

THE ORISSA STATE TRIBAL POLICY

(A Policy for the Scheduled Tribes)

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PREAMBLE

- ▶ The State of Orissa extends from 17° 49'N to 22° 34'N latitudes and 81° 28'E to 87° 29'E longitudes in the eastern coast of India and the Bay of Bengal lies on the east whereas West Bengal, Jharkhand, Madhya Pradesh and Andhra Pradesh lie in the north-east, north, west and south respectively. There are two major physiographic regions, such as the (i) coastal plains in the east and (ii) highlands and plateaus in the west and central tracts consisting of middle mountainous/ hilly regions and the rolling uplands. In its geographic setting, environmental niche and demographic features, etc. some peculiarities are noticed. The state has regional disparities coupled with unequal distribution of natural resources. The S.Ts are mostly concentrated in the physiographic region (ii) as stated above which consists of remote, inaccessible and interior areas where communication network and infrastructure facilities are meagre. Orissa as an independent state was formed on the 1st April, 1936.
- ▶ As per 2001 Census, out of the total population (36706920) in Orissa, the Scheduled Tribes (8145081) constitute 22.13 per cent. The state occupies the third position insofar as the percentage of ST population to the total population is concerned, next to Chhattisgarh (31.76%) and Jharkhand (26.30%). As per total number of ST population, Orissa also occupies the third position, next to Madhya Pradesh (12233474) and Maharashtra (8577276). Orissa's share of the total population of India is 3.6 per cent whereas the share of the S.Ts is estimated at 9.7 per cent.
- ▶ The sex ratio among the STs is 1003 as against 972 and 978 for Orissa and India, as per 2001 Census.
- ▶ The child population among the STs in Orissa is 17.60% as against 18.50% for India.
- ▶ The ST decadal growth in 1961-71, 1971-81, 1981-91 and 1991-2001 is 15.83, 18.89, 16.62, and 20.08 respectively.
- ▶ A look into the ST Community-wise decennial population growth rate during the decade 1991-2001 shows that except the Baiga, Bhumia, Binjhal, Birhor, Chenchu, Dal, Desua Bhumij, Dharua, Gandia, Ghara, Ho, Holva, Kawar, Kharwar, Kolha Loharas, Korua, Kotia, Mankidi, Mankirdia, Mundari, Omanatya, Paroja, Pentia, Rajuar, Sounti and Tharua rest of the communities have recorded positive growth rate.

- ▶ The Work Participation Rate (WPR) for the STs comes to 48.99 per cent as compared to 38.79 per cent for the State and 49.10 per cent for India (2001 Census).
- ▶ The literacy rate (excluding the age-group of 0-6 years) among the STs is 37.37 (2001 Census) as against the State figure of 63.08 and 47.10 for our country. Among the ST male and female the literacy rate is 51.48 and 23.37 as against 59.20 and 34.80 for India respectively.
- ▶ The TSP covered area in Orissa is 69,613 sq. kms. Which is 44.71% of the total geographical area (155707.00 sq. kms.) and 21.98% of the total geographical area of India (3166285 sq. kms.).
- ▶ As on 31.5.2000, out of 4473654 rural families 1399245 constituting 31.28% of the ST families are below poverty line (BPL).
- ▶ Out of the total number of 21 MPs (Lok Sabha) in the State 5 ST MPs constitute 23.13% and out of 147 Members of the Legislative Assembly 34 ST members constitute 23.13%.
- ▶ Out of 168 numbers of officials in I.A.S. cadre (as on 01.01.2006) 4(2.38%) belong to ST category and out of 98 members of officials in the IPS cadre 3 (3.06%) are from the ST communities.
- ▶ Out of 100869 Panchayati Raj Institute (PRI) members in Orissa 15451 belong to the ST category constituting 15.32% of the total number of members.
- ▶ There are 118 ICDS projects for the STs constituting 41.99% as against the total number of 281 projects for Orissa.
- ▶ Orissa is the homeland / abode of as many as 62 ST communities with a number of sub-groups and they represent the largest number of ST communities among all States and UTs.
- ▶ Orissa has the largest number (13) of Primitive Tribal Groups (PTGs), other-wise referred to as the Particularly Vulnerable Tribal Groups (PTGs) Most Vulnerable Tribal Groups (MVTG) or Vulnerable Ethno-Cultural Groups (VEGs). As mostly voiceless and lacking pressure group formation tactics for political anchorage, they are still economically and educationally very backward groups among the STs.

- ▶ The STs in Orissa, as in other parts of Indian Subcontinent, emerged as simple, disparate and discrete ethno-cultural groups characterized by relative isolation.
- ▶ Currently, integration as the key concept has given rise to better understanding, inclusion, coalescence, interdependence and the like among the hitherto discrete groups.
- ▶ The socio-cultural boundary of Orissa extends beyond the limits of politico-administrative boundary because of symbiosis and interdependence with neighbouring societies and cultures.
- ▶ Orissa in a broader sense is considered as the 'melting pot' of both the great North Indian and South Indian cultures and traditions and also of the eastern and western India.
- ▶ Although the STs in Orissa constitute 'little communities' and 'folk' societies, they have been interacting with rural peasant/ caste communities and also urban communities, justifying their uniqueness in the folk-urban continuum, which symbolizes inclusion, cohesion and integration.
- ▶ The spread of civilization and cultural efflorescence, rise of liberalism, globalization and growth of global human consciousness, etc. gradually widened the horizon of awareness of the STs and despite clinging to deep ethno-cultural roots and socio-cultural identity, the ST societies have emerged as 'closed societies with open mind.
- ▶ Both the Hinduization and Christianization have made in-road to ST habitations in varying degrees.
- ▶ In the sphere of magico-religious beliefs and practices, many ST communities believe in the Supreme Deity, often identified with the Sun or Sun-Moon. They are mostly polytheists incorporating large number of gods, goddesses, demi-gods, spirits-benevolent, malevolent and ambivalent, in their theological pantheon. In many ST communities the Sun (Dharam Devata) and the Earth Goddess (Basumata) are worshipped with due honour and appropriate rituals. They also extend grand honour to ancestral cults.
- ▶ In ST dominated areas, i.e. where there is preponderance of their populations inhabiting contiguous areas, uni-ethnic villages are come across. Currently, however, large numbers of ST villages are multi-ethnic and majority of them are ruralities.

2. Need for the Policy:

The State Policy vis-à-vis the National Policy for the Scheduled Tribes inculcates integrated and holistic approaches.

The Policy envisages such critical issues concerning the STs, their lifestyle and livelihood as:

- (i) Lower Human Development Indices (HDI);
- (ii) Inadequate Basic Infrastructure Facilities;
- (iii) Diminishing control over natural resources;
- (iv) Constant threats of displacement;
- (v) Inadequate resettlement and rehabilitation;
- (vi) Persistence of regional imbalance;
- (vii) Mal distribution of wealth and opportunities;
- (viii) Non-empowerment;
- (ix) Constricted mainstreaming;
- (x) Lack of awareness and perpetuation of voiceless ness; and many more.

Therefore, the Policy shall facilitate translation of all constitutional provisions into reality at the grass-root level, concerning the Scheduled Tribes of the State. In consonance with the national policy the State Policy shall incorporate state-specific issues which are intended to safeguard, protect and upheld the interests of Scheduled Tribes and simultaneously accelerate their development, so that they are brought in par with other non-tribal populace within a reasonable time-span.

3. Guiding Principles of the Policy:

The State Policy shall be guided by the following articles enshrined in the Constitution of India meant for the socio-economic and political empowerment of the STs:

Articles:

14, 15(4), 16(4), 16(4A), 19, 23, 25(2)(a), 29(1), 46, 146, 164(1), 243D, 244(1), 275(1), 325, 330, 332, 334, 335, 338A, 339(1), 340, 342 and 350(A).

4. Objectives of the State Policy:

The Principal objectives of the State Policy are mentioned below:

- 4.1 Regulatory Protection
- 4.2 Socio-economic Empowerment

- 4.3 Protection of Traditional and Cultural Rights
- 4.4 Access to Privileges
- 4.5 Safeguarding Intellectual Property Rights (IPR)

4.1 Regulatory Protection

4.1.1 Provision of a socio-cultural environment having power to help promotion and preservation of traditional and customary rights and concessions enjoyed by ST communities in consonance with socio-economic development intervention;

4.1.2 Prevention of the alienation of land owned and / or utilized by STs and restoration of ownership of wrongfully alienated lands;

4.1.3 Protection and vesting of legitimate rights of STs on lands, natural water bodies, forests including minerals and non-timber forest produce (NTFP) through formulation and application of appropriate legislations;

4.1.4 Provision of legislative sanction for displaced STs for their resettlement and rehabilitation and appropriate steps for minimization of displacement.

4.1.5 Designing of administrative arrangements to follow, in true letter and spirit, the provisions made in the Panchayats (Extension to the Scheduled Areas) Act, 1996 to promote empowerment of ST communities through self-governance.

4.1.6 Designing of administrative arrangements to follow, in true letter and spirit, the provisions made in the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007).

4.1.7 Protection of political rights of STs to ensure greater and active participation in political bodies at all levels.

4.1.8 Enactment of relevant Acts, Rules and Regulations and bringing appropriate amendments to existing Acts, Rules and Regulations which shall ultimately benefit the STs.

4.2 Socio-economic Empowerment:

4.2.1 Removing or narrowing the gap in the HDI between the ST and non-ST population in order to bring them at par by 2030;

4.2.2 Reduction in the dropout rate at the Primary level by at least 20 per cent and at the Secondary level by at least 10 per cent by 2030;

4.2.3 Ensuring access to socio-economic opportunities, such as basic health care services, potable drinking water and improved sanitation by 2016-2017, i.e. by the end of Twelfth Five Year Plan;

4.2.4 Commensurate with the right to live, all BPL ST families be provided with food grains to ensure food security and PDS shall be managed by the ST community;

4.2.5 Provision of livelihood opportunities for BPL ST families in addition to NREGS in order to guarantee employment for at least 180 days per annum by 2030;

4.2.6 Ensure social, economic and political empowerment of STs, with special emphasis on women, to exercise effective control over their natural as well as human resource bases, allowing to exercise alternative choices;

4.2.7 Creation of physical and socio-cultural infrastructure in Scheduled Areas/ Tribal inhabited areas in order to optimize utilization of all resources and mobilize them for accrual of benefits to STs for acceleration of their growth by 2030.

4.2.8 The State shall promote all facilities for promotion of agricultural activities including irrigation potential in Scheduled Areas for strengthening production base by 2016-2017.

4.3 Protection of Traditional and Cultural Rights:

4.3.1 Enhancement of the participation of ST youths in games and sports at the local, district, regional, state and national levels so that they are encouraged to show their inherent talent and expertise. It will further widen the scope for participation in different events at the international level.

4.3.2 Enhancement of participation in such activities as folk-song, folk-music, performing art (folk-dance), folk-art including manufacture of craft goods at the local, regional, state, national and international levels.

4.3.3 State shall promote with special care to standardize the ethnic products and help marketing them in a wider network so that it will cause additional income generation through self employment.

4.3.4 Creation of awareness among STs for elimination of social evils, superstitious practices, anti-social activities connected with drug addiction, alcoholism, witch craft, sorcery, etc.

4.3.5 Creation of awareness for demanding joint ownership of land in the names of both ST wife and husband and equal rights for men and women in matters of inheritance of property, despite patrilineality.

4.4 Access to Privileges:

4.4.1 Processes of scheduling and de-scheduling are parliamentary matters and determined through constitutional provisions and ultimately by Presidential Order. The State shall duly examine and rationalize the processes while making recommendation to the Government of India. The State shall further ensure that benefits to STs are evenly distributed among all ST communities.

4.4.2 The State shall promote with special care for all round development of Particularly Vulnerable Tribal Groups (PTGs) in order to bring them at par with other ST communities by 2030.

4.4.3 Special attention shall be given for the development of nomadic and semi-nomadic ST communities through need based specific programmes.

4.5 Safeguarding Intellectual Property Rights (IPR):

The State shall safeguard and conserve the Intellectual Property Rights (IPR) of the STs, so that they enjoy their rights and derive benefits through commercialization.

5. Strategy:

In consonance with the Policy for the Scheduled Tribes of India, the strategy for the State Tribal Policy may be stated broadly as follows:

5.1 Reorientation of institutional arrangements in the Scheduled Areas / Tribal Areas;

5.2 Revamping of administrative machinery for ensuring good governance of Scheduled Areas / Tribal Areas;

5.3 Evolving appropriate mechanism for improving delivery system in Scheduled Areas / Tribal Areas;

5.4 Evolving suitable quantifiable tribal development indices (TDI) for assessment of status of development in Scheduled Areas / Tribal Areas, vis-à-vis the entire State;

- 5.5 Preparation of an exclusive tribal-centric strategy in social as well as economic development sectors, by the concerned Ministries / Departments, so that specific socio-economic needs in the context of geographical setting are assessed;
- 5.6 Evolving suitable norms and conditions for tribal development with human touch;
- 5.7 Strengthening of 21 ITDAs, 46 MADA pockets and 14 Cluster Approach Pockets in the State for streamlining development as well as regulatory functions concerning the Scheduled Tribes.
- 5.8 Introduction of Single Line of Administration in the Scheduled Areas / Tribal Areas;
- 5.9 Adoption of Tribal Sub-Plan (TSP) strategy in its letter and spirit for the maximization of benefit of Scheduled Tribes;
- 5.10 Convergence of both TSP and DRDA approaches for accrual of the maximum benefit to the Scheduled Tribes;
- 5.11 Ensuring optimum utilization of resources, both natural and human and also mobilization of such resources;
- 5.12 Devising appropriate personnel policy for government functionaries working in the Scheduled Areas / Tribal Areas:
- 5.13 Supporting voluntary actions through NGOs in remote tribal inhabited areas after genuine selection of such organizations and due monitoring of their activities conducive to STs interests;
- 5.14 Developing road as well as telecommunication mechanisms in order to ensuring reach the un-reached Scheduled Tribes in their habitations;
- 5.15 Encouraging theoretical as well as action research in the Scheduled Areas / Tribal Areas in order to locate policy issues and options;
- 5.16 Developing effective mechanisms for monitoring as well as evaluation of tribal development interventions and outcomes;

5.17 Promoting empowerment of the Scheduled Tribes communities through the enactments, rules and regulations, for the time being in force, and taking steps to bring forth amendments wherever felt necessary;

6. Alienation of Tribal Land: Tenurial Insecurity

Land is the principal source of livelihood for the ST people in Orissa. Majority of them practice settled agriculture, but some who live in and around jungle resort to shifting cultivation and the landless are by and large agriculture labourers. As land is a state subject, management of land is vested in Revenue and Forest departments. The STs have tenural rights over the land belonging to Revenue Department for which they have got patta (R.O.R) and pay rent. Those who live in forest village cultivate forest land adjacent to the villages even without R.O.R..

In Orissa, we see that three major factors are responsible for alienation of tribal land. Firstly, large-scale influx of non-tribal people into the tribal areas/ Fifth Scheduled Areas as traders and money lenders who made tribals indebted to them and later tribal lands came to the possession of non-tribals. Secondly, with the expansion of reserve forest, the forest lands which were under occupation by the STs are later evicted from their traditional occupation. Thirdly, the introduction of development projects in the Scheduled Areas for "public purposes"; has forced them to leave their traditional habitat with paltry monetary compensation and resettled in an unsuitable environment.

Alienation of tribals land has been taking place in various ways. A survey conducted by Department of Rural Development, Government of India, shows that out of the total land alienated, about 40% was by way of sale, 25% by way of land acquisition for "Public Purposes", 25% by way of mortgage, lease and the remaining 10% by other modes. In the mode, other than land acquisition, 80% of the land alienated had gone to the non-tribals.

The State policy proposals suggested for arresting land alienation of STs and tenural rights are stated below:

1. Government of Orissa shall form a high level Review Committee, drawing Senior Officers from Revenue, Forest, Tribal Welfare and Law departments to review the protective laws concerning ST people of both state as well as centre and take steps to plug the loop holes by simplifying the rules and making necessary amendments.
2. State government shall constitute three member **Tribal Land Tribunal** at state level headed by a retired High Court Judge to deal with tribal land alienation cases

coming from the districts for adjudication and one of the members shall be a tribal IAS Officer from the state cadre.

3. No registration of any transaction in respect of ST land shall be allowed without the prior clearance from the competent authority.
4. Survey, settlement and updating the computerized land records shall be expedited. Until this is done, due weightage shall be given to oral evidence; particularly evidence of the tribal village elders or their traditional bodies in regard to ownership and permission.
5. The Acts/ Regulations shall contain presumption provisions in favour of the STs and the burden of proof shall be on the non-tribal claimants.
6. Separate special courts shall be established in Fifth Scheduled Areas both at Sub-divisional and District level to deal with the land alienation cases and the court shall be headed by a tribal judge. The jurisdiction of Civil Courts shall be barred completely in all land related cases involving STs versus non-tribals.
7. The scope of 'transfer' shall be widened to include-fraudulent or collusive transfer, transfer infavour of ST spouses of non-tribals. ST ploughmen and servants, encroachment and forcible dispossession, acquisition with bogus adoption deed in the name of transferee, bogus tribal certificates, suppression of information about the tribe status and transfer by adverse possession.
8. The State Government shall compulsorily be made a party in all proceedings relating to alienation of ST land. It shall be incumbent on State Government to provide legal aid to the contesting STs.
9. The Regulation/ laws shall provide for doing away with period of limitation of 12 years for adverse possession in respect of the tribal lands.
10. State Government shall immediately order for collection the cases of land alienation to non-tribals including land acquisition cases in a given time frame and initiate case against the non-tribals. Nominated courts shall see that tribal people who have lost their land in the projects got proper compensation and rehabilitation in accordance with the Rehabilitation and Resettlement Policy of Government of India and State Government, whichever is more beneficial.

11. Deterrent punishments shall be provided for non-tribals who continue to be in possession of ST land despite issue of orders to the contrary. Such cases shall be tried by Special Magistrate appointed by the State Government.
12. State Government shall appoint an Ombudsman to monitor and coordinate judicial processes with various authorities for speedy disposal of the cases.
13. State Government shall ensure provision of institutional credit facilities to tribal people by opening of nationalized bank branches in tribal dominated rural areas. Land banks and State Scheduled Tribe Finance Corporation shall take pro-active role in providing loans to the STs at reasonable rate of interest both for production and consumption.
14. State Government shall restrict to open liquor shops in Scheduled Areas, since the STs are the easy victims of liquor shop that lead them to indebtedness.
15. State Government shall advice all the departments of the Government to follow the guidelines given by the recently enacted central laws and judgments of the Hon'ble Supreme Court. Relevant provisions pertaining to the ST land given in **The Panchayat (Extension to Scheduled Areas) Act 1996, The Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, The Rehabilitation and Resettlement Act, 2007** and 'The Samatha' judgment shall be followed in totality.

7. ST-Forest Interface:

Forest has been the natural and traditional habitat of tribal people in Orissa. They depend on forest for food, fodder, fuel, housing materials and medicine. Since they draw their sustenance largely from the forest they have had symbiotic relationship with the forest. Forest is the abode of their gods and goddesses. The annual hunting festival is not only a game but it has got religious and cultural connotations.

Neither census nor any other National Survey gives the total ST population residing inside or in the fringe of the forest.

Recent Forest Survey Report, 2003 clearly indicates the existence of dense forest in 187 tribal districts in India. This amply proves that the tribal people are not the destroyers of forest as they are often blamed but they are the preservers of forest. Despite the existence of protective legislations, rules and regulations, till now tribal people are on the losing side. The ST Policy shall be aimed at safeguarding the interest of the people vis-à-vis the forest eco-system.

Policy perspectives concerning the Forest Tribal Interface are given below:

1. The State Government shall provide STs opportunity to participate in the joint forest management and encourage to form co-operatives for major forest related operations.
2. The State Government shall recognize the STs Rights in the protection, regeneration and collection of non-timber forest produce and institutional arrangements shall be made for marketing of such produce.
3. Efforts shall be made to eliminate exploitation by middlemen in co-operation through Tribal Development Co-operative Corporation, Large-sized Multi-purpose Society and Forest Development Co-operatives by introducing support prices for non-agricultural produce on the lines of minimum support price for agricultural produce.
4. As per the circular of the Ministry of Environment and Forest, Government of India, a District Level Committee shall be set-up involving Deputy Collector, Sub-Divisional Forest Officer and a representative of Tribal Welfare Department to undertake a complete survey to distinguish between genuine ST forest dwellers and ineligible encroachers. The Committee shall identify genuine STs who have been living on forest land since time immemorial for conferment and regularization of forest land in their favour.
5. The State Government and the judiciary shall see the harmonization of constitutional provisions in regard to their right and forest and environmental laws. Under no circumstances state machinery and judicial system shall allow the latter to overrule the former. The State Government shall impose restriction to increase the Protected Area in the Scheduled Areas.
6. There shall be restriction on deforestation of the area vulnerable to soil erosion and land slide. Government shall not permit operation of mining and quarrying in tribal areas involving forest land without the approval of the Gram Sabha.
7. Ownership right on the trees growing in the holdings allotted to STs in a forest village shall vest in them.
8. National Parks, sanctuaries, biosphere reserve shall not be normally located close to the ST inhabited villages. Persons displaced on account of their creation shall be properly rehabilitated based on GOI & as per the guidelines of Rehabilitation Policy.

9. There shall be an attempt at simplification of laws and procedures so that STs can comprehend them. Rules and Procedures shall be translated into area-specific tribal languages.
10. All the forest villages shall be converted into revenue villages on allotment of land rights.
11. Relevant laws shall be modified so that Gram-Sabhas can obtain long-term loan against standing tree-stock in the forest.
12. The Government shall grant ryotwari rights to swidden cultivators up to 30° slope, if the land is under cultivation as terrace, upland permanent dry field and beyond 30° slope, if these lands are under permanent tree crops as orchards or forest on the model of Orissa's State Rule for Survey and Settlement Operation in Kashipur Tahasil of Rayagada district.
13. The Reserve Forest in and around revenue villages in Orissa as also forest villages shall be re-demarcated to provide reasonable common property resource (land, forest & water bodies), so that the food gatherers, hunters and swiddener communities may be rehabilitated in situ in the hills and secure other amenities to improve their quality of life.

8. Displacement, Resettlement and Rehabilitation:

8.1 Displacement is extremely painful and is a multi-dimensional trauma with lot of adverse impacts which no amount of cash can compensate. Since majority of ST land do not stand recorded in their name and the STs only have customary rights over such land, they are not compensated as per law when development projects acquire such land to set up their projects. Further the rate of compensation in case of patta land is also extremely low and far below the replacement cost of the land. The concept of Net Present Value (NPV) applicable to forest land when diverted for non-forestry purposes which calculates accruals in the future to the natural resource base shall also be applicable to land being acquired from the Scheduled Tribes for development projects. The difference in the cost of acquisition of the lands and the subsequent value of the land in the zone of influence after implementation of the project is enormous. The value of property goes up manifold due to direct/ indirect downstream benefits from the project. This encourages the tendency to acquire land in excess of the requirement. Mining companies in particular acquire land far in excess of the requirements.

8.2 As per the current provisions, the Displaced and Affected Tribal Persons do not reap the benefits of the development that takes place due to the setting up of the

project; on the contrary they become the victims of acquisition and the development projects. There is no provision of land for land of the STs affected/ displaced. Historical data reveals that the ST affected as well as the displaced persons have received the burnt of the development projects most disproportionately compared to the non tribal persons.

8.3 Realizing this, efforts shall be made for the following provisions to ensure that the displaced / affected ST persons / families on account of development projects are extended preferential treatment by the project authorities and they shall be extended the fruits of development and treated as beneficiaries of a project and not affected persons of a development project.

8.3.1 Gram Sabha shall be mandatory for consultation and its approval shall be taken if the project comes up in TSP areas.

8.3.2 If the number of affected / displaced persons of a project exceed 200, a separate R & R Plan for the STs shall need to be prepared.

8.3.3 All the displaced ST families shall be extended land based rehabilitation either inside the affected district or outside the district. In case of those who will be rehabilitated & resettled outside the district, separate incentives shall be provided.

8.3.4 Those ST families who will face multiple displacement during their life time shall be paid 50% more R & R Package over and above the normal R & R assistance.

8.3.5 Customary land right of the affected / displaced STs shall be recognized for the purpose of compensation.

8.3.6 In case of Irrigation Projects, the ST affected persons shall be allotted land on the principle of land for land rehabilitation in the command area.

8.3.7 Effort shall be made to avoid displacement and in case displacement is unavoidable all efforts shall be made to minimize displacement in a development project coming up in the Scheduled Areas.

8.3.8 Land acquired for the project if not used within a period of five years from the date of acquisition shall be returned back to the person from whom the land is acquired.

8.3.9 ST displaced and affected persons shall be given first opportunities of employment by the project.

9. ENHANCEMENT OF HUMAN DEVELOPMENT INDEX:

Enhancement of Human Development Index:

The Scheduled Tribes of Orissa, in general, and Particularly Vulnerable Tribal Groups in specific, have been relatively isolated from the mainstream mainly because of their geographical, socio-cultural exclusion and dependency on traditional economy. Their human development index is much lower than that of the rest of the population in terms of education, health, livelihood opportunities, agricultural and horticultural outputs, employment etc. Lack of suitable alternatives for economic development and lack of capacity to make choices are not accounted for. The following policy prescriptions are therefore proposed in the following areas:

9.1 Education, Vocational Training and Sports:

(i) Education is the most basic requirement of man in the society. It is the most fundamental necessity for the sustained growth of a developing society. It provides both the ways and means for a steady rise of quality of life in the socio-cultural context. It brings in cooperation, fellow feeling and mutual understanding among the people by resolving the conflict and diversifying elements. Therefore, in the field of enhancement of human development index, the increase of literacy has a substantial contribution to make. In the state scenario, the literacy rate of Scheduled Tribes was 7.36% in 1961 census and in spite of its increase to 37.37% in 2001 census, it is still below national level ST literacy rate of 47.10% and far below the overall national literacy rate of 64.84% as per the 2001 census.

(ii) The following state and national level figures illustrate the state of literacy among the STs and non-tribals.

year	Literacy rate of total Population of India			Literacy rate of STs (India)			Literacy rate of total population of Orissa			Literacy rate of STs (Orissa)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
1961	-	-	24.00	-	3.2	8.54	-	-	21.66	13.04	1.77	7.36
1971	-	-	29.45	-	4.9	11.29	-	-	26.18	16.38	2.58	9.46
1981	46.89	24.82	31.23	24.52	8.04	16.35	46.90	21.11	34.12	23.27	4.76	13.96
1991	64.13	39.29	52.21	40.65	18.19	29.60	63.09	34.68	49.09	34.44	10.21	22.31
2001	75.26	53.67	64.84	59.20	34.80	47.10	75.35	50.54	63.08	51.48	23.37	37.37

(iii) In the process of imparting of the education among the STs, the incidence of drop-out is very high and alarming. This shall be checked at any cost with utmost

priority. The infrastructural arrangements like school and hostel buildings, quarters for the teachers and other staff shall be qualitatively constructed. Proper management of the free distribution of books and stationery, scholarship, reimbursement of examination fee, free bus travel, mid-day meal, free uniform dress and free coaching for sports-education etc. shall be the best possible way to motivate the ST children to school. On a similar priority basis providing matching grant, maintenance of service and management of hostels by the state shall be properly regulated for the sake of the ST students. Standardization of all construction works in the school campus and all the basic amenities provided in the school as well as hostel shall be streamlined for motivating the ST children to come to the school.

The low literacy of the ST girls is a matter of great concern. In view of the above facts the following measures shall be taken into consideration for implementation.

(a) There shall be a special focus on girls' education. In view of the traditional culture against girls' education, the parents especially the mothers shall be consulted and motivated. In case, the present generations will accept it comfortably. In all Scheduled Areas, Anganwadis and Crèches are to be linked with the schools so that girls are not required to do baby-sitting affecting their education. Special and sustained education initiatives/ drives shall be continued/ launched in low female literacy pockets (less than 35% ST female literacy).

(b) In order to promote tribal education (both for boys and girls) the medium of teaching shall be in the mother tongue of the STs upto primary and the teachers shall belong to ST communities. In all schools there shall be also ST lady teachers in equal proportion. The curriculum shall have link with their cultures. The text books shall be published in their languages and role of the ST people in the regional or national history shall be well reflected with human dignity and empathy in the books.

(c) In spite of launching co-educational programme there shall be certain specific amenities/ facilities for the ST girls in the residential schools. They shall have specific toilets, sitting rooms, hostels, and sports programmes. There shall be ST lady teachers in-charge of the ST girls for the purpose of their privacy and security. In order to encourage integration and competition, about 10%-25% non-tribal students from the locality shall be admitted in such schools.

(d) The target of completing and operationalising 100 Eklavya Model Residential Schools with classes six to twelve as per the scheme of the Government of India, Ministry of Tribal Affairs shall be achieved and all schools shall be made high quality schools by the end of the 11th Plan Period.

(e) Teacher absenteeism is equally a grave problem like that of the dropouts of the ST children in schools. Usually the ST schools are located in relatively interior areas, and the teachers from the district headquarters and distant places make it a regular practice to remain absent from the schools. For preventing such practices, the appointment of teachers and non-teachers shall be made preferably from the local Gram Panchayat. They shall be also placed under the control of the Village Education Committee appointed by the Gram Sabha or Gram Panchayat.

(v) The State and Central Governments shall take adequate steps for the improvement of education, sports and employment opportunities of the ST students. Like the dropouts/ absenteeism of the ST students and absenteeism of the teachers the failure of the concerned education department in providing due amenities/ facilities to such schools shall be also taken with great concern and similar remedial measures/ punishment shall be also due to all of them if proved guilty.

a) By the end of the 11th Five Year Plan, 100% enrolment of the ST Children in the school (including all boys and girls) shall be ensured.

b) Absenteeism and dropout rates shall be reduced substantially by the sincere coordinated efforts of the officials of the education department, teachers of the concerned schools and parents of the concerned students.

c) Both for the ST males and females, the annual literacy rate shall be reviewed at a regular interval for ensuring more than 2% literacy growth every year.

d) Development of primers in major tribal languages shall be completed for all the primary students.

e) All the schools big or small, shall be built within one kilometer distance from the village along with residential facilities for the needy and orphan ST children.

f) All the teachers in the schools shall work on the ethics of social work. They shall be trained to be more caring, parent-like, committed and devoted for the education of the ST children.

g) Besides midday meal and uniform dress few other incentives shall be introduced from time to time looking at the problems in the locality in order to attract the ST children especially the girls to the school.

h) Beyond the village, at the block level there shall be residential high schools with the incentives of food and clothes along with 10% to 20% reservation for the BPL non-tribal children for developing a competitive spirit and social interaction among the tribal and non-tribal children.

- i) Looking at the ability of the ST children in sports, special infrastructure and training programme shall be associated with their education. A special fund shall be kept for their participation in the zonal, state-level, national and international sports events.
- j) All the vocational training especially of the interest of STs as well as modern interest like art, craft and computer education shall accompany their usual education programmes in the school.
- k) In the matter of school management, supervision and the employment as well as transfer of the teachers, Gram Sabha shall be given power to regulate control and manage.
- l) Talent search in the Scheduled Areas in the fields of education, sports and other skills areas shall be associated with proper financial assistance and support. Especially for the higher education, the purview of the post-matric scholarship, overseas scholarship and RGNF shall be broadened and applied. ST girls shall have special fellowship programme at least for about a decade to bring them up to the level of the ST and non-tribal boys.
- m) All the vocational training centres, like ITI etc. both public and private, shall have special provisions and incentives to accommodate the ST students for providing them good skill and employment opportunity.
- n) All the ST schools primary and secondary in the Scheduled Areas shall have provision to celebrate the local tribal festivals as an essential part of their usual educational programmes. Competitions in the tribal songs, dances and other performing arts shall be introduced as cultural programmes of the school. Special cultural tutors shall also to be employed to train the students in these fields preserving their culture and traditions in toto. The cultural dress and ornaments of the local S.T.s shall be also worn in all such cultural occasions to maintain their cultural identity.
- o) In all the ST schools and non-tribal schools in the Scheduled Areas, the meeting of the teachers and parents twice in a year shall be made compulsory in order to review the application of all the above mentioned policies and find out due remedial measures in the presence of the officials of the education department. The parents shall be also provided incentives by arranging an annual feast in the school on the day of the meeting.

9.2 Health:

(1) Health is wealth and is a basic need for the mankind. The STs have their own indigenous system of diagnosis and treatment of diseases. Though such traditional

health care systems are still abundantly practised, they are not capable enough to treat so many modern health disorders and surgical operations. Therefore, in view of the modern health care system, health care is a major problem with most of the STs living in the remote and relatively isolated Scheduled Areas. From the view point of common health and nutrition problems, the STs do have major problems in the fields of food security, sanitation, safe drinking water, nutrition, scientific and modern medicine and proper scientific treatment of the diseases. Because of poverty, malnutrition is found rampant in almost all Scheduled Areas. Government as well as private hospitals in the Scheduled Areas are few and far between. Even though STs depend more on the natural edible and inedible food stuffs, like roots, tubers, fruits, leaves (greens), flowers, mushrooms, due to the rapid deforestation process in all Scheduled Areas, such dependency has suffered a lot of malnutrition problems. Besides, belief in magico-religious method of treatment has made them unwilling to have access and utilize the modern health care services. As a result, the ST policy is bound to give utmost priority to such health care services in the tribal areas.

(2) In view of certain specific diseases, like malaria, diarrhoea and cholera in most of the tribal areas of Orissa, the efficacy of health services shall be planned and implemented. Besides, certain professional hazards, like the attack of carnivores (mostly tiger, elephant and bear), broken bones due to tree and hill climbing, snake bites etc. among the hunting and gathering tribes, shifting cultivator tribes and agriculturist tribes shall be also given due attention and provisions shall be made available in the local hospitals for proper treatment. As most of the Hunters and Food Gatherers and shifting cultivators live in the remote areas, basic infrastructural facilities, like permanent roads, electricity, safe drinking water etc. shall be developed and regularly maintained in such areas.

(3) The Central Government norm to have one PHC for every 20,000 population and one Sub-Centre for every 3000 population in the Scheduled Area are really ideal steps, but the health services of such hospitals shall be rightly ensured by the appointment of doctors, para-medical staff, supply of all medicines for all the endemic health problems and hazards in the area as described in the point no. 2 above. When the trained doctors and nurses are unwilling to serve in the Scheduled Areas, they shall be given right incentive for their service in such remote areas. However, looking at the lack of the availability of minimum facilities, like computer, modern market etc. if the medical staff are unwilling to join the service in Scheduled Areas, some remedial measures, like short-term appointments for one year in every five/ten years shall be made compulsory for all the doctors and other medical staff of the government. Similarly the local or nearby private doctors shall be employed on contractual basis to serve the people in the Scheduled Areas on a compulsory basis for minimum term of six or twelve months in every ten years. They like Government doctors shall be also paid attractive

remuneration for their services. The Central Government's proposal to have multi-doctor institutions in the central locations shall be also associated with the doctor's regular visit to the remote areas around such locations with the proper facility of conveyance (medical van), medicines and medical staff for providing day and night service to the affected S.Ts.

Besides the above factors, all local NGOs shall be associated with such service systems so that during emergency, the patients can be taken to the local hospitals or doctors.

(4) In order to ensure the best health care services planned for the STs, several dimensions are there to be fulfilled simultaneously. The infrastructural facilities, like hospital building, all necessary equipments, medicines, doctor and other medical staff, road communication, ambulance service etc. are definitely needed together. But in view of the tribal culture, all these shall be useful only when the STs will come forward to utilize all such services. Their age-old treatments are also greatly constrained by the so-called folk beliefs.

a) In order to make the modern health care system/ facilities accessible to the illiterate and poor STs, first and foremost responsibility shall be to educate & aware the tribals about the merits of modern health care system. Use of visual media, demonstrations and awareness programmes by the help of the NGOs must be adopted.

b) Usually the tribal ladies hesitate to be examined by the male doctors. The appointment of lady doctors or trained nurses in the Scheduled Areas may help to subside this factor.

c) The poor hygienic and sanitary conditions prevailing in tribal areas are often responsible for making many health welfare programmes unsuccessful by develop infections etc. The development programmes of the Central and State Governments shall be associated with the health care system especially in the fields of proper water drainage in the village street, supply of pure & safe drinking water, proper disposal of household waste in the compost pit, proper planning and constructions of cow-shed, pig-stay and latrines. Special bore wells, tube wells or deep wells are to be installed for the safe drinking water.

d) Adoption of alternative methods of treatment by Ayurveda and folk medicines shall be scientifically associated with the modern health care system to support the health care system of the STs.

e) For the proper management of such health care facilities as mentioned above, the local governance systems, like Gram Sabha, Gram Panchayat and Zilla Parishad or

Panchayat. As Central Government has design, in accordance with the provisions of the PESA Act 1996, Gram Sabha shall have control over the para-medical staff of the sub-centres, the intermediate Panchayat over the medical and Paramedical staff of the PHCs and the Zilla Panchayat/ Parishad over the medical and para-medical staff of the CHCs and hospitals in their respective jurisdictions.

f) In order to fight out the superstitions and their associated practices, the so-called ST healers, shamans, and medicine men shall be trained in Ayurvedic and Allopathic system in a local PHC or CHC. The inclusion of the local quacks in this training process shall be also quite helpful. However, the activities and treatments of all such traditional healers and quacks shall be regularly checked, and reviewed by the Gram Sabha as well as local PHC doctors. It would be better to issue all such specialists' annual certificates shall be renewed every year.

g) In line with the Draft National Tribal Policy, the following endeavours and efforts to improve health, drinking water supply, hygiene and sanitation amongst the STs by the Government shall be quite useful by:-

1) Focusing on eradication of diseases endemic to tribal areas, genetic disorders, sickle cell anemia etc.

2) Evolving a new strategy of combining indigenous tribal medicine with ISM & H so as to make health care accessible to interior Scheduled Areas and also allowing the STs to contribute their traditional knowledge.

3) Taking up research, collection, collation and compilation of relevant statistics, health indicators such as nutritional status, life expectancy, IMR, MMR, disease-specific mortality rates, suicide rates etc.. Some local health research centres must also function under ICMR'

4) Giving special attention to the health requirements of children below 6 years, promoting immunization, preventing severe malnutrition as well as the care of pregnant and lactating mothers.

5) Improving overall awareness about health, hygiene and improved sanitation among tribal community and empowering them to plan, implement, operate and maintain their own water supply and sanitation systems.

6) A health squad shall be formed at the District or Block level to check all the health related activities and their timely implementation on a regular basis both in the endemic and other areas.

7) All the Block or PHC shall have scanning, ultra-sound, X-ray and other health check-up devices permanently and a health record (file) of all the ST people starting from the very birth shall be maintained through sub-centres. Each ST person shall have a regular total health check-up in every one year or two years to maintain the health record, so that, the sub-centres may keep a constant watch over the health problems of the individuals as well as the area. It will be quite helpful to check the endemic, and infectious diseases in the Scheduled Areas and identify the new disorders, if any, in time.

8) Encouraging rain water harvesting and developing gravity-based small water supply systems, which are easy to operate and maintain by the local STs at low O & M cost for assured availability of safe drinking water throughout the year in all S.T. habitats. Proper management and treatment of the water of the local tanks, ponds and hill streams will be also quite useful in the water management process.

9) Enhancing the availability of the Public Distribution System (PDS) and Antyodaya Anna Yojana in the Scheduled Areas of at least 25 kilograms a month with transfer of management and ownership of PDS to the community with linkage with NRE Guarantee Programme. Establishing Village Grain Banks in each village to cover all ST Families

10) Covering earning members of ST families with health insurance by the end of the Eleventh Plan Period with special provisions for very ST girl joining the school at primary level.

9.3 Livelihood Opportunities:

9.3.1 Livelihood opportunities in case of STs are to be considered mainly on the basis of the primary occupations of the community. Broadly speaking, Land-based and Non-land-based opportunities are two types of livelihood patterns found among the STs.

As regards the Land-based opportunities, it is further noticed that Lands in the Scheduled Areas are mainly of upland, dry land and wet land types which have differential fertility and productive potentialities depending on the soil structure, rainfall and irrigation facilities.

Similarly in the field of Non-land-based opportunities, STs of Orissa are also classified as landless hunter-gatherers, artisans, landless wage labourers, etc. Therefore, the policy shall also incorporate livelihood opportunities for such ST groups who are few in number with limited population and they cannot be ignored in the policy:

9.3.2 In order to bring all categories of STs to avail the modern livelihood opportunities under specified welfare programmes, special supportive programmes shall be brought in for the provision of land for the landless, literacy programmes for the

illiterate, marketing of value-added products for all the categories of STs shall be implemented.

9.3.3 Everywhere forests are on the verge of fast depletion /denudation due to severe illegal poaching. Food gatherer STs like the Birhor, Hill Kharia and Malhar (former is a nomadic and latter two are semi nomadic tribes) maintain a very hand-to-mouth livelihood system. Due to landlessness, such people have no other dependable viable economic alternatives for a basic subsistence. Therefore, literacy and land-based programmes are basic needs for such STs. However, beyond the forest-based opportunities, daily wage earning becomes the only available alternative for the most minimum living. This is also not available whenever required at the time of need. Therefore, specific programmes for the land-owning and landless ST shall be implemented in the following manner. They shall be also made different for the literate and illiterate people.

9.3.4 For the literate STs vocational training shall be imparted with due emphasis in order to be self-employed. Accredited institutions, like Industrial Training Institutes, National Institute of Rural Development, Food Craft Training Institute, Institute of Fashion Design, various Handicraft Training and Research Institute, etc. shall be brought in for imparting special training courses for such STs.

9.3.5 For the illiterate and semi-literate, the production of indigenous crafts (art and paintings, metal craft including ornaments, bamboo craft, textiles, wood and straw craft, embroidery shawls and bags, etc.) shall be the right choice for earning. Such handicrafts have good global markets and shall be duly promoted by the government policies. Local modern markets have a good demand of the tribal jewellery too. Production of such traditional crafts and their marketing shall be also promoted by joint efforts of financial institutions, like Banks, National ST Finance Development Corporation, TRIFED and other Tribal Cooperatives.

9.3.6 Unskilled and illiterate STs shall be given proper training under Rural Employment Guarantee Scheme to develop agro-forest based activities for the purpose of earning a better livelihood. Intensive Training in horticulture in hilly and forest-clad areas, floriculture in the plains areas and diary development in all the Scheduled Areas shall be of immense help to all the STs in general. In view of the models developed by Wadi programme developed by BAIF in Gujarat and Maharashtra and rubber plantation developed by the Rubber Board in Tripura, Cofee plantations in Andhra Pradesh etc. similar programmes shall be adopted in the Scheduled Areas of Orissa. Animal Husbandry and fishing shall be also promoted scientifically along with the development of water bodies, water harvesting systems and pastures to enhance the livelihood opportunities.

9.3.7 Management of minor forest produce collected by the STs of Orissa shall be scientifically developed by establishing processing / semi-processing, centres in Scheduled Areas. Along with training the processing units shall have also marketing opportunities by the Government of Orissa especially TRIFED to sell the value-added products. Special exhibition-cum-sell provisions shall be also developed in all the districts as well as State headquarters. Incentives through rewards shall also promote such endeavours and render livelihood opportunities. As regards the food-gathering and artisan STs of Orissa like Hill Kharia, Malhar, Paharia, Birhor, Mahali, etc., some special as well as specific MFP Management Schemes shall be adopted as the most viable livelihood opportunity.

9.3.8 Special measure shall be taken with regard to the promotion of herbal medicine culture. Besides regulating their herbal collections from the forest, they shall be also trained to grow herbal gardens in their own as well as barren Government land for earning a better livelihood. However, training is highly essential for the scientific procurement of such herbs and their processing before marketing them.

9.3.9 Factories for the extraction of vegetable oils and preparation of vegetable ghee may be established in the Scheduled Areas of Orissa using modern technologies, so that STs livelihood opportunities and employment shall be well taken care of.

9.3.10 While taking up programmes for the forest-based livelihood opportunities, extreme care shall be taken to go for only the renewable resources from the forest.

Since Bamboo is an essential forest product for the purpose of paper production, daily household uses for the artisan STs, like Mahali special Bamboo groves shall be set in all Scheduled Areas for enhancing their livelihood opportunities.

Similarly, cane is an extremely useful resource for promoting household furniture and very well experimented in the tribal areas of North East for the development of cane-craft. As the cane is depleting very fast in the forests of Orissa, a special Bamboo and cane Board shall be established by the Government of Orissa only for the S.Ts. Cane groves may be also raised by cultivation in forest areas for this purpose. The SHGs & NGOs in Scheduled Areas shall be involved to render necessary help and cooperation in their upkeep.

9.3.11 Special and regular visit programmes of the S.T. indigenous experts of Orissa to the N.E.F.A., Tripura, Maharashtra, Gujurat and Andhra Pradesh shall be organised to visit and get training in promoting rubber, cane, bamboo, and other forest-based livelihood opportunities.

9.4 Agriculture and Horticulture:

9.4.1 Government of India's the Draft National policy for the STs has highlighted the issue that the number of ST cultivators is declining mainly because the Scheduled Tribes are steadily losing their lands. While enforcing ST land rights acts in toto in Scheduled Areas, care shall taken to provide special low interest loans to the STs especially for the marriage, mortuary and cultivation purposes, so that, they will not lease out their valuable land to the local money-lenders for such requirements and loose it due to non-repayment of loans.

9.4.2 Some of the ST inhabited areas in Western Orissa are drought-prone. Most of the ST land are upland, not fertile enough and lack irrigation facility. Either they shall be provided due irrigation facility and land development measures or drought-prone early variety of cereal, millet and pulses shall be introduced for the purpose.

9.4.3 Traditional agricultural technology shall be replaced by the appropriate modern technology for making agriculture a productive and profitable livelihood means. Power tillers shall be provided to large farmers or to all farmers on hire basis. However, as regards the use of fertilizers, natural manures and /or bio-fertilizers shall be encouraged by diary or animal husbandry programmes. But the use of pesticides shall be discouraged by providing them scientifically processed or treated seeds. It is needless to highlight that in all the Scheduled Areas, agriculture department shall be made most active and the concerned officials shall be also paid proper incentives or rewards on the basis of their achievements.

9.4.4 Specifically the following measures shall be taken up for the development of agricultural productivity in tribal areas:-

9.4.4.1 All agricultural programmes shall be implemented to increase production through integrated approach. Easy credit system with low interest through Banks or any other financial institution for the agriculture shall be implemented. The supply and management of manure, fertilizer, seed and other technical assistance in case of drought insect-attack shall be at hand of the STs on a priority basis.

9.4.4.2 ST land taken by non-tribals either by illegal transfer or non-payment of loan shall be restored first in all Scheduled Areas. Government shall make special unit for this process. Similarly STs shall be rescued from the bonded labour system and allowed to have an independent livelihood through various development programmes. Land to landless scheme shall be also initiated with the provision of other infrastructural facilities for the agriculture.

9.4.4.3 As most of the tribals in Orissa live in forest areas where agriculture is possible only by the rain water, due attention shall be given to irrigation system. All the scope for tapping underground or rain-deposited water shall be utilized in

discussion with the local people, so that irrigation can be possible. The perennial hill streams shall be also tapped for irrigation purpose. The local reveries shall also to be properly planned and renovated for irrigation purpose. However, due measures shall be essentially taken to check soil erosion through a-forestation or massive plantation in scheduled areas, so that, the level of underground water will be rightly maintained and the hill streams will not be dry. Harvesting rain water by constructing W.H.S. wire dams, check-dams, etc. shall be also practised extensively in Scheduled Areas.

9.4.4.4 Use of remote sensing technique shall also be applied in these areas to tap surface and underground water resources. Watershed management and renovation of existing ponds, tanks as well as construction of new ponds of several types shall be also promoted in drought prone Scheduled Areas.

9.4.4.5 As per the PESA Act 1996, Panchayats shall be vested with right to plan and manage minor water bodies in Scheduled Areas. For the benefit of the STs, the decisions shall be taken at the Gram Sabha level.

9.4.4.6 As already discussed, extensive horticultural programmes shall be initiated in all Scheduled Areas. The already existing horticultural pursuits of Dungaria Kandhas are to be taken as a role model for this. All the shifting cultivators and other agricultural STs of Orissa shall be taken to visit Dungaria Kandhas habitat to observe and learn the horticultural practise and its technique. Soon after the use of the shifting cultivation patches for this purpose, other upland or semi-arid regions shall be also used for horticultural purpose. Tea and Coffee shall be also included in the process. Introduction of Orange, apple, pineapple, custard apple, lemon, banana, cashew-nut, jack fruit, hybrid mangoes, sapeta, guava, black berry, grape-vine, lichi, etc. all variety of tropic fruits shall be decided on the basis of the soil structure and environment in suitable tribal areas. Introduction of western fruits like Kiwi, Avocado, straw-berry may be also possible in some relatively cold tribal regions of Orissa. However, horticulturists shall be well trained to provide field services and technology to all the tribal beneficiaries in these areas. As in all other cases, marketing of such products shall also duly promoted for the success of all such agricultural and horticultural programmes.

9.4.4.7 In addition to the processing of a number of minor forest produce, as already discussed, processing centers for horticultural, tea, coffee and cashew-nut product shall be established in the tribal areas; otherwise all such programmes will fail severely.

9.4.4.8 LAMPS and other similar tribal cooperatives and credit systems shall be revived and all SHG programmes shall be tagged together to the processing of such

agricultural, MFP and horticultural products, so that, S.T.s shall be immensely benefited.

9.4.4.9 The National Level Scheduled Tribes Finance and Development Cooperation shall play a catalytic role in flow of hassle free institutional finance at differential rates of interest. Purchase of tribal agricultural, horticultural and forest produce shall be assured by the Tribal Cooperatives.

9.4.4.10 Vegetable cultivation shall be specifically encouraged among the tribal beneficiaries. With the ensured irrigation facility, supply of technical know-how, seeds and fertilizers, and marketing, they can also produce vegetables in large scale. In addition to the indigenous varieties, some hybrid varieties shall be introduced in suitable tribal pockets for year-round cultivation. Some western varieties, like Brocoli, etc. are also to be cultivated in relatively cold regions.

9.4.4.11 Some of the tribal regions in Orissa are also suitable for the spices cultivation. Though turmeric and ginger are cultivated extensively in the tribal areas of South Orissa, they need to be cultivated in large scale for the economic development of the tribals. Looking at the suitability of the soil and climate in specific Scheduled Areas, the cultivation of black pepper, cinnamon, mustered, cardamom, clove coriander and rest other spices can be cultivated by the assistance of State Government in large scale.

Large scale introduction of sun flower and other oil seed can also help them in a big way to have a better livelihood. Large scale introduction of potato cultivation shall be a boon to STs Livelihood pattern.

9.4.4.12 The establishment of processing centres, canning centres and cold storage in Scheduled Areas shall be given utmost priority. Proper arrangement of marketing of the tribal production shall be closely linked to all livelihood and agricultural programmes as proposed above.

9.5 Migration :

9.5.1 Migration both seasonal and perennial in certain Scheduled Areas is rampant. As highlighted in the Draft National Policy, its adverse effects are many namely, increasing rate of dropouts in schools, consequent high illiteracy rate, financial and sexual exploitation of adults, health hazards and non-availability of welfare programmes in the native place. However, in Orissa, tribes, like the Santal, Kol, Munda, Kandha and Gond are mostly migrating to capital city, Bhubaneswar mainly because of landlessness and no employment opportunity during the lean period. Similarly in Western Orissa especially in Nuapada and Kalahandi districts, people because of no

alternative wage-earning activities during the lean period migrate to nearby industrial areas of Chhattisgarh for remunerative work. This is quite a serious problem in view of the State Policy for the STs. For similar reasons also many ST boys and girls from different tribal areas migrate to almost all cosmopolitan cities every month and become prey to severe financial and sexual exploitation. Girls in the name of marriage are sold for immoral trafficking.

9.5.2 The checking of migration flow to neighbouring states and urban centres is a serious concern for all the planners and policy-makers. It is directly related to the success of the tribal welfare programmes. The following steps, therefore, are urgently needed to reduce the migration rate.

9.5.2.1 First of all the State Government shall create opportunities for the whole year through agriculture and other livelihood programmes. Facilities, like irrigation, seed, fertilizer, marketing etc. shall be provided to such areas on priority basis.

9.5.2.2 The State Government shall make efforts to provide livelihood security to all ST households with guaranteed wage employment especially in the field of unskilled work under the National Rural Employment Guarantee Act. All of them will therefore be given job card by the State Government.

9.5.2.3 All agricultural and land-related productive activities shall be provided sincerely so as to make the STs engaged in productive activities as mentioned earlier.

9.5.2.4 Relevant Labour Laws and Minimum Wages Act shall be implemented with the involvement of NGOs to ensure protection to the migrant work force.

9.6 Money Lending and Indebtedness:

9.6.1 Dependence of the STs on the money-lenders and high rate of interest for the money lent, both have made the ST economy precarious. All sorts of legal and protective measures have severely failed in remote areas of Orissa to control such money-lending from the local-money-lenders. Provisions for debt-relief have also become most ineffective in these areas due to inadequate enforcement. Basic and other needs of the S.T.s are to be recognized during daily and special occasions and accordingly official or institutional credit system may be provided to them, so that, S.T.s will not fall victims to the money-lenders anymore. Most often the S.T.s have to also lease out valuable belongings for the purpose and because of non-repayment of loan, have to lose such belongings. Proper functioning of institutional credit system during special occasions and adoption of programmes shall protect the livelihood opportunities property and interest of STs in Orissa.

10. Creation of Critical Infrastructure:

Positive measures to improve the flow of institutional credit for consumption through self-help groups shall be taken. As highlighted in the Draft National Policy for the S.Ts., the Andhra Pradesh model for food security and consumption credit would be worth emulating for Orissa.

10.1 In view of the lower level of infrastructure development among the Scheduled Areas / Tribal areas, the Constitution of India has rightly given the provisions to bring it at par with the rest of the areas. Proviso (1) to Article 275 of the Constitution has specifically enabled the creation of such infrastructure and raising the level of administration of the Scheduled Areas to that of the rest of the areas of the State by providing the cost for this out of the Consolidated Fund of India.

10.2 Even though most of the states have used the funds under Article 275(1) for infrastructure facilities, like irrigation, roads, bridges, school buildings, etc., unfortunately, this enabling provision in the constitution has not been used effectively to bridge the gap in a time-bound manner. Such gaps are existing mainly due to inadequate level of funding.

10.3 All S.Ts in general are not affected equally by economic backwardness and inadequate infrastructure. It is only the STs located in a relative geographical isolation are affected most. Their dependence on forests and habitation in inaccessible forest areas have made them to be away from all modern contacts and deprived of the infrastructural amenities thereby. Besides the inadequate infrastructural facilities, area-wise and district-wise inadequate data / information are the most visible. Some of them are not only wrong, but also misleading. Proper infrastructure development, therefore, is the key point for the right solution.

10.4 Provision and availability of infrastructural facilities / services are only one side of the process of development. Unless it is maintained subsequently, it would be as good as no infrastructure. Because of the geographical isolation of the Scheduled Areas, this has been a major problem in all states. Government may successfully complete infrastructure projects, but follow up maintenance is extremely poor by the government authorities. Similarly private sectors take a commercial view and may be reluctant to invest in Scheduled Areas because of low returns. Therefore, the gap in the infrastructure between the Scheduled and non-Scheduled Areas is very much visible which is gradually widening and becoming alarming.

10.5 As per the existing norms of covering areas on the basis of population, it is extremely shocking to find that because of low population density Scheduled Areas are deprived of certain infrastructural development programmes. In the draft

National S.T. Policy, a very interesting example has been cited that the Pradhan Mantri Gram Sadak Yojana (PMGSY) provides for covering unconnected habitations in rural areas in such a way that first of all unconnected habitations with a population of 1000 persons and above are connected and thereafter all connected habitations with a population of 500 persons and above. Under this norm, village in the Scheduled Areas most of which have less than 500 persons are not covered under infrastructural development programme. Several other programmes, like Rajeev Gandhi Rural Electrification Scheme, Swajaldhara and other schemes related to asgriculture, animal husbandry, forestry, education, health, housing etc. also operate in a similar way to exclude or neglect ST villages and their people. Strict attention shall be given for the relaxation of such population-based norms incase of the tribal villages with the sole purpose to provide similar facilities to all the ST villages.

10.6 All development efforts shall be carefully directed towards the vulnerable sections, i.e., S.Ts and this may minimize vested interests and rate of exploitation. The approach of providing funds in proportion to the ST population that has been advocated since 1970s, shall not be adequate enough to meet the severely deficient situation in the Scheduled Areas. Therefore, while the population proportion funding for STs needs to be insisted upon as the minimum, the present level of funding under the first proviso to Article 275 shall to substantially enhanced to provide funds that are able to bring the Scheduled Areas at par with rest of the country in a time bound manner and not later than the year 2020 as prescribed in the Draft National Policy for S.Ts.

11. Violent Manifestations:

11.1 Orissa is regarded as the homeland of the STs. As many as 62 different kinds of ST communities reside in the state and majority of them are largely dependant on forest for their survival. One of the striking features associated with these tribal people in the state is **poverty amidst plenty**. Earlier these STs were self reliant and were living happily as the forest resources were abundant for them to survive. But over a period of time due to population pressure coupled up with setting up of development projects in the mineral rich areas, large scale land alienation by non-tribal and promulgation of regulations and Acts putting restrictions on the use/ entry of the STs to the forests as well as use of its resources have led to a lot of economic hardships to these vulnerable population. There are many such factors which have forced the ST people to exhibit violent manifestations on their own which in recent times has further aggravated due to the instigation by non-tribal vested interest which eventually further has given rise to the violent manifestations in the tribal areas of the state. More than 50% districts of the state have been grappled by this menace.

11.2 When one looks at the situation, several factors are identified as responsible for the spread of this menace, such as existence of acute poverty, severe disparities in living standards, lack of economic and livelihood opportunities and such other similar factors. In fact, a situation is thus developing where the STs view the State as their exploiter and enemy and those who are inducing the STs to support the violent manifestations are regarded as their protectors, because they are getting a kind of feeling that they can probably fight for the land rights and other kinds of rights for them.

11.3 In this backdrop, the state shall not consider the violent manifestations as merely a kind of law and order issue, but shall view it with utmost gravity and try to address the core issues which are responsible for the upscaling of the violent manifestations so that this can be combated. In view of this, Government of Orissa shall take the following steps so that the growing violent manifestations of ST people can be arrested within a limited time frame:

11.3.1 Issuing R.O.R. (Patta) to all the ST people recognizing their land right within a reasonable time frame.

11.3.2 Allotment of homestead land to the homestead less tribal families.

11.3.3 Conferment of rights on the tribal to collect and sell non-timber forest produce.

11.3.4 Restoration of Land of ST from the non-tribal persons

11.3.5 Provide vocational and other skill acquisition training to tribal youths and make them employable.

11.3.6 Engage the ST youths in government jobs to the extent possible through special recruitment drives

11.3.7 Open residential accommodation for all ST students in educational institutions.

12. Conservation and Development of Particularly Vulnerable Tribal Groups (PTGs)

12.1 Since 1973 some ST communities who were relatively backward (socially and economically) and who used pre-agricultural technology were classified in different regions of the country as Primitive Tribal Groups. They are now termed as Particularly Vulnerable Tribal Groups (PTGs). In the entire country there are 75 such communities who belong to this category whereas Orissa alone has the unique distinction of having 13 such PTG communities in the state. Government of India as well as the State

Government has undertaken a number of income generating and infrastructure development projects for the upliftment of these PTGs ever since the 5th Plan Period (1974-79) but the development has been rather slow. Realizing this, Government of India, Ministry of Tribal Affairs has been implementing an innovative intervention, titled "Conservation-cum-Development Plan" for these 13 PTGs during the 11th Plan period from 2007 to 2012. This plan has been formulated and implemented by the State Government (ST & SC Development Department). The hallmark of this plan is alongside development intervention a number of steps for conservation of cultural and physical aspects of these PTGs has been aimed at although these are early to realize the benefit of this Plan, yet the impacts are quite visible.

12.2 In this backdrop, the following activities shall be undertaken on an urgent basis in the Micro Project area for the promotion and conservation of the eco-system and culture as well as ensuring sustainable development of the PTGs in the State of Orissa.

(a) Documentation of Social and Cultural life of all the 13 PTGs of the state including making documentary films on each one of them apart from publishing their culture in the shape of Photographic Hand Books.

(b) Collection of all kinds of Cultural artifacts used by the 13 PTGs and preserve them in the Tribal Museum of the SCSTRTI for display so that the culture of the PTGs can be promoted.

(c) The Tribal Museum-cum-Craft Training Centre in each of the 17 Micro Projects of the state shall be set up for promotion, conservation and revival of languishing art and crafts of PTGs and also for boosting income generation.

(d) No attempt shall be made to drastically disrupt their traditional moorings unless and until viable economic alternatives are provided and accepted by such groups.

13. Adoption of TSP Strategy:

13.1 The Tribal Sub-Plan (TSP) as a concept/ approach/ strategy was adopted in our country during the 5th Plan Period (1974-79). Currently it applies to 21 States and 2 Union Territories. In addition to the role of the Ministry of Tribal Affairs as the nodal Ministry for overall policy, planning and coordination of development programmes for the Scheduled Tribes, the roles of sectoral Ministries were considered essential for a combined endeavour for achievement of goals, which were precisely, as follows:

- (i) Promotion of developmental activities to raise the living standards of Scheduled Tribes, and
- (ii) Protection of their interest through legal and administrative status.

13.2 In course of time, it was felt in many quarters that the TSP gradually lost its tribal focus and became routinous as almost no Central Ministry provided population proportionate funds for implementing programmes for benefiting STs.

13.3 The following steps shall be taken in order to strengthen the TSP:

13.3.1 Relaxation of the general criteria for provision of services and infrastructure, based on population norms, as ST villages in interior pockets are sparsely populated.

13.3.2 Each Ministry in the Centre and each line department in the State shall allocate funds to implement ST development programmes in their respective sectors.

13.3.3 The State shall pool all TSP resources under an exclusive Budget Head.

13.3.4 The total State Plan shall earmark funds for TSP in the ST Population proportion in the Scheduled Areas.

13.3.5 There is need for mandatory approval of the State TSP by the nodal Ministry, i.e. the Ministry of Tribal Affairs before submission of the same for necessary approval of Annual Plans by the Planning Commission. Further, the Annual Plans of Central Ministries will be finalized by the Planning Commission in the similar line. The same pattern shall be followed by the nodal department of the State, i.e. The ST & SC Development Department in pooling the funds of line departments and submission to the Planning and Co-ordination Department.

13.3.6 It shall be mandatory to make TSP funds non-divertible and non-lapsable by all concerned.

13.3.7 The nodal department, i.e. ST & SC Development Department shall directly monitor the formulation and implementation of all programmes for the development of STs.

13.3.8 The activities of DRDAs and ITDAs shall be coordinated, so that the STs derive the maximum benefit under special efforts, in an integrated manner.

13.3.9 In order to rejuvenate and invigorate the TSP strategy for the Scheduled Tribes the State shall promote with special interest the Single Line of Administrative structure in the Scheduled / Tribal Areas. It will certainly promote the dexterity of tribal development administration and management.

14. Empowerment:

Idea of empowerment is conceived in relation to the people who are socio-economically backward, poor and powerless in comparison with their forward, rich and

powerful or dominant counterparts in the society. In Orissa, the ST people live in isolated pockets with strong social organization but they are economically backward and illiterate. Later, with the gradual intrusion of non-tribals into tribal areas, the latter became subject to exploitation and oppression by the former. The STs gradually lost their land to non-tribals and also faced erosion of their culture, values and identity.

The policy statements concerning "empowerment of tribal people" can be discussed under three major heads, (a) Constitutional Provisions; (b) Panchayati Raj Institutions; and (c) Empowerment of ST women.

A - Constitutional Safeguard/ Provisions:

The main thrust on empowerment of the STs is the Policy of reservation enshrined in the Constitution of India. Since the promulgation of constitution, reservation Policy/ Policies are implemented in the field of (i) peoples' representation in legislature, (ii) employment and (iii) enrolment in educational institutions with stipends at various levels.

Policy of reservation is based on the percentage of ST population in the State. According 2001 census of Orissa, the STs constitute 22.13% and they are entitled to get the same percentage of reservation in employment, peoples' representation and education. Even after six decades of implementation of the policy, the state government is yet to fulfill the reservation percentage in any area. Even incase of peoples representation, one seat was deleted by the last Delimitation Commission, even without proportional reduction of the ST population in the state. Therefore, the following measures are suggested:-

1. The State Government shall order joint survey at district level by a committee of officers drawn from Education, Tribal Welfare and Employment departments to ascertain tribal representation in services in the districts as well as in the State and take appropriate measures to accelerate employment opportunities.
2. All the vacant posts in Grade IV and 80% of Grade III, clerical nature shall be filled up at district level. Remaining, 20% of Grade III posts of sensitive nature can be filled up by staff selection commission.
3. The State Public Service Commission shall regularize recruitment of gazetted posts, e.g. OAS, OES, OFS and other departmental cadre posts with due percentage for the ST candidates. Commission may workout backlog in various cadres and launch special recruitment drive for the ST candidates.
4. There is acute dearth of tribal officers in the State Judicial Service. The State government shall initiate special recruitment drive for recruiting the ST Judges in lower Judicial Service.

5. Large numbers of doctor posts are lying vacant in the Scheduled Area. The ST Doctors shall be recruited in this area with monetary incentives.
6. There are complaints from various quarters regarding State government's neglect for provision of educational facilities as a whole. Large number of teachers and lecturers posts are lying vacant in schools and colleges. The State government shall immediately initiate recruitment of teachers and lecturers with proportionate representation staff from the ST communities.
7. The State Government shall restrictively resort to contractual appointment; maximum upto 20% of the vacancies to the extent possible, and government shall not recruit ST candidates on contract basis.

B - Panchayati Raj Institutions:

The Panchayat Raj Institutions, e.g. Gram Sabhas, Gram Panchayats, Panchayat Samities and Zilla Parishad, are the agents of democratic decentralization. Through the process of decentralization some power of the state to these institutions, the ST people get empowered through direct participation in the functioning of these institutions.

Pursuant to the Panchayat (Extension of Scheduled Areas) Act, 1996, Government of Orissa amended its earlier legislation Orissa Grama Panchayat Amendment Act 1997. As per this Act, the Gram Sasan "shall have the power to approve the Plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by Gram Panchayat and identify persons as beneficiaries under the poverty alleviation and other similar programmes".

In Scheduled Areas, the Gram Sabha/ Sasan shall be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary modes of dispute resolution consistent with relevant laws in force in harmony with the basic tenets of the constitution and human rights.

The Orissa Grama Panchayat Amendment Act 1997 further states: "Notwithstanding anything contained in any other law, in Scheduled Areas, subject to the control and supervision of Gram Sasan, the Gram Panchayat shall exercise within its' local limits such powers and perform such functions in such manner and such an extent as may be prescribed in respect of interalia the following matters, namely:

- (a) Enforcement of prohibition or regulation or restriction on the sale and consumption of any intoxicant.
- (b) The ownership of minor forest produce;

(c) Prevention of alienation of land and restoration of unlawful alienated land to the Scheduled Tribes;

(d) Control over money lending to the Scheduled Tribes."

It further provided that "on approval of Gram Sasan, the annual budget or as the case may be, the supplementary budget or revised budget, the Gram Panchayat shall forward the same to the Sub-divisional Panchayat officer appointed by the Director, who shall be competent to exercise the budget and shall furnish his comments to the Gram Panchayat, which shall be placed before the Gram Sasan for consideration and finalization with or without modification as may be necessary".

All the above mentioned provisions in the Act are pious provisions for the ST people. Unfortunately most of them are not yet implemented at grass-root level. Formulation of plans and programmes, preparation of budget and devolution of financial powers are yet to percolate down to the villages and Panchayats as communities' collective exercise. The most satisfactory achievement is implementation of 30% reservation for women, including proper representation of tribal women and men as Ward Members/ Councilors, Sarpanchs at all the levels of Panchayati Raj administration including urban bodies.

Suggestions for Empowerment:

1. Panchayat (Extension of Scheduled Areas) Act, 1996 shall be followed in letter and spirit and reflected in the legislation. The Palli (Gram) Sabhas and Gram Panchayats shall be endowed with powers of the implementation of development and economic activity.
2. The State shall mobilize tribal people and create awareness among them about their rights, duties and responsibilities, sensitization campaign and regular training programmes to be conducted by government (Panchayati Raj) department.
3. The State shall conduct intensive training programmes for the concerned officials of the district/ block; Panchayat representatives, village leaders and ITDP officials for execution of plans, programmes and project systematically.
4. Financial and administrative powers shall be given to Palli Sabha/ Gram Panchayat.
5. The TDCC shall collect all types of non-timber forest produce from the STs. Lease of forest produce to private parties shall be stopped.

6. The rights on land, forest and water bodies shall be given to the S.T. people so that they may administer these resources judiciously through their Gram Sabhas.

7. The STs Living in the reserved forest areas shall not be displaced without suitable rehabilitation packages.

C - Empowerment of S.T. Women:

The ST women are equal partners in the domain of management of the family. With their natural assignment of childcare, they carryout agricultural activities in paddy fields, collect firewood, from the forest and also act as food gatherers. Despite shouldering heavy domestic burden, tribal women do not have the decision-making power in the family and thereby they are subjected to various kinds of harassment in and outside the family. They are also branded as witches and very often face public humiliation. In order to ameliorate the agonies of tribal women following suggestions are given for their empowerment:-

(1) Government shall ensure and improve enrolment of ST girls in primary level and restrict drop-outs.

(2) Every Panchayat shall have Sevashram Schools and hostel facilities for girls shall be provided with better food for them.

(3) State legislature shall enact ST Marriage Act incorporating the protection of their right in the event of divorce.

(4) The ST women are in a disadvantageous position in so far as inheritance of property is concerned. Separate laws shall be passed for provision of inheritance right for women over the property. In nuclear family land R.O.R. (Patta) shall be allotted both in the names of husband and wife.

(5) The State Government shall institute the Orissa Scheduled Tribe Women's Commission to look after the grievances of the ST women since the State Women Commission is not in a position to fully appreciate the problems of the ST women.

(6) The ST women marrying non-tribals shall not be allowed to enjoy the privileges meant for the Scheduled Tribes.

15. GENDER EQUITY:

It is the prime responsibility of the State Government to ensure that the status of women in general and that of S.T. women in particular is elevated. Central governments as well as the state government in recent time have formulated acts, policies, plan and programmes aimed at women's advancement. In fact, empowerment of women is recognized as an important indicator to determine the status of women.

The women belonging to the S.T. communities though are regarded as disadvantaged and vulnerable, they are in many respects, better placed than their counterparts in the general population. Empirical studies have revealed that tribal women are more empowered than the women belonging to general castes population. They normally do not suffer from segregation or lower status which is evident from the favourable sex ratio for the tribals of Orissa that stands 1003 against 1000 males as per 2001 census. Further, unlike the general castes population there is no concept of "son preference and daughter neglect" in tribal society. However, the S.Ts of Orissa in particular suffer from ignorance and illiteracy; observance of certain pernicious practices, large scale migration of tribal women to urban areas and the number of customary practices are largely found among tribal women which discriminate them distinctly.

In view of this, Government of Orissa shall take the following steps for up-liftment of the ST women to ensure gender equity;

1. Create provision of accommodation for 5, 00,000 ST Girl students spread over 30 districts of the state to promote education among ST Girl children.
2. Special steps for generating awareness among tribal communities to eliminate existing pernicious practices to protect tribal women from torture and oppression.
3. Steps to discourage migration of tribal women to urban area and provision to rescue and economically rehabilitate migrant tribal women.
4. Customary practices of inheritance of property in male line shall be examined and appropriate gender parity strategy shall be formulated.

16. Enlisting Support of NGOs:

16.1 It is extremely necessary to ensure participatory approach in planning as well as implementation. Most of the plans and programmes have failed in the state, particularly in the tribal areas due to lack of a participatory approach. It is also true that participatory approach for plan formulation as well as implementation will be effective and appropriate only with the involvement of the NGOs as has been experienced in the recent past. Realizing this, Government of India has been involving credible NGOs in the implementation process of various plans and programmes in various sectors, on a long term basis.

It also has been seen that some NGOs have undertaken successfully family and community based programmes and mobilize resources in tribal areas on a long term basis. Many voluntary agencies have also done commendable activities for the welfare of the S.T.s and other down trodden sections of population in the society. But in recent times, due to mushroom growth of NGOs who have received funds are not discharging their work and are misappropriating the grants given to them.

16.3 Since Government of India has decided in principle to associate and involve the NGOs in implementation of various community oriented and welfare oriented

programmes, especially in S.T.s pockets, it has almost become mandatory to involve the NGOs. However, the NGOs may be selected and associated in implementation of activities in the following sectors in the manner as stated below:- .

16.3.1 The State Government shall receive, examine, scrutinize the proposals in different sectors from NGOs desirous of working in the Scheduled Areas after due recommendations of the Gram Sabha where they shall operate under respective block and district collector. All the proposals after receipt will be scrutinized by an expert committee under the Chairmanship of the Development Commissioner with subject matter specialists as members. Only after their recommendations, the State Government shall send the names to Government of India for considering the proposals and in case of the State Government, the selected names of the NGOs shall be sent to the respective administrative departments for assignment of work.

16.3.2 Voluntary Organizations shall be required to encourage and involve the community in social activity and also shall be required to play a catalytic role in informing and empowering the community in the area of their operation. The NGOs shall be strictly instructed to involve the community as much as possible at every stage of the implementation of the programmes for which funds are placed with them.

16.3.3 Milestones shall be fixed for such NGOs who will be provided financial assistance either by the State Government or by the Central Government and there shall be periodical monitoring by a Block level committee (monthly), district level (once in every two months) and at state level (once in every 6 months) and the release of their grants shall be linked up with the achievements of milestones.

16.3.4 Each district collector shall be asked to enlist credible NGOs looking at their track records for working in the Scheduled Areas and the State Government in ST & SC Development Department shall prepare a list of NGOs with good track record for each district on the basis of the recommendations of the district collectors. The list shall be updated annually and there shall be grading on the basis of their performance every year and the NGOs whose performance becomes unsatisfactory will be de-enlisted.

16.3.5 Steps shall be taken by the District Welfare Officer to encourage and ensure to form Community Based Organizations at village level in each tribal village (s) having 100 Households and if there is less number of Households, a cluster of ST villages may be taken as a unit. Similarly, at each Block level one Community Based Organization shall be formed. These organizations need to be formed and registered under the Societies Registration Act, 1860 within a period of 3 years and they shall be entrusted the responsibilities of generating awareness and also take up petty contract work and their capacity shall be slowly grown over a period of time, so that they can take up all kinds of work in their locality.

17. Tribal Culture and Traditional Knowledge:

The Tribal people of Orissa are culture conscious and lead traditional pattern of life. Their culture is simple in nature, which comprises system of belief, rituals, folklore, music and dance and art and crafts. They too have rich traditional knowledge of ethno-medicine and system of healing, irrigation system and weather forecasting. With the influx of other cultures in their territories, we see the gradual erosion of tribal culture and tradition. There is need to preserve their core culture and tradition that gives them sense of socio-cultural identity.

A - System of Belief:

1. The STs have their own system of religious practices, worship of their own gods and goddesses with varied associated rituals. They shall be allowed to continue their religious practices without others' or state interference.
2. Religious shrines, like sacred groves, other places of worship of deities, burials and immersion ghats deserve protection.
3. The ST people shall express their freedom in getting their religion enumerated as per their choice during census operation. If they desire to write 'Sarna', Dharani Penu, Doni Polo or Adi Dharam with the approval of the head of the family the enumerator shall write the same in the "Religion" column of the Census Schedule. The Registrar-General (Census operations), Government of India shall be intimated accordingly.

B - Arts and Crafts:

1. The State Government shall make endeavour to preserve and document art and craft objects as well as tradition and impart training to tribal artisans for value addition of their products with better access to market and for exploration of employment opportunities for artists and craftsmen.
2. The State Government shall organize exhibition of material culture objects of the STs in different areas for dissemination, propagation and promotion of their genius in the field of art and crafts.
3. Distinctive tribal arts, e.g. paintings, murals, etc. with religious motifs shall be patented in order to prevent pilferage of STs artistic talents.
4. There is need for documentation of ST artists and master craftsmen of the State.

C - Music and Dance:

1. The State Government shall initiate establishment of Adivasi Sangeet Natak Academy for the preservation and promotion of tribal music and dance at State level with branches in the districts.

2. The ST Cultural Melas shall be organized in the district in the months of November and December where ST performing artists will get opportunities to exhibit their talent and selected teams shall be sent to the weeklong Annual Adivasi Mela in Bhubaneswar along with the Republic Day celebrations in the State and National levels.
3. Prominent tribal artists shall be awarded by the Adivasi Sangeet Natak Academy during the Mela for their contribution to performing art.
4. Tribal folklore in the form of folksongs, tales and riddles shall be collected by the SCSTRTI and by the Academy of Tribal Language and Culture for documentation and dissemination .

D - Traditional Knowledge:

The STs have many hidden traditional knowledge in the field of medicine and treatment of various diseases. They can forecast weather for agricultural activities through diagnosis of natural phenomena. They also know upland irrigation system suitable to their habitat and sustenance of livelihood.

1. Tribal Welfare and Forest departments shall jointly survey medicinal plants and herbs in the jungle and ensure their protection as well as propagation.
2. The ST Welfare/ Development departments shall organize workshops and seminars at the state headquarters as well as in every district headquarters and invite tribal medicinemen as Resource Persons to identify the plants with demonstration. Medical officers shall also be associated in these workshops to advice in pluri - medicinal situations.
3. Tribal youth shall be trained in the area of traditional wisdom for their sustenance and self employment.

E - Other Suggestions:

1. As we have opportunity for State level Tribal Exhibition and in the same analogy, each district shall have Tribal Culture Complex, where government shall simultaneously provide exhibition ground, museum, open air auditorium and seminar hall. Adivasi Sangeet Natak Academy can also be housed in the same complex.
2. The district level culture complex can showcase the tribal art and crafts, music and dance etc. to depict S.T.s way of life.
3. Permanent Model of villages of STs can be exhibited separately in the culture complex.
4. State capital and district headquarters shall have tribal emporia for sale of tribal arts and crafts objects.

18. Administration of Tribal Areas:

18.1 There is need for the enhancement of the quality of administration in Scheduled Areas / Tribal Areas of the State. As the quality of administration and development intervention are complementary to each other, expeditious steps shall be taken in order to provide quick response to challenges and changing aspirations of tribal people.

18.2 The Fifth Schedule of the Constitution:

18.2.1 All efforts shall be made for full realization of the potentialities ingrained in the provisions of the Fifth Schedule which are related to administrative, legislative and protective aspects for the Scheduled Tribes in Tribal Areas / Scheduled Areas.

18.2.2 The Governor's report sent annually to the President shall be comprehensive and analytical incorporating significant aspects, such as social, economic, political, cultural, administrative, legislative and developmental matters relating to the Scheduled Tribes. Further, the report shall highlight problems faced by the ST people in Scheduled Areas/ Tribal Areas and suggest remedial measures for immediate relief.

18.2.3 The Tribes Advisory Council (TAC) shall develop appropriate mechanisms to synthesize and monitor all legislative as well as development matters relating to the Scheduled Tribes, so that their interests are fully safeguarded. All legislations, rules and regulations pertaining to the Scheduled / Tribal Areas shall be routed through the TAC.

18.2.4 The Governor shall discharge his mandatory functions under the Fifth Schedule and exercise his powers on Ministerial advice from time to time, for the benefit of the Scheduled Tribes.

18.2.5 The Scheduled Area and the Tribal Sub-Plan Area shall be made co-terminus, so that all protective as well as legal measures are made available for the STs, under the rationalization of Scheduled Areas.

18.2.6 The State shall examine the feasibility of incorporating some significant provisions of the Sixth Schedule into the pattern of district administration in the Scheduled Areas, as provided under Section 4(O) of the PESA Act.

18.2.7 Considering that the protection and development are the two crucial issues in Scheduled Areas, the administrative structure shall be appropriately revamped.

18.2.8 As tribal development revolves round the concept of sectoral specialization, the tribal development department shall assume full responsibility in coordinating the development activities and the utilization of funds of all line departments in the

Scheduled Areas / Tribal Areas, so that the developmental system becomes functional. This requires structural-functional change in the administration of these areas. In a nutshell, there is need for the rationalization of administrative structure.

18.2.9 The State shall consider the implementation of the '**Single Line Administration**' in **Scheduled Areas / Tribal Areas**'.

18.3 Personnel Policy:

18.3.1 Since tribal areas are usually remote, inhospitable and lack basic infrastructure facilities, government employees posted in these areas do not discharge their duties adequately because of discontentment, and further, a number of posts remain vacant as they do not join. In view of the circumstance, the State shall consider provision of special incentives for the posts in Scheduled Areas.

18.3.2 Appropriate Panchayat Body in Scheduled / Tribal Areas shall be empowered to make recommendations for the payment of incentives to the personnel working in the areas. Further, the Panchayat Body shall have the power to hire the services of specialists and experts on contract basis.

18.3.3 Good governance in Scheduled / Tribal Areas shall be ensured through a sound personnel policy which is ought to be state-specific.

19. The Regulatory and Protective Regime:

As Laws, Rules and Regulations protect the interests of Scheduled Tribes, they are to be suitably amended wherever necessary.

19.1 The State Excise Rules and Regulations and Acts

19.2 The Land Acquisition Act, 1984

19.3 The Coal Bearing Areas (Acquisition and Development) Act, 1957

19.3.2 State's Mineral Concession Rules

19.3.3 Land Revenue Code

19.3.4 Regulation 2 of 1956 (Land Alienation Laws/ Regulations)

19.3.5 Money Lending Laws

19.3.6 Regulated Markets Laws and Rules

19.3.7 The PESA Act and Rules

19.4 The Indian Registration Act, as applicable to the STs of the State.

- 19.5 Inter-State Migrant Workmen Act and Minimum Wages Act.
- 19.6 Legal Protection to Intellectual Property Rights (IPR)
- 19.7 Reservation Acts and Rules, with special emphasis on PTGs
- 19.8 The National Commission shall continue to monitor the implementation of regulatory regime and provide necessary guidance for the redressal of the grievances.

20. SCHEDULING AND DE-SCHEDULING OF TRIBES:

- 20.1 The list of S.T.s is State /UT - specific i.e. a Community declared as S.T in one State /UT need not be necessarily considered as Scheduled in another State /UT.
- 20.2 The largest number of Communities (62) declared as STs are living in the state of Orissa.
- 20.3 The Scheduling and de-scheduling of or in other words inclusion in and exclusion from the list are perpetual processes.
- 20.4 Claims are received from time to time from Communities for inclusion in the list of S.T.s and such claims shall be duly scrutinized to select and recommend the deserving cases that inadvertently got left out earlier and that which possess genuine criteria to be declared as S.T.s.
- 20.5 Government of India shall be moved to evolve appropriate criteria for identification of communities as S.T.s
- 20.6 Government of India shall be moved to evolve appropriate criteria for de-scheduling of any community or communities from the list of S.T.s
- 20.7 Steps shall be taken to include the adjoining areas of the Scheduled Areas, in case left out earlier, so that S.T.s derive due benefit.
- 20.8 Steps shall be taken to settle the nomadic or semi-nomadic S.T.s for their over all socio-economic development and for the protection of their interest to get rid of relative deprivation. Steps shall also be taken for restoration of their citizenship rights in order to fulfill Constitutional mandates and enjoy special opportunities and amenities through development and welfare programmes.

21. Research and Training:

- 21.1 There is wide range of diversity observed in their way of life, customs, traditions, language and so on. Thus, the ST population of Orissa is extremely

heterogeneous in nature from many respects. One of the striking features is that although the ST communities of the state are at various levels of economic development and has very rich culture; their cultures are disintegrating and vanishing very fast due to impact of modernization, industrialization and cultural assimilation. Hence, there is need to conduct research and document the culture of all the ST communities on an urgent basis. Besides, a number of Policies and Acts have been formulated and promulgated by the state government as well as by the central government for the welfare of the STs, but the status of implementation has never been evaluated as a result of which efficacy of these acts and laws have not been adequately reviewed. Besides there are a large number of ongoing projects and programmes for the welfare of the Scheduled Tribe people. There are 21 ITDAs, 17 Micro Projects, 46 MADA pockets, and 14 Cluster Approach Pockets through which the tribal development interventions are extended, besides D.T.D.P.

21.2 Although the existing SCSTRTI of the state is undertaking a number of studies (both evaluation and research) and Training Programmes for different kinds of stakeholders ranging from S.T. PRI Members, Government functionaries engaged in tribal development activities in ITDAs, Micro Projects and in various line departments in the Scheduled Areas, the following are some of the areas which shall be given thrust:-

21.2.1 The main thrust of the Research on ST people shall be on Policy Research and Evaluation of ongoing development programmes.

21.2.2 The implementation of various Policies and Acts in the state for the S.Ts and the gap between the provisions and the practice will be identified besides hinting at the factors responsible for inadequate implementation of the acts and policies and come up with suggestions for making the implementation more effective and ST friendly.

21.2.3 To give stress on diagnostic studies with focus on emerging socio-economic issues confronted by the STs of the state.

21.2.4 Undertake and impart such training for different kinds of stakeholders which will enhance their capacity and will help in more effective implementation of the ST development interventions.

21.2.5 The SCSTTRI through empirical studies shall identify various critical areas of concern and advice on the basis of their findings to Government to address such issues on an urgent basis.

21.2.6 Issues which are regional in nature, like extremist activities, ST up-rise etc. shall be studied by conducting regional level studies involving more than one state and come up with such suggestions which will have implications for the entire region.

21.3 The existing Tribal Museum located in the SCSTRTI in the state shall be upgraded making it more interactive, inclusive and user-friendly, especially among school children. The existing museum shall also be linked up with other museums of the country through digitization with appropriate links for easy online access.

21. COMMUNICATION STRATEGY:

Various central laws, regulations and policies addressing the core and critical issues of S.T.s have been promulgated and are in vogue. Similarly, a number of plans and programmes have been specially designed for improving the status of the Scheduled tribe people with a view to mainstreaming them. Despite provisions both by central and state Government the S.Ts continue to remain at the bottom of the socio-economic ladder and have failed to get integrated with the mainstream population. Empirical studies have revealed that there has been a huge implementation gap and one of the prime reasons of the desired objectives not getting achieved in respect of the S.T. is poor communication strategy.

In order to ensure that the desired development objectives percolate to the poorest of the poor tribal family remaining in the remote areas of the state the following activities/ measures shall be taken.

1. All tribal friendly acts, policies, regulations and schemes meant for their interest shall be translated into all major tribal languages for wide dissemination. This is a step to generate awareness among the S.T.s and will be an effective communication tool.
2. Audio-visual tools shall be used as means of communication in respect of various plans and programmes through GRAM SAT, FM radio and local TV channels.
3. IEC materials in local language depicting the highlight of various plans, programme, schemes, and policies etc. meant for the S.T.s shall be displayed at conspicuous places which can be used as an effective communication tool.

23. Monitoring, Evaluation and Review Mechanism:

○ Review of Implementation:

23.1 The State ST Policy has incorporated a number of innovative and new initiatives with the objectives of registering faster and sustainable ST development in the state. But the success of the policy with pro-tribal provisions largely depends upon its effective implementation. In fact, it is seen that in order to ensure effective implementation of various plans and programmes in the scheduled areas in particular, a number of line departments work and for making the programmes successful there shall be effective inter departmental coordination and a cohesive approach. In fact, what is essentially required and a pre-requisite for achieving successful implementation of

programmes and schemes in the scheduled areas is a periodic review to boost decipherable accountability.

23.2 In order to achieve the desired objective and success in implementation of the ST development programmes, an institutional mechanism of Monitoring and Evaluation shall therefore be put in place at the State level and the findings of which shall also be put in place before the Tribes Advisory Council (TAC). The Monitoring and Evaluation will be done at three levels - firstly monitoring or concurrent evaluation shall be done at the village level by the PRI functionaries, the second shall be done at the ITDA level and the third type of monitoring shall be done at the State Level. Apart from the above three levels, Monitoring and Evaluation shall be done through an Independent Agency once in every 6 months and they will submit the M & E report to the Principal Secretary, ST & SC Development Department and the State Level Monitoring Committee will examine the findings and suggestions and will instruct corrective steps for smooth implementation of the programmes.

23.3 So far as the implementation of the State ST Policy is concerned, its review shall be undertaken once every year, at least three months before the close of the previous financial year and the key findings of the review shall be taken into account for effective and meaningful implementation of the policy.

○ ***Review of Policy:***

23.4 The Problems and issues of the Scheduled Tribes and the Scheduled Areas that have been visualized on the basis of which redressal measures have been suggested and incorporated in this document. These are not static and may undergo changes with the change of time. Therefore, it shall be reviewed at regular intervals, preferably once in every three years by a High Level Committee in order to identify the changes that need to be incorporated in the Policy to address the new challenges that emerge.

It may be concluded here that "The Orissa State Tribal Policy (A Policy of the Scheduled Tribes)" incorporates direction to the Legislative and Executive Wings of Government for observation while formulating laws and Policy and aimed at the establishment of Socio-Economic Development and justice for the S.T. people. These directions are non-justiceable, i.e. shall not be enforceable by courts.



ANNEXURE - I

Government of Orissa, ST & SC Development Department Resolution
No. 29137/SSD, Dated the 02.08.2008.
TD-II(SCSTRTI)-35-07

ANNEXURE - II

LIST OF PARTICIPANTS:

- | | | | |
|----|-----|---------------------------------------|-----------------|
| II | (a) | First Core Committee Meeting | (17.11.2007) |
| | (b) | Second Core Committee Meeting | (30.8.2008) |
| | (c) | Start Up Workshop | (27.11.2008) |
| | (d) | First Consultation Workshop | (11-12/12/2008) |
| | (e) | Second Consultation Workshop | (17.2.2009) |
| | (f) | First Meeting of the Draft Committee | (23.3.2009) |
| | (g) | Second Meeting of the Draft Committee | (22.7.2009) |
| | (h) | Third Meeting of the Draft Committee | (15.10.2009) |

(Name, designation and address of Participants are to be furnished in the lists.)