of the TAC has to be simply forwarded to Govt. of India for assent of the President and thereafter, a Notification has to be issued to give effect to the proposed amendment. The Committee, therefore, urge the State Govt. to separate the resolution of the TAC from the issue of the whole State for early implementation of the TAC proposal.</p>
21	3.48	-do-	<p>The Committee are concerned to note that in spite of the various measures taken by the State Govt. to effectively monitor money lending business in Scheduled Areas, indebtedness of tribals has increased, on an average, from Rs.419/-in 1975-76 to Rs.818/- in 1982-93, 72% of the tribals are indebted to non-institutional sources. No doubt, scheduled banks and Regional Rural Banks have opened their branches in tribal areas in large number, tribals being illiterate and</p>

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			<p>simple folk scattered in small villages have not been benefitted to the desired extent. Even those who have taken loans under various poverty alleviation schemes are not fully aware of the implication of subsidy component and terms and conditions of such banks loans and have therefore, become defaulter. The Committee, therefore, urge the State Govt. to devise ways in consultations with banking institutions to make tribals aware of their rights and responsibilities with regard to bank loans so that they may avail it and come out from the clutches of unscrupulous moneylenders.</p>
22	3.49	Welfare	<p>The Committee would also like the State Govt. to undertake studies to assess impact of institutional finance on tribals and its impact on their indebtedness. The Committee also desire to know the reasons for such increase in indebtedness inspite of various economic development programmes undertaken in those areas.</p>
23	3.64	-do-	<p>The Committee note that in order to protect tribals from land alienation, State Govt. has enacted Orissa Scheduled Areas transfer of Immovable Property Regulation 1956 and protective provisions have also been made under various other laws. In spite of these provisions on statute book, the Committee found that 8700 cases of land alienation during the period 1985-86 to 1990-91 have come to notice. Further about Benami Transactions, the State Govt. has contended that no such case has come to the notice of the State Govt. The Study Group I of the Committee were however informed during Study Tour of Koraput, by the District Administration that 3 benami transactions involving 6.37 acres of land had been detected and out of these, in 2 cases land has been restored to original owners and</p>

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			<p>that the remaining one case was under trial. In view of these facts, the Committee are not inclined to believe State Government's claim that no benami transaction has come to their notice. In fact, as no State wide survey has been conducted, there might be many cases remaining unnoticed. The Committee are distressed to find that inspite of various provisions made in law, there has been larger number of land alienation cases. Tribals being illiterate and simple folk are not aware of these provisions and in more than 80% cases the land alienated has gone to non-tribals.</p>
24	3.65	Welfare	<p>In view of these revelations, the Committee feel there is need to further tighten the loopholes in law and to educate the farmers about the provisions made for their protection. The Committee will like the state Govt. to devise measures in this regard in consultation with the Ministry of welfare and others concerned. The committee are of the view that where tribals effect sale of land under distress Govt. should purchase that land for redistribution among landless tribals under various poverty allievation programmes.</p>
25	3.66	-do-	<p>The Committee were informed that 5640 cases of land transfer in violation of the restrictions had come to the notice of the State Govt. during the period from 1988-89 to 1990-91 involving an area of 9753 acres. Of these in 3487 cases, land has been restored to tribals and in 2446 cases the matter was still under dispute. The Committee are deeply concerned at the slow pace of proceeding with these cases. It is pity that such a large number of cases of land alienation are still pending even after lapse of 2 years. Some of the pending cases might be laguishing for more than this period. The</p>

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			Committee, therefore, urge the State Govt. of Orissa to strengthen the official machinery in this regard for early disposal of the pending cases. The Committee would also like to be apprised of the progress made in this regard.
26	4.24	Welfare	The Committee note that literacy rate among Scheduled Tribes in Orissa has been less than 14% as per 1981 census (23.27% for males and 4.76% for females). As against it, the literacy rate of general population in the State was more than 44% (47.10% for males and 21.12% for females). Position is still worse in case of Koraput district where literacy rate for STs is as low as 6.31%. Undoubtedly, Scheduled Tribes are much behind the others in literacy also and this makes them vulnerable to various kinds of exploitation. Recognising this fact National Education Policy had recommended in 1986 a series of measures aimed at opening of new schools and qualitative improvement in the standard of education; and formulation of incentive schemes for Scheduled Tribes keeping in view their life style; to employ educated and promising ST Youths as teachers. However, the result are not yet visible.
27	4.25	-do-	The Committee are distressed to find that quality of education imparted in tribal areas is not at all satisfactory. This is amply borne out by the fact that in Koraput district during the year 1987-88 to 1990-91, not even half of the students studying in class X have been allowed to appear in examination each year. In total, 631 students appeared in X class examination during these years out of 1768 on rolls. Out of those who appeared, only 286 student passed examination comes to less than 16 per cent of the total students on rolls in class X. It is a sad commentary on the quality of education being imparted in tribal

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			<p>areas in Orissa State. The Committee feel that the reasons for this miserable plight has been their location in interior areas, inaccessibility and lack of communication which discourage inspecting officers to visit these institutions frequently; vacancies of teachers remaining unfilled during academic session; and lack of interest among teachers to teach students. The Committee urge the State Government to look into the low standard of education and analyse the causes there of and take corrective steps at an early date.</p>
28	4.26	Welfare	<p>The Committee find that student who were not allowed to appear in examination is quite high ranging upto 84% and they are not entitled to free boarding and lodging facilities during the 2nd year. These retained students neither get employment nor they are prepared to work in their paddy fields having attained a little education and thereafter they become liability to the family and their activities discourage other tribals to educate their children.</p> <p>The Committee, therefore, recommend that retained and unsuccessful students may be allowed to appear during second year and in that year they may be provided free boarding and lodging as these poor student cannot afford to pay these charges.</p>
29	4.27	-do-	<p>The Committee find that schools in Andhra Pradesh managed by societies of local officials have performed well and annual results have been around sixty per cent in matriculation examination. The Committee will, therefore, like the State Government to examine the mangement pattern of the schools run by societies in Andhra Pradesh and introduce that system for the shcools run by the Harijan and Welfare Department in the State to achieve better results.</p>

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30	4.28	Welfare	One of the reasons for higher rate of failure and retention at senior school level had been that posts of teachers have remained vacant for better part of an academic year and consequently loss of studies of students. Similarly, at primary and middle stages also, posts of teachers remaining vacant might also be a reason for higher rate of drop-outs. The Committee, therefore, urge that vacant posts of teachers should be filled up urgently by employing educated tribal youths on preferential basis who, the Committee feel, will be in a better position to understand and appreciate problems of tribal students and motivated in their job because of their association with tribal areas.
31	4.29	-do-	The Committee are also of the view that the stipend provided to students @ Rs. 150/- p.m. for boys and Rs. 155/- p.m. for girls at school level is not adequate in these days of rising prices. The representatives of the State Government shared this view of the Committee and informed the Committee that they would submit proposal for its revision. The Committee would like the Ministry of Welfare to consider these proposals sympathetically. For better management of primary hostels, the Committee feel that assistance from voluntary organisations may also be solicited.
32	4.30	-do-	The Committee are deeply concerned to note the high percentage of drop-outs of ST students in different classes in schools located in tribal areas. Out of 100 ST students enrolled in class one, only 6.6 manage to reach class X who reach in class X, in tribal districts of Koraput, the percentage as low as 2.29 for STs and 4.5 for SCs the drop-outs in non-residential schools, is around 70% up to VIth standard. However, drop-out in residential schools is stated to be only ten per cent. Thus, it is evident that residential schools

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			<p>been very effective in tribal areas. The Committee were informed that providing residential facilities in all tribal schools is the moto of the State Govt. The Committee would, therefore, urge the Government to open more residential schools in tribal areas with stress on quality education. At the same time they would like the State Government to analysis causes of high rate of drop-outs which is as high as 70% in general and 97.71 for STs and 95.5 for SCs in Koraput district and take remedial steps at any early date.</p>
33	4.31	Welfare	<p>The Committee find that sub-division of Koraput district having 5 blocks has been in habited mainly by Bhattade tribe which ranks among the lowest in literacy rate in the district. Still, not a single tribal residential high school has been provided in their area. The representatives of the State Government admitted in evidence the necessity of opening some more schools. The Committee trust that the matter would be looked into and steps taken by the State Government to provide high schools in all those areas which areas with low literacy which do not have it at present.</p>
34	4.32	-do-	<p>The Committee note that that as per an estimate made by the Working Group on Welfare and Development of Scheduled Tribes during VII Five Year Plan in 1987, estimated scheduled tribes population in age group 6-11 was 7,84,000 (3,90,800 boys and 3,89,000 girls) and in age group 11-14 was 4,72,300 (2,36,200 boys and 2,36,100 girls). As against it, enrolment in age groups 6-11 (Class I to V) was 4,61,000 (3,10,000 boys and 1,51,000 girls) and in age group 11-14 (Class VI-VIII) 79,560 (54,400 boys and 25,160 girls). Percentage-wise, enrolment at primary stage was less than 60 and at middle stage less than 17 of the school going children in TSP areas in Orissa. It is distressing that</p>

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			enrolment is so low even after 45 years of independence. The Committee, therefore, urge the Government of Orissa to make utmost efforts to provide educational facilities to those unfortunate students who have not been covered so far. Tribal parents may also be prevailed upon to send their wards to schools by convincing them of the virtues of education.
35	4.33	Welfare	The Committee are perturbed to note that out of 1294 hostels constructed till the end of 1991-92, 363 hostels are being used as class-rooms and other 8 for other purposes. This has been so despite the Committee having pointed out this fact to the State Government early this year and had desired to get the hostels vacated by making proper arrangements for class-rooms. The Committee feel that continuous use of hostels as class-rooms deprive the tribal the tribal students of the much needed hostel facilities. They, therefore, desire that alternate arrangements for school buildings may be made expeditiously so that these hostels may be available to the students for use as hostels.
36.	4.51	-do-	Agriculture occupy a pivotal position in tribal life. According to 1981 census, about 87% of ST main workers are dependent on agriculture. The Committee observe that average agricultural productivity per hectare of rice, cereals and oil seeds has been comparatively lower in tribal sub-plan areas vis-a-vis the state average during the years 1988-89, 1989-90 and 1990-91. In case of pulses also, where average productivity was higher than the State average in the earlier two years, it has come down to 550 from 650 kgs. in 1988-89 and 672 kgs. in 1989-90 against the States average productivity of 552 kgs. in 1990-91. Thus, in this case also, the average productivity is on the decline.

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			<p>Though the representatives of the State Govt. did not agree at the time of the evidence before the Committee that the productivity in tribal areas is comparatively low and has been on decline yet the statistics provided by the State Govt. subsequently about productivity confirm it. The Committee are deeply concerned at the lower level of agricultural productivity in tribal areas. According to the studies conducted in this regard low agricultural productivity is a cause of alienation of tribal lands, chronic indebtedness and failure to repay loans obtained from banks and other institutions. This has also been a cause of outward migration of tribal workers from TSP areas. The Committee, therefore, urge the Government to take immediate measures to develop agriculture in TSP areas and increase its productivity as 87% of tribal workers are dependent on agriculture.</p>
37	4.52	Welfare	<p>The Committee note that quantification of funds in agricultural sector by the various Departments of the State Government and also by the Central Ministry of Agriculture has been done by application of a percentage on the outlays for various existing schemes. These schemes are generally not designed with the Tribal Sub-plan areas in mind. So the results are not commensurate with the investment on various schemes. The Committee trust that the Ministry of Welfare will take up the issue with the Ministry of Agriculture Govt. of Orissa and all other concerned to improve the procedure.</p>
38	4.53	-do- Deptt. of Fertilizers	<p>Fertilizer is a major input applied to increase agricultural production. In order to encourage its use, Govt. of India have taken a number of steps including subsidising its price and making its availability uniform in every corner of the country through the mechanism</p>

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39.	4.54	Welfare	<p>of Freight Equalisation Scheme. Under this scheme, Central Govt. provides subsidies to Chemical Fertilizer Manufacturers to send their products upto block headquarters all over the country even by road. However, it is disturbing to note that fertilizer manufacturers have not been provided adequate incentive under this secondary freight scheme for delivering their product in various blocks of TSP areas of Orissa State whereas in the neighbouring states of West Bengal and Madhya Pradesh incentive on this account ranged from Rs. 45 to 50 per tonne. This has been found to be a major deterrent in supply of fertilizers in some parts of Orissa which are not served by rail-network. Therefore, the State Government has been pleading with the Govt. of India to remove this anomaly and pending a general revision, grant at least <i>ad-hoc</i> increase of Rs. 52 per tonne. As this factor has been inhibiting availability of fertilizers in Tribal Sub-Plan areas of the State resulting in low agricultural productivity, the Committee strongly recommend that anomaly may be resolved urgently. This fact assume added importance in the light of the fact that consumption of fertilizers in TSP districts has been as low as 5.4. kg. in Phulbani and 10 kg. in Koraput and farmers cannot take up high-yielding summer rice varieties in the absence of fertilizers.</p> <p>The Committee note that in the absence of adequate irrigation facilities in TSP areas it is not possible to take up rice cultivation at larger scale. The State Govt. has therefore, been contemplating launching of spices and sericulture schemes and coffee to some extent besides oil seeds and pulses. The Committee will like Tea plantation also to be tried on experimental basis. However, tribal farmers can take up these schemes only if they get</p>

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			<p>fair price for these products. For that purpose, marketing assumes added importance. State Government stated to be trying to bring in large firms with the assurance that they would be permitted to procure produce of these crops from the farmers at specific price in return for the extension work they would undertake in tribal areas. The Committee welcome this innovative scheme of the State Govt. However, as a matter of abundant caution, the Committee would like to be ensured that tribal farmers interests would not be lost sight of and the scheme should not turn into another form of their exploitation. The farmers must be assured remunerative prices for their produce.</p>
40	4.55	Welfare	<p>The Committee have been informed of the various constraints experienced in undertaking agricultural developmental schemes in tribal areas. These have been lack of education among tribals; inadequacy of communication net-work resulting in low availability of essential in-puts for higher agricultural production to tribal farmers; unremunerative prices to farmers for their produce and non-availability of pesticides, etc. These difficulties once again, bring into focus the need of ITDA approach which is a multi-facet approach leading to all round development of tribal areas. The Committee trust that various sectoral departments of the Central and State Govts. will take note of these infrastructural bottlenecks and pool their resources and devise schemes collectively to develop these areas speedily. The Committee will also like to be apprised of the action taken in this regard.</p>
41	4.56	-do-	<p>Another impediment in low agricultural productivity has been lack of irrigation potential. The Committee's observations on this aspect are available elsewhere in the Report. The Committee would like that new schemes</p>

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			are formulated speedily to augment irrigation potential in tribal areas.
42	4.57	Welfare	<p>Shifting cultivation has been a major impediment to forest development in Orissa. No systematic survey about the total area under shifting cultivation has been conducted. However, according to earlier studies, about 12000 sq. miles of forests were affected by it. According to the latest estimates podu cultivation area in the State was stated to be about 1.84 lakh hectares. Shifting cultivation results in destruction of valuable forests which leads to soil erosion and silting of agricultural land down below. It also adversely affects environment and ecology. In order to contain podu cultivation, project report of a scheme costing Rs. 17 crores and spread over 5 years period was submitted by the State Government, to the Ministry of Agriculture. The State had received about fifty per cent of the project cost and about 5500 families were assisted, most of them partly. The scheme has since been stopped because of resource constraint. While the Committee would like the Ministry of Welfare to take up the matter with the Ministry concerned to provide funds to restart the scheme as early as possible, keeping in view its manifold benefits, they at the same me desire the State Govt. to settle the tribes permanently by providing them cultivable land. Thereafter simple warning that they would be prosecuted if they indulged in this type of unlawful activity will in Committee's opinion deter them as tribals are generally simple and law abiding people.</p>
43	4.68	-do-	<p>The Committee note that there are 20 specific areas in reserved forests which have been occupied by Orissa tribals and State Government is trying to survey these areas. The Committee will like that these tribals as</p>

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			well as those who have been living in deep forests for years together should not be harassed and disturbed by the forest officials of the State Government and they should be permanently settled there by the State Government.
44	4.74	Welfare	Animal Husbandry has traditionally been an important secondary source of livelihood in TSP areas. Scheduled Castes and Scheduled Tribes rear not only milch and drought cattle, but also smaller animals like pigs, goats and poultry. Scheduled Castes and Scheduled Tribes, according to an estimate made by the Ministry of Agriculture, constitute one-fourth of the total beneficiaries under operation flood and other dairy development programmes. The Ministry of Agriculture has also issued guidelines to the State Governments stipulating that 20—25% of benefits flowing from animal husbandry schemes should go to tribal areas and that under special livestock production programme (SLPP), 30% of beneficiaries should be SCs and STs. The Committee are, however, dismayed to find that in spite of such important measure taken by the Government no thought has been given to introduce insurance scheme for drought animals. Premature and sudden deaths of these animals bring miseries to poor tribals, as not only their source of income goes away, they also undergo debt. The Committee, therefore, strongly recommend that Govt. should examine feasibility of such insurance schemes even for all types of livestock reared by the tribals apart from those supplied to them under various poverty alleviation programmes.
45	4. 4.79 -do- 4.80	-do-	One of the strategies for development of tribal areas during Seventh Plan was to give special emphasis on minor irrigation as well as lift irrigation and soil, and water

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			<p>conservation. The Committee are distressed to find that inspite of this added emphasis, physical achievements in these sectors has been far below the targets laid down. As against the target of 81.94 thousand hactare under major and medium irrigation during 1985-90, the actual achievement was as low as 36.41 thousand hactare. Similarly, under lift irrigation schemes, survey and investigation of water resources was 3000 sq. kms. against the target of 6000 sq. kms; installation and energisation of new lift irrigation projects was 947 nos. against 1760, creation of additional irrigation potential was 19052 hactare against the target of 42,000 and only 2093 pump sets were energised out of 4500 planned in Tribal areas. Evidently, achievements fell far below the targets. 4.80 The Committee desire that reasons for such a dismal performance may be analysed and remedial steps taken promptly to accelerate the process of development in these sectors. The Committee will also like to be apprised, of the action taken in this regard.</p>
46	4.81	Welfare	<p>The Committee note that some parts of the Tribal district of Koraput have been adversely affected by diversion of water of Indravati river from Godawari basin to Mahanadi basin which is a diversion from Scheduled Area to non-Scheduled Area. The people of the area are agitated over it as areas down stream Indravati Project will dry up after completion of this project and their fertile land will become barren due to diversion of water and in the absence of adequate irrigation facilities. They have been legitimately demanding that check dam may be built up in the area to store water for use of human beings and animals and also to irrigate land which is stated to be very fertile. Appreciating their view point, the Study</p>

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			<p>Group I of the Committee took up the matter with the Chief Secretary of the State with whom they had a discussion at Bhubneswar. However, nothing concrete appears to have emerged so far as the latest information furnished by the State Government states that 'technical viability of having alternative sources of water for multi-purpose necessity in the down stream area of upper Indravati reservoir is under examination'. The Committee urge the Govt. to accord priority to this matter and devise steps to provide alternative source of water to the people living downstream of Indrawati Project.</p>
17	4.82	Welfare	<p>The Committee understand that the Upper Indravati Project is going to be completed within a year or two but the check dams for the down stream areas cannot be constructed by that time. Therefore, the Committee recommend that 33% of the project water should be allowed to go down stream to keep the life of the people living in that area normal till the check dams are constructed.</p>
48	4.106	-do-	<p>The Committee note that medical and paramedical staff provided in new Primary Health Centres and Community Health Centres in tribal areas of Orissa State has not been on the pattern prescribed by the Central Government. In fact, new PHCs have been manned only by one Medical Officer who is supported by one pharmacist and one A.N.M. besides 2 Class IV staff while the Government of India has prescribed in addition to this Community Health Officer, staff nurse, health educator, health assistant, male and female, laboratory technician, U.D.C., L.D.C, and two more class IV staff. Similarly, in Community Health Centres also medical and paramedical staff provided was much less than the prescribed pattern.</p>

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			<p>Paucity of funds has been stated to be the main reason. Further, the Committee note that out of the total 921 posts of doctors sanctioned in sub-plan area, 149 posts were lying vacant. The Committee are at loss to understand how the new PHCs and CHCs could function effectively in the absence of adequate staff. Obviously, full health care benefits have not been made available in tribal areas and whatever facilities have been provided get worsen further because of the vacancies caused by the reluctance on the part of staff to serve in tribal areas which are remote and lacked infrastructure and communication facilities. The Committee are gravely concerned at this state of affairs and desire that adequate medical and paramedical staff be provided in New PHCs and Community Health Centres and all other medical institutions at an early date.</p>
49	4.107	Welfare	<p>The Committee are also deeply concerned at the fact that tribal areas have not been served properly and the medical institutions provided are not adequate as per the norms laid down by the Ministry of Health and Family Welfare. The Committee find that in Koraput district having a rural population of more than 22 lakhs, there are only 35 PHCs, 2 upgraded PHCs, 14 additional PHCs and 594 Health sub-centres. It is thus clear that a PHC is covering a populatic.. of more then 50,000 and a sub-cerfer of more than 4,000 which is much more than the prescribed norms. The picture becomes more grim in the light of the fact that the tribal habitations are scattered over a large area and population density is very thin. Tribals have to cover large distance to get medical attention. Out of the 400 doctors posts in the district. 125 posts are lying vacant. Besides that 391 posts of other trained medical personnel posts are also yet to be filled. Out</p>

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			<p>of 179 medical institutions proposed to be opened in the district during plan period only 135 have been opened. 44 Medical institutions could not be opened for want of accommodation. Thus, a large number of tribals have been deprived of the medical help. This is a sad commentary on the provision of health facilities in tribal areas.</p>
50.	4.108	Welfare	<p>The reason for not taken up postings in Tribal Sub Plan areas by medical, para-medical and other staff are many. Besides remoteness of the area and lack of amenities, it included lack of reputed educational institutions for quality education, lack of residential accommodation, poor communication and infrastructural facilities. Besides, there are as the Committee has been informed little avenues of earning additional income through private practice. To make the things worse, no incentive has been provided by the State Government to the staff posted there. The Finance and Welfare Ministry informed that compensatory allowance was included in the devolved fund to continue payment of this allowance by the State Government. The Committee are at loss to understand that in spite of positive recommendation by the State Chief Secretary to grant compensatory allowance to the Staff which they were getting earlief, the Cabinet decided otherwise. This decision of the State Government when viewed in the light of the fact that Central Government has been providing funds to the State Governments on this accounts become intriguing. Under these circumstances, tribal areas continue to suffer. The Committee, therefore, strongly recommend that grant of compensatory allowance to the medical, paramedical and other staff posted in tribal areas be restored at once. The Planning Commission Ministry of Finance may be requested to release this</p>

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			allotment separately to Harijan and Tribal Welfare Department.
51.	4.109	Welfare	<p>The Committee are distressed to find that during the year 1990-91, the State Government has spent Rs. 61,73,000 on medicines in tribal areas which has a population of 60 lakhs. In other words, Government has been providing medicines of Re. 1 per annum on an average to a tribal. No doubt constraint of funds is the major reason, yet such a meagre amount is utterly insufficient.. Problems of ailing tribals gets further accentuated by lack of availability of prescribed medicines near their habitations and they have to haul long distances to urban areas to purchase prescribed medicine and quite often considering the time and fatigue involved these people avoid taking medicines. The Committee, therefore, strongly recommend that allocations for medicines for tribal areas be substantially increased. The Committee desire the Ministry of Welfare to take up the matter with the concerned Ministries and impress on them that funds being provided to the State for medicines in tribal areas are insufficient and this amounts to negation of health care.</p>
52.	4.110	-do-	<p>The Committee are distressed to find that out of the 118 PHC/Additional PHC buildings sanctioned under the Eighth Finance Commission Award, only 87 have been completed. The remaining 31 are stated to be under construction at different stages. The unusual delay on this account are highly deplorable as the delay amounts to deprivation of medical facilities to poor tribals in remote and inaccessible areas where no other alternatives is available. The Committee urge the Government to expedite the construction work and open new PHCs/ Additional PHCs at an early date.</p>

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53.	4.119	Welfare	<p>The National Forest Policy recognised the customary rights of tribals living in forest areas. They are allowed to collect fuel wood, small timber and minor forest produce free of cost for their domestic consumption. The Committee have been informed that a tribal can collect fire-wood to the extent he can carry on his head. The Committee feel that in the context of developing infrastructure like roads etc. in tribal areas this nomenclature should not be strictly insisted upon. Tribal may at some places might like to carry fuel-wood by cart etc. to avoid stresses and strain associated with carrying fuel-wood on head. Rules and procedure in this regard should be modified to allow him to cart away fire-wood so long it is for his family's domestic consumption.</p>
54.	4.120	-do-	<p>The Committee find that minor forest produce collected by poor tribals are procured by State Government agencies for marketing at pre-determined prices. These State Government Agencies pay composite royalty to the State Government @ Rs. 12,12,705/- per annum for certain M.F.P. Royalty on Mahua flower is stated to be @ Rs. 7.35 per quintal and on tamarind it varies year to year on the basis of quantity procured. The Committee also find that these State Agencies have not been paying tribals who collect MFP, even minimum wages because of their high overhead and selling costs and unremunerative selling price. The Committee, in this context, therefore, don't find any justification for collecting royalty on M.F.P. The Committee, therefore, strongly recommend that State Govt. and cooperative agencies which collect MFP from tribals should be exempted from royalty charges. These agencies in their turn should be asked to pass on these gains to tribals by increasing</p>

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procurement rates and augmenting MFP procurement facilities by opening new centres in interior areas.

The Committee are of the view that tamarind now a days is grown mostly on private land by the tribals. Therefore, they do not find any justification in keeping this produce on the list of M.F.P. The Committee, therefore, recommend that it may be deleted from the list of M.F.P.

55. 4.149 Welfare

The Committee observe that the number of Scheduled Castes and Scheduled Tribes employees in 24 departments of the State Government for which information has been made available by the State Government is 10,570 and 7,154 respectively. In Group 'C' out of 85,773 total employees. In Group 'D' the total strength is 32,844 and the number of SCs and STs is 7,867 and 2,707 respectively. Percentage-wise, the representation shortfall is more than 14 per cent for STs in both the Groups and 2.68 per cent for SCs in Group 'C' at the State level. Out of 7,719 employees in Group 'C' there are 931 SC and 664 ST employees and in Class 'D', out of 2285 employees there are 355 from SC and 396 from ST. The percentage of SC comes to 12 in Class 'C' and 15.5 in Class 'D' and for ST it comes to 8.6 in Class 'C' and 17.3 in Class 'D'. The employment position of SC is better than those of STs. The Committee take a serious note of it. Though the reservation is followed by the States since 1950, the shortfall among ST is abnormal. In view of the large shortfall in the representation of STs in Group 'C' and 'D' posts on the one hand and a large number of STs with matriculation and graduation qualifications on the live registers of Employment Exchanges of various districts of Orissa, the Committee are inclined to believe that reservation policy is not being implemented seriously.

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			seriously.
56.	4.150	Welfare	<p>It is disturbing to note that even in districts like Koraput which has 56% STs and 14% SCs population, their representation is barely 12% in Group 'C' and 15.5% in Group 'D' for SCs. Similarly for STs it is 8.6% in Group 'C' and 17.3% in Group 'D'. The number of those registered with Employment Exchange with matriculation and graduation qualification is quite substantial. This is so in spite of the claim of the Chief Secretary of the State that to increase STs representation in services, State Govt. has increasingly converted a number of services into districts cadre. Therefore, the argument that there are no tribal candidates for recruitment to Group C & D is meaningless. Obviously non-SC/ST persons from other districts have been getting jobs in Koraput and other Scheduled Areas distts. by getting false domicile certificates.</p>
57.	4.151	-do-	<p>The Committee also feel the 23% reservation provided to STs in all the Distts. and the the State level in Orissa has not served the interests of tribals. Not only at the State level and in other non-Scheduled Areas, even in Scheduled Areas districts like Koraput where STs outnumber others and educated tribals suitable for districts cadre posts are available in good number, they are deprived to get employment in proportion to their population because of the reservation to them having been linked to 23 per cent. against their population of 56 per cent and they have to compete with general category persons who are comparatively more advanced resulting in formers failure in competition.</p>
58.	4.152	-do-	<p>The State Government of Orissa pleaded that the formula for district-wise reservation will not be possible in Orissa as per the Reservation Act of the State of Orissa as it has got only one formula. The Committee</p>

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feel that any act of Parliament or Assembly can be enforced with amendment in scheduled area or centre withheld from it under para 5(1) of fifth Schedule of the Constitution. The Governor can notify in the official gazette and enforce the provision in the interests of the tribals of the TAC can recommend it to the President through the Governor under para 5(2) of fifth schedule of the Constitution.

59. 4.153 Welfare

The State Government has stated that the Law Department objected to this on the ground that Article 16(1) of the Constitution prevents such reservation in the State. The Committee would like to point out that Article 16(1) is a general provision and Article 16(4) is a special provision for the reservation of backward classes which overrides Article 16(1). The State Government further stated that there cannot be two reservation policies in one State, one for State and another for District. In this connection the committee would like to state that Government of India have two reservation policies, one for 'A' and 'B' posts, i.e., 15% and 7½% for SC and ST respectively at the All India level and for 'C' and 'D' posts so the State or regional level which is proportionate to the population of the State or region. Orissa Government have two categories of posts, one is State cadre and the other is District cadre. The State policy of 23% reservation for the State cadre posts is under implementation and it will continue to be so. For the District cadre posts the proposed formula of District reservation posts should apply. Unlike Scheduled Castes, Scheduled Tribes are inhabited only in limited areas in concentration. Therefore, the single formula is of no use to them. The Secretary Department of Personnel, who was examined

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			recently, stated that the reservation formula is based on "employment proportionate to population". There is no geographical barrier for this formula. Therefore, the argument of the State Government is not based on any fact.
60.	4.154	Welfare	Representatives of the State Govt. of Orissa have also quoted the Supreme Court judgement to restrict 50% of total reservation. But in the recent judgement delivered in November, 1992, the Supreme Court have relaxed the previous judgement and stated that considering the remoteness of the area and diversity of the population the rule of 50% can be exceeded under exceptional circumstances.
61.	4.155	—do—	The District Cadre posts are recruited at District level and from the local employment exchange where candidates of other districts are not registered. Therefore, the tribals who inhabit only in a few districts cannot go to other districts for employment. They are also home-sick and do not like to go to distant places to serve specially to class 'C' and 'D'.
62.	4.156 and 4.157	—do—	The National Commission for Scheduled Castes and Scheduled Tribes in its 2nd Report (para 432) submitted by its Chairman, Shri Bhola Paswan Shastri in 1979-80 and also by Shri Bheekha Bhai in the Annual Report for 1984-85 (Para 2.20) recommended District reservation in favour of Scheduled Tribes considering huge backlog. The Committee, therefore, urge the Ministry of Welfare to take up the matter seriously with the State Government of Orissa in this regard to provide reservation at the District level for the District cadre posts proportionate to population in addition to the present policy implemented by the State Government to clear huge backlog of Scheduled Tribe candidates as early as

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			possible.
63.	5.9	Welfare	<p>The Committee note that arrangements have been made for monitoring and evaluation of Integrated Tribal Development Project programme both at the Centre and State level. Various independent agencies have also been involved in this exercise, besides the official organisations. These Evaluation Studies have revealed varied nature of problems faced by different ITDAs. However, some of the common findings and recommendations made by these studies have been to tone up the ineffective functioning of project level Committees; formulation of perspective plan for a minimum period of ten years taking into account resources available and constraints in a given area; prior approval by the project level Committee of the proposed programmes to be taken up in ITDA area; single line administration and empowering project administrator to review performance of B.D.Os and Sub-Division level authorities; horizontal linkage between ITDA and DRDA; defining role of DRDA and ITDA; augmentation of staff strength of ITDA by including technical personnel; streamlining of the functions of various programmes; proper identification and motivation of beneficiaries etc. The Committee will like to be apprised of the specific steps taken to improve the functioning of ITDAs in the light of these findings.</p>
64.	5.10	-do-	<p>The Working Group on development and Welfare of Scheduled Tribes during Eighth Plan had made an indepth study of the quality of the monitoring system prevalent in various States and UTs and was of the opinion that the existing monitoring mechanism is not very effective in their thrust. The Group has further held the view that State level monitoring meant a periodical</p>

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65.	5.11	Welfare	<p>review at the highest level which is quite often not followed very seriously for corrective action. It was, therefore, desired that at the Chief Secretary level, the review should be more frequent and more effective. The Committee will like to be apprised of the action taken on these useful suggestion of the Working Group.</p> <p>The Committee note that 13 Central Ministries/Departments have constituted Cells to formulate and monitor tribal development programmes. In this context the Committee note that guidelines issued by the Planning Commission had emphasised that each Ministry of the Government of India has a role to play in the development of Scheduled Castes & Scheduled Tribes and had required them to formulate appropriate programmes which are tailor made to the needs of SCs & STs. The Committee therefore, desire the Ministry of Welfare to prevail on the remaining Central Ministries/Departments to expeditiously set up such cells for formulation of appropriate programmes and their monitoring.</p>