

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1995-96)**

(TENTH LOK SABHA)

SIXTIETH REPORT

MINISTRY OF WELFARE

*Action Taken by Government on the recommendations contained in the
Fifteenth Report of the Committee on the Welfare of Scheduled Castes and
Scheduled Tribes (Tenth Lok Sabha) on the Ministry of Welfare — Working
of Integrated Tribal Development Projects in Orissa*



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**LOK SABHA SECRETARIAT
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**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND
SCHEDULED TRIBES (1995-96)**

Shri Paras Ram Bhardwaj — Chairman

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INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to finalise and submit the Report on their behalf, present this Sixtieth Report (Tenth Lok Sabha) on Action Taken by Government on the recommendations of the Committee contained in their Fifteenth Report (Tenth Lok Sabha) on Ministry of Welfare — Working of Integrated Tribal Development Projects in Orissa.

2. The Report was considered and adopted by the Committee on 24 January, 1996.

3. The Report has been divided into the following chapters:—

I. Report.

II. Recommendations/observations which have been accepted by Government.

III. Recommendations/observations which the Committee do not desire to pursue in view of the replies of Government.

IV. Recommendations/observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

V. Recommendations/observations in respect of which final replies of Government have not been received.

4. An analysis of the Action Taken by Government on the recommendations of the Committee contained in the Fifteenth Report is given in Appendix. It would be observed therefrom that out of 65 recommendations/observations contained in the Report, 44 recommendations *i.e.* 67.69 percent have been accepted by Government. The Committee do not desire to pursue 11 recommendations *i.e.* 16.92 percent of their total recommendations in view of Government's replies. There are 10 recommendations (*i.e.* 15.39 percent) in respect of which replies of Government have not been accepted by the Committee require reiteration.

NEW DELHI;
March, 1996
Phalguna, 1917(S)

PARAS RAM BHARDWAJ,
*Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.*

CHAPTER I

1.1 This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the action taken by the Government on the recommendations contained in their Fifteenth Report (Tenth Lok Sabha) on the Ministry of Welfare—Working of Integrated Tribal Development Projects in Orissa.

1.2 The Fifteenth Report was presented to Lok Sabha on 23 December, 1992. It contained 65 recommendations. Replies of the Government in respect of these recommendations have been examined and may be categorised as under:—

- (i) Recommendations/Observations which have been accepted by Government (Sl. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 34, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 63, 64 and 65).
- (ii) Recommendations/Observations which the Committee do not desire to pursue in the light of the replies received from the Government (Sl. Nos. 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37 and 39).
- (iii) Recommendations/Observations replies to which have not been accepted by the Committee and which need reiteration (Sl. Nos. 38, 48, 54, 56, 57, 58, 59, 60, 61 and 62).
- (iv) Recommendations/Observations in respect of which final replies of the Government have not been received (NIL).

1.3 The Committee will now deal with the action taken replies of the Government which need reiteration or merit comment.

Singleline Administration

Recommendation (Sl. No. 9, Para 2.43)

1.4 The Committee had recommended the State Government of Orissa 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.

1.5 In their reply the Ministry have stated that in the meantime a report on the pattern of the administration introduced in the Andhra Pradesh Government has been prepared by the State Government and the same is under examination. Pending adoption of single line administration of Andhra Pradesh Government the following steps have been taken in the State:

(1) All the Departments have been asked to communicate the ITDA-wise break up of TSP flow of State Plan/Centrally Sponsored Plan/funds.

(2) All the Departments have also been requested to furnish quarterly-annual progress report to the Tribal Welfare Department showing physical and financial performance in respect of the TSP areas.

(3) The Performance appraisal formats in respect of line departments are being modified, in which the Project Administration (P.A.), Integrated Tribal Development Agency (ITDA) will have his say on the performance of the line departments.

(4) P.A., ITDA have been authorised to record their remarks on the A.C.R. of Block Development Officers.

1.6 The Committee desire that the report regarding introduction of Andhra Pradesh Type single line Administration should be examined expeditiously and they may be apprised of the final outcome of the examination by State Government of Orissa.

Recommendation (Sl. No. 10, Para No. 2.44)

1.7 The Committee noted that State Government of Orissa have discontinued payment of compensatory allowance to its staff posted in tribal areas which are comparatively more backward, lack of 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 were 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.

1.8 In their reply the Government have stated that final decision of State Government regarding payment of incentive allowances to the employees working in tribal area is yet to be taken. State Government in Finance Department have submitted proposal to the 10th Finance Commission to consider sanction of separate grant in this regard.

1.9 The Committee desire that they may be apprised of the final outcome of the decision of Finance Commission regarding payment of incentive allowances to the employees working in tribal areas.

Land Alienation

Recommendation (Sl. Nos. 23 and 24, Paras 3.64 and 3.65)

1.10 The Committee were not inclined to believe the State Government's claim that no Benami transactions had come to their notice. The Committee were distressed to find that inspite of various provisions made in law, there had 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. The Committee felt that there was need to further tighten the loopholes in law and to educate the farmers about the provisions made for their protection. The Committee would like the State Government to devise measures in this regard in consultation with the Ministry of Welfare and others concerned. The Committee were of the view that where tribals effect sale of land under distress Government should purchase that land for redistribution among landless tribals under various poverty alleviation programmes.

1.11 The Government have replied that as regards Benami transaction of land it may be pointed out that, it is difficult to identify such transaction in the field as it requires a lot of efforts as well as collection of Intelligence but whenever it has come to the notice, appropriate action is being taken to restore the land of the tribal after following the prescribed procedure.

The Orissa Scheduled Areas Transfer of Immovable Properties (by Scheduled Tribes) Amendment Regulation, 1993 has been submitted to Government of India, Ministry of Home Affairs to obtain the assent of the President of India. The proposed amendment provides to enhance the rate of penalty from Rs.200/- per acre per year for unauthorised occupation of tribal land. Collector, Revenue Divisional Commissioners will be empowered to revise any order passed by the competent authority *suo motto* by which the tribals may not get debarred from getting justice. No Civil Court shall have the jurisdiction to try and decide the cases under this Regulation. Regarding purchase of tribal land and redistribution of the same among other tribals, it is difficult to implement due to resources constraint of the State Government.

The matter was taken up by the Ministry of Welfare with the Ministry of Rural Development and Government of Orissa. The Ministry of Rural Development has stated that they have already circulated a note containing various suggestions for protection of tribal land and steps to prevent tribal land alienation. They have also stated that land and its management is a subject dealt with by the State Government and as such state will have to take final action in the matter.

1.12 The Committee desire that the matter regarding protection of tribal land and steps to prevent tribal land alienation may be pursued vigorously

with the Government of Orissa and the Committee may be apprised of the outcome.

Education

Recommendation (Sl. Nos. 28 and 29, Para 4.26 and 4.27)

1.13 The Committee had recommended that detained and unsuccessful students might be allowed to appear in examinations 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. The Committee found that schools in Andhra Pradesh managed by societies of local officials have performed well and annual results have been round sixty per cent in matriculation examination. The Committee had therefore, recommended 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 & Welfare Department in the State to achieve better results.

1.14 In their reply the Government have stated that they have allowed scholarship/Boarding charges to the failed/detained candidates for 2nd term in order to facilitate continuance of their studies.

1.15 The Committee desire that they may be apprised of the final action taken by the State Government of Orissa on the review of the system prevalent in Andhra Pradesh regarding management pattern of schools run by societies/voluntary organisations, etc. and its introduction in Orissa.

Recommendation (Sl. No. 32, Para 4.30)

1.16 The Committee had urged 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 analyse 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.

1.17 In their reply the Government have stated that it is the avowed policy of Government to open more residential institutions of SCST children. Now Schools are being upgraded or opened in the tribal concentrated pockets having low rate of literacy.

1.18 The Committee desire that the State Government must analyse the causes of high rate of drop-outs and also take necessary remedial measures on priority basis and they may be apprised of the latest position.

Recommendation (Sl. No. 33, Para 4.31)

1.19 The Committee found that though Nawarangpur Sub-division of Koraput District having 5 blocks has been inhabited mainly by enottade tribe which ranks among the lowest in literacy rate in the District, yet, not a single tribal residential High School has been provided in that area. The Committee had, therefore, recommended that the matter should be

looked into and steps taken by the State Government to provide high schools in all those areas with low literacy which do not have it at present.

1.20 In the action taken note of the Government it has been stated that the erstwhile Nawarangpur Sub-Division has been made a district by now. The following educational Institutions are running in the District.

Sl. No.	Name of the Institution	Name of the Block
1	2	3
1.	Timanpur High School	Raighar
2.	Faighar High School	Raighar
3.	Singhsari High School	Umarkote
4.	Badabherandhi High School	Umarkote
5.	Belgan High School	Jharigan
6.	Dabugan Girls High School	Dabugan
7.	Eodinga High School	Kosagumuda
8.	Dhadipani High School	Chandahandi
9.	Badaambada High School	Kosagumuda
10.	Patraput High School	Tentulikhunti
1.	Badamusigan Ashram School	Nawarangpur
2.	Nisanhandi Ashram School	Tentulikhunti
3.	Bhamini Ashram School	Umarkote
4.	Jamurranda Kanyashram	Umarkote
5.	Bhimguda Kanyashram	Jharigan
6.	Munigan Ashram School	Papadahandi
7.	Badaolaman Ashram School	Dabugan
8.	Parchamai Kanyashram	Kosagumuda
9.	Judingia Kanyashram	Raighar
10.	Hatabharandi Ashram School	Raighar
1.	Dhodara R/S	Jharigan
2.	B.S Padar R/S	Jharigan
3.	Rajaputi R/S	Raighar
4.	Nuapada R/S	Raighar
5.	Khuduka R/S	Raighar
6.	Batibeda R/S	Umarkote
7.	Santoshpur R/S	Kosatgumuda
8.	Kharki R/S	Papadahandi

1.21 The Committee would like to be apprised of the action taken regarding setting up of residential High Schools in Nawarangpur Sub-Division (Now-district) and their numbers.

Recommendation (Sl. No. 35, Para 4.33)

1.22 The Committee had noted 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. The Committee had felt that continuous use of hostels as classrooms deprive the tribal students of the much needed hostel facilities. They, therefore, had desired that alternate arrangements for schools building might be made expeditiously so that these hostels could be made available to the students for use as hostels.

1.23 In their reply the Government have stated that instructions have been issued by the State Government on 13.5.94 not to use hostel for any other purposes.

1.24 The Committee would like to be apprised of the latest position in this regard.

Agriculture

Recommendation (Sl. No. 38, Para 4.53)

1.25 The Committee had expressed their displeasure that fertilizer manufacturers have not been provided by the Government of India adequate incentive by providing subsidies under Freight Equalisation 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 60 per tonne. This had been found to be a major deterrent in supply of fertilizers in some parts of Orissa which were not served by rail-network the State Government has been pleading with the Government 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 obstructing availability of fertilizers in Tribal Sub-Plan areas of the State resulting in low agricultural productivity, the Committee had strongly recommended that anomaly might 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 highyielding summer rice varieties in the absence of fertilizers.

1.26 In their reply the Government have stated that the State Government has been requested to forward copies of the proposal sent to the Ministry of Fertilizers and Chemicals. On receipt of the same, further action will be taken.

1.27 The Committee are not satisfied with the reply of the Ministry of Welfare that the State Government has been requested to forward copies of the proposals sent in this regard by them to the Ministry of Fertilizers and Chemicals despite the fact that the Government of Orissa has been pleading with the Government of India to remove the anomaly of not providing adequate incentive to fertilizer manufacturers for delivering their product in various blocks of TSP area of Orissa. The Committee reiterate their earlier

recommendation that like in the States of West Bengal and Madhya Pradesh where incentive is ranged from Rs. 45 to 60 per tonne, the fertilizer manufacturers in the State of Orissa should be granted *ad hoc* increase of incentive of Rs. 52 per tonne under the freight Equalisation scheme to enable them, to deliver their products in various blocks of Tribal Sub-Plan areas which are not served by rail-network in Orissa by road.

Shifting Cultivation

Recommendation (Sl. No. 42, Para 4.57)

1.28 The Committee noted that 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. The Committee had therefore, recommended 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 had also desired the State Government to settle the tribes permanently by providing them cultivable land.

1.29 In their reply the Ministry have stated that the matter was taken up with the Ministry of Agriculture who have replied that the area under shifting cultivation in Orissa is 26490 sq. kms. A scheme for control of shifting cultivation with 100% Central assistance to State Plan was being implemented by the Ministry of Agriculture. The scheme was discontinued in 1991-92. The scheme is being reviewed by the Ministry of Agriculture.

1.30 The Committee desire that the review of the scheme may be expedited and the Committee may be apprised of the final outcome in this regard.

Recommendation (Sl. No. 43, Para 4.68)

1.31 The Committee had noted that there were 20 specific areas in reserved forests which had been occupied by Orissa tribals and State Government was trying to survey these areas. The Committee, therefore, had desired 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.

1.32 In their reply the Government have stated that the problem of encroachment/occupation of forest land by the tribals is a serious one. In Orissa, as per preliminary estimates, during 1989 forest land measuring 2.60 lakh acres are reported to be under unauthorised occupation by the tribals. There are 20 recognised forest villages which were set up inside reserved forests, protected forests long ago with a view to obtaining regular supply of labourers for various forestry activities. These villages are

to be recognised as Revenue Villages and villagers are to be conferred heritable but inalienable rights. Steps are being taken to obtain clearance from Ministry of Environment & Forests, Government of India under Forest Conservation Act in order to declare them as Revenue villages. Besides recognised forest villages are in existence since pretty long time and there are also patches of forest land inside Reserved forest/Protected forests inhabited by tribals. On the basis of the guidelines issued by Government of India, State Government have taken certain policy decisions mentioned below:

- (i) Encroachments prior to notification of land as forest land may be recognised with prior approval of the Government of India under Forest (Conservation) Act.
- (ii) Post — 1980 encroachments should not be regularised.
- (iii) Pre — 1980 encroachments may be regularised after satisfying fulfilment of the following conditions and obtaining prior approval of Government of India under Forest (Conservation) Act.
 - (a) The encroachers should be residing there and should have no other source of livelihood.
 - (b) The encroached land should be fit for permanent agricultural cultivation.
 - (c) A detailed enquiry be made into the age of the encroachers. Forest Division-wise and District-wise.
 - (d) Ineligible families have to be evicted and rehabilitated outside the forest by extending benefits under various schemes like T.R.D.P.

1.33 Keeping in view that post-1980 encroachments should not be regularised, the Committee desire that the tribes who would be displaced from their occupied land should be rehabilitated/compensated suitably.

Animal Husbandry

Recommendation (Sl. No. 44, Para 4.74)

1.34 The Committee had recommended that the Government should examine feasibility of providing insurance schemes for all types of livestock including drought animals reared by the tribals apart from those supplied to them under various poverty alleviation programmes.

1.35 In their reply the Government have stated that there is a provision for insurance for the livestock under poverty amelioration scheme. Premium of such insurance are shared by the beneficiaries. Government agencies and financing institutions, Insurance of livestock owned by SC/ST persons other than the above are under examination of State Government in consultation with the insurance companies.

1.36 The Committee desire that they may be apprised of the final outcome regarding the examination of State Government and Insurance

Companies for providing insurance of livestock, particularly drought animals, owned by SC/ST persons.

Irrigation

Recommendation (Sl. Nos. 46 and 47, Paras 4.81 and 4.82)

1.37 The Committee had urged the Government to accord priority to the matters regarding building of check dam & provide alternate sources of water and devise steps to provide alternative source of water to the people living down-stream of Indravati Project. The Committee understood that the Upper Indravati Project was going to be completed within a year or two but the check dams for the down-stream areas could not be constructed by that time. Therefore, the Committee recommended that 33% of the project water should be allowed to flow the down stream to keep the life of the people living in that area normal till the check dams are constructed.

1.38 The Government have replied that the recommendations have been examined and the Engineer-in-Chief has been entrusted to examine the technical feasibility of the scheme on the following aspects:—

- (1) Availability of water from Upper Indravati Reservoir through sluices if any in Upper Indravati and Muran Da vis-a-vis power generation from the Upper Indravati Project.
- (2) Taping of ground water through
 - (a) Collector's well
 - (b) Dug wells.
- (3) Construction of check dams/barrages across Indravati Stream.
- (4) Diversion of water from the proposed Telengiri Project to the area down-stream of Upper Indravati Reservoir.

1.39 The Committee desire that the examination of technical feasibility of the schemes regarding construction of check-dam and provide alternate source of water be expedited and the Committee may be apprised of the final outcome.

Health

Recommendation (Sl. No. 48, Para 4.106)

1.40 The Committee has expressed their concern that medical and para medical 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. The Committee has noted that out of the total 921 posts of doctors sanctioned in sub-plan area, 149 posts were lying vacant. In the opinion of the Committee the new PHCs and Community Health Centres cannot function effectively in the absence of adequate staff as a result of which health care benefits have not been made available in tribal areas. The Committee, therefore, had desired that

adequate medical and paramedical staff be provided in New PHCs and Community Health Centres and all other medical institutions at an early date.

1.41 In their reply the Government have stated that the running cost of minimum staff of P.H.C. as per the State Government norm is Rs. 1.5 lakhs as against which the cost according to the norms of Government of India comes to Rs. 4 lakhs. This would require augmentation of plan ceiling which is not presently feasible.

1.42 The Committee are extremely unhappy with the reply of the Government. It appears to the Committee that sincere efforts have not been made by the State Government of Orissa to pursue the matter with the Central Government for augmenting the plan ceiling nor for increasing the strength of the staff in new Primary Health Centres and Community Health Centres. The Committee therefore, reiterate its earlier recommendation that in order to provide full health care benefits in the tribal areas, adequate medical and paramedical staff be provided in the new PHCs and Community Centres and all other medical institutions at an early date.

Recommendation (Sl. No. 49, Para 4.107)

1.43 The Committee had recommended for opening of adequate number of dispensaries in the tribal areas in general and in the district of Koraput in particular and also for posting adequate number of doctors in the dispensaries.

1.44 The Government have replied that the State Government is taking steps to open dispensaries and posting of doctors in vacant posts.

1.45 The Committee would like to be apprised of the latest position in regard to the number of dispensaries opened and also the number of doctors posted in the tribal areas of Orissa.

Community Health Centres

Recommendation (Sl. No. 50, Para 4.108)

1.46 The Committee had recommended 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.

1.47 In their reply the Government have stated that the matter was taken up with the State Government who has intimated that they have already submitted a proposal to the 10th Finance Commission in which provision for compensatory allowance to medical, paramedical and other staff posted in Tribal Sub-Plan areas have been included.

1.48 The Committee desire that they may be apprised of the final decision taken by the 10th Finance Commission in the matter.

Recommendation (Sl. No. 51, Para 4.109)

1.49 The Committee had strongly recommended that allocations of medicines for tribal areas be substantially increased. The Committee also desired that Ministry of Welfare should take up the matter with the concerned Ministries and impress on them that funds being provided to the States for medicines in tribal areas are insufficient and this amounts to negation of health care.

1.50 In their reply the Government have stated that the matter was taken up with the Ministry of Health, who in turn asked for the comments of the State Government in the matter. The State Government of Orissa has agreed to the recommendation of the Committee that outlay on health, medicines has to be increased and that the Central Government should provide lumpsum provision of Rs. 1 cores per annum to the State towards this account. The Ministry of Health has, however, not given any clear response in this regard. The matter has been taken up with them again.

1.51 The Committee desire that matter may be pursued with the Ministry of Health vigorously and they may be apprised of the final action taken on the matter.

*Forestry***Recommendation (Sl. No. 54, Para 4.120)**

1.52 The Committee had strongly recommended that State Government and cooperative agencies which collect MFP (Minor Forest Produce) 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 were also of the view that tamarind is grown mostly on private land by the tribals. Therefore, they did not find any justification in keeping this produce on the list of M.F.P. The Committee, therefore, recommended that it may be deleted from the list of M.F.P.

1.53 The Government have replied that earlier State Government had decided not to exempt royalty Collection of minor forest produce. This has been placed in the T.A.C. meeting on 19.4.1994 and after elaborate discussion it has been decided that Finance Department may re-examine this issue.

As regards exclusion of Tamarind from the list of minor forest produce State Government is of the view that it is not possible to distinguish whether the beneficiaries have collected the Tamarind from the private plots or from forest area and therefore, the same cannot be excluded from the list of Minor Forest Produce.

1.54 The Committee are not convinced with the reply of the Government. They, therefore, reiterate their earlier recommendations that, the State

Government and cooperative agencies which collect minor forest produce (MFP) for tribals should be exempted from royalty charges and these agencies in their turn should be asked to pass on these gains to tribals by increasing procurement rates and augmenting M.F.P. procurement facilities by opening new centres in the interior areas. The Committee also recommend that Tamarind which is grown mostly on private land by the tribals should be deleted from the list of M.F.P.

Reservation in Service

Recommendation (Sl. No. 55, Para 4.149)

1.55 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, on the other, the Committee had recommended that reservation policy should be implemented seriously to wipe out the backlog.

1.56 The Government have replied that information have been called for from all the Departments of State Government with regard to present vacancy of ST on which steps have been taken for special recruitment of STs during the current year.

1.57 The Committee would like to be apprised of the final outcome of the special recruitment proposed to be undertaken for STs in the State of Orissa.

Recommendation (Sl. Nos. 56 and 57 and 62 Paras 4.158 and 4.151, 4.156 and 4.157)

1.58 The Committee noted that in the district like Koraput which has 56% STs and 14% SCs population their representation is barely 12% in Group C and 15.5% Group "D" for SCs. Similarly for STs it is 8.6% in Group "C" and 17.3 in Group "D". The Committee also noted that to increase STs representation in services, State Government had increasingly converted a number of services into district cadre and non SC/ST persons from other districts had been getting jobs in Koraput and other Scheduled Areas Districts by getting false domicile certificates. The Committee had felt that 23% reservation provided to STs in all the Districts and the State level in Orissa had not served the interest of tribals as in the same area STs out number others and suitable educated tribals in good number are available, but they are deprived to get employment in proportion to their population because of the reservation to them having been restricted to 23 per cent against their population of 56%.

The Committee, therefore, had urged 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.

1.59 In their reply the Government have stated that on examination a view has been taken that 2 different policies *i.e.* one for the district and another for the State would lead to various legal difficulties. Therefore, State Government do not propose to provide reservation at district level.

1.60 The Committee are not satisfied with the reply of the Government. They feel that instead of giving adequate representation to STs in the district Cadre Service by providing reservation to them in proportionate to their population particularly in the Scheduled Areas, the State Government of Orissa apprehending for legal difficulties despite the fact that the National Commission for SCs and STs had already recommended for providing reservation in favour of Scheduled Tribes considering huge backlog in district Cadre posts. The Committee, therefore, reiterate their earlier recommendation that, the Ministry of Welfare should take up the matter seriously with the State Government of Orissa in this regard to provide reservation to STs at the District level for the district cadre posts proportionate to their population to clear huge backlog of Scheduled Tribes as the earliest.

Recommendation (Sl. Nos. 58, 59, 60 and 61 Paras 4.152, 4.153, 4.154 and 4.155)

1.61 The Committee had pointed out that Article 16(1) is a general provision and article 16(4) is a special provision of the reservation of backward classes which overrides Article 16(1). The Committee also pointed out 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 at the State or regional level which is proportionate to the population of the State or region. Since Orissa Government had two categories of posts, one was State cadre and the other was district cadre, the Committee urged that, the State policy of 23% reservation for the State cadre post should be continued to be so and for the district cadre posts for which recruitments are done through local Employment Exchange proposed formulae of District reservation posts should apply.

1.62 In their reply the Government have stated that it is not possible on the part of the State Government to accept the recommendation. District-wise reservation would lead to legal difficulties in reallocating the percentage of reservation on the basis of District-wise population. Besides the State cannot follow two different principles for reservation policy one for, district level posts and another for the State level posts.

1.63 Committee are not happy with the reply of the Government. In view of the huge backlog of SCs and STs in district cadre posts more so when the proportion of SCs and STs vary from district to district, the Committee recommend that there should be two types of reservation one for State

Cadre posts (for group A and B) and another for district cadre posts (for Group C and D) and the latter should be in proportionate to SC/ST population of the district.

Recommendation (Sl. No. 65 Para 5.1)

1.64 The Committee had noted 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 and Scheduled Tribes and had required them to formulate appropriate programmes which are tailor made to the needs of SCs and STs. The Committee, therefore, had desired the Ministry of Welfare to prevail on the remaining Central Ministries/Department to expeditiously set up such cells for formulation of appropriate programmes and their monitoring.

1.65 In their reply the Government have stated that the concerned Ministries have been requested to set up Monitoring Cells.

1.66 The Committee desire that the matter may be pursued vigorously with the concerned Ministries and the Committee may be apprised of the outcome.

NEW DELHI;
March, 1996

Phalguna, 1917(S)

PARAS RAM BHARDWAJ,
Chairman,
Committee on the Welfare of
Scheduled Castes and
Scheduled Tribes.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Sl. No. 1, Para 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.

Action Taken

With a view to ameliorating the economic condition of the tribals in different parts of the State, development programmes are being implemented through ITDAs and other projects like MADA/Clusters/Micro and D.T.D.P. Besides, Scheduled Tribe population have been covered under IRDP and JRY Programmes. Over and above the same infrastructure development in tribal area is being attended to under the above mentioned programmes/schemes. Individual tribal families have also been assisted for their economic upliftment keeping in view of the provision of funds.

Recommendation (Sl. No. 2, Para 2.8)

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.

Action Taken

The State Government has intimated that a survey has been conducted to identify the families including SCs and STs below the poverty line. The results of the survey are being examined by the State Government for further action.

Recommendation (Sl. Nos. 3 and 4, Para 2.9 and 2.10)

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/UTs 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.

The State Government 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 Committee's 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.

Action Taken

WM has written on the 28th July, 1993 to the Planning Commission in this matter. Planning Commission in turn has reiterated the guidelines on quantification of funds etc. for TSP with the concerned Ministries. In addition a meeting of representatives from the concerned Ministries and Planning Commission was held on 19-4-1993 under the chairmanship of Secretary (Welfare) to discuss the implementation of TSP programme as per the guidelines issued by Planning Commission. The decisions taken during the meeting were also circulated to all the concerned Ministries and the Planning Commission for follow up action. Apart from above, on 20-9-1993 Minister of State for Planning took a meeting of representatives of Central Ministries/Departments of Education, Industries, Rural Development, Agriculture & Cooperation and Environment & Forest in regard to formulation of a need-based quantification of funds by Central Ministries for TSP. The meeting was attended by the Ministry of Welfare also.

Recommendation (Sl. Nos. 5 and 6, Para 2.15 and 2.16)

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 drafts 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.

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.

Action Taken

The State Government has intimated that guidelines from Government of India, Ministry of Welfare have since been received and that in the meantime the Governor's Reports till 1991-92 have been submitted to Government of India and that of 1992-93 has been approved by TAC in its

meeting held on 19-4-1994. This is being submitted by the State Government to the Government of India shortly.

Guidelines in this respect have already been framed and issued to the State Government in 1987. The same have been reiterated *vide* D.O. No. 18013/2/93-TD (R) dated 13-10-1993. Secretary (Welfare) has addressed to Secretary, President's Secretariat to discuss the matter in the ensuing Governor's conference.

Recommendation (Sl. No. 7, Para 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 can not 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.

Action Taken

State Government have taken note of the recommendation of the Parliamentary Committee regarding holding the meeting of TAC and assure that the meetings of the Council would be held more frequently and for longer time. During 1994, the first meeting of the Council was held on 8.4.94 which was adjourned due to want of quorum. Again, after a short interval the meeting has been held on 19.4.94 where a number of items was discussed at length and decisions taken.

Recommendation (Sl. No. 8, Para 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.

Action Taken

State Government take note of the recommendation of Parliamentary Committee and assure that the procedure suggested by the Committee would be followed in future. As regards empowering Executive Magistrate to try cases under Excise Law and cases under Money Lending Act, the same is under examination of State Government.

Recommendation (Sl. No. 9, Para 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 streamline 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 live 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-Collector/ADMs are having more power than the Project Administrators in certain spheres as the PAs are not authorised with the regular functions of additional Distt. Magistrates. In the 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 remark 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 report 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.

Action Taken

In the meantime a report on the pattern of the administration introduced

in the Andhra Pradesh Government has been prepared by the State Government and the same is under examination. Pending adoption of single line administration of Andhra Pradesh Government the following steps have been taken in the State:

(1) All the Departments have been asked to communicate the ITDA-wise break up of TSP flow of State Plan/Centrally Sponsored Plan/funds.

(2) All the Deptts. have also been requested to furnish quarterly/annual progress report to the T.W. Deptt. showing physical and financial performance in respect of the TSP areas.

(3) The performance appraisal formats in respect of line departments are being modified, in which the P.A., ITDA will his say on the performance of the line departments.

(4) P.A. ITDAs have been authorised to record their remarks on the A.C.R. of Block Development Officers.

Recommendation of the Committee

Please see Para 1.6 of Chapter-1 of the Report.

Recommendation (Sl. No. 10, Para No. 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 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.

Action Taken

Final decision of State Government regarding payment of incentive allowances to the employees working in tribal areas is yet to be taken. (State Government in Finance Department have submitted proposal to the

10th Finance Commission to consider sanction of separate grant in this regard)

Recommendation of the Committee

Please see Para 1.9 of Chapter-1 of the Report.

Recommendation (Sl. No. 11, Para 2.45)

The Committee will also like to be apprised of the action taken by the State 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.

Action Taken

Government in Tribal Welfare Department have since introduced District Cadre in respect of the teaching staff of T.W. Department. Asst. Teachers and Sevaks working in different Educational Institutions under Tribal Welfare Deptt. shall be recruited within the District and continue in the District for all time to come. Other Departments like Panchayati Raj and Revenue, have got their District cadre in respect of Class-III and Class-IV staff also.

Government have already relaxed minimum qualification for recruitment of tribals to the posts of Police Constable, Forest Guards and Primary School Teachers.

Recommendation (Sl. Nos. 12, 13, 14, 15 and 17, Para 3.31, 3.32, 3.33, 3.34, 3.35, 3.36 and 3.38)

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 areas.
- (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.

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 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 areas 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.

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.

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. Not 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.

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 harassed 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.

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 them 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.

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 Schedule 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.

Action Taken

The Excise Act is being amended with a view to providing severe punishment of excise offence. Government in the meantime have banned manufacture/sale of country liquor with effect from 1-4-1994.

While the existing concessions to tribal with regard to brewing of traditional beverages has been allowed to continue, the concession with regard to distillation has been discontinued.

Recommendation (Sl. Nos. 16 and 19, Para 3.37 and 3.40)

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 ban on sale of liquor in Tribal Sub-Plan area might lead to illicit distillation and sale of liquor. The Committee do not subscribed 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.

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.

Action Taken

The State Government have decided to suitably strengthen Excise Enforcement organisation and to enforce prohibition of country liquor. Besides it has also been decided to constitute and encourage voluntary organisation at the level of the Block, Grampanchayat and village associating women elected members of the local self Govt. bodies and empower them to assist to enforcement measures. The organisation would also be assisted in cases of seizure of illicit distillation & illicit sale of country liquor. They may also act as informer to the Police/Excise Organisation.

Recommendation (Sl. No. 18, Para No. 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.

Action Taken

Explained vide para 3.37 & 3.40 of the compliance of the 15th Report of the Parliamentary Committee on SC & ST of Tenth Lok Sabha.

Recommendation (Sl. No. 20, Para 3.41)

The Committee note that Tribal Advisory Council had passed an resolution in 1989 recommending that excise cases should be tried by an Executive Magistrate instead of Judicial Magistrate because of the harassment 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 to the Excise Act for the whole State and referred the matter to the High Court for a concurrence to which later 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, Governor has powers to notify amendment in Cr.P.C. or Excise Act in official gazetted. 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.

Action Taken

State Government take note of the recommendation of Parliamentary Committee and assure that the procedure suggested by the Committee would be followed in future. As regards empowering Executive Magistrate to try cases under Excise Law and cases under Money Lending Act, the same is under examination of State Government.

Recommendation (Sl. No. 21, Para 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 1982-83, 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 banks 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 money lenders.

Action Taken

It has been decided to create awareness among the tribals regarding bank loan through wide propaganda. Collectors of the districts have also been requested to encourage the voluntary organisation in this regard so that they would be able to assist in creating awareness among the tribals. Training programmes are being organised at ITDA level to create awareness among the tribals to avail loan from institutional finance,

repayment of loan in time and to avoid taking loan from unscrupulous money lenders.

Recommendation (Sl. No. 22, Para 3.49)

The Committee would also like the State Government 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.

Action Taken

It has been decided to undertake evaluation study on the functioning of the LAMPS to assess the role of the LAMPS in financing the tribals to enquire into the active participation of tribal members in electing the Managing Committee of the LAMP regularly and advise the functioning of the LAMPS in handling it commercially. The study would also cover the reasons for increase in indebtedness and impact of institutional finance on the tribals.

Recommendation (Sl. Nos. 23 and 24, Para 3.64 and 3.65)

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 Statewide 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.

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.

Recommendation of the Committee

Please See Para 1.12 of Chapter I of the report.

Action Taken

As regards Benami transaction of land it may be pointed out that, it is difficult to identify such transaction in the field as it requires a lot of efforts as well as collection of intelligence but when-ever it has come to the notice, appropriate action is being taken to restore the land of the tribal after following the prescribed procedure.

The Orissa Schedule Area Transfer of Immovable Properties (by Scheduled Tribes) Amendment Regulation, 1993 has been submitted to Government of India, Ministry of Home Affairs to obtain the assent of the President of India. The Proposed amendment provides to enhance the rate of penalty from Rs. 200/- to Rs. 2000/- per acre per year for unauthorised occupation of tribal land. Collector, Revenue Divisional Commissioners will be empowered to revise any order passed by the competent authority *suo motu* by which the tribal may not get debarred from getting justice. No Civil Court shall have the jurisdiction to try and decide the cases under this Regulation. Regarding purchase of tribal land and redistribution of the same among other tribals, it is difficult to implement due to resources constraint of the State Government.

The matter was taken up by the Ministry of Welfare with the Ministry of Rural Development and Government of Orissa. The Ministry of Rural Development has stated that they have already circulated a note containing various suggestions for protection of tribal land and steps to prevent tribal land alienation. They have also stated that land and its management is a subject dealt with by the State Government and as such State will have to take final action in the matter.

Recommendation (Sl. No. 30, Para 4.30)

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.

Action Taken

All the teaching posts except Headmasters of High Schools have been made district cadre and Collectors have been empowered to fill up the same. Vacancy position is being monitored from time to time at State level. Instructions have also been issued to Collectors to recruit local tribal youths wherever available against teaching posts so that Teacher absenteeism will be reduced to considerable extent.

Recommendation (Sl. No. 34, Para 4.32)

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 (3,95,800 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 4,61,000 (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 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.

Action Taken

Due to sustained effort undertaken by T.W. Deptt./Education Deptt. and Panchayati Raj Deptt. etc. and after introduction of TLC programme in the State enrolment percentage of children has gone up to 68% during 1992-93 at Primary level from 60%. Government of Orissa is making an integrated approach for universalisation of Primary Education as has been envisaged in the programme "Education for all by 2000 AD".

Recommendation (Sl. No. 40, Para 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.

Action Taken

As indicated in paragraph 2.43 all the departments have been asked to communicate break-up of TSP flow of State Plan/Central Plan/Central Sponsored Plan funds so that integrated approach can be taken up by ITDA in developing the area. Besides under individual beneficiary scheme lands of tribal located in clusture are being identified for provision L.I. points. Besides in case of scatered land of the tribals irrigation is attempted through individual pump sets.

Recommendation (Sl. No. 41, Para 4.56)

Another impediment in low agricultural productivity has been lack of irrigation potential. The Committee's observation 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.

Action Taken

L.I. Points/Water Harvesting Strcuture/Minor Irrigation Projects are being taken up out of ITDA/DRDA funds with a view to providing irrigation to the lands of tribals.

Recommendation (Sl. No. 42, Para 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 the 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 Government 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.

Comments of the Committee

Please see para 1.30 of Chapter-I of the Report.

Action Taken

The matter was taken up with the Ministry of Agriculture who have replied that the area under shifting cultivation in Orissa is 26490 sq. kms. A scheme for control of shifting cultivation with 100% Central assistance to State Plan was being implemented by the Ministry of Agriculture. The scheme was discontinued in 1991-92. The scheme is being reviewed by the Ministry of Agriculture.

Recommendation (Sl. No. 43, Para 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.

Action Taken

The problem of encroachment/occupation of forest land by the tribals is a serious one. In Orissa, as per preliminary estimates, during 1989 forest land measuring 2.69 lakh acres are reported to be under unauthorised occupation by the tribals. There are 20 recognised forest villages which were set up inside reserved forests/protected forests long ago with a view to obtaining regular supply of labourers for various forestry activities. These villages are to be recognised as Revenue Villages and Villagers are to be conferred heritable but inalienable rights. Steps are being taken to obtain clearance from Ministry of Environment & Forests, Government of India under Forest Conservation Act in order to declare them as Revenue villages.

Besides, recognised forest villages are in existence since pretty long time and there are also patches of forest land inside Reserved forest/Protected forests inhabited by tribals. On the basis of the guidelines issued by Govt. of India, State Govt. have taken certain policy decisions mentioned below:

- (i) Encroachments prior to notification of land as forest land may be recognised with prior approval of the Government of India under Forest (Conservation) Act.
- (ii) Post-1980 encroachments should not be regularised.
- (iii) Pre-1980 encroachers may be regularised after satisfying fulfilment of the following conditions and obtaining prior approval of Government of India under the Forest (Conservation) Act.
 - (a) The encroachers should be residing there and should have no other source of livelihood.

- (b) The encroachers land should be fit for permanent agricultural cultivation.
- (c) A detailed enquiry be made into the age of the encroachers. Forest Divisionwise and Districtwise.
- (d) Ineligible families have to be evicted and rehabilitated outside the forest by extending benefits under various schemes like I.R.D.P.

Comments of the Committee

Please see para 1.33 of Chapter-I of the Report.

Recommendation (Sl. No. 44, Para 4.74)

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 measures 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.

Action Taken

There is a provision for insurance for the livestock under poverty amelioration scheme. Premium of such insurance are shared by the beneficiaries. Govt. agencies and financing institutions, Insurance of livestock owned by SCST persons other than the above are under examination of State Govt. in consultation with the insurance companies.

Comments of the Committee

Please see para 1.36 of Chapter-I of the Report.

Recommendation (Sl. No. 45, Para 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 hectare under major and medium irrigation during 1985—90), the actual achievement was as low as 36.41 thousand hectare. 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 hectare 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.

Action Taken

It is a fact that the target for creation of irrigation potential in major and medium irrigation sector during 7th plan was fixed at 51.81 THa kharif and 30.03 THa Rabi under State Plan in the Tribal Sub Plan area. It is also a fact that the achievement was 22.20 THa and 14.21 THa respectively. The following is the projectwise break-up.

Sl. No.	Name of the Project	Target for 7th plan		Achievement	
		Kharif	Rabi	Kharif	Rabi
1.	Upper Kolab Irr. Project	5.00	2.00	3.45	2.00
2.	Bondapipili	1.90	1.90	—	—
3.	Sunel	5.00	5.00	2.90	3.91
4.	Sarafgarh	0.11	—	0.11	0.11
5.	Harabhangi	6.77	5.05	—	—
6.	Kanjhari	8.80	3.59	7.07	3.59
7.	Talasara	0.13	0.55	0.13	0.55
8.	Kasabahal	4.61	3.50	2.00	0.70
9.	Bankabal	6.84	2.97	4.10	2.97
10.	Remal	—	0.38	—	0.38
11.	Badanala	8.65	5.09	—	—
12.	Subranarekha	4.00	—	—	—
13.	Bhaskel Dara	—	—	1.43	—
14.	Extension of Remal	—	—	1.01	—
Total		51.81	30.03	22.20	14.21

The following are the reasons for the low achievement.

Upper Kolab Project could not progress as per target because of delay in obtaining forest clearance.

Bondapipili Project was ultimately abandoned because of vast forest land coming within the Reservoir area as well as within the command.

Sunei Project although completed as per schedule, its command areas comes within the Tribal Sub-Plan area of Mayurbhanj and some portion of non-tribal sub-plan area of Balasore district. When the non-tribal sub-plan area of Balasore district is taken into account, there is shortage of achievement.

Harabhangi Project and Badanala Project could not take off because of inadequate funding. It took considerable time to complete the head works of Badanala Project. With regard to Harabhangi, the tunnel through which water is to be diverted for irrigation is yet to be completed.

With regard to Kanjhari, Kansabahal and Bankabal Medium Irrigation Projects, works could not be completed in all respect by the end of 7th plan. Few items of work spilled over to subsequent Annual Plan period as well as 8th plan period.

So far as Subarnarekha is concerned, it was programmed to get irrigation through the main canal from Galudih barrage in Bihar territory. But unfortunately work in Bihar portion has not been completed so far. Consequently no water is available at Orissa border through the designed main canal for irrigation within the Orissa territory.

In case of Lift Irrigation Projects, the low achievement is due to want of funds. Normally Lift Irrigation Points are installed with the DRDA assistance, but the flow of funds from DRDA was not to the desired extent.

Recommendation (Sl. No. 46 and 47, Para 4.81 and 4.82)

The Committee note that some parts of the Tribal district of Koraput have been adversely effected 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 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 dams 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 group I of the Committee took up matter with the Chief Secretary of the State with whom they had a discussion at Bhubaneswar. However, noting 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 Indravati Project.

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 flow the down stream to keep the life of the people living in that area normal till the check dams are constructed.

Action Taken

The recommendations have been examined and the Engineer-in-Chief has been entrusted to examine the technical feasibility of the scheme on the following aspects:—

- (i) Availability of water from Upper Indravati Reservoir through sluices if any in Upper Indravati and Muran Da *vis-a-vis* power generation from the Upper Indravati Project.
- (ii) Taping of ground water through
 - (a) Collector's well
 - (b) Dug wells.
- (iii) Construction of check dams/barrages across Indravati Stream.
- (iv) Diversion of water from the proposed Telengiri Project to the area down-stream of Upper Indravati Reservoir.

Comments of the Committee

Please see para 1.39 of Chapter-I of the Report. *

Recommendation (Sl. No. 49, Para 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-center 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.

Action Taken

The State Government is taking steps to open dispensaries and posting of doctors in vacant posts.

Comments of the Committee

Please see para 1.45 of Chapter-I of the Report.

Recommendation (Sl. No. 50, Para 4.108)

The reason for not taking 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 inspite 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.

Action Taken

The matter was taken up with the State Govt. who has intimated that they have already submitted a proposal to the 10th Finance Commission in which provision for compensatory allowance to medical, para-medical and other staff posted in Tribal Sub-plan areas have been included.

Comments of the Committee

Please see para 1.48 of Chapter-I of the Report.

Recommendation (Sl. No. 51, Para 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 of 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 States for medicines in tribal areas are insufficient and this amounts to negation of health care.

Action Taken

The matter was taken up with the Ministry of Health, who in turn asked for the comments of the State Government in the matter. The State Government of Orissa has agreed to the recommendation of the Committee that outlay on health, medicines has to be increased and that the Central Government should provide lumpsum provision of Rs. 1 crore per annum to the State towards this account. The Ministry of Health has, however, not given any clear response in this regard. The matter has been taken up with them again.

Comments of the Committee

Please see para 1.51 of Chapter-I of the Report.

Recommendation (Sl. No. 52, Para 4.110)

The Committee are distressed to find that out of 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 Govt. to expedite the construction work and open new PHCs/Additional PHCs at an early date.

Action Taken

Steps are being taken by the State Govt. to complete incomplete buildings & to open Addl. PHCs.

Recommendation (Sl. No. 53, Para 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 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 place 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.

Action Taken

The tribals are allowed to collect various minor forest produce for their livelihood without paying any royalty and without any restriction in movement or disposal of the produces. Govt. in Forest Department have made a policy to dispose of the minor forest produce through the Agencies like Government Undertakings, Co-operative Societies and Joint Sector Company. The aim and object is to eliminate middlemen who were exploiting tribals and to assure a fair price to them. Accordingly, Govt. undertakings like Orissa Forest Development Corporation Ltd., TDCC and Joint Sector Company like Utkal Forest Products limited have been entrusted to collect minor forest produce from the forest inside the State and pay prescribed royalty to the Govt. Lease of Minor forest produce is also given to the Co-operative Societies. These collecting Agencies ensure payment of fair price for the produce collected from them.

The matter was taken up with the Ministry of Environment & Forests. They have replied that the National Forest Policy recognises the customary rights of the Tribals living in the forest areas and that they are allowed to collect fire wood, small timber and MFP free of cost for their domestic consumption. The tribals are allowed to take even carts-load of fire wood for their domestic consumption on production of "Nistar cess" and on payment of nominal fee for each cart-load. However, there is no restriction or any fee for carrying fire-wood on head load for domestic consumption.

Recommendation (Sl. No. 55, Para 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 85,773 total employees. In Group 'D' the total strength is 32,844 and the number of S.Cs and S.Ts is 7,867 and 2,707 respectively. Percentage-wise, the representation shortfall is more than 14 percent for S.Ts in both the Groups and 2.60 per cent for S.Ts 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 S.T. The percentage of S.C. comes to 12 in Class 'C' and 15.5 in Class 'D' and for S.T. it comes to 0.6 in Class 'C' and 17.3 in Class 'D'. The employment position of S.C. is better than those of S.Ts. 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 S.Ts in Group 'C' and 'D' posts on the one hand and a large number of S.Ts 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.

Action Taken

Information have been called for from all the Departments of State Government with regard to present vacancy of ST on which steps have been taken for special recruitment S.T. during the current year.

Comments of the Committee

Please see para 1.57 of Chapter-I of the Report.

Recommendation (Sl. No. 63, Para 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 organisation. 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 taken 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.

Action Taken

The following steps have been taken for effective monitoring.

- (1) District Collectors who happen to be the Chairman of the Project level Committee of ITDA, have been impressed upon to hold PLC meeting at regular intervals.
- (2) Collectors have also been requested for regular review of the Tribal Development Programme at their level.
- (3) Commissioner-cum-Secretary, Tribal Welfare Department is also reviewing the programme of Tribal Development regularly.

Recommendation (Sl. No. 64, Para 5.10)

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 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.

Action Taken

The Commissioner Tribal Welfare is reviewing the programme and progress of tribal welfare schemes once in every month.

Recommendation (Sl. No. 65, Para 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 Scheduled Castes & Scheduled Tribes and had required them to formulate appropriate programmes which are tailor made to the needed of SCs & STs. The Committee, therefore, desire the Ministry of Welfare to set up such cells for formulation of appropriate programmes and their monitoring.

Action Taken

The concerned Ministries have been requested to set up Monitoring Cells.

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

Recommendation (Sl. No. 25, Para 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 Government 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 proceedings 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 languishing for more than this period. The Committee, therefore, urge the State Government 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.

Action Taken

Originally Sub-Collectors were appointed as the competent authority under the Regulation 2 of 1956. As the Sub-Collectors are saddled with Law and Order and other multifarious nature of work, Tehsildars of the Tehsils have been empowered to dispose of the cases under the Regulation 2 of 1956 since 1993. Tehsildars having been in charge of smaller area, shall be able to implement the Act more effectively. Revenue Inspectors, Revenue Supervisors, Tehsildars, Asst. District Welfare Officers and Welfare Extension Officers have been instructed to detect cases of illegal transfer of land from tribal to non-tribal and the cases shall be instituted by the competent authority.

Recommendation (Sl. No. 26, Para 4.25)

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.

Action Taken

The literacy rate of tribals has gone up from 7.36% during 1961 to 22.31% during 1991. Details with regard to increase in percentage of literacy among tribals *vis-a-vis* that of State average is indicated below.

Census year	Literacy among S.T.	State average
1961	7.36	21.66
1971	9.46	26.18
1981	13.96	34.85
1991	22.31	49.09

With a view to attract more number of tribals to join the educational institution, State Government decided in principle to open as many number of Residential School as possible in tribal area keeping in view the resources. To start with Primary School Hostels are being provided one in each of the Gram Panchayat during the current year and a proposal has since been submitted to 10th Finance Commission to open these hostels one more in each of the Grampanchayat. Besides steps have been taken to upgrade the existing primary School to Ashram/Kanyashram/High School in phases over and above the same total literacy programme is also being implemented in each tribal District of the State with assistance of Government of India which will go a long way in increasing the literacy percentage of the tribals.

Recommendation (Sl. No. 27, Para 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 percent 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, in accessibility 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 causes thereof and take corrective steps at an early date.

Action Taken

Instructions have already been issued not to detain any student in Test Examination of Class-IX and allow all of them to appear at the H.S.C. Examination. This has been implemented since 1993. As against 2890 appearing against 3691 enrolled during 1992, 3756 would appear at the H.S.C. Examination in 1993 against 3953 enrolled. As regards the standard of education in T.W. Schools the following table will show that the result of educational institutions under T.W. Department is better than State average.

Year	Students enrolled	Appeared	Passed	% of Pass	State Average
1991	3585	2765	1320	47.7	42.20
1992	3691	2890	1873	65.0	43.41
1993	3953	3756	2201	58.5	43.53

Strict instructions have been issued to the Head of residential Institutions of T.W. Department not to detain students at the test examination. Instructions have also been issued to impart intensive coaching to the students preparing for High School Certificate Examination. The Collectors have been empowered to fill up all the vacant posts of Teachers even by way of relaxing the prescribed qualification in respect of tribals.

Annual H.S.C. Examination results are being reviewed and awards are given to meritorious students as well as heads of institutions who have shown good performance. Similarly punitive measures are also being taken against the Teachers in whose subjects percentage of failure is more.

Recommendation (Sl. Nos. 28 and 29, Paras 4.26 and 4.27)

The Committee find that students 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 lodging as these poor students cannot afford to pay these charges.

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 & Welfare Department in the State to achieve better results.

Action Taken

Govt. have allowed Scholarship/Boarding charges to the failed/detained candidates for 2nd term in order to facilitate continuance of their studies.

Comments of the Committee

Please see para 1.15 of Chapter-I of the Report.

Recommendation (Sl. No. 31, Para 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 proposals 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 organisation may also be solicited.

Action Taken

Enhancement of pre-matric scholarship has been considered by State Government as absolutely necessary but due to resources constraint this has not been possible to implement it. A proposal in this regard has since been submitted to 10th Finance Commission during January, 1994. Pending receipt of grant by the 10th Finance Commission it has been decided in the TAC meeting held on 19.4.94 to enhance the pre-matric scholarship from Rs. 150/- to Rs. 200/- in respect of Boys and from Rs. 155/- to Rs. 225/- in respect of Girls.

As hostels are attached to the educational institutions, entrustment of their management to voluntary organisation i.e. an external body mainly may create difficulties in view of dual administration. However, the system prevalent in Andhra Pradesh is under examination.

The Ministry of Welfare does not have any scheme under which stipends are provided to Scheduled Tribe boys and girls students of pre-matric classes/staying in residential hostels.

However, there is a scheme for giving Post-matric scholarships to Scheduled Tribes and Scheduled Castes students. Maintenance allowance at different rates are given under this scheme depending upon course which the student is attending. Revision of these rates is under consideration by the Ministry.

Recommendation (Sl. No. 32, Para 4.30)

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, in tribal Districts of Koraput, the percentage of 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 percent. 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 Government. 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 analyse 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.

Action Taken

It is the avowed policy of Govt. to open more residential institutions for S.C./S.T. children. Now Schools are being upgraded or opened in the tribal concentrated pockets having low rate of literacy.

Recommendation (Sl. No. 33, Para 4.33)

The Committee find that Nawarangpur 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.

Action Taken

The erstwhile Nawrangpur Sub-division has been made a district by now. The following educational Institutions are running in the District.

The names are as follows:

Sl. No.	Name of the Institutions	Name of the Block
1	2	3
1.	Timanpur High School	Raighar
2.	Raighar High School	Raighar
3.	Singsari High School	Umarkote
4.	Badabherandi High School	Umarkote
5.	Belgan High School	Jharigan

1	2	3
6.	Dabugan Girls High School	Dabugan
7.	Hodings High School	Kosagumuda
8.	Dhadipani High School	Chandahandi
9.	Badaambada High School	Kosagumuda
10.	Patraput High School	Tentulikhunti
1.	Badamusigan Ashram School	Nowarangpur
2.	Nisanhandi Ashram School	Tentulikhunti
3.	Bhamini Ashram School	Umarkote
4.	Jamurranda Kanyashram	Umarkote
5.	Bhinguda Kanyashram	Jharigan
6.	Munigan Ashram School	Papadahandi
7.	Badaolaman Ashram School	Dabugan
8.	Parchamal Kanyashram	Kosagumuda
9.	Judingia Kanyashram	Raighar
10.	Hatabharandi Ashram School	Raighar
1.	Dhodara R/S	Jharigan
2.	B.S. Padar R/S	Jharigan
3.	Rajaputi R/S	Raighar
4.	Nuapada R/S	Raighar
5.	Khuduka R/S	Raighar
6.	Batibeda R/S	Umarkote
7.	Santoshpur R/S	Kosagumuda
8.	Kharki R/S	Papadahandi

Comments of the Committee

Please see para 1.21 of Chapter 1 of the Report.

Recommendation (Sl. No. 35, Para 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 Govt. 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.

Action Taken

Instruction have been issued by the State Govt. vide Govt. letter No. 15616 Dated 13.5.94 not to use hostel for any other purposes.

Recommendations (Sl. No. 36, 37 and 39, Para 4.51, 4.52 and 4.54)

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.

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.

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 Govt. 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.

Action Taken

The matter was referred to the Ministry of Agriculture and the State Govt. The Ministry of Agriculture has replied that they are giving due consideration to the socio-economic developed of Sch. Tribes population while formulating various programmes. Most of the programmes under Ministry of Agriculture are stated to be crop-oriented, area-oriented or intended for development of infrastructure. In all these cases the Ministry has stated that they have taken measures to increase the quantum of benefits flowing to the tribal population. They have also mentioned that they have special schemes for Scheduled Tribes.

The State Govt. has indicated that the following important measures are considered by them to be pertinent in the context o increasing agricultural productivity.

- (i) Infrastructural development of communication and making essential inputs available in remote tribal areas;
- (ii) Strengthening of extension activities for motivating the tribal women involved in agriculture by deploying of lady village agricultural workers;
- (iii) Marketing of agricultural produce will be streamlined so that more benefits shall accrue to the tribal producers.

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE AND WHICH REQUIRE REITERATION

Recommendation (Sl. No. 38, Para 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 Government 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 60 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 Government 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 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.

Action Taken

The State Government has been requested to forward copies of the proposals sent in this regard by them to the Ministry of Fertilizers and Chemicals. On receipt of the same, further action will be taken.

Comments of the Committee

Please see para 1.27 of chapter 1 of the report.

Recommendation (Sl. No. 48, Para 4.106)

The Committee note that medical and para medical 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. 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 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.

Action Taken

The running cost of minimum staff of P.H.C. as per the State Govt. norm is Rs. 1.5 lakhs as against which the cost according to the norms of Govt. of India comes to Rs. 4 lakhs. This would require augmentation of plan ceiling which is not presently feasible.

Comments of the Committee

Please see para 1.42 of chapter 1 of the report.

Recommendation (Sl. No. 54, Para 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.&P. Royalty on Mahua flower is stated to be @ Rs. 7.35 per quintal and on termarind 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 M.F.P. 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 Government and cooperative agencies which collect M.F.P. 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.

Action Taken

Earlier State Govt. had decided not exempt royalty Collection of minor forest produce. This has been placed in the T.A.C. meeting on 19.4.94 and after elabora discussion it has been decided that Finance Department of re-examine this issue.

As regards exclusion of tamarind from the list minor forest produce State Government is of the view which include of tamarind is coming from the forest area and it is not possible to distinguish the beneficiaries to collect from the private plots and this is collected from forest are and therefore the same can not be excluded from the minor forest.

Comments of the Committee

Please see para 1.54 of chapter 1 of the Report.

Recommendation (Sl. No. 56 and 57, Para 4.150 and 4.151)

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 gradation 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 SCST persons from other districts have been getting jobs in Koraput and other Scheduled Areas Districts by getting false domicile certificate.

The Committee also feel the 23% reservation provided to STs in all the Districts and 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.

Action Taken

As explained vide para 4.157 of the compliance to the 15th Report of the Parliamentary Committee on Welfare of SC & ST (10th Lok Sabha).

Comments of the Committee

Please see Para 1.60 of Chapter 1 of the Report.

Recommendation (Sl. No. 58, 59, 60 and 61, Para 4.152, 4.153, 4.154 and 4.155)

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 centre withheld from it under para 5(1) of fifth Schedule of the Constitution. The Governor can notify in the official gazettee 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.

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 in State cadre and the other is District cadre. The State policy of 28% 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.

Representatives of the State Government 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.

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'.

Action Taken

It is not possible on the part of the State Government to accept the recommendation. District-wise reservation would lead to legal difficulties in reallocating the per centage of reservation on the basis of District-wise population. Besides the State can't follow two different principles for reservaton policy one for, district level posts and another for the State level posts.

Comments of the Committee

Please see para 1.63 of chapter 1 of the Report.

Recommendation (Sl. No. 62, Para 4.156 and 4.157)

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 possible.

Action Taken

On examination a view has been taken that 2 different policies i.e. one for the district and another for the State would lead to various legal difficulties. Therefore, State Government do not propose to provide reservation at district level.

Comments of the Committee

Please see para 1.60 of Chapter 1 of the Report.

CHAPTER V

**RECOMMENDATIONS AND OBSERVATIONS IN RESPECT OF
WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT
BEEN RECEIVED**

NIL

**NEW DELHI;
March, 1996**

Phalguna, 1917 (S)

**PARAS RAM BHARDWAJ,
Chairman,
Committee on the
Welfare of Scheduled Castes and
Scheduled Tribes.**

APPENDIX

(Vide para 4 of the Introduction)

Analysis of the Action Taken by Government on recommendation contained in the Fifteenth Report (Tenth Lok Sabha) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes.

1.	Total number of Recommendations	65
2.	Recommendations/observations which have been accepted by Government (vide Recommendations at Sl. Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 30, 34, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 55, 63, 64 and 65.	
	Number	43
	Percentage to total	66.16%
3.	Recommendations/observations which the Committee do not desire to pursue in view of Government replies (vide recommendations at Sl. No. 25, 26, 27, 28, 29, 31, 32, 33, 35, 36, 37 and 39.	
	Number	12
	Percentage to total	18.46%
4.	Recommendations/observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration (vide recommendation at Sl. No. 38, 48, 54, 56, 57, 58, 59, 60, 61 and 62.)	
	Number	10
	Percentage to total	15.38%
5.	Recommendations/observations in respect of which final replies of Government have not been received (vide recommendations at Sl. No. NIL)	
	Number	NIL
	Percentage to total	NIL