

CHAPTER IX

MAIN ISSUES IN TRIBAL DEVELOPMENT

Background

9.1 The tribals are believed to be the original inhabitants of India. Due to series of invasions by alien communities and relentless pressure from more powerful neighboring communities, they were driven to forests, hills and other inhospitable regions. In their isolated existence, these communities developed their own distinct culture, traditions, languages and administrative structure. While some of them are settled cultivators, many others continued to depend on shifting cultivation, hunting, food gathering etc. In Government of India Act of 1935, most of the areas inhabited by the tribals were declared as Excluded or partially Excluded Areas. After independence such areas were renamed as Scheduled Areas and included in Schedule V and Schedule VI. The essential characteristics for recognition as a Scheduled Tribe are primitive traits, geographical isolation, distinctive culture, shyness of contact with outsiders and economic backwardness.

9.2 As per 1991 census, the population of Scheduled Tribes was 6.77 crores, representing 8.05 percent of country's population. This 8% of the population inhabit more than 20% of the geographical area of the country, which contains about 70% of country's total natural resources. While the Scheduled Tribes are spread throughout the country, their main concentration is in the Central India in the States of Gujarat, Maharashtra, Rajasthan, Madhya Pradesh, Andhra Pradesh, Bihar and Orissa, where more than 82% of the country's tribal population is concentrated. Another pocket of tribal concentration is North-Eastern region where 12% of the country's tribal population lives. The remaining tribal communities are concentrated in the areas adjoining Nilgiri Hills in the South and in the North-Western Himalayan region.

9.3 The tribal communities represent diverse, ethnic, religious and linguistic groups. There is no uniformity in their levels of development, while in Mizoram they are close to 100% literacy, the Jarawas and Shompers in Andaman and Nicobar Islands are still living in the state of nature. However the common feature among all the tribal communities is their strong cultural traditions, kinship, remoteness of their habitats, lack of infrastructure facilities and low level of technological advancement.

Important Constitutional and Legal Provision Relating to Scheduled Tribes

9.4 Recognising the constraints imposed by their peculiar cultural and geographical environment, the framers of the Constitution made specific provisions for their protection from exploitation and special measures for their accelerated socio-economic development. Some of the important Constitutional provisions relating to the Scheduled Areas and the Scheduled Tribes are discussed in the succeeding paragraphs.

9.5 The procedure for declaring a community as a Scheduled Tribe has been provided in Article 342 of the Constitution. In terms of the provision of Article 342 (1), the President has issued various Orders notifying certain communities as

Scheduled Tribes in relation to the concerned States/Union Territories. However, the powers to decide inclusion in and exclusion from the notified list of Scheduled Tribes is vested in the Parliament under Article 342(2) of the Constitution and the Parliament alone is competent to take a decision in this respect.

9.6 The Fifth Schedule of the Constitution contains provisions relating to the administration and control of the Scheduled Areas and Scheduled Tribes. There are eight States having Scheduled Areas, viz., Andhra Pradesh, Bihar, Gujrat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The Governors of these States have been bestowed with special powers and responsibilities. The Governors of these States are required to submit annual reports to the President on the administration of Scheduled Areas and Scheduled Tribes. These States are also required to constitute Tribes Advisory Council, which must be consulted on all the policy matters relating to welfare and development of the Scheduled Tribes. Tamil Nadu and West Bengal, which though do not have Scheduled Areas, have also made provision for constituting Tribal Advisory Councils. The Governors of these eight States have the powers to make regulations for the peace and good government of the Scheduled Area, particularly for the following purposes:

- (a) to prohibit and restrict the transfer of land among the members of the Scheduled Tribes in such areas,
- (b) to regulate the allotment of land to members of the Scheduled Tribes in such areas,
- (c) to regulate the carrying on of business as money lenders to the Scheduled Tribes in such areas.

9.7 The Sixth Schedule of the Constitution relates to the administration of the Tribal Areas in the States of Assam (North Cachar Hills and Karbi Anglong Districts) Meghalaya, Mizoram and Tripura (Autonomous Hill Council). This Schedule provides for Autonomous District Councils and Autonomous Regional Councils for the administration of these areas, which have had a long tradition of local management systems. These Autonomous Councils not only administer various development programmes but also have powers to make laws on a variety of subjects.

9.8 Under the Sixth Schedule of the Constitution, wide-ranging powers have been vested in the Regional and District Council to promote self-governance of such areas in accordance with the customs and traditions of the respective tribal communities. They have powers to make rules for constitution of District and Regional Councils, promotion of subordinate local councils or Boards and on all matters relating to the transaction of business pertaining to the administration of the district or the region. They can make laws on matters relating to land, management of any forest not being a reserved forest, use of any water course for irrigation, regulation of practice of shifting cultivation, social customs, marriage and divorce, and matters relating to village or town administration, including village or town police and public health and sanitation. They may constitute village councils or courts for the trial of suits and cases between the parties all of whom belong to the Scheduled Tribe within such area, with certain exceptions with regard to certain crimes under the IPC, attracting punishment of imprisonment for five years or more. The District and Regional Councils are also bestowed with powers to levy land

revenue, taxes on profession, trade etc., toll tax, besides many other forms of taxes and license fee on lease of land for the purpose of prospecting and extraction of minerals. There is also a provision for setting up a District or Regional Fund in such form as the Comptroller and Auditor General of India may prescribe.

9.9 Considering the extremely poor physical infrastructure, lack of adequate administrative infrastructure and means of communication and general economic backwardness of the Scheduled Areas and the Tribal areas, a specific provision has been made in the Constitution for meeting the special needs of such areas. Article 275 (1) of the Constitution provides for grant-in-aid to meet the capital and recurring costs of schemes undertaken for the economic development of Scheduled Areas and Scheduled Tribes, for promotion of their welfare and raising the level of administration of the Scheduled Areas to that of the administration of the rest of the areas of the State. Such schemes are to be approved by the Govt. of India and the grants will be paid out of the Consolidated Fund of India, which is not subject to budgetary constraints. There is similar provision of grant-in-aid from the Consolidated Fund of India for development of Tribal Areas and raising the level of administration in the areas and States covered under the Sixth Schedule of the Constitution.

9.10 With a view to give equitable share to the Scheduled Tribes in the governance, it was considered necessary to make certain specific provisions in the Constitution. Article 330 and 332 provide for reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Vidhan Sabhas, respectively. Article 334 originally laid down that the provision relating to reservation of seats for SCs and STs would cease to have effect on the expiration of a period of ten years. This Article has since been amended from time to time, extending the period by ten years on each occasion. Articles 243 D and 243 T provide for reservation of seats for the Scheduled Tribes in the Panchayats and Municipalities in proportion to their population in the Panchayat and the Municipality, as the case may be.

9.11 Article 16(4) empowers the State to make provision for reservations in appointments and posts in favour of any backward class of citizen, which, in the opinion of the State, is not adequately represented in the services under the State. Article 16(4A) enables the State to make provision for reservations in favour of Scheduled Castes and Scheduled Tribes in matters of promotion to any class or classes of posts in the services. At present reservation in promotions is restricted upto the first level of Group A services. Article 335 of the Constitution lays down that the claims of the Scheduled Castes and Scheduled Tribes shall be taken into consideration in making appointments to services and posts in connection with the affairs of the Union or of a State, consistent with the maintenance of efficiency of administration.

9.12 Article 15(4) empowers the State to make special provision for the advancement of any socially and educationally backward class of citizens and to reserve seats for SCs and STs in educational institutions, including technical, engineering and medical colleges and in scientific and specialised courses. Article 29(1) has special significance for the Scheduled Tribes as it gives the right to the citizens to conserve their distinct language, script or culture. Most of the tribal communities have their own language or dialect. Article 350 A provides that "it shall be the endeavor of every State and of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority

groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities”.

9.13 In addition, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been enacted to give these communities protection from various forms of exploitation and to provide them relief in case they are subjected to discrimination and exploitation. Almost all the States have enacted Land Transfer Regulations imposing restrictions on transfer of tribal lands to non-tribals. Legislations have also been enacted to regulate money lending in tribal areas to protect them from exploitation by the non-tribals. The National Forest Policy and the Forest (Conservation) Act 1980 recognise the symbiotic relationship of tribals with the forests and seek to protect their interests in the forest areas. Under Article 338, a National Commission for Scheduled Castes and Scheduled Tribes has been set up to advise on the planning process of socio-economic development of Scheduled Castes and Scheduled Tribes, evaluate the progress of their development and monitor all matters relating to the safeguards provided for these communities under the Constitution or under any other law. Article 339 provides that executive power of the Union shall extend to giving of directions to a State as to drawing up and execution of schemes essential for the welfare of the Scheduled Tribes. This Article also provides that the President may at any time appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States.

Strategy and Programmes for Tribal Development

9.14 As already mentioned, the main feature of strategy for tribal development has been to promote the participation of the Scheduled Tribes in planning and implementation of programmes for their development. The main areas of tribal concentration in the Central India were included in Schedule V of the Constitution and those in the North-East were included in Schedule VI. The special powers vested in the Governors' of the States having Scheduled Areas and the requirement of annual report of the Governor's on the administration of Scheduled Areas and Scheduled Tribes alongwith the provision for constitution of Tribal Advisory Councils provide the framework for administration of Scheduled Areas covered under Schedule V. In Schedule VI, the Regional and District Autonomous Councils provide the basis for self-governance by the tribal communities. In furtherance of these objectives, Pt. Jawahar Lal Nehru, the first Prime Minister of India, had enunciated the five guiding principles for tribal development, which are:

- (a) Tribal people should develop along the line of their own genius and we should avoid imposing anything on them.
- (b) We should try to encourage in every possible way conservation and promotion of their own traditional arts and culture.
- (c) Tribal rights in land and forests should be respected.
- (d) We should try to train and build up a team of their own people to do the work of administration and development.
- (e) We should not over-administer these areas and work through their own social and cultural institutions.

9.15 During the British rule, the approach to the administration of tribal areas was marked by a desire to leave the tribal areas alone by designating such areas as excluded or

partially excluded areas. The reasons for such an approach obviously were the difficulties involved in governing the valiant and self-respecting groups of people living in remote and inaccessible regions without proper communication facilities. As a result, these tribal areas received least attention and were left to the whims and caprices of local zamindars and petty officials, who exploited the gullibility and simplicity of the tribal to the maximum extent. This naturally resulted in further alienation and isolation of tribal communities from the mainstream and exacerbated their socio-economic plight.

9.16 In pursuance of the safeguards and special responsibilities enshrined in the Constitution, the first systemic effort for the development of the tribal areas was initiated in 1955 in the form of creation of Special Multi-Purpose Tribal Development Blocks. Subsequently, a modified version of this program was adopted in the Second Five Year Plan and Tribal Development Blocks were created on a larger scale. During the Third Five Year Plan, this program was further expanded and all areas with more than 2/3rd tribal concentration were covered. There was, however, no separate allocation of funds for tribal development and it was assured that the benefit of general development programmes will reach the tribal communities also to enable their accelerated socio-economic development.

Tribal Sub Plan

9.17 As the tribals who were relatively poorer, almost entirely illiterate, unaware of technological advancement and inhabiting inaccessible regions, could not get their due share in the general development programmes, it was considered necessary to evolve a new strategy for their socio-economic development. Thus the concept of Tribal Sub Plan was evolved and adopted during the Fifth Five Year Plan. The Tribal Sub Plan had twin objectives of accelerated socio-economic development of the tribals and their protection against various forms of exploitation. The Tribal Sub-Plans were expected to identify the resources from the sub-Plan areas, prepare a broad policy framework for the development of tribal areas and evolve a suitable administrative structure for its implementation. Those areas having more than 50% tribal concentration were identified and during the Fifth Plan 180 Integrated Tribal Development Projects were set up, covering 65% of the tribal population in 18 States/UTs. In the Sixth Five Year Plan, Modified Areas Development Approach (MADA) was also adopted to cover smaller areas of tribal concentration having population of at least 10,000 with more than 50% tribals. Still smaller areas, called Clusters having population of at least 5000, with ST concentration of 50% or more were identified during the Seventh Five Year Plan. So far 194 Integrated Tribal Development Projects, 259 MADA pockets and 82 clusters have been set up in the areas not covered by the Sixth Schedule of the Constitution, where Regional and District Autonomous Councils have been set up.

9.18 The funding for the Tribal Sub Plan was to come from the Annual Plans of the States and the Central Ministries, Special Central Assistance to the Tribal Sub Plan, grants under Article 275(1) of the Constitution and the institutional finances. The cornerstone of the Tribal Sub Plan strategy is that each State/UT should provide a percentage of their annual plan, which is not less than the percentage of tribal population of the States/UT, for the Tribal Sub Plan. Similarly, each of the Central Ministries are also required to earmark 8.08% of their annual plans for the tribal sub plan and take up projects, programmes and activities for the development of tribal communities, using these funds.

9.19 It has, however, been observed that though most of the State Governments have been earmarking funds for the TSP in proportion to the tribal population, in large number of cases, this earmarking is only notional. Actual utilisation is often far less than the allocations. Diversion of TSP funds for other sectors is quite common. With a view to ensure that the diversion of tribal development funds are minimised, the Ministry of Social Justice and Empowerment has been pursuing with the State Governments to adopt the Maharashtra pattern which provides for a single budget head for tribal development to be operated by the Secretary incharge of Tribal Development. Many of the States have now adopted the Maharashtra pattern either fully or in a slightly modified version. There are still many States/UTs who have to take concrete steps for ensuring that tribal development funds are not diverted to other sectors.

9.20 The position in respect of Central Ministries is much worse. None of the Ministries have yet started formulation of a separate Tribal Sub-Plan or specific schemes for their socio-economic development. Though some of the Ministries have attempted quantification of funds for tribal development, their efforts are still confined to issuing guidelines for providing adequate coverage to tribal beneficiaries, without proper mechanism for monitoring and ensuring the implementation of the guidelines. Some of the Ministries, like Health and Family Welfare, have relaxed the norms for providing health infrastructure in the tribal areas. Over all, at the level of Central Ministries, there is lack of sincere efforts to formulate a separate Tribal Sub Plan according to the guidelines issued by the Planning Commission.

Special Central Assistance to Tribal Sub Plan

9.21 Ministry of Tribal Affairs provide adhoc grants to the States/UTs to fill in the gaps in their financial outlays for tribal development. This grant is to be utilised in conjunction with the sectoral allocations under the Tribal Sub Plan for specified purposes. The Special Central Assistance (SCA) is primarily meant for family oriented income generating schemes in the identified sectors, though a part of it can also be utilised for infrastructure development. The criteria for allocation of SCA to the States/UTs are the percentage of tribal population in the State/UT, level of their development, number of MADA pockets, Clusters and Primitive Tribal Groups, etc. The allocation under SCA to TSP having remained constant at Rs.330 crores for three years, from 1995-1996 to 1997-98, was increased to Rs. 380 crores during 1998-99. The State-wise release under SCA from 1992-93 to 1998-99 is at **ANNEXURE 9.I**.

9.22 Utilisation of grants released in the previous years is one of the essential condition for releasing fresh grants. SCA is released in 3-4 instalments, depending on the utilisation reports received from the States/UTs. In most of the Cases, utilisation reports from the States are not received in time. As a result there are delays in releases, leading to diversions or sometimes surrender due to non-utilisation. At the end of 1998-99, Bihar had unspent balance of more than Rs.100 crores under SCA and no grants could be released to the State during 1997-98 and 1998-99, depriving the poor tribal population of the State of this important source of funding. The Ministry of Tribal Affairs is under pressure to release full grants to the States/UTs, as otherwise, there is likelihood of reduction in the allocations in the subsequent years.

9.23 Keeping these aspects in view, the Commission recommends the following measures:

- (i) To avoid lapsing of funds and to ensure against its diversion to other sectors, a National Fund for Tribal Development may be set up and the unutilised funds under SCA and other tribal development schemes of the Central Ministries may be credited to this Fund, to be utilised for their development activities. The recommendation for setting up a National Fund for Tribal Development was originally given by Dhebar Commission in 1961, but has remained unimplemented.
- (ii) In view of the procedures involved, there are enormous delays before the funds are available to the implementing agencies for utilisation. Therefore, to cut short the delays, the Ministry of Tribal Affairs should release the SCA directly to the Integrated Tribal Development Projects, as is being done by the Ministry of Rural Development in case of DRDA funds. Only for meeting the requirements of scattered tribal population, not covered by the ITDPs, funds should be released to the concerned State/UT Governments.

Grants under Article 275(1) of the Constitution

9.24 Recognising the difficulties involved in the development of Scheduled Areas and Tribal Areas, which are characterised by wide spread poverty, lack of infrastructure and communication facilities and inadequacy of administrative machinery, a special provision was made in the Constitution under Article 275 to meet the specific needs of tribal communities and of Scheduled Areas. Article 275 provides that grants-in-aid will be paid out of the Consolidated Fund of India for capital and recurring expenditure on development schemes undertaken by the States for the purpose of promoting the welfare of Scheduled Tribes or for raising the level of administration of the Scheduled Areas to that of the administration of the rest of the areas of the State.

9.25 Provision for grants under Article 275 (1) is outside the domestic budgetary support and is made by the Ministry of Finance to be released through the Ministry of Tribal Affairs. Besides making a token provision to meet the Constitutional obligation, no serious effort has ever been made to give effect to this important provision for welfare and development of tribal communities and Scheduled Areas. Since 1992-93, an annual provision of Rs.75 crores is being made and there has been no increase in the allocation from 1992-93 to 1998-99. There is a separate provision in the non-plan budget for tribal areas of Assam, which has been stagnating at Rs. 14 lakhs per annum since inception, with no increase in the last 50 years.

9.26 While allocation under this provision has been very low, its utilisation by the States has also been extremely poor and that too mostly for purposes other than those envisaged in the Constitution or in the guidelines. This position has been confirmed in a report submitted in 1997 by the Program Evaluation Organisation of the Planning Commission.

9.27 With a view to put the grants under this provision to better use, the then Ministry of Social Justice and Empowerment (now Ministry of Tribal Affairs) took a decision in 1997-98 to utilise a part of the grants under Article 275(1) for setting up 100 Residential Schools from classes 6 to 12 for tribal children. The objective of setting up these schools is to provide quality education to the tribal children to enable them to avail of the facility

of reservation in higher and professional educational courses as well as in higher levels of jobs in the Government and in various other fields both in public and private sectors. Under this scheme it has been decided to provide Rs.250 crores for 100 Residential Schools during the Ninth Five Year Plan. Recurring costs for these schools will also be met by the Union Government.

9.28 It has, however, come to the notice of the Commission that there has been lack of earnestness and sense of urgency in the implementation of this scheme. It is understood that most of the States are yet to formulate concrete proposals based on the guidelines issued by the Ministry and the funds released to them as advance still remains unutilised in most of the cases. Even where the proposals have been submitted, these do not fully conform to the specific objective for which this scheme has been evolved.

9.29 While reviewing the implementation of Employment Assurance Scheme in Madhya Pradesh, the Commission had examined the scope of utilisation of grants under Article 275(1) for supplementing the financial requirement under schemes like Employment Assurance Scheme, and had advised the Ministry of Finance, Planning Commission and the Ministry of Tribal Affairs to take certain urgent steps so as to see that this important provision for financial assistance to the Scheduled Areas and the Scheduled Tribes is made full use of.

9.30 The Commission makes the following recommendation with regard to the provision of grants under Article 275(1):

- i **The Ministry of Tribal Affairs may constitute an Expert Group to examine the scope and objective of Article 275(1) and to submit a comprehensive proposal, including mechanisms for formulating the schemes under this provision, their implementation, monitoring and evaluation.**
- ii **The Ministry of Tribal Affairs may take urgent action to coordinate with the concerned State/UT Governments for implementation of the Residential Schools scheme and ensure that the proposals are formulated and implemented keeping in view the guidelines and the objectives for which the scheme has been initiated.**

Tribal Cooperative Marketing Federation (TRIFED) and Tribal Development Cooperative Corporations (TDCCs)

9.31 TRIFED was set up in 1987 under the then Ministry of Welfare (now Ministry of Tribal Affairs) with the prime objective of providing marketing assistance and remunerative prices to the Scheduled Tribes for their minor forest produce and surplus agricultural produce and to protect them from the exploitative practices of private traders and middleman. The authorised share capital of TRIFED is Rs.100 crores and the paid up capital had gone upto Rs.99.73 crores in 1998-99, out of which Government of India's share is Rs.99.50 crores and the balance Rs.23.00 lakhs has been contributed by the State TDCCs and other share holders. TRIFED undertakes procurement of Minor Forest Produce and surplus agricultural and horticultural produce through TDCC, FDC, LAMPS and other State level procurement agencies at pre-determined support prices and its marketing within and outside the country. The prices of MFPs and the agricultural produce are subject to fluctuations. For meeting contingencies of losses due to price

fluctuations and to ensure remunerative prices to the tribal farmers for their produce, the Ministry of Tribal Affairs has been giving financial assistance to TRIFED to set off part of such losses. Even though there was a provision of Rs.4 crores for this purpose in 1997-98, only Rs. One crore was released as TRIFED did not make sufficient procurement to make higher claims.

9.32 Performance of TRIFED in respect of procurement, domestic sales as well as exports during the years 1996-97 to 1998-99 was as follows:

Year	Procurement	Domestic Sales	Exports	Total Sales	Turnover
1996-97	96.76	110.14	22.44	132.58	229.34
1997-98	75.57	96.59	13.21	109.80	185.37
1998-99	33.12	35.31	10.87	46.18	69.30

9.33 It will be observed that the performance of TRIFED has been showing downward trend in all respects. It should review the functioning of various units and initiate corrective measures so as to play the important role of ensuring remunerative prices to the tribals for their produce. The present level of turnover is far too low and it needs to be significantly enhanced for playing a meaningful role. The paid up share capital for the Corporation has caught up with the authorised share capital. The TRIFED may, take urgent action to enhance the authorised share capital so that it can continue to get share capital contribution from the Government to increase its activities.

9.34 The Ministry of Tribal Affairs provides 100% grants to State TDCCs, Forest Development Corporations etc., for taking up procurement, processing, marketing etc. of Minor Forest Produce. Under this scheme grants can be utilised by the State for (i) strengthening the share capital base of TDCCs for increasing the volume of procurement of MFPs; (ii) construction of scientific warehouses; (iii) establishment of process industries for value addition to MFP items; and (iv) research and development activities by the Corporations. During the financial year 1997-98, an amount of Rs.8.23 crores was released to 8 States.

9.35 It is a well known fact that a large proportion of tribal population continues to be heavily dependent on collection of Minor Forest Produce to supplement their meagre income. As a result of various development measures taken, in certain pockets of tribal areas the production of agricultural and horticultural produce has started exceeding their consumption needs. Keeping in view these aspects it was considered necessary to organise marketing cooperatives at various levels to help the tribal farmers in getting remunerative prices for their produce. However, the functioning of the TDCCs and the LAMPS leaves much to be desired. Most of the TDCCs have not been able to utilise the grants available from the Central Government for enhancing their procurement operations. There is no organic linkage among the various levels of cooperative marketing structure and often they function at cross-purposes instead of complementing the procurement and marketing operations for giving maximum benefit to the tribals. Most of the grants released by the Ministry goes for payment of staff salaries. It is therefore necessary to take urgent measures for streamlining the functioning of the cooperative marketing

structure so as to see that they are able to significantly increase their operation and play their role of market intervention effectively.

Education Development Programmes

9.36 As already mentioned, in spite of various measures taken for improving the educational facilities and literacy levels among the tribal communities, the rate of literacy among the tribals, particularly in the Central India, has been far from satisfactory. As a result they have not been able to take full advantage of various development programmes and benefit of reservations in the educational course and in services. To supplement the efforts of normal program of Education Departments in the Central and State Governments, certain specific programmes have been launched exclusively for the benefit of Scheduled Tribe communities.

9.37 Keeping in view the peculiar socio-cultural environment of the tribal communities, a centrally sponsored scheme of Ashram Schools was launched in 1990-91. The objective was to extend educational facilities in an environment which is conducive to learning by the tribal children. Under this scheme 50% of the cost of construction of school buildings, hostels, staff quarters etc., is provided by the Central Government. The balance 50% of the capital cost as well as the recurring expenditure is to be met by the concerned States from their own resources. Similarly, the Central Government provides 50% grant for construction of hostels for tribal boys and girls. In addition the Central Government provides post-matric scholarship to the tribal children for higher education, including for professional courses. There are also facilities for coaching, book banks etc. so as to see that the tribal children are enabled to get the benefit of higher education.

9.38 These facilities and special programmes have no doubt helped the tribal children in availing the educational facilities. But due to the Central assistance being limited to only 50%, most of the States, who find it difficult to provide the balance 50% from their own resources, have not been able to take the benefit of these schemes to the fullest extent. There are also inordinate delays in utilisation of funds in some cases, which renders them ineligible for seeking further grants. It is therefore desirable to have a fresh look at these three Centrally Sponsored Schemes of Ashram School, Boys Hostels and Girls Hostels. As the recurring expenditure is fully met by the concerned State Governments, the contribution of Central Government on capital works should be increased to at least 75% so that relatively poorer states are also able to avail of this facility.

Educational Complex in Low Literacy Pockets

9.39 Originally when the scheme was launched, it was to cover districts having ST female literacy rate of less than 2%. Subsequently it was revised to cover the districts with ST female literacy rate of less than 10% as per 1991 census. There are 136 such districts spread over 11 States. In addition the scheme also covers certain Primitive tribal Groups who have very low female literacy rate. This scheme is implemented through the NGOs identified by the concerned State Governments. Under this scheme the State Govt. has to provide the land and the Ministry of Tribal Affairs has to meet the full cost of construction of school building, hostel, staff quarters as well as the recurring expenditure. Each school will have class I to V with provision for 30 students in each class. So far 89 educational complexes have been funded under this scheme. Even though the scheme has been in operation since 1993-94, its implementation has not been evaluated, which must

be done without further delay. The question of providing proper linkage after class V also needs to be looked into so that the children do not drop out after class V.

Vocational Training

9.40 It was observed that incidence of unemployment among the tribal youth was on the increase and for want of sufficient employment opportunities, some of them, particularly in the North-East, had started indulging in extremist activities. Therefore, with the objective to develop the skills of tribal youth in order to gain employment/self-employment opportunities, this scheme was introduced in 1992-93. This scheme is fully funded by the Central Government and can be implemented through both the Government and non-government agencies. The scheme provides for setting up training centres for 100 persons, with hostel facilities for 50 of them. Since its inception, 133 vocational training centres have been funded under this scheme. But unfortunately, as in many other cases, the scheme has not been evaluated and the Ministry has little information on the functioning of these Centres and practically no information on the extent to which this scheme has enabled the tribal youth in getting employment and self-employment after going through this training course.

Assistance for Tribal Research and Training

9.41 Many of the States have set up Tribal Research Institutes in the last 40-45 years. There are 14 such Institutes at present, which are involved in conducting research and evaluation studies, holding seminars and workshops on various subjects relevant to tribals, providing training and orientation courses to State Government officials and to give support to the State Governments in preparation of Tribal Sub Plans. Most of the Institutes are also having tribal museums for exhibition of tribal life and other artifacts. The Ministry provides 50% grants to the State for various activities of these Institutes. The Ministry also gives grants for Research Fellowships on 100% basis to students/scholars who are registered with a University for research programmes on tribal development. The rate of fellowships for doctoral and post-doctoral courses are Rs.2800/- and Rs.3200/- per month, respectively. In addition an annual contingency grant of Rs.10000/- is allowed. The Ministry also has provision for research and evaluation projects for which grants upto Rs.2.50 lakhs are sanctioned for each project to be completed in 8-12 months. This grant can be given to government and non-government institutions as well as the Universities for conducting research and evaluation studies. A provision of about Rs.50 lakhs is normally earmarked for this purpose every year.

Village Grain Bank Scheme

9.42 Nutritional level among tribals, particularly the children, is generally very poor. With a view to prevent deaths of children in remote and backward tribal areas due to malnutrition during vulnerable season, a scheme of village Grain bank has been launched since 1996-97. Under this scheme grants towards purchase of grains at the rate of one quintal per family in the identified blocks, storage facility etc. is provided by the Ministry of Tribal Affairs through TRIFED. These banks are managed by the village committees and the members can borrow grains from the banks at the time of scarcity. Upto 1998-99, 515 such banks were set up in various identified tribal areas.

Grants-in-Aid to Voluntary Organisations

9.43 There is an increasing realisation of the important role the Non-Government Organisation can play as an alternative delivery mechanism for welfare and development programmes for the tribal communities. There is a wide range of activities in which the NGO's are encouraged to participate. The main areas in which the NGOs have been participating include residential and non-residential schools, hostels, mobile medical dispensaries, computer training centres, awareness programmes etc. The grant is generally restricted to 90% of approved cost of the project. A summary of the releases made to the NGO's since 1993-94 is as follows:

(Rs. In Crores)		
Year	No. of NGOs Assisted	Amount Released
1993-94	66	4.03
1994-95	79	4.96
1995-96	86	5.30
1996-97	74	5.02
1997-98	113	7.00
1998-99	190	11.24

Scheme for Development of Primitive Tribal Groups

9.44 75 Tribal communities, spread over 14 States and 1 UT, have been identified as Primitive Tribal Groups (PTGs), based on their pre-agricultural level of technology, low level of literacy and stagnant or decreasing population. The guidelines under the Tribal Sub Plan strategy provide for special measures for accelerated socio-economic development of the PTGs. Though there has been some improvement in the socio-economic status of the PTG's, still a large number of these communities have not benefitted from the development programmes to the desired extent. PTG's like Jarawas and Sentinalese in Andaman and Nicobar Islands are still living in the wild. It was, therefore, considered necessary to evolve an alternative strategy for bringing them in the mainstream. A special scheme was launched in 1998-99 by involving the ITDAs, TRIs and the NGO's in formulating comprehensive projects for their integrated development in a time bound manner and the entire funding will be from the Central Government. The amount of Rs. 4.94 crores was released in the first year of the operation of this scheme.

9.45 In addition, the development programmes of various Ministries, provide for coverage of tribal beneficiaries on preferential basis. Most of the Central Ministries are, however, not making separate allocation or setting targets separately for tribals and they are generally clubbed together with the Scheduled Castes. The Central Ministries should prepare separate Tribal Sub Plans and provide allocations and targets separately for the Scheduled Tribes.

Tribal Policy

9.46 In the Forward to Verrier Elwins book on 'Philosophy for NEFA', the then prime Minister, Pt. Jawahar Lal Nehru had indicated certain principles which should form the basis for the development of Scheduled Tribes in India. These principles, which are commonly known as 'Tribal Panchsheel' stressed that tribal people should develop along

the lines of their own genius and nothing should be imposed from outside, tribal rights in land and forests should be respected; tribals should be encouraged in conservation and promotion of their own traditional acts and culture; work through their own social and cultural institutions; and train and build up a team of their own people to do the work of administration and development. These principles, though did not have the formal approval of the Government, yet coming as it did from the Prime Minister, gained acceptance as a framework for tribal development in the country. The Dhebar Commission also in its report submitted in 1961, expressed the view that welfare programmes for Scheduled Tribes should be in consonance and harmony with their culture, tradition and way of life so that development programmes are in tune with the tribal needs and aspirations.

9.47 Sharing of common resources in an equitable manner, which are often communally owned, is the basis for tribal society. In their simple philosophy these are gifts of nature to be enjoyed on a sustainable basis. The self-management system of tribal societies is based on the harmonious relationship with nature. The entire economy is based on self-sufficiency and each family has access to forests and other natural resources to meet its needs. Each family is capable of making a house for itself, growing its own grains and vegetables and in addition, supplement their livelihood through hunting and food-gathering. Many families are capable of weaving, pottery work etc., to ensure self-sufficiency of the village community. A deep sense of self-respect and pride are the important characteristics of a tribal community. Crime rates is extremely low and all disputes are resolved through the intervention of the community.

9.48 The tribal societies generally do not have castes and thus social evils based on caste system are unknown. Their women enjoy relatively higher degree of freedom. Elders are respected for their age. The code of conduct in tribal societies is very strict and sexual harassment or rape is practically unknown. The decision making process is generally through participation and consensus.

9.49 Understanding of the social, cultural and economic systems of tribal societies is essential for formulating a strategy for tribal development. It is also important to keep in view that tribal communities, spread over the length and breadth of the country, are a heterogeneous group, having diversity in social characteristics, religion, language and economic system, and therefore their development needs vary from region to region and even among different tribal communities in the same region. Most of the existing development programmes for these communities are extensions of general rural development or poverty alleviation programmes, which have limitations in their applicability and effectiveness because of the peculiar socio-cultural environment of the tribals.

9.50 Nehru's 'Tribal Panchasheel' is also rarely kept in view while formulating schemes and programmes for their development. Quite often the benefits to be given to the Scheduled Tribes are clubbed with those for the Scheduled Castes, without realising that their socio-economic situation is not similar and they inhabit different geographical locations. It is, therefore, necessary to formulate a comprehensive tribal policy which would lay the guidelines for their integration with the mainstream, preservation and promotion of their arts, crafts, and languages, their relationship with the forests, their institutions of self-management, their displacement and rehabilitation under projects, issues relating to land etc., so that their assimilation and development could be smooth and

painless at the same time preserving certain important aspects of their culture which would be useful for the mainstream societies as well.

Administration of Tribal Areas

9.51 Provisions of Schedule V and Schedule VI provide the framework for administration in tribal areas. Tribal areas in 8 States have been covered under Schedule V and main features under this Schedule are Governor's role and responsibility in tribal administration. This Schedule also provides for constitution of Tribes Advisory Council which should be consulted on all important issues relating to protection and preservation of tribal culture, traditions, languages etc. and their development. Article 339 of the Constitution also gives powers to the Central Government to issue directions to the States/Uts on tribal development issues. According to the Business Rules all the Central Ministries have to play the nodal role in planning development of the Scheduled Tribes in their respective sectors. The Ministry of Tribal Affairs plays the coordinating role in respect of all the tribal development programmes, besides implementing certain specific schemes for their development.

9.52 For implementation of Tribal Sub Plan, a separate administrative structure in the form of Integrated Tribal Development Projects, was introduced in the Fifth Five Year Plan. To ensure larger coverage, the concept of MADA and Clusters was added in Sixth and Seventh Plan, respectively. There are at present 194 ITDPs, 259 MADA pockets and 82 clusters in operation. Andhra Pradesh and Orissa have opted for an Agency model by registering the ITDPs which are known as Integrated Tribal Development Agencies. The purpose behind adopting the concept of ITDPs was to follow a project approach in tribal development and to provide a simpler administrative structure with sufficient delegation of powers and responsibilities. These ITDP's are headed by Project Officers or Project Administrators who work under the overall supervision of Governing Bodies, which are presided over by the concerned District Collectors or the local Minister or the local MLA. The public representatives and senior officers of the concerned Departments are the members of the Governing Body. The ITDPs are expected to formulate Annual Plans and long term Perspective Plans and implement various programmes and schemes as contained in the Annual Plans. There are 18 States and 2 UTs where Tribal Sub Plan and ITDPs are in operation. In the Tribal majority States/Uts and in the areas covered under the Sixth Schedule, there are no Tribal Sub Plans or ITDPs.

9.53 Through the 73rd amendment to the Constitution the 3 tier Panchayat Raj System was introduced -- except in Schedule V and Schedule VI areas--and certain specific responsibilities have been entrusted to the various levels of Panchayat Raj Institutions. The Constitution was further amended and through Panchayat Raj (Extension to Scheduled Areas Amendment) Act, 1996, the Scheduled Areas in the 8 States have been brought within the purview of the Panchayat system, with certain modifications.

9.54 The Ministry of Rural Development have set up District Rural Development Agencies (DRDA) in each district for implementation of its programmes. The area of operation of a DRDA also covers the ITDP areas, for implementing similar beneficiary oriented programmes. The funding to the DRDAs is directly released from the Ministry of Rural Development but the Central Funding to the ITDPs is routed through the concerned State Governments.

9.55 The first Prime Minister had stressed that tribal areas should not be over-administered and the administrative structure in these areas should be simple. But as is evident, over the years, the administrative system has become more complex and many more agencies have been introduced who have often overlapping jurisdiction, without any satisfactory mechanism for coordinating their activities. The time has come to evaluate the role and functioning of these diverse agencies and to evolve an administrative structure for the tribal areas, which is simple, participatory and effective.

9.56 One of the most serious problems in the administration of the tribal areas is the reluctance on the part of the officers and the staff of various Departments to work in these areas. This can primarily be attributed to two reasons. Firstly generally such officers and staff are posted to the tribal areas who are not wanted elsewhere. Even the honest and hardworking staff consider posting to tribal areas as a punishment. Secondly, basic minimum facilities, such as housing, education and health infrastructure are very poor in the tribal areas. Therefore, there is a need to evolve a separate personnel policy for tribal areas keeping in view the specific problems and working environment so as to encourage posting of officers and staff, who are sincere, hardworking and sympathetic to tribal cause, through an appropriate system of incentives. Secondly, it is necessary to constitute separate district cadres for lower level functionaries, in which reservations to STs should be in proportion to their population in the district and not the State as a whole. That would enable more local ST candidates to work in the tribal areas and would improve availability of manpower and participation to local tribal communities in implementation of development programmes.

The Problem of Tribal Education

9.57 Illiteracy and general ignorance of the world outside their traditional environment make the tribal population vulnerable to exploitation by minor government officials, money lenders, landlords and other agents of vested interests. Having been traditionally used to communication by word of mouth, they find references to documents and rules confusing and disconcerting. It is, therefore, obvious that ability to read and write is the first requirement to enable tribals to operate within an alien socio-economic environment. Education has been slow to reach the tribal communities for several reasons. Firstly, there had been no tradition of schools and formal education in the tribal societies until recently and they were unaware of the advantages of education. Secondly, a tribal child from a very early age starts assisting his parents in various household work and in activities having a bearing on the family's livelihood, and sending a child to the school is perceived as an economic loss to the family. Thirdly, the curriculum offered in the schools has usually nothing in common with their own socio-cultural environment and therefore they have difficulties in comprehending it. Besides, the instructions are often imparted in a language with which the tribals are not fully familiar.

9.58 The fact that the tribals live in small hamlets at considerable distance to each other with very poor communication facilities also does not help the cause of education of the tribal people. The low standard of teaching and poor quality of related facilities are also important factors for the continued educational backwardness of tribals. Most of the schools have thatched or poor quality of buildings. There are no quarters for the teaching staff and rented accommodation is not available in most of the tribal villages. The lack of minimum basic amenities discourages non-tribal teachers from taking up jobs in remote

tribal villages and among those posted in such villages the rate of absenteeism is generally very high.

9.59 Fifty years after independence, progress achieved in improving literacy among the tribals has been far from satisfactory. As against the general literacy percentage of 52.21% in 1991, the literacy rate among the tribals reached only 29.60%. The literacy rate among tribal females was less than 20% and there were 136 districts in the country where female literacy rate among tribals was less than 10%. The State of Rajasthan registered the lowest female literacy rate of less than 4%. Apart from the low level of literacy, the quality of education imparted in the tribal areas is indeed very poor. As a fall out of the poor standard of their education, the representation of Scheduled Tribes in the services continues to be much lower than the prescribed percentage of 7.5%. In Central Government services their representation was 2.89% in Group A, 2.68% in Group B, 5.69% in Group C and 6.48% in Group D, as on 1.1.1996. As regards Public Sector Undertakings, it was 2.27% in Group A and 3.52% in Group B, as on 1.1.1996. The concerned organisations have not been able to furnish the latest position.

9.60 Therefore, for the tribal education to be effective and meaningful, the realities of their social, cultural and economic environment have to be carefully integrated into the education policy for them. Apart from improving the accessibility of educational facilities, its content should be made more relevant to their needs. It is important that a system is evolved in which learning takes place in an atmosphere of understanding and empathy. The teachers must be familiar with their languages and the cultural milieu. There is also an urgent need to improve opportunities for quality education to these children.

9.61 With a view to improve accessibility of schooling facilities and quality education to the tribal children, the following specific measures are recommended:

- (i) **Education in tribal areas is at present a divided responsibility; the Education Departments, Tribal Welfare Departments, Panchayat Raj Institutions and NGOs all playing a role. This system needs to be streamlined with a centralised coordinating mechanism to ensure proper monitoring of educational programmes for the tribals.**
- (ii) **Many of the tribal communities have their own languages/dialects, and often these are quite different from mainstream language in which education is imparted. It is therefore, necessary to develop teaching material in their own languages, at least for primary level, so that they are able to have better understanding of what is taught to them.**
- (iii) **The tribals live in small scattered habitations, which contributes to low standard of education and absenteeism among the teachers. Therefore, a sincere effort should be made to recruit the teachers mainly from the local tribal communities, if necessary by amending the relevant rules.**
- (iv) **For improving their access to quality education, there is a need to set up a network of residential schools with all the modern facilities. The Union Government and the State Governments should also formulate schemes for funding the education of poor and deserving tribal children in the existing Public Schools of repute. These measures will**

enable them to benefit from the Governments policy of reservation in services in a much more effective and meaningful manner.

Health and Nutrition in Tribal Areas

9.62 It is widely accepted and is also confirmed by various studies that malnutrition among tribal communities is widespread, though there are differences in degree in various regions. Abject poverty, illiteracy, environmental conditions, difficult terrain, traditional belief and customs and non-availability and non-utilisation of health services, all contribute to poor health and nutritional status of tribal communities. According to a study by the working Group set up by the Ministry of welfare in 1989, diseases like yaws, goitre, malaria and guinea-worm are endemic in most of the tribal areas. The food habits of most of the tribal communities are irregular. Being dependent upon natural sources, their diet is subject to seasonal variation, which is scarce during lean months. It is extremely difficult to make a reasonably acceptable assessment of nutritional conditions of the tribal people as it varies from season to season and day to day. Even if the harvest is good, the availability of food is not assured. Tribal people are generally not in the habit of storing food. When they harvest the crop, they have to sell the bulk of it to pay off the loans.

9.63 It must, however, be remembered that the tribal people, in the course of their isolated existence have developed alternative systems of medicines. They have a rich storehouse of knowledge of various herbs, plants, insects and animals which have medicinal value. They have also developed their own methods and practices for treatment of various ailments. These drugs and practices which have sustained the tribal communities for thousands of years, should be scientifically investigated and integrated with modern system of medicine to the extent possible.

9.64 The existing public health delivery system through CHCs, PHCs and Sub-Centres has not been able to serve the needs of the tribal communities to the desired extent, even though the Ministry of Health and Family Welfare has relaxed the population norms for setting up these facilities in the tribal areas. Due to illiteracy, ignorance and innate shyness of tribal communities, they have not been able to take full benefit of health services, even if it is available. The major problem, however, is availability of medical and para-medical staff willing to work in the tribal areas.

9.65 Therefore, a separate strategy for delivery of health services in the tribal areas needs to be evolved, which should take the following factors in view:

- (i) The tribal communities being scattered, the population criteria even by relaxed norms, will not be able to provide for adequate coverage of health facilities. Therefore in addition, distance of the PHC and the Sub-Centre should be an important consideration.
- (ii) Most of the posts of doctors remain vacant. It is, therefore, necessary to evolve policies so as to see that working in the tribal areas becomes attractive for the doctors. This problem is likely to persist even if special incentives are provided. It may be worthwhile to think in terms of a separate cadre of medical practitioners for such areas by suitably modifying

the curriculum, keeping in view the specific health needs and working conditions in the tribal areas.

- (iii) The para-medical and other lower staff should be drawn primarily from the local tribal communities by suitably amending the recruitment rules.
- (iv) The ICDS has a limited coverage in the tribal areas and the concept of mini-anganwadis does not fully meet their requirement. By splitting the budget of one anganwadi into 10 mini-anganwadis and reducing the honorarium of anganwadi worker to Rs.50 per moth; it is impossible to provide effective service. Therefore the mini-anganwadi program in the tribal areas needs to be revised so as to see that it is capable of functioning more effectively.

Tribes and Forests

9.66 The symbiotic relationship between the forests and the tribals is well recognised. Their habitations are generally in close proximity of forests and they depend on them for building requirement, fuel, fodder and often also food in the form of wild fruits, tubers and game for hunting. It is because of this reason that the tribes are often referred to as 'Vanvasis'. Generally, forests and tribals have a close inter-relationship and their existence and development is mutually inter-dependent. The belief, rituals and traditions of tribal communities are intricately interwoven with forests and to other natural forces.

9.67 The demands of modern industries led to the commercial exploitation of forests and to regulate the extraction of timber and other produce large forest areas were designated as "reserved" and appropriated as Government property. The tribal communities were denied access to many of the forest produce on which they had been dependent for their necessities. Where tribals were allowed access to some of the forest produce, such as grass or dead wood for fuel, this was considered a 'concession' liable to be withdrawn any time. There have been several revolts in different tribal areas on the question of their rights in the forests. Several Committees and Commissions examined the issue of relationship between the forests and the tribals. The National Forest Policy Resolution 1988 recognised that the life of tribals living within and near the forests revolves around the forests and declared that the rights and concessions enjoyed by them should be fully protected and their domestic requirements of fuel, wood, fodder, minor forest produce and construction material should be the first charge on forest produce. Ultimately, based on Bhuria Committee Report, the Panchayats (Extension to the Scheduled Areas) Act was passed in 1996 and the ownership of minor forest produce has been vested in the Gram Sabha in the Scheduled Areas of eight States coming within the Fifth Schedule of the Constitution.

9.68 Despite the developments referred to in the previous paragraph, there are still several areas in which the National Forest Policy and the various enactments relating to conservation of forests and wild life continue to come in conflict with the bonafide needs of the tribal communities. The Prime Minister while addressing a conference of Members of Parliament belonging to the Scheduled Castes and the Scheduled Tribes on December 5, 1999 had given policy guidelines for amending the National Forest Policy and the relevant Acts so as to see that the interests of tribal communities are fully protected.

There is, therefore, an urgent need to carry out necessary amendments to the Policy and the Laws as directed by the Prime Minister.

9.69 Some of the specific cases in which the grievances of tribal communities have been brought to the notice of the Commission for intervention are discussed as follows:

I. Regularisation of encroachments by the Tribals in forest areas in MP

In July 1990, the Ministry of Environment and Forests, while according permission for regularisation of part of the encroached forest lands in Madhya Pradesh, had stipulated certain conditions before considering the regularisation of the remaining encroachments. While the Ministry was in the process of examining the proposal in respect of pre-1976 encroachers, the State Government came up with a further proposal for regularisation of all the encroachments upto 24.10.1980, the date on which the Forest (Conservation) Act came into force. The Commission has already held three meetings with the representatives of State Government, the Ministry of Environment and Forests and other concerned agencies to find an early solution to this long pending problem. It is understood that there are similar problems of regularisation of occupation of forest lands by the tribals in other States also, which need urgent attention of the Ministry of Environment and Forests.

II. Rehabilitation of Tribals displaced under Kabini Reservoir, Bandipur Sanctuary and Nagarhole National Park in Karnataka

The NGOs working in these areas in Karnataka brought to the notice of the Commission that the tribals displaced under these projects more than two decades ago have not yet been rehabilitated. The Commission immediately called a meeting with the Chief Secretary and other senior officers of Karnataka and the concerned NGOs to discuss the issue. On the intervention of the Commission the State Government have already earmarked funds for providing rehabilitation package to displaced tribal families and have initiated the process for taking necessary approval from the Ministry of Environment and Forests for denotifying the lands earmarked for rehabilitation. There are a large number of cases where the State Forest Departments have evicted tribals from the areas falling within Sanctuaries and National Parks without making adequate provision for their rehabilitation. The Ministry of Environment and Forests should take urgent necessary steps for rehabilitation of all the tribal families evicted from the forests under the various Sanctuaries and National Parks.

III. Displacement of Tribals under certain Mineral Development Projects in Orissa

The Orissa Adivasi Manch brought to the notice of the Commission that lands were being acquired for certain Mineral Development Projects in Orissa without the consent of the tribals and without providing for adequate rehabilitation package, as required under the provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996. The Commission also received a report of a team from the Council for Social Development on the manner in which land acquisition for these projects was going on. However, based on the report of the Council for Social Development and intervention of the Commission, the Chief Secretary issued instructions to the concerned officers of the State Govt. and the Utkal

Aluminium Industries Ltd., to have a fresh look into the rehabilitation package to see that it is acceptable to the displaced persons.

9.70 These few cases are discussed by way of illustration to emphasise the need for formulation of a National Policy on Rehabilitation of Displaced Persons. This Policy has been under consideration for almost a decade now and is yet to be finalised. In the meantime hundreds of thousands of families who have been displaced under various projects and many more who are continued to be displaced in the name of development have to suffer without adequate compensation and proper rehabilitation. The Commission, therefore, urges the Union Government to give due priority to the National Rehabilitation Policy and finalise it without further delay.

Tribals and Excise Policy

9.71 Consumption of locally brewed alcoholic drinks on various social and religious occasions has been a part of the traditions of tribal life. However, as their economy started becoming monetised and they came in contact with the non-tribals, this weakness of the tribals was exploited through commercial vending of alcoholic drinks which resulted in cultural disorientation, indebtedness and over all impoverishment of tribal communities. Recognising this fact, the Ministry of Home Affairs, in 1975, issued the following guidelines for regulating the production and sale of alcoholic drinks in the tribal areas:

- (i) Commercial vending of alcoholic drinks should be discontinued in the tribal areas.
- (ii) Scheduled Tribes may be permitted to brew their traditional alcoholic beverages for consumption at home and on religious and social occasions.
- (iii) 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 work in the tribal areas.

9.72 While the State Governments have generally accepted these guidelines in principle, the reports from the various sources give a clear indication that implementation of these guidelines leave much to be desired. Most of the State Governments are allowing excise contractors to set up liquor shops in the tribal areas. In Karnataka location of liquor shops outside 100 meters of predominantly tribal area is permitted. In Rajasthan sale of country liquor/IMFL is permitted through a Public Sector Undertaking. In Sikkim there is no restriction on commercial vending of liquor in tribal areas. These instances clearly indicate that there is no serious effort to prohibit commercial vending of alcoholic drinks in tribal areas.

9.73 Although there are no authoritative studies on the extent of alcoholism in tribal areas and its ill-effects on their health, economy and social relationships, it is widely believed that excessive use of alcoholic beverages is one of the important factors hampering their socio-economic development. Therefore, there is an urgent need to strictly implement the excise policy in the tribal areas, particularly to put an immediate end to the commercial vending of alcoholic beverages in tribal areas. At the same time effective measures need to be taken through Government programmes, involvement of NGOs and local bodies to improve the awareness about the ill-effects of excessive drinking and to wean them away from this evil practice.

Commission for Scheduled Areas and Scheduled Tribes

9.74 Recognising the constraints imposed by their peculiar socio-cultural and geographical environment, the framers of the Constitution considered it necessary to make specific provisions for the protection of Scheduled Tribes from exploitation and special measures for their accelerated socio-economic development. A provision was also made in the Constitution under Article 339 for setting up a Commission for Scheduled Areas and Scheduled Tribes after every 10 years to review the effectiveness of existing Development programmes and to propose suitable modification to the existing programmes or to suggest new strategy and programmes. Unlike the permanent Commission set up under Article 338, the Commission for Scheduled Areas and Scheduled Tribes under Article 339 will be for a short period of one or two years. So far only one Commission has been set up under this provision, which was in 1960 under the Chairmanship of Shri U.N. Dhebar. This Commission, after extensive tours of tribal areas and detailed analysis of tribal situation and their development needs, had submitted a comprehensive report, recommending, inter alia, a different strategy for the development of Scheduled Areas and Scheduled Tribes in the country. The report of the Dhebar Commission submitted in 1961 became the basis for evolving Tribal Sub Plan strategy for their development.

9.75 It was considered desirable to review the tribal development strategy as the existing programmes have not been able to have the desired impact on the socio-economic conditions of the Tribal communities. Therefore a proposal was moved to set up another Commission under Article 339. The Cabinet gave its approval in 1995 to set up the Commission with Headquarters at Ranchi. Subsequently, a revised proposal was also approved by the Cabinet for locating its Headquarters in Delhi. But for one reason or the other, implementation of this decision has been inordinately delayed. The Commission requests the Government to take urgent steps for setting up the Commission by ensuring that its Chairman and majority of members are drawn from tribal communities.

National Institute for Tribal Affairs

9.76 In view of the enormous degree of socio-cultural diversity among the tribal communities and limited understanding of their traditions, languages and peculiarities of their socio-cultural environment, the State Governments were advised to set up Tribal Research Institute (TRI). So far 14 States have set up TRIs, which have been conducting studies on various aspects of tribal life, besides advising the State Governments in formulating the Tribal Sub Plans. These Institutes are partially funded by the Union Government and their programmes for research studies are finalised in closed coordination with the Ministry of Tribal Affairs.

9.77 Starting from Dhebar Commission in 1961, several Committees and Commission set up by the Government of India from time to time have been emphasising the need for setting up a national level research institute for tribal affairs. The Select Committee of Parliament on the Constitution (Scheduled Tribes) Order (Amendment) Bill, 1996 indicated identification of tribals and their inclusion or exclusion from the Scheduled lists as one of the important functions of the proposed Institute. The Ministry of Social Justice & Empowerment (now Tribal Affairs) constituted an Expert Committee, under the Chairmanship of Dr. Bhupinder Singh, to formulate a proposal for setting up a National

Institute for Training and Research in Tribal Affairs. The Expert Committee submitted its report in September 1998, which discusses in detail the functioning of the Tribal Research Institutes and the need for coordinating their activities, objectives and functions of the proposed National Institute for Tribal Affairs, its organisational structure and various other aspects related to setting up the Institute.

9.78 This Report was accepted by the Ministry and a budget provision was also made for meeting its expenditure. But for almost two years now there has been no further progress. The Ministry of Tribal Affairs should immediately take necessary further steps to operationalise the functioning of this Institute to fulfil a long standing need for an Apex Institution for Tribal Research and Training.

Development of Primitive Tribal Groups

9.79 Among the tribal communities also there are certain groups who have remained untouched by the progress of civilization. Dhebar Commission Report in 1961 had stressed the need for special consideration for the development of this most backward layer. The Shilu AO Team in 1969 also suggested that the States should select the really backward tribal communities that needed special attention. While formulating Tribal Sub Plan strategy it was decided that special programmes should be taken up for primitive groups and complete funding of the programmes by the Central Government was suggested. Based on the suggestions of these Committees and a workshop held in 1975, the criteria for the identification of primitive tribal groups was decided as: (a) pre-agricultural level of technology; (b) low level of literacy; and (c) stagnant or diminishing population. Based on these criteria 75 communities in 15 States were identified as Primitive Tribal Groups, and as a part of Tribal Sub Plan, guidelines were issued to the State Governments for taking special measures for their accelerated socio-economic development.

9.80 As a result of special measures taken for their development, some of these communities have reached a stage when they no longer need be designated as primitive groups. There are, however, still several communities who continue to have their isolated existence with limited contact and, in few cases, with no contact with the outside world. Most glaring examples of Primitive Tribal Groups are found in Andaman and Nicobar Islands. Sentinelese have still no contact with the outside world and continue to live in a state of nature. The condition of Jarawas is similar but there has been some successful attempts to establish contacts with them. Shompens are slightly better off but continue to have primitive existence. The Andaman and Nicobar Island Administration has been able to settle the Great Andamanese and Onger in colonies, but as a result of excessive patronage their normal tribal spirit has been killed and they have become totally dependent on Government doles for their existence. In the mainland also there are groups like Abhuy-Madia in Bastar, Bondos of Koraput, Katia-kondh of Phulbani and Juang of Keongher districts, who continue to have isolated and primitive existence.

9.81 The existence of Primitive Tribal Groups even in the 21st century and after 50 years of planned development is considered to be an anachronism. To expedite the process of their development as well as to save these groups from extinction, the Ministry of Tribal Affairs launched a new scheme in 1998-99, exclusively for the PTGs. Under this scheme the NGOs, ITDPs and TRIs are encouraged to formulate and implement comprehensive projects for their integrated development in a time bound manner. The Ministry had released Rs.4.94 crores under this scheme in 1998-99.

9.82 The Commission makes following recommendations with regard to the development of PTG's:

- i Keeping in view the level of development reached by each of the 75 PTG's, an exercise may be undertaken to revise the list of PTGs and only those communities should be continued in the list who truly deserve special attention in view of their very low level of economic development and who are facing extinction.
- ii Their development strategy should take into account their traditional life style and they should be enabled to improve their socio-economic condition without destroying their culture and traditions as has happened in the case of Great Andamanese and Onges in Andaman and Nicobar Islands.
- iii The new scheme for development of PTGs should be implemented with due care and with proper monitoring mechanism so that no community remains primitive in the next decade.

ANNEXURE-9.1

STATE-WISE RELEASE UNDER SCA TO TSP FROM 1992-93 TO 1998-99

S.No.	State/UT	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998- 99
1.	Andhra Pradesh	1529.34	1539.22	1947.10	2140.32	2287.52	2581.54	2728.47
2.	Assam	1077.61	1087.57	1112.67	1545.19	127.71	1460.00	2069.56
3.	Bihar	3175.25	3497.39	1748.70	274.22	336.4		0.00
4.	Gujarat	1855.84	2234.77	2491.56	3060.26	2642.95	2632.77	3689.70
5.	Himachal Pr.	403.39	755.03	450.57	541.62	622.44	521.89	689.44
6.	J & K	296.14	518.6	550.63	756.64	681.54	521.89	739.22
7.	Karnataka	327.42	439.76	409.03	659.99	569.5	500.00	686.64
8.	Kerala	207.23	167.25	126.3	181.2	153.71	196.12	408.17
9.	Madhya Pradesh	6785.01	8117.65	7535.72	9579.66	7695.71	9207.83	9476.17
10.	Maharashtra	1815.21	2234.35	2196.34	2930.82	3160.78	3400.89	3532.21
11.	Manipur	383.41	417.12	432.81	574.53	653.22	950.00	779.52
12.	Orissa	3378.03	3603.23	3956.55	4958.1	4411.44	5576.21	5911.86
13.	Rajasthan	1679.46	2664.68	2202.79	2819.4	2467.3	2341.13	3475.72
14.	Sikkim	60.93	73.67	75.1	100.19	138.41	60.00	60.00
15.	Tamil Nadu	270.72	214.05	256.88	274.44	238.81	243.71	295.91
16.	Tripura	414.94	372.37	480.01	564.97	594.48	885.00	977.77
17.	Uttar Pradesh	58.4	69.22	70.41	104.08	90.39	112.91	57.54
18.	West Bengal	1171.67	1319.06	335.83	1763.21	1558.07	1600.39	2222.10
19.	A & N Islands	86.13	77.22	85.5	112.21	95.18	118.00	133.90
20.	Daman & Diu	23.87	28.29	35.5	59.31	49.82	50.75	65.10
	Total	25000.00	29430.50	26500.00	33000.36	28575.38	32961.03	37999.00