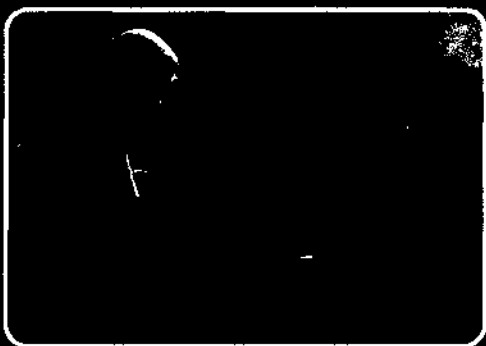


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**Third Report
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the Standing Committee on Inter-Sectroal Issues
Relating to Tribal Development
on
Standards of Administration and
Governance in the Scheduled Areas**

**Chairman: Dr. Bhalchandra Mungekar
Member, Planning Commission**



Committee serviced by
Ministry of Tribal Affairs
Government of India
New Delhi
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Foreword

As the Chairman of the **Standing Committee on Inter-Sectoral Issues Relating to Tribal Development**, it is my pleasure and privilege to present hereby this Third Report on "*Standards of Administration and Governance in Scheduled Areas*". The Standing Committee had earlier presented its two Interim Reports in October 2005 and April, 2007.

This Report is an outcome of the passionate involvement all of us who believe in the urgent need for uplifting the lot of the Tribal people. It is the output of an open mind and contains the suggestions from within the Government domain as well as from outside. The Report has been drafted after a lot of deliberations, and consultations including a Workshop held in Hyderabad.

The Report does take a critical look at the historical facts, as also the 'commissions and omissions' of the successive Governments in power in failing to positively respond to the Constitutional requirements and the expectations of the Tribal people.

I take this opportunity to thank Dr. B.D. Sharma, Shri S.R. Sankaran and Shri Pradip Prabhu who immensely contributed through their independent voices born out of their intimacy with the Tribal life.

I thank my esteemed colleague Shri B.N. Yugandhar, Member, Planning Commission, who was instrumental in bringing into to sharp focus many of the issues concerning the philosophy and logistics of governance.

Shri Rajeev Kumar, who had earlier served the Ministry of Tribal Affairs, and who is presently in his parent cadre in the Government of Jharkhand has also substantially contributed to this Report and deserves my thanks.

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I appreciate the initiative shown by Shri Gautam Buddha Mukherji, Secretary, Ministry of Tribal Affairs, for his enthusiasm and earnestness in matters connected with the tasks before the Standing Committee. I am also thankful for all the other Members of the Committee whose valuable suggestions have gone into the making of the Report.

My thanks are also due to National Institute of Rural Development, Hyderabad, for organising a two-day Workshop in their premises at Hyderabad on the issues covered in this Report.

This Report is rather bulky with Chapters devoted to various aspects of administration of the Scheduled Areas and also the relevant ANNEXURES, which I hope would prove to be useful to the administrators and others who work for the betterment of Tribals.

Bhalchandra Mungekar
Chairman

Executive Summary

The Standing Committee on Inter-Sectoral Issues Relating to Tribal Development was constituted by the Prime Minister's Office on 30/10/2004 with Dr. B.L. Mungekar, Member, Planning Commission, as its Chairman and members from the concerned Ministries. The Standing Committee already submitted two Reports, Interim Report on "Inter Sectoral Issues Relating to Tribal Development" on 27.10.2005 and the 2nd on "Displacement, Resettlement and Rehabilitation of Scheduled Tribes" on 16.4.2007 to the Prime Minister. On the basis mainly on the recommendations of these two Reports, the Government has (i) enacted the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* (No.2 of 2007) ('*Forest Rights Act*') (published in the Gazette of India on 2.1.2007), and has (ii) later notified the new *National Rehabilitation and Resettlement Policy, 2007* on 31.10.2007.

2. Tribal people, though not a homogeneous group, have their own system of governance and dispute redressal mechanism. Harassed by the repeated Tribal rebellions and uprisings, the British chose to leave them alone and decided not to interfere with their day-to-day administrative affairs. As a result, the general laws of the Centre or the Provinces were not extended in routine to these areas known under different nomenclatures as 'agency areas', 'excluded areas', and 'partially excluded areas'. However, the Governor was empowered to extend any law with necessary exceptions and modifications to these areas in his discretion.

3. The framers of Constitution were conscious of the distinct needs of the Tribal people and their areas, and thus, provided a comprehensive framework for the protection and advancement of this disadvantaged sections of the society to enable them to catch up with the rest as early as possible. While providing a number of specific provisions for protection and welfare of Tribal people in the Constitution of India, Part X of the Constitution deals exclusively with the Scheduled Areas (SAs) and Tribal Areas (TAs). According to sub-clause (1) of Article 244 of the Constitution, the provisions of the Fifth Schedule (FS) apply to

the administration and control of the SAs and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram. Sub clause (2) envisages application of the provisions of the Sixth Schedule (SS) to the administration of the TAs in these States.

4. The President of India has, under Article 244(1) of the Constitution, declared 'Scheduled Areas' (SAs) in nine States of the country under Para 6 of FS on the basis of the preponderance of Tribal population, compactness and reasonable size of the areas, a viable administrative entity such as a district, block or taluk, and economic backwardness of the area as compared to the neighboring areas.

5. Paragraph 5 of FS deals with 'Laws applicable to Scheduled Areas'. Sub-paragraph (1) authorises the Governor of the state having SA to make 'such exceptions and modifications' in 'any particular Act of Parliament or of the Legislature of the State' in its application to 'a Scheduled Area or any part thereof in the State' as he may specify in the notification. Paragraph 2 of the Fifth Schedule makes the executive power of the State in respect of the SAs therein 'subject to the provisions of this (Fifth) Schedule.' Paragraph 3 extends the executive power of the Union 'to the giving of directions to the State as to the administration of the said (Scheduled) area.' In addition, Article 339 specifically envisages control of the Union over the administration of the SAs and the welfare of STs.

6. It is in this perspective on governance that Governors concerned are mandated under Paragraph 3 of the Fifth Schedule to send their respective Annual Reports to the President on the "Administration of SAs" annually or whenever so desired by him. The Annual Reports of the Governors about administration in the Scheduled Areas are crucial as these are the basis on which the Union Government can give directions. In the same continuation, the executive power of the Union extends to giving directions to Scheduled area States as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

7. In essence, 'particularisation, not generalisation', and 'discretion, not rule by rote' comprise the moving spirit of this frame.

8. If one looks at the political map of the country, one would be distressed to observe that despite being the richest in mineral wealth, the Scheduled Areas and forest areas, and non-Himalayan forests of the country representing rich natural resource base, wildlife and water resources are inhabited by the poorest people of the country, and which also now unfortunately happen to be the operational areas of Naxals. *The various activists groups* spread in the mineral-rich forest/Scheduled Areas of the Central India, exploit this situation of neglect to further fuel feelings of alienation and despair. The combined effect of non-development, alienation due to undefined property rights, non empowerment, and increased and constant threat of displacement etc., has been causing frustration, anger and unrest in the Tribal areas, posing a serious crisis of internal security in administering the Schedule V areas of the country. The problem in fact is multi-dimensional and inter-sectoral having far reaching implications on the people relating to equitable distribution of growth, environment, wildlife, use of rich natural resource base, internal security, general law and order and so on.

9. This Report on "*Standards of Administration and Governance in Scheduled Areas*" is the third Report of the Standing Committee that critically examines the efficacy of the Constitutional safeguards vis-a-vis the current status of the SAs and the level of development level of tribal people focusing on the efficacious means to address the dis-satisfaction in the Tribal areas. There is an urgent need for distinct policy prescriptions for Scheduled Areas and accordingly separate strategies under each sector viz health, education, housing, drinking water, roads, rural development, etc., and programmes there under based on the specific needs of the Tribals and their milieu. The approach of 'One solution fits all' cannot work. The main recommendations of the committee are summarized below.

10. Summary of Recommendations

1. Scheduled areas:

- i. All laws now cover Scheduled Areas in routine. There is a need to stop the practice of routinely extending all laws to the Scheduled Areas without adaptation to the Tribal milieu and to consciously adapt the laws to the Scheduled Areas. There is no realisation that a great damage had been done when general laws first flooded Tribal areas in 1950 with no mechanism for their review. There is an urgent need for the Central Government and the State Governments to review these Acts.
- ii. There is a need for an in depth situational analysis of the problem of unrest in the SAs covering all its facets along with the response strategy. A knee-jerk sort of a response with police action cannot be the right approach to tackle a complex problem arising out of socio economic exclusion and the control of outsiders over natural resources.
- iii. The Office of the Governors in Scheduled Areas should have a separate, well staffed and well equipped set up to take care of the ST-related matters.
- iv. It is necessary for the Government to take the following action in a time-bound manner with respect to the Scheduling of Left-over Areas:
 - (a) All areas already identified as Tribal majority areas should be brought under the Fifth Schedule within a period of one year in pursuance of the commitment made in 1976.
 - (b) All Tribal majority areas that have been left out for any reason whatsoever or that may have newly qualified by virtue of new communities being classified as STs as in Uttar Pradesh should be identified within a year and brought under the Fifth Schedule within two years.
- v. Administrative reorganisation of these areas within the concerned States should be taken up and completed within two years so that compact tribal areas are brought under the same administrative units at an appropriate level.

2. Governor's Report:

- i. The Governor's Report should present an overall assessment of the Tribal conditions/situation in the State with special reference to weak spots and corrective actions, and discontinue the present practice of being a routine exercise that too not every year. The annual Report should contain specific protective measures,

developmental activities, clearly bringing out a comparison between the non-Tribal areas of the same State. It must also contain the Action Taken Report on the Governor's Report of the earlier year/s.

- ii. The Ministry of Tribal Affairs must critically examine these reports and submit action points to the President. The President may consider allotting specific time in the Annual Conference of Governors for discussion on governance in the Scheduled Areas.

3. Reviving institutions of self-governance:

- i. The effectiveness of the Gram Sabhas (GS) as the institutions of self-governance as envisaged in PESA holds the key to peace and good government in the Scheduled Areas. The Gram Sabhas, therefore, must be given a top priority by all concerned irrespective of the position they may hold in the System.
- ii. Immediate action in the current year should be taken to erase the dissonance in keeping with the spirit of the Constitution, especially PESA read with the Fifth Schedule through:
 - (a) Adaptation of laws through Governor's Notifications coverings all items of PESA,
 - (b) Conferring ownership of minor forest produce on the Tribals
 - (c) Issue of 'Guidelines' about the role, responsibilities and functioning of the Gram Sabhas (GSs) honouring their 'competence', and
 - (d) Framing of model regulations in relation to all facets of administration not covered by (a), (b) and (c) above
- iii. Devolution of powers to the nearest level in the field should be the rule. Instances of misuse should be met with a stringent action against the culprits and institutionalizing effective correctives. It should not be, however allowed to be used as a ploy for its reversal. Devolution of powers to the Gram Sabhas under PESA should be treated as sacrosanct. Any attempt to mislead or influence the Gram Sabhas and misuse the aura of their authority of any description - administrative, institutional or political - should be treated as an offence against democracy.
- iv. The Gram Sabha should become fully functional in the image of Village-Republic within this year. The concerned States should immediately take the following steps in this regard:
 - (a) Prepare Guidelines in the form of a Regulation for the functioning of the Gram Sabhas with the comprehensive frame as envisaged in PESA so as to enable the people to deal with the System with confidence and authority; and

(b) Frame a Regulation to the effect that *'notwithstanding anything in any law for the time being in force, all formal or informal transaction of any description whatsoever between a tribal and any other person, including a juridical entity shall be in the open assembly of the Gram Sabha and shall have no effect unless the GS authenticates the same'*.

- v. **Participatory Approach of Programme Implementation** should be a compulsory pre-requisite for programme implementation. The community should be explained the programme, and its likely impact and taken into confidence in this regard. This would *inter-alia* involve capacity building for the Gram Sabha. Expert institutions in the field of local self Government and Tribal Affairs could be utilized for this purpose. The Gram Sabhas should be legally and operationally empowered to conduct social audit of Tribal development programmes to enforce people's participation, transparency and accountability of the implementing agencies and officials.

4. **Governance:**

I. Governance should cover, among other things, the following issues:

- (i) Ending the confrontation between the Tribal people and the State that has accentuated after Independence because of:
 - (a) incongruous laws,
 - (b) disputed command over livelihood resources,
 - (c) unbridled functionaries of the State and other agencies and ,
 - (d) flooding of these areas with funds through ubiquitous contractors as these areas got opened up in the name of development,
- (ii) Single line administration that is responsive to the people,
- (iii) State Tribal Development Department as a nodal agency with all other Departments and other agencies responsible for their respective areas of responsibilities and
- (iv) A nodal tribal welfare unit in the Government of India with all Ministries assuming leadership in their respective areas of responsibility. The nodal unit must ensure that a comprehensive frame develops cutting across all formal boundaries with a clear mandate to step in and supplement the effort of other institutions so that the Tribal cause does not suffer on any count whatsoever.

II. Other elements of governance include the following:

- (a) Ensuring that Tribal areas are not treated as punishment postings.

- (b) Personnel in the area are suitably oriented and are subject to a special code of conduct to be formalised through a suitable comprehensive regulation,
- (c) Creation of sub-cadres for Scheduled Areas (*Haldipur Report* refers).
- (d) Ensuring that no Tribal area falls under one or more blocks/districts, State boundaries etc.

5. Regaining the Confidence of Tribal people:

- i. The following measures should be immediately taken as a part of the resolve of the State for 'Regaining the Confidence of Tribal people'.
 - (a) All those cases pending in the courts or under investigation, which (i) involve technical violation of the laws concerning forest, fishing, wild life and excise, and (ii) come within the ambit of 'dispute resolution' of Gram Sabhas under PESA, should be withdrawn or sent to the concerned Gram Sabhas for disposal.
 - (b) All those cases where a party is alleged to have proceeded with the establishment of any project in the Scheduled Areas on the basis of contrived consent of Gram Sabhas should be referred to the District Tribunal.
- ii. *Effective Protection:* Protective measures must precede developmental programmes with suitable amends in the Tribal Sub-Plan (TSP) frame to ensure that the story of their earlier neglect is not repeated. The following are some of the urgent issues for time bound action.
- iii. *Land Alienation and its Restoration:* All State laws about land alienation should be reviewed and suitably amended to enable Gram Sabhas to take effective action for protecting Tribal land and restoration of illegally alienated lands in keeping with the spirit of PESA as has been done in Madhya Pradesh. All the pending cases should be disposed of in special drives and delivery of possession simultaneously effected. The task should be taken up as a campaign and completed within 2 years.
- iv. *No Displacement:* The very concept of displacement of tribals for facilitating implementing development projects violates the spirit of the Constitutional schema. The transition, which Tribal people have to negotiate in the process of development including use of natural resources for a variety of developmental projects, should be meticulously planned with prior informed consent of likely affected people. As recommended by the *Bhuria Committee*, the plan, with statutory backing, must ensure a place of honour on terms of equality in the new economy of the area for all.

6. Effective delivery mechanism: A Comprehensive Frame - The ITDPs

- i. For ensuring effective delivery mechanism there is a strong need to resuscitate ITDPs by re-strengthening and revamping for being able to be the implementing agencies for the new proposed deal.
- ii. The process of planning from below should begin with ITDPs. It should move on to block unit in the form of a broad perspective along with annual plan exercises in not more than three years. This preliminary exercise should pave the way for a real process of planning from below for Scheduled Areas in the 12th Plan. Competent micro planning units should be established at State and also ITDP levels.
- iii. A single line administration should be established at the level of ITDPs with a clear chain of command and specific wide-band functional domain. While Panchayat Raj institutions at the District/intermediate level should have decision-making powers in relevant areas, implementation should be the exclusive domain of administration. On the other hand, the domain of Gram Sabha should remain non-violable with administration playing a supportive role.
- iv. At the District level, all TSP funds flowing to the Scheduled Areas should be through the ITDPs. Since the flow of funds at the district level for Scheduled Areas is in many cases likely to exceed Rs.200 crore annually, an officer equal in rank and experience to that of the CEO (ZP) or Project Officer (DRDA) should be provided with a fixed tenure as the District Tribal /Welfare Officer or Project Director ITDP.
- v. At least for Tribal majority districts such district level officer should be selected by an Expert Committee headed by the Chief Secretary of the State Government. The district level office should be appropriately strengthened and the strength should be reviewed once in 5 years. The entire personnel should be brought under a special disciplinary regime. The District level officer should be vested with full authority, as in Andhra Pradesh, to coordinate with all line Departments, deal with delinquent staff, including termination of service contracts. He/She should also be vested with the administrative authority in respect of regular Government employees upto class-II level officers posted/working in Scheduled Areas.
- vi. At the Block level, in Scheduled Areas, monitoring units should be created with modern office and communication facilities under the District Officer in charge of Tribal Affairs. As far as TSP funds are concerned, BDOs should be answerable to the Project Director of the ITDP.

- vii. With a set of urgent tasks and need for effective implementation, the holistic frame of TSP should also be put in place immediately for Ministries of Government of India. The Central Ministries/ State Departments must assume their responsibilities. They should assess the lost ground and make good omissions in the 11th and subsequent Plans. It is necessary that a well defined structure is put in place with the backing of a formal order.
- viii. The unacknowledged health crisis in Tribal areas should be handled in a mission-mode in a holistic frame. It should cover all aspects of people's health from pauper-like diet status at one end and invasion of new diseases at the other. The traditional healers and trained *daies* should be integral part of this Mission. Comprehensive health coverage should begin with establishment of full facilities at the Primary Health Centres (PHC) and APHC level to be accomplished within 3 years.
- ix. The minimum population norm or criterion, where-ever stipulated in any infrastructure scheme, should be relaxed where these facilities are to be extended to the Tribal population.
- x. In sparsely populated hilly or desert areas, villages may be very small or divided into small hamlets. In such cases, an *Anganwadi* may be set up in a village or a hamlet having a population of 300 or more.
- xi. A major special thrust is necessary to ensure that:
- (a) Elementary education of good quality is imparted to all free of cost
 - (b) Special handicaps are overcome and the great cultural heritage is used as the foundation of real education and
- xii. A time bound programme should be taken up comprising *inter alia*:
- (a) Universal enrolment in elementary stage as a campaign within 2 years;
 - (b) A system of 'academic linkage and guidance' should be established right from the nursery to the University (from 'n to u') within 2 years so as to make the entire educational system vibrant and capable of moving in unison with a purpose; and
 - (c) The school in the village should become the hub of citizen education, equipped with a good library.
- xiii. *Strengthening/reorienting/revamping of the implementing machinery:* There is strong necessity of formulating suitable personnel policies to make postings in the Tribal areas as attractive and satisfactory rather than being considered as punishment postings as is the present opinion across the board with a few exceptions. An effective system of postings, rewards and punishment should be worked out for the Scheduled Areas. To start with all positions in the Ministries/Departments dealing with the Tribal affairs must be held

by offices who may have worked in a Tribal area for not less than two years.

- xiv. Since no authentic data regarding the land use, including surface and the ground water availability in the Tribal/Scheduled Areas is available, support of the National Remote Sensing Agency (NRSA) may be taken to provide land use, surface and ground water availability in each of the 195 ITDAs of the country so that the specific development plans based on increasing the water regime of the Tribal land may be prepared resulting in enhanced productivity and income thereof. Such periodic assessments, say at interval of two years, would provide comparative status in a time series and form scientific basis of the concurrent review.
- xv. All markets should be suitably regulated under the aegis of ITDPs and the Panchayati Raj Institutions within a year. The entire Tribal produce, mainly MFP should be brought under support price system with in 2 years.
- xvi. A single window system for credit, marketing and supply under the system of Large Sized Multipurpose Societies (LAMPS) should be established, or revamped where already established, with competent and reliable personnel under the unified control of the ITDP.

7. Creation of Critical Infrastructure: Bridging the Divide:

- i. The first proviso to of Article 275(1) is unique in the sense that it provides special dispensation for financing developmental programmes for STs and for raising the level of administration in SAs as grants-in-aid to the States.
- ii. The quality of administration is the firm foundation of planned economic development. This aspect has somehow been neglected notwithstanding the provisions in Article 275(1). Due to inbuilt exclusion of tribal areas on the basis of population norms and routine extension of general programmes without ST- centric planning to the Scheduled Areas, the level of funding continues to be inadequate and SAs suffer from utter neglect. The potent provisions of the Fifth Schedule, and Article 275 (1) read with Article 339 (2) need to be effectively used to avoid a situation of poorest infrastructure in the resource-rich Scheduled Areas inhabited by poorest people.
- iii. Special State-wise projects may now be prepared after a thorough analysis of the existing gap in the infrastructure in Scheduled Areas and funds under the first proviso of Article 275 (1) may be effectively used for this purpose.
- iv. Adequate infrastructure could not be created in Scheduled Areas as many community as well as individual developmental activities were

considered as non-forestry activities under the *Forest Conservation Act, 1980* and thus hit by that Act.. Now with the passage of Forest Rights Act, 2006 under which creation of infrastructure in Tribal areas is permissible, there is an urgent need to cover the lost ground and create infrastructure on priority to bring a level of administration at par with rest of the areas in the respective States. It is therefore necessary to focus on creation of such infrastructure in Tribal areas, which enhances the production capacity of the land and ensures value addition right at the grass root level.

- v. The Government of India should institutionalize annual review of administration in the Scheduled Areas. The first review under this Constitutional mandate should be done within the current year itself in terms of a clear frame that may be prescribed and funding ensured under Article 275 (1) to bridge the gaps in each sector of development within the current Five Year Plan.
- vi. The naxalites try to derive benefit from overall under-development and from sub-normal functioning of field institutions like police stations, tehsils, development blocks, schools, primary health centres and *anganwadi* centres, which administer and provide services at the ground level and also reflect the State presence and writ. There is, thus, a need for putting in place adequate infrastructure for critical functionaries in the field/grassroots level of the State. Creation of new posts and filling up of existing vacancies in the development staff at the field level are important.
- vii. The development grants allocated for the Naxal-affected areas should be non-lapsable and non-divertible.
- viii. The institutional mechanism for public grievance, redressal system should be strengthened.

8. The Tribal Sub-Plan (TSP) : Shift from notional to reality:

- i. The following measures need to be taken to make TSP effective:
 - (a) There should be a separate Budget Head for each Ministry/Department for TSP.
 - (b) A minimum quantum of 8% (which shall not be the upper limit) of the Budgetted funds of Ministry/Department concerned with social sector programmes shall be allocated towards TSP. Serious and specific directions need to issue to all line Ministries in this regard from the highest levels in the Government.
 - (c) The TSP funds of each Ministry/Department should be made non-lapsable and non-divertible.

- (d) As in the case the North East Fund, the unutilized and non-lapsed TSP funds of each Ministry/Department, should be made eligible for pooling at the end of the year.
 - (e) Every Ministry/Department shall prepare its ST-specific Annual Tribal Sub-Plan.
 - (f) A better and targeted implementation of TSP funds could be achieved by a concerted planning of resources flowing to Tribal areas through well thought out visible interventions. In other words, instead of every Ministry spending resources in a disjointed and uncoordinated manner, it would be beneficial if the TSP funds of all Ministries/Departments are managed on the advice of a single nodal agency.
 - (g) The TSP funds should be spent in a judicious and concerted manner under the ST-specific Annual TSP in consultation with the nodal agency, namely, Ministry of Tribal Affairs.
 - (h) There shall be established a Committee (called the "*Committee for Approval and Monitoring of Annual TSPs of Central Ministries/Departments*") chaired by Member, Planning Commission and consisting of the Secretary of the concerned Ministry/Department and the Secretary (Tribal Affairs) to consider the Annual TSP Plans for the concerned Ministry.
 - (i) These Committees should be empowered to approve TSP components and make recommendations regarding subsequent allocations from the non-lapsable funds after the first year of allocation.
 - (j) The Planning Commission should devise a policy to ensure that the Annual Plan of any Central Ministry would not be cleared if there was no TSP component therein.
 - (k) The Planning Commission should not approve the Annual Plans of any Ministry/Department unless the TSP Annual Plans are first approved by the above-mentioned Committee.
 - (l) The Committee should be serviced by the M/o Tribal Affairs and the Ministry should be enabled to do so. The implementation of the projects approved by the Committee shall be the responsibility of the concerned Ministry/Department.
 - (m) Similarly, the TSP of each State shall be appraised and approved by the Ministry of Tribal Affairs and Planning Commission shall consider the Annual State Plan only after such approval on TSP.
- ii. There should be closer involvement of Panchayati Raj Institutions at the ITDP/ITDA level. DRDAs/ITDPs should function under the directions of the Zila Parishads. ITDPs, which are historically older than DRDAs, should be administratively and technically empowered.
 - iii. It was all right generally to have some norms based on population criteria etc. to provide some basic infrastructure facilities like primary schools,

health centers, roads, electricity, etc. But the same norms should not be applied for STs as the ST clusters being sparsely habitated could never satisfy such norms. Hence, there is a need for relaxing such norms to make them flexible.

- iv. At the State level, the Departments in charge of Tribal Affairs, besides undertaking the somewhat routine coordination functions, should plan and devise TSP programs for Scheduled Areas.
- v. These nodal Departments should be responsible for planning and overseeing schemes under all TSP funds. The budgeting exercise should be carried out at the State level in the nodal Department and TSP document prepared for scrutiny by the Ministry of Tribal Affairs, Govt. of India, prior to approval of the State plan of the concerned State by the Planning Commission.
- vi. A demi-official letter addressed by the Prime Minister to the Central Ministries in 1980 (D.O. letter No.280/PMO/80 dated 12.3.1980) is the main source of authority behind the concept of TSP. It is high time that orders are issued by the Cabinet Secretariat formalizing the recommendations suggested above.

9. Rejuvenation of the Traditional Economy:

- i. The truth of the Tribal economy is that it has been badly mauled through incessant expropriation in countless forms and weakening communitarian traditions. A comprehensive '*Operation Rejuvenation*' (OR) should be taken up forth with in every village in the Scheduled Areas. While Operation Rejuvenation is on, steps should be taken for laying the foundation for sustainable development by delineation of micro agro-climatic zones that would provide the frame for long-term sustainable development.
- ii. The foremost agenda of each of the ITDP should be to undertake comprehensive and continuous assessment of the local situation, advising concerned Gram Sabhas, providing direct assistance, preparing micro turn-key projects and helping entrepreneurs in dealing with the unknown new economy. ITDPs should be re-strengthened to take up the task of preparing village-wise plans with the approval of Gram Sabhas.
- iii. About 15% of the Tribal people, located largely in the North-East and parts of Orissa and Andhra Pradesh still subsist on shifting cultivation. It is necessary to improve this method of cultivation on a more scientific basis. A ten-year '*Project Transformation*' should be launched under the overall guidance of a National Centre on Shifting Cultivation with a strong functional Unit in every concerned State.
- iv. An unequivocal national resolve to pursue the path of '*Development with Equity with Tribal People at the Centre of the Stage*' alone can measure

up to the great crisis in the Tribal areas. The very concept of 'displacement' and 'rehabilitation' as two distinct entities is incongruous in the Tribal context.

- v. The confidence of the people in the system must be regained with a clear resolve that no scheme of any description shall be taken up without prior informed consultation with the community that should virtually mean their consent. Any violation of this spirit by one any regardless of his position restrict in life shall be treated as an offence.
- vi. The urban centers of expropriation should be transformed into pulsating centers of holistic development. Any entrepreneur starting a venture in a Scheduled Area on Tribal land should be legally bound to induct the owner of the land as an equal partner. The Provisions of the Municipalities in Part IXA should be extended to the Scheduled Areas with exceptions and modifications as recommended by the Bhuria Committee.

10. Priority Accorded Tribal Groups:

- i. *Mission Navajeevan (PTGs)*: The situation of the most vulnerable groups is much too complex and delicate to be handled by routine administration. Even special Projects with built-in flexibility did not click because of routine handling. As the issue here is of survival, a dedicated small team, including a doctor and a social scientist, committed to the cause and prepared to work in a mission mode, should be constituted for each group or part thereof under an umbrella organisation, *Navajeevan Mission*.
- ii. *Mission Abhayadan for Vulnerable Girls*: Implications of the weakening community with a comparatively weak family in tribal area have been overlooked. The young girls are the worst victims. They are enticed, deceived and even captured from open markets by gangs for domestic service and flesh trade in an unknown world with no one to defend. The situation is serious in Jharkhand and Orissa. The issue should be flagged for urgent and strict administrative action under a regulation for immediate relief. A long-term plan should also be prepared, on the basis of a time-bound systematic study of 2 years or so.
- iii. *Mission Dignity for Migrant Labour*: There is a large exodus from the Scheduled Areas in search of work at bare subsistence or even sub-subsistence wage level. There are gruesome stories of their exploitation, especially of women and girls. As the saying goes in Tribal pockets in Wynad, Kerala, 'The girl goes for filling her belly; she returns with a 'filled' belly'. Effective legal and institutional protection should be provided for migrant labour from Scheduled Areas.

11. Employment Policy:

- i. Instead of a 'low-cost, low-calibre' employee policy it is necessary to engage competent people and pay them accordingly. Increased annual financial outgo should not be considered as cost to the country, but investment in human resource as it would be more economical to build up the Tribal people as human resource than to allow them to be deprived and underdeveloped and pay the same costs later. There need not be any doubt whether they would come to a remote Tribal village. If the attraction of good salaries takes competent personnel to the Gulf and Africa, it could certainly attract them to the Tribal areas.
- ii. Selected personnel with empathy for the Tribal people should be posted in Tribal areas with an extendable tenure of not less than five years and provision for *in situ* promotion. They should not be entitled to seek transfer to urban areas. They should be bound by an Objective Performance Based Policy of hire and fire. But they should be entitled to a Career Progression Policy for good performers in tribal areas speedier than the rest.
- iii. Recruitment of staff for the field level should be for the specific vacancy and should not be transferable. Government employees in regular appointment and working in the Scheduled Areas, should be given appropriate incentives, including enhanced pay and additional allowances. All employees working in the Scheduled Areas should be offered opportunities for continuous training and opportunities and pass competency tests. Such competency tests should be carried out once in 3 years and those failing them should be debarred.
- iv. There is a need for a posting and transfer Policy both of security forces and development functionaries working in the naxal-affected areas so as to ensure the posting of willing and dedicated staff in these areas. The policy could include:
 - a) accommodation of family within the State as per the choice of the employee.
 - b) Insurance for the staff of developmental section
 - c) ex-gratia payment
 - d) place of last posting to all officers/men deployed in under-developed tribal areas
 - e) financial incentives
 - f) out of turn promotion for outstanding contribution in the field
 - g) recognition in the form of medals and financial incentive

- h) in-built mechanism of periodical enhancement of knowledge and capabilities by exposure to foreign training and
- v. Social sector schemes included in the 69 schemes identified by Ministry of Rural Development for improvement of rural livelihoods and house-hold incomes, expansion of quality basic social services, upgradation of infrastructure, management of risk, enhancement of agricultural productivity, direct intervention of wages etc. should be given priority attention in underdeveloped tribal areas.
- vi. *Tribal Administrative Service*: There is a need to examine the necessity for constituting a *Tribal Administrative Service* cadre for tribal areas, with the Ministry of Tribal Affairs acting as the Cadre Controlling Authority for selection of suitable officers from various Departments, who are enthusiastic and committed to work in the tribal areas. In larger States sub-cadres may be established with a provision for choice to join the main stream after ten years service.
- vii. There is a strong need to provide continuous reorientation of employees at all levels appropriately with sensitivities of the Tribal people. They should be sensitized to respect of the customs, culture, dignity, traditions, etc. of the Tribals. Their capacity building program could include adopting participatory approaches in implementing schemes, developing methods that avoid conflict with the value system of Tribals. A code of conduct prescribing dos and don'ts could also be considered in this respect.

12. Implementation of the *Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*:

- i. The recently enacted *Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* is one silver lining seen in the recent past. It has taken more than fifty years to recognize these rights by enactment of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*. Implementation of the Act in right earnest within a reasonable time frame with the same enthusiasm in all the States poses a serious administrative challenge, especially with respect to settlement of livelihood and traditional rights like ownership of MFP conferred as a right under this Act. However, much will depend upon its implementation, in letter and spirit.
- ii. All claims of the occupants over forestland under the Forest Rights Act, 2006 should be settled within 2 years. Regulations should also be made so that the Gram Sabhas can protect forests in their traditional habitats.

- iii. For the management of natural resources it is crucial to move away from the regime of concessions-based approach to the rights-based approach. The involvement of forest rights holders in the management of natural resources should be inbuilt in all efforts aimed at protection, regeneration and harnessing of benefits.
- iv. The ownership over minor forest produce has been reiterated now in the Forest Rights Act. It must be ensured that the old story does not repeat and the community rights become a reality beginning with the next season and the primary collector is assured of full value of his collection without any levy of any description whatsoever.
- v. The monopoly of the State-owned Corporations and the contractor system needs to be urgently done away with as the contractor in most of the Tribal areas are understood to have nexus with the naxal groups and pay extortion money to them for their trade. The poor STs are presently just employed by the contractors as helpless labourers.
- vi. It is also high time that *Minimum Support Price (MSP)* be introduced for at least those MFP which are collected by the Tribals in bulk and substantial support to their economic welfare. A mechanism similar to the Commission on Agricultural Costs and Prices should be put in place for pricing of MFP and then MSP extended for selected MFPs.
- vii. Forest Villages were set up during the British period for providing cheap labour for forestry operations. These Forest Villages require to be converted into Revenue Villages. Special financial provisions should be made for bridging the infrastructural gap created over decades of neglect in these villages.

13. Early finalization of Tribal policy

- i. There is no comprehensive Tribal policy covering all facets of Tribal life and their habitat. The recent Draft Tribal policy circulated by the Ministry of Tribal affairs still remains a draft and yet to see the light of the day. It is high time that the National Tribal Policy is finalized.
- ii. *ST-centric planning: Improving delivery of services:* With effective protective shield in position as envisaged in the Fifth Schedule and resurgent spirit of self-governance, the community will be ready to move forward with confidence. It would make good the loss sustained so far and take advantage of the new deal. The potential of community spirit, the greatest treasure of Tribal people, should be so harnessed that it reinforces the communitarian frame and promotes equitable sharing of all.

14. Role of the Ministry of Tribal Affairs and Tribal Welfare Departments:

- i. The Ministry/Departments in charge of Tribal affairs at the Centre and in the States should be devoted exclusively to the nodal role. This should, *inter alia*, include coordination in preparation of sectoral plans and giving them a holistic frame. They should provide, if necessary, supplemental inputs of any description as may be demanded by the situation. They should monitor and oversee implementation and act as trouble-shooters.
- ii. *No Line Functions for the Nodal Ministry/Department:* The nodal agencies at national and State level should have no line functions whatsoever. Their representatives should be constantly on the move in the field amongst the people to have a realistic idea from the people's end about the quality of administration, shortfalls of the System, nature of problems that remain unattended and improvise remedial measures followed by systemic amends.
- iii. The Ministry of Tribal Affairs should take a more pro-active stand in compelling/ urging the concerned line Ministries to act positively in matters relating to the mandate provided in Schedule V. The Ministry should not hesitate in giving formal directions to State Governments if need be.
- iv. The Ministry of Tribal Affairs should regularly ask the States for the Annual Reports and other interim reports or specific reports, if necessary. The State Governments should be asked to ensure that these are not reduced to routine Action-taken reports. Instead, these Reports should have the critical observations by the Governor and of the action taken or failed to have been taken by the State Government for the welfare of STs.
- v. The Ministry of Tribal Affairs should have a break from its tradition of 'implementing programmes'. The Ministry should avoid taking up small schemes for Tribal welfare, which normally do not make significant impact, except for providing support for strengthening and modernizing the State, District and Block level monitoring mechanisms. It could take up one or two flagship programs of significance, say for infrastructure development, in Scheduled Areas.
- vi. The Ministry should play a formative as well as a normative role vis-a-vis the wide range of government programmes for the development and welfare of the Tribal people. The formative role would imply the Ministry of Tribal Affairs interfacing with the other Ministries in the formulation of the schemes and programmes for providing major inputs which would define both the content and the methods of operationalization of the scheme.

- vii. The Ministry should actively participate in all proposals relating to policy, programmes and schemes of various Union Ministries so far as these impact the Tribal population. The normative role would imply where the Ministry would set the standards against which the efficacy of the scheme could be measured. The normative role would not only be limited to setting standards but also include task of 'monitoring' implementation and 'ensuring' efficacy of the programme or scheme.
- viii. The Ministry should play a pivotal role in intervening in the following order of priority:
 - a) Policy formulation
 - b) Land Administration as per State specific regulations
 - c) Implementation of Forest Rights Act etc.
 - d) Conferring ownership of Minor Forest Products
 - e) Universalisation of Primary Education
 - f) Coverage of Primary Health Care
 - g) Implementation of provisions of PESA
 - h) Setting of standards, defining benchmarks, measuring outputs and undertaking mid-course correction.
- ix. The Ministry of Tribal Affairs should annually review the Reports from the Governors in meetings with the Governors, which should be addressed by the President.
- x. The Ministry of Tribal Affairs will have to work in close liaison with the President on the one hand, and the Governors of States with Scheduled Areas, on the other, so that the Tribal development agencies will be free from political interference, with the Ministry of Tribal Affairs required only to inform the President and the Governors of the Fifth Schedule area States regarding the progress made in the tribal areas. Once an efficacious development process is actualized, adherence to violence and politics of violence will abate and manipulation of these areas will also hopefully disappear.
- xi. *Tribal Affairs Units in Ministries/Departments:* All Ministries/Departments, except those especially exempted, at the Centre and States should immediately setup strong Tribal Affairs Units (TAUs). These Units should go ahead to identify their role and responsibility in consultation with the nodal Ministry/Department of Tribal Affairs in terms of the immediate and long-term tasks taking into consideration, *inter alia*, the issues identified here.
- xii. Sensitive indicators spanning the entire gamut of administration should be worked out for monthly, quarterly and annual reports with

the ITDP, State Department and the Union Ministry as the nodal points for qualitative assessment, review, identifying weak points and action thereon.

- xiii. A new chapter of concurrent and collaborative study and research should begin with the collation of whatsoever is available and defining the future tasks in terms of the past experiences and future vision. The proposed *National Tribes Advisory Council* may also provide a platform for providing direction to the TRIs

15. The National Commission for Scheduled Tribes (NCST):

- i. The National Commission for Scheduled Tribes (NCST) is unable to focus its attention on the other areas of its mandated functions. It is necessary that the benefit of constant review and advice by the NCST as mandated is available to the Government. If the Commission suffers from staff constraints, the Government should suitably strengthen the hands of the Commission to enable it to function effectively.
- ii. The Central Government should also consult the Commission on various policy matters and utilize its expertise like scheduling of Tribals as Scheduled Tribes and de-scheduling of notified Scheduled Tribe communities.
- iii. The expertise base of the NCST should be expanded to induct renowned persons in addition to political representation. The appointment of the Chairman and members of the Commission should be entrusted to a Committee comprising the PM, the Leader of the Opposition and the Minister in charge of Tribal Affairs.
- iv. The Reports of the NCST have not, however, addressed issues facing Tribals and the Scheduled Areas in comprehensive manner. The Reports of NCST may concentrate on the working of Constitutional safeguards and present the situation from the people's perspective based on its own investigations, complaints received and the findings of researches by other institutions as against the present practice of devoting disproportionate time on service matters. The National Commission should make implementable recommendations.
- v. The President may prescribe a strict time schedule for the presentation of the Report of the NCST to the President and its consideration by the Parliament.

16. Scheduled Areas & Scheduled Tribes Commission (SA&ST Commission)

- i. The Report of the 2nd Scheduled Areas & Scheduled Tribes Commission (SA&ST Commission) has not seen the light of the day. The Report should be laid in Parliament alongwith the Action-taken Report of the Government, which should indicate the corrective policy and structural changes adopted by the Government.

17. Structure at the Apex level:

- i. There is an urgent need for establishing a body that: (i) is free from routine and (ii) has access to all relevant authorities/institutions within the System and outside.
- ii. An apex body, namely, the '*National Tribes Advisory Council*' headed by the Prime Minister should be able to have a realistic perception of the total situation on a continuing basis. It should be able to identify omissions and opine on the efficacy of various measures in achieving the national task.
- iii. The *National Tribes Advisory Council* should be established comprising experts with different backgrounds with deep understanding of the Tribal situation. The proposed Advisory Council could provide more space and access to those concerned with Tribal affairs and be useful for advisory role and they should continue to be consulted for legislation and policy formulations for Tribal population with powers to suggest measures of good governance to the State Advisory bodies. The Governor, on receipt of such recommendations, must consider converting them into Regulations for administering the Tribal areas.
- iv. A Standing Committee of the Cabinet with the a senior Minister in Chair should be constituted for regular review of the Tribal situation in the country and measures taken by concerned authorities on vital issues emerging from the system proposed in this report.

18. The National Development Council:

- i. A Committee on Administration of Scheduled Areas may be constituted in the National Development Council, which may regularly place before the Council its assessment of the Tribal situation.

19. The Finance Commission:

- i. The 7th Finance Commissions considered funding for raising the level of administration in the Scheduled Areas as a part of the Tribal Sub-Plan (TSP) exercise and agreed to give *ad hoc* assistance for the same. The 8th Finance Commission also followed suit. The 9th

Finance Commission, however, did not continue the practice for want of formal presentations by the concerned States.

- ii. The Government of India should specially revise the Terms of Reference of the Finance Commissions so that (i) the state of administration in the Scheduled Areas is especially assessed and (ii) specific provisions are made in its Reports for its improvement.
- iii. The practice of special consideration and dispensation for the Scheduled Areas by the Finance Commissions should be revived and earmarked. Flow of funds to the Scheduled Areas on the basis of formula covering population in the Scheduled Areas and spread of geographical area out of the funds recommended for States should be institutionalized.

20. SCs & STs (Prevention of Atrocities) Act, 1989:

- (i) Special Courts should be set up to fast track disposal of pending cases on priority within a specified time frame and legal assistance extended to the victims.

Chapter- 1

The Standing Committee

1.1. The **Standing Committee on Inter-Sectoral Issues Relating to Tribal Development**, was constituted by the Prime Minister's Office (PMO) through their Notification No. 560/03/C/ 12/2004-ES.II dated 30/10/2004 (**ANNEXURE-I**), with **Dr. Bhalchandra Mungekar**, Member, Planning Commission, as its Chairman . Initially there were nine Members. Later the PMO suggested induction of two more official Members – one from the Ministry of Corporate Affairs and the other from the Department of Industrial Policy & Promotion.

1.2. Thus, presently, the Standing Committee consists of the following:

Dr. Bhalchandra Mungekar, Member, Planning Commission
Chairman

1. Sh.M. K. Narayanan, Special Adviser to PM	Member
2. Sh.B.N.Yugandhar, Member, Planning Commission	Member
3. Sh. T.K. A. Nair, Principal Secretary to PM	Member
4. Secretary, Ministry of Home Affairs	Member
5. Secretary Deptt. of Legal Affairs	Member
6. Secretary, Ministry of Rural Development	Member
7. Secretary, Ministry of Panchayati Raj	Member
8. Secretary, Ministry of Environment & Forests	Member
9. Secretary, Ministry of Corporate Affairs	Member
10. Secretary, Department of Industrial Policy & Promotion	Member
11. Secretary, M/o Tribal Affairs	Member

Secretary

1.3. The Standing Committee has been associating the following non-official Members in its deliberations:

- (1) **Dr. B.D. Sharma**, IAS (Retd.)
- (2) **Shri S.R. Sankaran**, IAS (Retd.), Hyderabad
- (3) **Shri Pradip Prabhu**, Faculty Member, National Institute of Rural Development (NIRD), Hyderabad
- (4) **Shri Rajeev Kumar**, IAS, Resident Commissioner, G/o Jharkhand

1.4. The following are the Terms of Reference of the Standing Committee:

Terms of Reference

- (a) Identifying inter-sectoral issues relating to economic development, well being and equal opportunities for development of Tribal people and suggesting appropriate strategies to respond to them.
- (b) Identifying legal, institutional and policy constraints that limit development potential of Tribal people and suggesting remedial action.
- (c) Suggesting measures to reconcile the objectives of economic growth and environmental conservation in Tribal areas.
- (d) Identifying opportunities for promotion of livelihoods for Tribal communities, capturing value-addition of forest produce, medicinal plants etc., evolving benefit-sharing mechanism for community-owned bio-resources and suggesting legal, institutional and policy reform required to achieve this.
- (e) Ensuring an effective system of relief and rehabilitation for Tribal groups displaced by development projects.
- (f) Identifying measures to contain disaffection of Tribal communities which in turn lead to extremist violence.

1.5. The Standing Committee has already submitted two Reports to the Prime Minister as under:

	Report No.	Title of the Report	Report submitted on
1.	1 st Interim Report	Interim Report of the Standing Committee on Inter Sectoral Issues Relating to Tribal Development	27.10.2005
2.	2 nd Interim Report	Displacement, Resettlement and Rehabilitation of Scheduled Tribes	16.4.2007

1.6 With inputs from the recommendations of these two Reports, the Government has enacted (i) the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* ('Forest Rights Act') and (ii) has later notified the new *National Rehabilitation and Resettlement (R&R) Policy, 2007*. The Government has also introduced in Parliament the *Land Acquisition (Amendment) Bill, 2007* and the *Rehabilitation and Resettlement Bill, 2007*. These initiatives towards rights-based approach and strengthening control of STs over their resources and the habitat are indicative of the Government's commitment to

restore good administration in the Tribal areas. Having enacted on the subject it is crucial to draw a road map with detailed State Specific strategies to implement the Acts within fixed time frames.

1.7. In the course of its deliberations, the Committee, through a Workshop held in Hyderabad with the assistance of the National Institute of Rural Development (NIRD), interacted closely with select public servants from the core areas of administration, law and order, and forest management. They shared their perspectives, initiatives, experiments, results, lessons and above all, their views on the kind of interventions necessary to raise the level of governance and administration in the strife-torn areas. They suggested immediate 'development' initiatives to contain the distress and eventually address the disaffection which pervades the Tribal areas.

1.8. It is in this context that the Standing Committee has deliberated on the challenge of raising standards of administration and governance in the 'Scheduled Areas'.

1.9. This Report on "*Standards of Administration and Governance in Scheduled Areas*" is the third Report of the Standing Committee focusing on the efficacious means to address the dissatisfaction in the Tribal areas. The Standing Committee met on 9.10.2007, 28.7.2008 and 02.12.2008 before finalizing the Report.

Chapter- 2

The Constitutional Mandate

Unrealised Expectations

2.1. The establishment of an egalitarian social order, free from all forms of discrimination whatsoever, has been a cherished goal enshrined in the Constitution. Special care therefore has been bestowed on the disadvantaged sections of the society, especially the simple Tribal people to enable them to catch up with the rest as early as possible. Accordingly the Constitution provided a comprehensive frame for the protection and advancement of the Tribal people. In addition to the Constitution protective regime put in place in the Constitution of India for the disadvantaged sections of society in general, many provisions were specifically provided for safeguarding interests of Tribals and their habitat.

2.2. The Tribals are not a homogeneous group. There is a vast diversity within them. They vary from minuscule communities to large groups and from hunters/gatherers to modern Indians entrapped in the industrial whirlpool. It is a vivacious diversity of languages and traditions. The Tribal people are, however, associated with a territory and depend for livelihood on their habitat. Their very cultural roots depend on these lands. Therefore they guard their lands zealously. Tribals also have their own system of governance and dispute redressal.

2.3. The British accepted this fact. But this realisation came to them after mounting a number of unsuccessful expeditions on Tribal territories. Harassed by the repeated Tribal rebellions and uprisings, the British chose to leave them alone and decided not to interfere with their day-to-day administration. The general laws of the Centre or the Provinces were not extended to these areas in routine. The Governor was empowered to extend any law with necessary exceptions and modifications to these areas in his discretion.

2.4. The British provided a special status to those areas, which were known under different nomenclatures as 'agency areas', 'excluded areas', and 'partially excluded areas' under different dispensations. They designated the areas that were amenable to some influence as 'partially excluded areas'. However, even in territories declared by them as 'excluded areas', the British continued to extend their influence and authority insidiously -- especially over forest and mineral-rich areas -- through carefully planned ordinances.

2.5. Thus the general provisions enshrined in the Constitution relating to the Tribals are briefly listed below:

2.6. **The Scheduled Tribes:** Article 342 authorises the President, after consultation with the Governor concerned, to specify, by public notification '*the tribes or Tribal communities or parts of or groups within tribes or Tribal communities with respect to any State, which shall be deemed to be Scheduled Tribes in relation to that State...*'. This list of Scheduled Tribes (STs) can be amended only by the Parliament through an enactment.

2.7. **Scheduled Areas and Tribal Areas:** Part X of the Constitution deals exclusively with the Scheduled Areas (SAs) and Tribal Areas (TAs). According to sub-clause (1) of Article 244, the provisions of the Fifth Schedule (FS) shall apply to the administration and control of the SAs and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram. Sub clause (2) envisages application of the provisions of the Sixth Schedule (SS) to the administration of the TAs in these States. The specific provisions of Fifth Schedule have later been discussed in greater detail in Chapter 3.

- **Declaration of Scheduled Areas and Tribal Areas:** The President can declare an area to be a 'Scheduled Area' under Para 6 of FS. The original provision was that the President could reduce this area but not increase it. This provision was amended in 1976 to authorise the President to increase the area of any SA in consultation with Governor concerned. The areas specified in Paragraph 21 of the SS are designated as 'Tribal Areas'. The Parliament can amend this provision from time to time.

- **Administration of Scheduled Areas:** The FS comprises 'Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes.' The scope of 'administration' is comprehensive and inclusive covering all aspects of people's life and all facets of 'administration', executive as well as legislative, with the clear objective of ensuring '*peace and good government*' in these areas. These provisions have subsequently been discussed in greater details in the ensuing chapter.

2.8. **Fundamental Rights and Abrogation of Disabilities:** A special niche has been created for the Tribal people in the frame of the Fundamental Rights in Part III of the Constitution.

- While the members of STs share the Fundamental Rights equally with other people with a guarantee for non-discrimination against them, specific provisions have been made under Articles 25 (*Freedom of Conscience etc.*) and 29 (*Cultural and Educational Rights*).
- Special dispensation can be made for STs as an exception to the general provisions under Articles 15 (*Prohibition of Discrimination, etc.*), 16 and 335 (*Equality of Opportunity etc.*) and 19 (*Protection of the Right to Move Freely and Reside and Settle anywhere*).
- Article 40 (*Organisation of Village Panchayats*) touches the most vital aspect of self-governance amongst the Tribal people.
- Article 23 (*Prohibition of Trafficking in Human Beings and Forced Labour*) has special significance in many a Tribal area where bonded labour in various forms is rampant.
- Articles 330, 332 and 334 envisage reservation in the seats in the House of the People and Legislative Assemblies in States.
- Articles 243D and 243T envisage reservation in the seats for STs in the Panchayats and Municipalities in proportion to their population.

2.9. **Self-Governance:** The Directive Principle of State Policy in Article 40 envisages organisation of 'Village Panchayats' as virtual 'Village Republics'. The spirit of this vital provision that had eluded even in the 73rd Amendment has been captured in the *Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)*. It brings the community at the village level in the form of Gram Sabha to the centre of governance. It acknowledges its 'competence' to manage all its affairs in accordance with its customs and traditions. PESA covers all aspects of people's life and restores their control in management of their natural resources. The enactment of the PESA Act reinforces the need of recognizing separate identity of the Scheduled Areas.

2.10. Financial Provisions for SAs and STs: The first proviso under Article 275(1) envisages special dispensation for financing developmental programmes for STs and for raising the level of administration in SAs as grants-in-aid to the States. These outlays are a *charge* on the Consolidated Fund of India. Accordingly, once the Government of India accepts a scheme as necessary for Tribal development, the above Constitutional provision is attracted. The financial sanction for such a scheme becomes automatic. The Government of India, therefore, decided to keep the SAs outside the purview of the Finance Commissions. The Constituent Assembly was unanimous while making this provision that Tribal affairs should be accepted as a national concern, above any other considerations including political interests.

2.11. Positive Discrimination: Articles 16(4) and 335 of the Constitution provide safeguards to ensure adequate representation of STs in services and posts. The scope of this provision also includes public sector enterprises, nationalised banks, statutory and autonomous bodies and institutions receiving grants-in-aid from Government.

2.12. Reservations in Representative Bodies: Articles 330, 332 and 334 envisage reservation in the seats in the House of the People and Legislative Assemblies in States. This reservation was initially provided for ten years. This time limit now stands at sixty years. Articles 243D and 243T envisage reservation in the seats for STs in the Panchayats and Municipalities in proportion to their population. In the SAs, however, a special provision has been made about seats in Panchayats (Section 4(g) of PESA) that reservation for the STs shall not be less than 50%. Moreover, all seats of chairpersons shall be reserved for them. But the provisions of Part IX A concerning Municipalities have not been extended to the SAs so far.

2.13. Minister in charge of Tribal Welfare: Clause (1) of Article 164 envisages that in the case of Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa, the Cabinet shall have a Minister in charge of Tribal Welfare.

2.14. Mandatory Continuous Review and Periodic Assessment: A critical review of the Tribal situation in the context of clear objectives and specific responsibilities at various levels is a part of the Constitutional schema as in the following:

- (i) **The Governor's Report:** Para 3 of the FS envisages that 'the Governor of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in the State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.' The term 'administration' here has a comprehensive and inclusive frame with a clear focus on 'peace and good government'. Thus, the Union Government is mandated to review the state of administration in SAs on the basis of Governor's Report submitted to the President, and take suitable action including giving of directions to the States.
- (ii) **The National Commission for Scheduled Tribes:** The Commission established under Article 338A is mandated, *inter alia*, 'to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes' and 'to present to the President, annually and at such other times as the Commission may deem fit, reports on the working of those safeguards.' The Government is mandated to appraise the Parliament annually about the Tribal situation as reflected in the Commission's Report along with details of Action Taken.
- (iii) **The Scheduled Areas and Scheduled Tribes (SA&ST) Commission:** As a final check on efficacy of all reviews, mandatory or otherwise, in the long run, Constitution mandates a high-level review and 'report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States' by SA&ST Commission under Article 339(1). There is no fixed periodicity except that the first review is mandated at the end of 10 years. The first SA&ST TA Commission was appointed in 1960 and the second after four decades in 2002.

2.15. Extracts from the relevant portions of the Constitution relating to Scheduled Tribes are reproduced at ANNEXURE-II for facility of reference.

2.16. The Constitution has bestowed fullest care on the welfare and advancement of the Tribal communities with full sensitivity to the perceptions of the people

themselves. Financial provisions that may be necessary for Tribal affairs are guaranteed in full in the spirit of devotion to a national task above party lines. The responsibility for continuous review and occasional special check is vested in high-level Constitutional authorities. The Union is vested with full authority to ensure that there is no deviation from the chartered course and also that the progression is steady and in the right direction. Here is an ideal holistic 'legal' frame that is unprecedented in terms of its vision, scope and deep concerns about 'the children of nature' perhaps in the entire world.

Chapter- 3

'Scheduled Areas' and 'Tribal Areas':

Increasing Divide and Deprivation

3.1. The framers of the Constitution were conscious of the special need to safeguard the interests of Tribals and therefore provided specific provisions for their overall socio-political protection from all sources of exploitation. We all know that the Constitution makes special provisions for sections of people – such as the Scheduled Castes, Scheduled Tribes, Minorities, and Women etc.

3.2. In the same way the Constitution also makes some special provisions based on geographical areas such as Jammu & Kashmir, Assam, Nagaland, Manipur etc., Schedule V and Schedule VI areas. *(Here a clarification may be in order. We have the general term 'Tribal areas' and the constitutionally defined term 'Tribal Areas'. The former represents all areas where the Scheduled Tribes reside in some concentration. But the Constitutional term 'Tribal Areas' has specific connotations and refers only to some Areas recognised as such in the States of Assam, Meghalaya, Mizoram and Tripura).*

3.3. Scheduled Tribes live in contiguous areas unlike other communities. It is therefore possible to adopt an area-approach for implementing regulatory provisions to protect their interests and for implementing development activities for their sake.

3.4. Article 244(1) of the Constitution and the related Fifth Schedule (FS) define '*Scheduled Areas*' as such areas as the President may by Order declare to be 'Scheduled Areas' after consultation with the Governor of that State.

3.5. Article 244(2) of the Constitution and the related Sixth Schedule (SS) apply to some defined areas in the States of Assam, Meghalaya, Mizoram and Tripura declared as '*Tribal Areas*' and provides for District Councils and/or Regional

Councils for such Areas. These Councils have been vested with some wide-ranging executive, legislative and even judicial powers.

3.6. *The Fifth Schedule Areas: Constitution within Constitution:*

3.6.1. On Administration of Scheduled Areas and Tribal areas Article 244 of the Constitution provides:

Article 244 (1). The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

The President can declare an area to be a 'Scheduled Area' under Para 6 of FS. The criteria for declaring any area as a "Scheduled Area" under the Fifth Schedule are:

- Preponderance of Tribal population,
- Compactness and reasonable size of the area,
- A viable administrative entity such as a district, block or taluk, and
- Economic backwardness of the area as compared to neighbouring areas.

3.6.2. The specification of "Scheduled Areas" in relation to a State is by a notified Order of the President, after consultation with the State Governments concerned. The same applies for altering, increasing, decreasing, incorporating new areas, or rescinding any Orders relating to "Scheduled Areas".

3.6.3. The following Orders are in operation at present in their original or amended form:-

S. No.	Name of Order	Date of Notification	Name of State(s) for which applicable
1	The Scheduled Areas (Part A States) Order, 1950 (C.O.9)	26.1.1950	Andhra Pradesh
2	The Scheduled Areas (Part B States) Order, 1950 (C.O.26)	7.12.1950	Andhra Pradesh
3	The Scheduled Areas (Himachal Pradesh) Order, 1975 (C.O.102)	21.11.1975	Himachal Pradesh
4	The Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) 1977 (CO 109)	31.12.1977	Gujarat, and Orissa
5	The Scheduled Areas (State of Rajasthan) Order, 1981 (C.O.114)	12.2.1981	Rajasthan

3rd Report of the Standing Committee on Inter-sectoral Issues Relating to Tribal Development

S. No.	Name of Order	Date of Notification	Name of State(s) for which applicable
6	The Scheduled Areas (Maharashtra) Order, 1985 (C.O.123)	2.12.1985	Maharashtra
7.	The Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (C.O. 192)	20 2.2003	Chhattisgarh, Jharkhand and Madhya Pradesh

3.6.4. Thus the following nine States have 'Scheduled Areas' within their boundaries:

- (1) Andhra Pradesh
- (2) Chhattisgarh,
- (3) Gujarat
- (4) Himachal Pradesh
- (5) Jharkhand
- (6) Madhya Pradesh
- (7) Maharashtra
- (8) Orissa
- (9) Rajasthan

3.6.5. A State-wise list of Scheduled Areas is appended at ANNEXURE-III.

3.7. Some of the distinctive features relating to *Scheduled Areas* are the following:

- (1) The Governor of a State, which has Scheduled Areas, is empowered to make regulations in respect of the following:
 - (a) Prohibit or restrict transfer of land from Tribal people;
 - (b) Regulate the business of money lending to the members of Scheduled Tribes
- (2) In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.
- (3) The Governor may, by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modifications as he may specify.
- (4) The Governor of a State having Scheduled Areas therein, shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said area.

- (5) Tribes Advisory Council (TAC) shall be established in States having Scheduled Areas. The role of TAC is to advise the State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to it by the Governor. The TAC will consist of not more than twenty members of whom about $\frac{1}{4}$ are from ST-MLAs. (The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India).
- (6) Further the *Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA)*, vide which the provisions of Panchayats, contained in Part IX of the Constitution, were extended to Scheduled Areas, also contains special provisions for the benefit of Scheduled Tribes.

38. *Laws applicable to Scheduled Areas:*

3.8.1. Under the *Government of India Act, 1935*, no law of the Federal/Provincial Legislature would apply automatically to the *Excluded Areas* and the *Partially-Excluded Areas*. The Governor was empowered to extend the same to these areas with such exceptions and modifications, as he might deem necessary. In case the Governor took no action, the concerned law would simply not apply to those areas.

3.8.2. Sub-paragraph (5) of V Schedule begins with the *non-obstante* clause '*Notwithstanding anything in this Constitution*'. It ends with another significant clause; that is, '*any direction given under this sub-paragraph may be given so as to have retrospective effect.*' There is in no time limit.

3.8.3. After the adoption of Constitution, there is a vital change in the coverage of Scheduled Areas (SAs) by general laws compared to the position which earlier prevailed. The change now is that all Central/State laws cover SAs automatically.

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3.8.4. The Governors, however, have full powers under the Fifth Schedule (FS) to make exceptions and modifications in any law in its application to a Scheduled Area.

3.8.5. Paragraph 5 of FS deals with 'Law applicable to Scheduled Areas'. Sub-paragraph (1) authorises the Governor to make 'such exceptions and modifications' in 'any particular Act of Parliament or of the Legislature of the State' in its application to 'a Scheduled Area or any part thereof in the State' as he may specify in the notification.

3.8.6. The Fifth Schedule (FS) makes the following special provisions for 'Scheduled Areas':

- Paragraph 5 of the Fifth Schedule envisages Governor as the sole legislature for the Scheduled Areas (SAs).
- Para 5 envisages that powers therein can be used for the whole of any Scheduled Area of a State *or any part thereof*. This enjoins a duty on the executive to take note of specific situations of different parts even in a Scheduled Area and not go about in a routine fashion when a special legislative action is taken.
- Paragraph 2 of the Fifth Schedule makes executive power of the State in respect of Scheduled Areas therein 'subject to the provisions of this (Fifth) Schedule.'
- Sub Paragraphs (2) concern the framing of Regulations for 'the peace and good government' in a Scheduled Area. They envisage 'in particular, and without prejudice to the generality of the foregoing power, such regulations' may be framed in respect of:
 - (a) transfer of land,
 - (b) allotment of land and
 - (c) money lending
- Paragraph 3 extends executive power of the Union 'to the giving of directions to the State as to the administration of the said (Scheduled) area.'
- Two types of legislative action are envisaged in the Scheduled Areas under Sub-Paras (2) to (5) for 'Peace and Good Government'
 - (i) *Adaptation* including non-application of laws under Sub-Para 1 and
 - (ii) Legislation in the form of 'Regulations'

3.8.7. Adaptation of laws has special significance, because all laws cover SAs in routine in contrast with the position before Independence. There is no realisation that a great damage had been done when general laws first flooded Tribal areas in 1950 with no mechanism for their review. **It is a continuing problem, which is**

not even acknowledged. There is a need to stop this practice and to consciously adapt the laws to the Scheduled Areas.

3.8.8. It may also be added here that Scheduled Areas and Scheduled Tribes have not been listed under any of the three Lists under the Seventh Schedule of the Constitution. Accordingly only the Parliament is competent to enact laws that deals exclusively with SAs and STs under entry No.97 of the Union List (*'Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists'*). This lacuna in practice should be dropped forthwith and the position stated above should be adopted for the future.

3.8.9. In addition, Article 339 specifically envisages control of the Union over the administration of SAs and the welfare of STs. The executive power of the Union extends to *'the giving of directions to a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.'*

3.8.10. The only regulations that have however been made under this special provision relate to land and money lending, that are illustrative provisions in Para 5 of the Fifth Schedule. This shows that the significance of the grand canvass of *'Peace and Good Government'* enshrined in the Fifth Schedule has some how been totally missed.

3.9. *Unrealised Mandate in the Fifth Schedule Area:*

3.9.1. The provisions concerning law-making for Scheduled Areas are imbued with deep concern for the smallest Tribal community or group. The reason is that they may be located at different stages a spectrum of human progression with at the one end hunters and gatherers through pastorals, shifting cultivators, early forms of agriculture, and at the other end as artisans with modern vocations as also persons caught in the whirl of ubiquitous industrial and other new activities.

3.9.2. Accordingly, *'particularisation, not generalisation'*, and *'discretion, not rule by rote'* comprise the moving spirit of this frame. It is the law that

must be adapted to the specific situation of each group howsoever small and minuscule, rather than forcing the simple people to adapt to a frame that they do not know and are not in a position to appreciate.

3.9.3. What is significant in this context is the observation of the Hon'ble Supreme Court in the *Samatha Case*, that '*the purpose of the Fifth and Sixth Schedules to the Constitution is to prevent exploitation of truthful, inarticulate and innocent Tribals and to empower them socially, educationally, economically and politically...The Constitution intends that the land always should remain with the Tribals...'*

3.9.4. This position is in consonance with the International Conventions (ILO 107 and 169), which call on the Governments to '*respect the special importance for the cultural and spiritual values of the people's concerned of their relationship with lands or territories, or both as applicable, which they occupy or otherwise use, in particular the collective aspect of their relationship.*'

3.10. Governance:

3.10.1. The administration of Scheduled Areas as envisaged in the Fifth Schedule is comprehensive. Governance would include streamlining preparation of Governor's Reports, annual Review of state of administration in terms of the First Proviso to Article 275(1) and necessary correctives by the Union Government in terms of Paragraph 3 of the Fifth Schedule.

3.10.2. Governance should cover, among other things, the following issues:

- (i) Ending the confrontation between the Tribal people and the State that has accentuated after Independence because of:
 - (a) incongruous laws,
 - (b) disputed command over livelihood resources,
 - (c) unbridled functionaries of the State and other agencies and,
 - (d) flooding of these areas with funds through ubiquitous contractors as these areas got opened up in the name of development,
- (ii) Single line administration that is responsive to the people,

- (iii) State Tribal Development Department as a nodal agency with all other Departments and other agencies responsible for their respective areas of responsibilities and
- (iv) A nodal unit in the Government of India with all Ministries assuming leadership in their respective areas of responsibility. The nodal unit must ensure that a comprehensive frame develops cutting across all formal boundaries with a clear mandate to step in and supplement the effort of other institutions so that the Tribal cause does not suffer on any count what so ever.

Other elements of governance include the following:

- (e) Ensuring that Tribal areas are not treated as punishment postings,
- (f) Personnel in the area is suitably oriented and is subject to a special code of conduct to be formalised through a suitable comprehensive regulation, and
- (g) Creation of sub-cadres for Scheduled Areas (**Haldipur Report** refers).
- (h) Ensuring that no Tribal area falls under one or more blocks/districts, State boundaries etc.

3.11. Governor's Report to the President:

3.11.1. It is in this perspective on governance that Governors concerned are mandated to send their respective Annual Reports to the President on the 'administration' of SAs annually or whenever so desired by him under Paragraph 3 of the Fifth Schedule. The Annual Report of the Governor about administration in the Scheduled Areas is crucial on the basis of which the Union Government can give directions. In the same continuation, Union has been empowered to '*the giving of directions to the States as to the administration of the said areas.*'

3.11.2. This implies regular assessment of the state of administration in Scheduled Areas by the Governor, its review by the President followed by directions, if any, by the Union Government.

3.11.3. Unfortunately the Reports from Governors are casual, irregular and unattended. As a result, this mechanism has not been used the way it was intended. The organic nature of this frame for assaying the state of administration and for making necessary correctives does not seem to have been appreciated.

3.12. Peace and Good Government:

The exercise of adaptation of laws under sub Para (1) of Para 5 of the Fifth Schedule and making of regulations for peace and good government under sub Para (2) to (6) has not been taken up by the Government except with regard to land alienation and money lending. There has so far been no instance where on the basis of annual review, corrective regulations have been issued.

3.13. Routine Extension of laws to the Scheduled Areas:

Advent of multiple-power structures:

3.13.1. After the adoption of the Constitution, the general Laws got extended to the SAs in routine and community system of governance got excluded from the legal frame. The traditional system of governance in the Scheduled Areas that used to be the community's exclusive domain thus lost its legitimacy and was weakened with the passage of time. In the mean time a number of new power structures appeared on the scene. Some of these structures are as in the following:

Government and allied Agencies:

3.13.2. Extension of a variety of laws to the Scheduled Areas concerning all aspects of people's life was accompanied by extension of the jurisdiction of all concerned government agencies including revenue, forest, police, excise and courts of law. Even social service institutions like those in education, health and their functionaries and also a variety of extension agencies, credit institutions appeared on the scene with an aura of authority.

3.13.3. Thus if a Governor, as a conscious decision or otherwise takes no action to make necessary changes in an incongruous law, the law becomes applicable to the Scheduled Areas in the State. **This vital difference has long gone unnoticed. No corrective step has ever been attempted till date.**

3.13.4. This created a unilateral system. There was no place in the new legal regime for the Tribal community and their system of self-governance according to its customs and traditions. This omission had the following fallout:

- (1) Criminalisation of the Community:
- (2) Loss of Command over Resources:

Criminalisation of the Community:

3.13.5. All practices sanctified by the hoary tradition, which formed the basis of the Tribal system of self-governance, were transformed into acts of 'violation of the law of the land' rendering the people vulnerable and virtually defenseless. The customary law of right to collect Minor Forest Produce (MFP) turning into concession from the State after extension of the *Indian Forest Act* to all the Scheduled Areas without appropriate exemption/ modification by the respective Governors and later monopolisation of trade by forest corporations is a case in point.

Loss of Command over Resources:

3.13.6. While the premise about community's command over resources stands largely confined to textbooks and at best policy documents, there is total unconcern about the spirit of the Constitution as reflected in the Fifth Schedule and PESA and even the verdict of the hon'ble Supreme Court in this regard.

3.13.7. On the other hand even though community is excluded from the legal frame, the system of self-governance has persisted in varying degrees in different areas. However, other power structures have made substantial inroads taking advantage of the intrinsic weakness of the community not having a legal status.

3.13.8. In this frame the situation on the resources front in these resource-rich areas is that of a virtual stampede for perfecting some sort of legal claim by fortune seekers from non-Scheduled Areas over the resources that have formally come in State's domain ignoring the community's natural rights over the same.

3.13.9. The attack at the moment is severe on resources including land, water, forests and minerals. The attack on the forests is the oldest. The natural forests have continued to be 'mismanaged' in people's perception by the State notwithstanding people's protest, for example by replacing natural forest by teak and eucalyptus plantations as purely commercial ventures ignoring the symbiotic

relationship of the people with natural forests. There are moves to hand over land to corporate bodies extending institutional credit and such like for a variety of plantation like *jatropha*. Similarly in the North East the rights of shifting cultivators over the land which sustains them are not recorded simply because this practice has been described as destructive.

3.13.10. The Tribal areas are catchment areas of major river systems especially in the middle plateau region of India. The water resource used by way of establishing irrigation and power projects has not only totally ignored the rights of the local communities thereon but caused submergence of extensive areas without even providing satisfactory rehabilitation not to speak of making them co-sharers in the benefits of development.

3.13.11. The mining leases are being granted with no concern for the traditional rights and social cost that the Tribals are obliged to bear as a result of mining. Even the lands formally belonging to the Tribals and in their occupations, which comprise the only source of their subsistence, are being acquired under the *Land Acquisition Act* ignoring the provisions of PESA.

3.13.12. The recently enacted *Scheduled Tribes and the Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006* is one silver lining seen in the recent past. However, much will depend upon its implementation, in letter and spirit.

Structural & Demographic Change

3.13.13. A large section amongst the Tribal people is being rendered resourceless, a phenomenon that was unknown before opening up of these areas. In the middle-Indian Tribal track, education took a back seat in a policy that rested on the premise of even spread of benefits of area development in due course after the initial 'birth pangs' phase. The Tribal, therefore, have failed to enter the high profile modern sector in the face of competition from outsiders. This has resulted in the phenomenon of massive influx in response to the new 'opportunities' in the hitherto unknown wilderness. Thus there is a virtual exodus of the disinherited

from their fabled '*des*' in search of a living in the wide unknown world anywhere, at any cost and on any terms.

3.13.14. The sharp decline in Tribal population in the Tribal territories itself becomes a cause of social discord and simmering unrest. To cap it all, the very existence of Scheduled Areas with special provisions for governance could thus be in jeopardy for the following reasons.

- (i) The symbiotic relationship between the people and their habitat including land, water and forest was disrupted;
- (ii) The traditional frame of '*community ownership and individual use*' went into the oblivion. The community resources were transformed into State resource with some concessions, or at best right to use, *albeit* at the will of the State;
- (iii) The claim of the people over land and other resources got circumscribed to what were acknowledged by the State in the form of *pattas* in favour of individuals, severally or collectively, in respect of specific areas. Even the actual possession of land had to be ratified by a prescribed procedure failing which the concerned person would be deemed as an encroacher; and
- (iv) The extensive resources in the traditional territorial expanse of the Tribal people including some of those in their possession and in active use for sustenance, thus, came under public domain that could be dealt with by the State or even other interested parties in pursuance of the provisions of relevant laws, or even otherwise, depending on the situation in each case.

Commercial Institutions and Market:

3.13.15. Informal institutions like traders and moneylenders appeared in the Tribal areas with the first signals of their being opened up. Their operations have remained largely uncontrolled to this day. A variety of formal institutions including Banks, Cooperatives, Marketing Organisations and such like have appeared in these areas in the wake of State's development thrust. These institutions operate with visible as also invisible support of the State. They ordinarily deal with the Tribal as people who are no match to their articulation. A substantial proportion of Tribal population has over the years become defaulter due to inadequate financing under various programmes and their too unsuitable for their needs.

Industrial Enterprises:

3.13.16. Industrial enterprises appear in Tribal areas as exclusive domains of articulate migrants with little place for the indigenous people except perhaps in the sub-stratum. They have an ever-expanding zone of influence that is accompanied by torrential backwash effect forcing the people to recede in the backwoods. Even these areas of possible refuge and shelter have become impregnable with stringent laws and enforcement agencies. With the acknowledged lead role of industrial sector in national development, there were instances of some enterprises easily commandeering unflinching support of the administration and the political establishment. In the process, the Tribals have not only got displaced, but also became silent spectators to the process of advancement of migrants at the cost of resources which belonged to their habitat.

3.14. Development:

The STs have the lowest human development indices with respect to almost all parameters such as education, income, health, etc. Coupled with this, the Scheduled Areas have the lowest infrastructure in terms of roads, electricity, irrigation, communication, banks, etc. This is mainly because of the excuse often taken by the line Departments of inaccessible terrain and low density of population. The gap in HDI and the infrastructure in SAs vis-a-vis other areas is widening at a much faster rate. A crucial feature of development in Tribal areas is the need for a highly particularised approach at the micro level beginning with specific needs of the area and ST groups. The generalized approach tends to be dysfunctional. The socio-psychological constraints, which are missed, are crucial.

3.15 Unrest in Scheduled Areas

3.15.1. A number of extremist groups have sprouted in the Tribal areas, especially in the last three decades. The scope of people's movements, however, has been rather limited. They are largely issue-based initiatives and depend on people's support. Being exogenous, they, however, tend to fade out in either situation of success or failure.

3.15.2. The spread of extremist groups has, however been phenomenal. They have already covered about one-third of the Tribal tracts in the country. The expansion is continuing. They are able to earn people's allegiance because they are perceived as dependable reference 'groups' against excesses of all descriptions of nascent power structures. They appear to be depended on for resolution of disputes including redressal of individual/group grievances, which the State apparently has failed to provide in the wake the weakening of the community. Nevertheless they also comprise a new formidable power structure under the command of central leadership that is in many ways parallel to the State. The concerned people are obliged to negotiate with in these areas because they simply have no other choice.

3.16. Continuous Review and Periodic Assessment:

3.17. A critical review of the Tribal situation in the context of clear objectives and specific responsibilities at various levels is a part of the Constitutional schema as in the following:

(i) The National Commission for Scheduled Tribes (NCST):

The National Commission established under Article 338A is mandated, *inter alia*, 'to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes' and 'to present to the President, annually and at such other times as the Commission may deem fit, reports on the working of those safeguards.'

The Government is mandated to appraise the Parliament annually about the Tribal situation as reflected in the Commission's Report along with details of Action Taken. The reports have, however not addressed issues facing Tribals and SAs in comprehensive manner and most of the time of the Commission is spent in resolving service matters.

(ii) The Scheduled Areas and Scheduled Tribes (SA&ST) Commission:

As a final check on the efficacy of all reviews, mandatory or otherwise, in the long run, Constitution mandates a high-level review and 'report on the

administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States by SA&ST Commission under Article 339(1).

There is no fixed periodicity except that the first review is mandated at the end of 10 years. The first SA&TA Commission was appointed in 1960 and the second after four decades in 2002. The discussion on the recommendations of the report of the second Commission in Parliament or otherwise, action taken report to the President and outcome of the same, including corrective policy and structural changes have not yet taken place.

Chapter 4

The Tribal People at Crossroads / Vital Policy Omissions

4.1. The very notion of separate identity of and administration in Scheduled Areas and special regulatory and protective regime in favour of people living therein is under severe threat due to rush to exploit the rich natural resource base from these areas, once considered by Tribals to be their own. Similarly the debate over the approaches advocating integration or assimilation still continues while the poor Tribals living in resource-rich areas of the country become mute spectators to the economic market forces fuelling the engine of 8-9 % economic growth, which the country is witnessing. Despite the *Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996* and the XI Schedule of the Constitution of India empowering local people to be the masters of their resources, the natural resource base of their habitat thus becomes a negative externality for them; the ever increasing threat of displacement further accentuates their miseries.

4.2. Before we go into the important aspects of administration of Scheduled Areas or rather their absence, it is essential to appreciate basic tenants of the psyche of the Tribal people integral to their way of life. The Tribals are associated with a territory or the habitat. This concept is antipodal to the '*eminent domain*' principle. Their traditional command over the territory endowed with the richest natural resources stands unappreciated to this day.

4.3. The traditional frame of '*community ownership and individual use*' was the second pillar of strength of the Tribal community. With the 'exclusion' of the 'community and its tradition' from the legal frame and the superimposition of the general laws over them, the community has been weakened, rendering the already helpless Tribal people defenseless in the milieu of the market economy. These are the central threads of the Tribal way of life around which the frame provided in the Constitutional was to be operationalised through subsequent Legislations/

Regulations and the Policy. However, the spirit remains unappreciated and Policy frame exogenous resulting into imposition of general laws / policy and programmes alien to Tribals fueling distrust in the system. Some of these issues are discussed below.

4.4. *The Policy Vacuum:*

Panchasheel was the first informal policy frame about the Tribal affairs after adoption of the Constitution. The central thrust of this Nehruvian Vision was 'to enable the Tribal people to develop according to their own genius'. It underscored quality of life, respect for the rights of the Tribals over land and forest, working through their own social and cultural institutions and avoiding over-administration. This policy was emulated, *albeit* as a rare exception, in NEFA (North East Frontier Agency) for some time. Otherwise, it remained mostly a pious wish and a source of quotable quotes. The result is that new challenges faced by the Tribal people ubiquitously in countless forms in their traditional abodes remained largely unappreciated. There is no comprehensive Tribal policy covering all facets of the Tribal life and their habitat. The recent Draft Tribal policy circulated by the Ministry of Tribal affairs still remains a draft and yet to see the light of the day.

4.5. *Trivialisation of the Holistic Constitutional Frame:*

The first logical task was to provide flesh and blood to the skeletal sketch of the Constitutional schema. The relevant bare provisions required supporting laws and procedures and effective institutions at the Centre and in the States dedicated to the Constitutional objective with commitment to work in unison. This task was not even attempted. The failure on the Tribal front has been largely administrative. Moreover, the holistic frame of traditional administration itself became dichotomous with the advent of planning that resulted in fragmentation of Tribal affairs with no holding frame. Since the premises of Constitutional schema for Scheduled Areas are at great variance with general premises of the System, even major policy decisions remain unattended in the midst of ambivalence amongst the functionaries as decades rolled by. The holistic exercises of TSP (Tribal Sub-Plan) in early 1970s and PESA in mid-1990s that aimed at meeting the

impending crisis in the Scheduled Areas, met the same fate after a somewhat good beginning.

4.6. *Un-alluded Historical Injustice:*

There was a qualitative change in the legal regime in the Tribal areas in 1950. With the adoption of the Constitution, all laws of the Centre and concerned States got extended to these areas in routine on the dot. There is no place for community and its system of self-governance in this frame. Thus, the Tribal got stripped of the protective shield of community, the very essence of his 'being'. He is obliged to face the unknown world all alone. Moreover, all practices sanctified by his hoary tradition, which comprise the core of Tribal self-governance, have been transformed into acts of 'violation of the law of the land'. All concerned, including Governor having full powers to adapt law, remained virtually unaware about this tragic transformation. It has resulted in '*Criminalisation of Community*' and also *de jure* 'loss of community's command over resources' in the face of other legal claims. It has rendered Tribal people resourceless, vulnerable and virtually defenseless. The situation has been worsening incessantly.

4.7. *Regulation- Making Power Trivialised:*

The Governor's limitless regulation-making power has been trivialised by limiting it merely to the illustrations given in the Fifth Schedule, namely, land and money lending. No one in the System cared to use it for undoing the historical injustice and to create a legal frame in consonance with the traditional systems of communities concerned.

4.8. *Two Non-intersection Systems:* We have the unenviable phenomenon of two non-intersective systems operating especially in the Tribal areas. The traditional system is functioning according to the customs and traditions of the community, but which have no place in law. On the other hand, the Tribal people are totally unaware of the laws that are the foundation of governance. This renders Tribal people especially vulnerable. This has led to a state of perpetual confrontation between the State and the Tribal people.

4.9. *Perfunctory and Irregular Governor's Reports:*

There is no appreciation that the the annual Reports of Governors to the President (Para 3 of FS) hold the key to the quality of administration in the Scheduled Areas. Accordingly, these Reports have largely remained insipid narration of departmental activities with no concern for their regularity. For more than half a century now, there has not been a **single case where the Union may have deemed it necessary to issue a direction** on any crucial point raised in a Governor's Report.

4.10. *Loss of Traditional Assembly: Defenceless Individua*

The Tribal is totally at a loss and virtually defenseless while dealing with 'alien' institutions like courts, government offices, banks etc including cooperatives and and also of the need for maintaining a record of the formal proceedings in his own Gram Sabha (GS) conducted according to government rules. In the mean time a number of new exotic centers of power have got established with which the Tribal people are obliged to negotiate as individuals in a complex world that is beyond their comprehension. He is in his real self in the traditional assembly of the village or the community, that is, in the role model of '**Tribal-in-council**', for which there is space in the law.

4.11. *Undefined Property Rights:*

4.11.1. STs are living in forests for generations drawing their subsistence and livelihoods. Permanent threat of eviction from their own land looms large due to the *Indian Forests Act, 1927* which legally extinguished forest rights of the forest dwellers in one stroke and converted them into *encroachers* of their own land. *The absence of well defined property rights* poses serious problems for continued de-facto existence of the people in forests, which is *per-se* crucial for day to day operations in the forests (settlement of forest villages during British period being one of the examples).

4.11.2. Insecurity of tenure and fear of eviction from these lands due to non-recognition of their rights during the process of consolidation of Forests, which is

actually provided in section 4 of the *Indian Forests Act, 1927*, and also under section 35 of the *Indian Wild life (Protection) Act, 1972*, are perhaps the biggest reasons why Tribal communities feel emotionally as well as physically alienated from forests and forest lands. The end result is day to day harassment in the hands of local level officials of Government departments -- forests, police, revenue, excise, mines being the major power yielding ones having significant effect on their lives.

4.11.3. *The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.*

It took more than fifty years to recognize these rights by enactment of the *Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006*. Implementation of the Act in right earnest within reasonable time frame with same enthusiasm in all the States poses serious administrative challenge, especially with respect to settlement of livelihood and traditional rights like ownership of MFP conferred as a right under this Act.

4.11.4. Conversion of forest villages, which were set up during British period for providing cheap labour for forestry operations require conversion into revenue villages and special financial provisions made for bridging the infrastructural gap created over decades of neglect. Security of tenure through settlement of rights is crucial to move away from a regime of concessions to rights based approach in management of natural resources.

4.11.5. *Non-Conferment of ownership rights over minor forest produce (MFP) in terms of the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) and now the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, is one of the largest irritants and the source of the exploitation of the STs.*

4.11.6. The de-facto subsistence rights over natural resources, on which their survival is so crucially dependent, are yet not defined. Allowing outsiders to exploit at private costs to them is negligible as compared to the overall social cost,

especially when we look at them in the sustainability framework. The collection of MFP and its marketing thereof constitute upto 70% of the income for a Tribal family. These Acts confer the rights of ownership of MFP to the respective local communities. However, the Corporations of the Forest Department of the States continue to monopolize the collection and trade of MFP, such as, in case of Tendu leaves. The poor STs are just employed by the contractors as the helpless labourers. The market is non-operational as undefined property rights are not enforceable and marketable.

4.11.7. The non-rivalourous and non excludable natural resources base of the country including forests and the wildlife are for common good of the Nation and fall in the domain of public goods. The poor STs watch these resources as negative externalities for them while State exercises the right of eminent domain in assigning its use through outside agencies often violating sprit of PESA.

4.11.8. Equitable fruits of Development Schemes are denied to these people as they do not have legal title to the lands they have been occupying for generations and no community based scheme like hospital, school, road or individual schemes like houses, distribution of assets, credit, etc can be implemented for their welfare. Ban on creation of infrastructure in forest areas creates unfavorable endowments conditions as such activities are considered non-forestry activities under the *Forests conservation Act, 1980*. So while the Nation progresses these areas lag behind and the gap increases at a much-accelerated rate, making growth non-inclusive.

4.12. *Dysfunctional Tribal Sub Plans (TSP):*

4.12.1. The unrest in Tribal areas continued to grow unabated and reached a new peak in the late 1960s. The Union Government decided to realise the fullest potential of the Fifth Schedule for meeting this challenge. A holistic Tribal policy popularly known as the **Tribal Sub-Plan (TSP)**, therefore, was adopted in early 1970s with striking success in respect of many a vital issues including excise policy, bonded labour, liquidation of debts, ownership over minor forest produce and restoration of Tribal lands. **The policy comprises 'two coequal pillars', viz,**

the FS and the TSP. However, the exercises of preparation of TSP and Integrated Tribal Development Projects (ITDP) got routinised and went into oblivion.

4.12.2. What has remained of that grand TSP strategy is the coveted quantification of financial outlays in the State Plans and scramble for special central assistance with little concern even about their final use. The story of severe backlash of 'development without protection' repeated itself after a brief interlude of great expectations of the holistic phase.

4.13. Lapsed Agenda of Raising the Level of Administration:

4.13.1. The Constitutional Schema for raising the level of administration of SAs has remained unused. The Seventh Finance Commission, in response to the submission by the Ministry of Home Affairs (MHA) about the state of administration in the SAs as a part of TSP exercise, agreed to give *ad hoc* assistance for the same. The Eighth Finance Commission also followed suit. The Ninth Finance Commission, however, did not continue the practice for want of formal presentations by the concerned States.

4.13.2. The first proviso to Article 275(1) envisages special dispensation for financing developmental programmes for STs and for raising the level of administration in SAs as Grants-in-Aid to the States. A system of **regular review of administration in terms of First Proviso to Article 275(1)** of the Constitution as a concurrent exercise of annual plans has, however not been pursued and consequently funding under this Constitutional provision has been *ad hoc* and routinised.

4.14. Unattended Ambivalence in the Era of Liberalisation:

There is total confusion in SAs after liberalisation with regard to unregulated market and money power and the role of trustee State as defender of STs. The ambivalent 'protector-predator' administration is pitched against the people in promoting industries, acquiring land and managing natural resources under incongruous laws in open violation of the Constitution especially PESA. The issues about command over resources have not been reasonably settled even after the verdict of the Supreme Court in **Samatha** case. It is adding to the

confusion, creating strife amongst various interest groups and accentuating inherent confrontation in SAs.

4.15. The ST Commission over burdened with service matters:

4.15.1. The National Commission for Scheduled Tribes (NCST) has not been institutionalizing the concept of critically reviewing functioning of the Constitutional safeguards of STs. There are hardly any in-depth studies about the emerging Tribal situation. The Commission is overburdened with complaints about service matters. Its Reports, with some honourable exceptions, are routine compilation of data. They are handled in routine. There has not been serious debate in Parliament on the reports of the Commission.

4.15.2. The SA & ST Commission appointed under Article 339 met the same fate. Thus, the Constitutional mandate about continuous vigil has become 'a long drawn exercise in utter futility' and has compromised its role as a Constitutional watchdog. The report of the second SA&ST Commission has not yet evoked any serious discussion least to talk of the action taken report.

4.16. Inadequate Response to the Deepening Crisis:

The entire Tribal tract in the country is facing an unprecedented challenge in the form of capitalist onslaught and people's reaction supported by Maoists. It is portrayed as a socio-economic phenomenon, yet is being handled as a purely law and order problem. There is a need for an in Depth situational analysis of the problem covering all its facets along with the response strategy. A knee-jerk sort of a response with police action can not be the right approach a complex problem arising out of socio economic exclusion and the control of outsiders over natural resources. This kind of approach has obviously led to civil war like regime, for instance, under the banner of *Salva Judum* in Chattisgarh. In this situation, even the **lingering faith in the System and the credibility of the State** are at stake. This would have disastrous consequences for the Tribal people irrespective of them being on either side of the fence.

Chapter 5

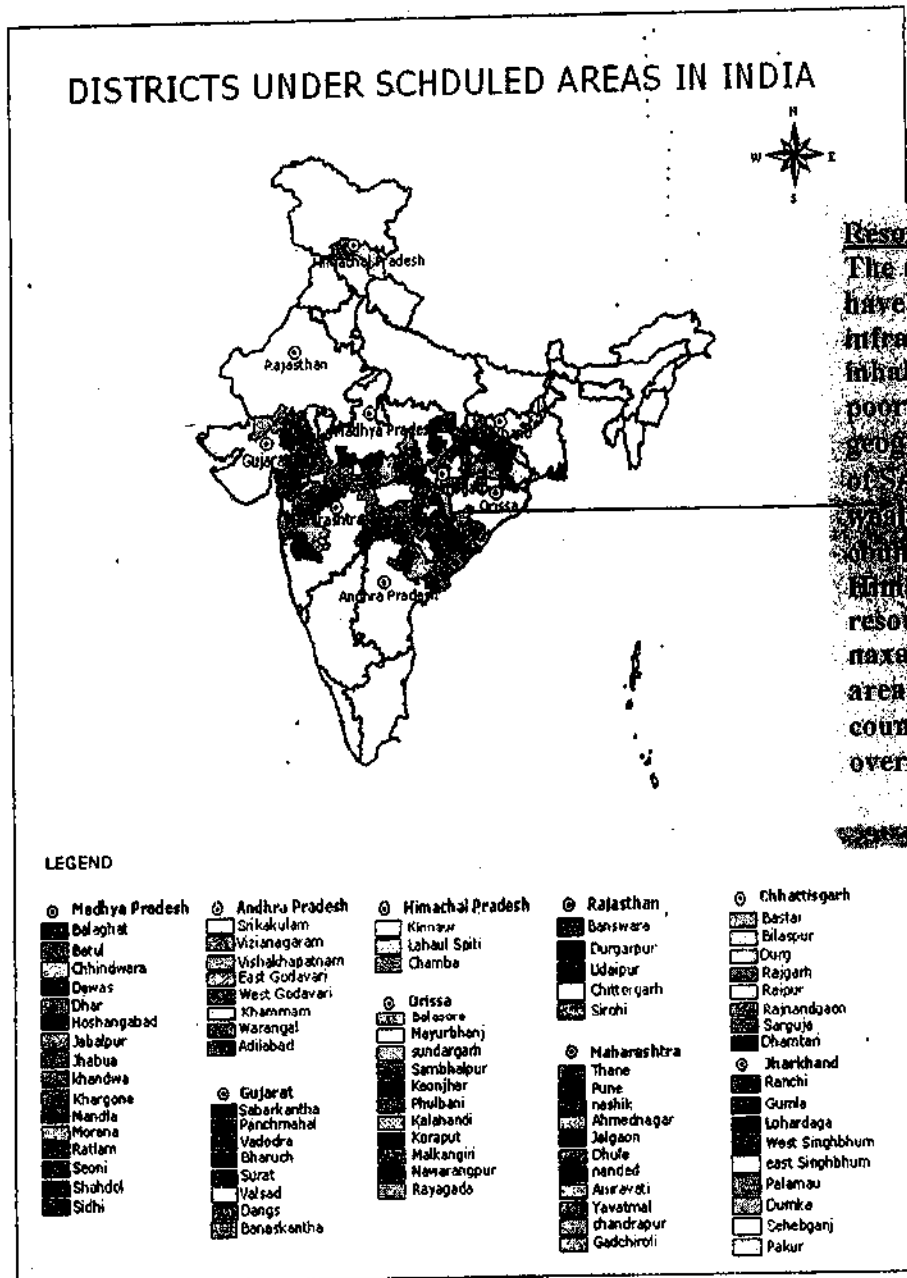
The Way Ahead

Defenceless Tribal Community in Disarray

5.1. If one looks at the political map of the country, the Scheduled Areas, except the area falling in the State of Himachal Pradesh, by and large happen to be contiguous. However the Scheduled Areas despite being the richest in mineral wealth, non-Himalayan forests of the country representing rich natural resource base, wildlife and water resources is inhabited by the poorest people of the country, which also now unfortunately happens to be the battle fields of Naxals. The combined result of non-development, alienation due to undefined property rights, non-empowerment, and increased threat of displacement etc., is frustration, anger and unrest in Tribal areas, posing serious crisis of internal security in administering the Schedule V areas of the country.

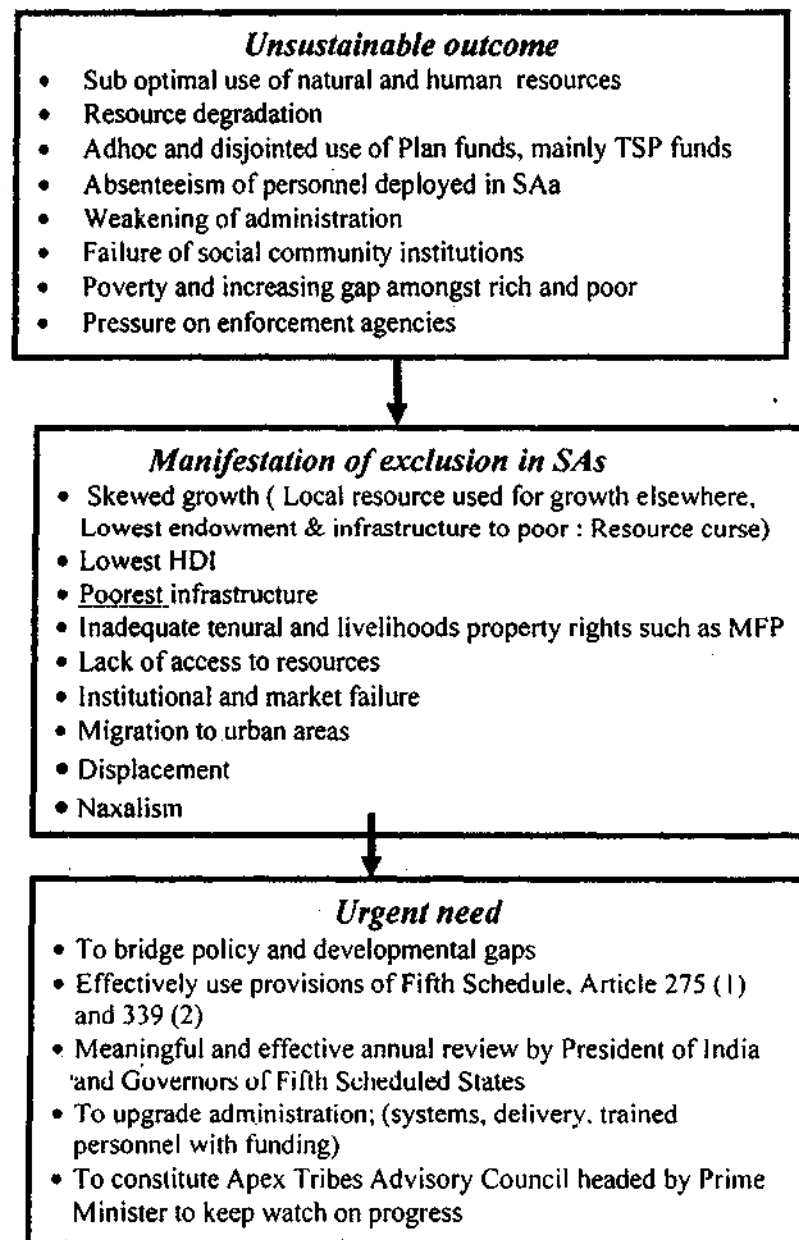
5.2. *The various activists groups* spread in the forest areas of the Central India, which endowed with rich natural resources, including the mineral-rich Scheduled Areas of the country exploit this situation of neglect to further fuel feelings of alienation and despair. This historical injustice now needs correction before it is too late to save our forests becoming the permanent abode of undesirable elements. The economic cost of maintaining law and order is tremendous and in any case it amounts to treatment of symptoms rather than the disease. The problem in fact is multi-dimensional and inter sectoral having far reaching implications on the people relating to equitable distribution of growth, environment, wildlife, use of rich natural resource base, internal security, etc.

5.3. The Constitutional mandate remains unfulfilled and the Tribals living in the resource rich Scheduled Areas having most of the non-Himalayan forests, mineral wealth and natural resources of the country in a way, suffer from a 'resource curse'.



Source of the Map: NIRD, Hyderabad

5.4. The following flow chart broadly summarises emergence of unsustainable outcomes, manifestation of exclusion in SAs and resultant commotion, unrest and spread of naxalism posing serious threat to degradation of natural and human resources and internal security.



5.5: There is an urgent need for distinct policy prescriptions for the Scheduled areas and accordingly separate strategy under each sector viz health, education, housing, drinking water, roads, rural development, etc., and programmes thereunder based on the specific needs of Tribals and their milieu. The approach of 'One solution fits all' cannot work.

5.6. Raising levels of administration

5.6.1. *The Administration - Peace and Good Government:*

5.6.1.1. 'Administration' essentially comprises the interface of the State with the people in various facets of their life in accordance with the spirit of the Constitution, provisions of relevant laws, rules, formal executive decisions, discretionary powers, if any, and the perspective of officials at the cutting edge.

5.6.1.2. The Tribal situation has been incessantly running down, perhaps irretrievably, in the shadow of illusion of earlier achievements that tends to persist for some time. The biggest failure of the System has been in the arena of appreciation of the internal signals about the crisis situations in the extensive Tribal territories now being outside the common reach.

5.6.1.3. It is due to the dissonance between the perspectives of the people and the State about this interface results in discord and unrest. The State's legal frame does not recognise even the very existence of the Tribal's functioning system of self-governance. Accordingly, discretion is the foundation of the special provisions for administration of the Scheduled Areas under the Fifth Schedule and other special Constitutional provisions.

5.6.1.4. Para 5 of the Fifth Schedule aims at erasing the possibility of such dissonance, which starts with '**notwithstanding anything in the Constitution.**' The Fifth Schedule, therefore, has been rightly described as '**a Constitution, within the Constitution.**' The ambit of any legislation is comprehensive and limitless. In the scheme of sharing of executive power between the Union and States, the final authority on Scheduled Areas vests with the Union. The States are expected to manage their affairs in accordance with the law subject to directions of the Union.

5.6.1.5. Thus, the entire legal frame of the 'State' is amenable to be suitably adapted for the Scheduled Areas, The scope of Regulations so framed for peace

and good government is boundless. It cuts across the formal boundaries set out for the Union and the State under the Seventh Schedule. The Governor constitutes Legislature for the Scheduled Areas. The scope of 'administration' is comprehensive and inclusive covering all aspects of people's life and all facets of 'administration', executive as well as legislative, with the clear objective of ensuring '*peace and good government*' in these areas.

5.6.1.6. Immediate action within the current year should be taken to erase this dissonance in keeping with the spirit of the Constitution, especially PESA read with the Fifth Schedule through:

- (a) Adaptation of laws through Governor's Notifications coverings all items of PESA,
- (b) Conferring ownership on the Tribals over minor forest produce
- (c) Issue of 'Guidelines' about the role, responsibilities and functioning of the Gram Sabhas (GSs) honouring their 'competence': and
- (d) Framing of model regulations in relation to all facets of administration not covered by (a), (b) and (c) above

5.6.2. Scheduling of Left-over Areas:

It is necessary for the Government to take the following action in a time-bound manner:

- (a) All areas already identified as Tribal- majority areas should be brought under the Fifth Schedule within a period of one year in pursuance of the commitment made in 1976.
- (b) All Tribal majority areas that have been left out for any reason whatsoever or that may have newly qualified by virtue of new communities being classified as STs as in UP should be identified within a year and brought under the Fifth Schedule within two years.

Administrative Reorganisation: The Tribal areas are generally located on the borders of administrative units, be it block/taluk, district or State. The compact Tribal areas thus stand vivisected claiming little attention of concerned authorities. Administrative reorganisation of these areas within the concerned States should be taken up and completed within 2 years so that compact Tribal areas are brought under the same administrative units at an appropriate level.

5.6.3. *A Comprehensive Frame - The ITDPs:*

5.6.3.1. The Tribal situation demands a unified institutional structure. But the call for bestowing special attention to Tribal affairs leads to establishment of special institutions by different agencies while pre-existing normal structures continue. This has led to confusion in many areas. While establishing Integrated Tribal Development Projects (ITDPs) some States preferred the 'society model' for building in flexibility especially in the use of funds and making them non-lapsable. Some States established Integrated Tribal Development Authorities (ITDAs), while others formed Integrated Tribal Development Projects (ITDPs). Over-specialization in technical services also tends to be dysfunctional in Tribal situation. The holistic frame demands a broadband approach so that the same person can attend to simple but diverse needs engendered in the process of change.

5.6.3.2. The single line administrative frame in the form of ITDP was accepted as the best choice. The need of flexibility in procedures etc and umbrella approach in functional jurisdiction was suitably institutionalised within the governmental frame through appropriate rules and government decisions. The ITDP was expected to integrate and subsume the entire gamut of protective measures as well as developmental activities that may otherwise be handled by other organizations/Departments in general areas.

5.6.3.3. As TSP itself lost the thrust, ITDPs have over the years become agencies engaged in the ritual of coordination, but without content. ITDPs/ITDAs have by and large become defunct and subsumed in the DRDAs (District Area Development Agencies). They are expected to carry out their activities with a fund flow of just Rs.2 crores or so annually from the Ministry of Tribal Affairs. Obviously, with this amount they have not been able to achieve much, nor have they been taken seriously. Further, many a time, ITDPs/ITDAs do not even get these funds from the State Governments on time. There is a strong need to resuscitate the ITDPs by re-strengthening and revamping for being able to be the implementing agencies for the new proposed deal.

5.6.4. *Single line Administration:*

The Tribal is bewildered in the face of numerous Departments/institutions dealing with minute specialties. Moreover, no one is responsible for ensuring that the administration and all its constituents behave as if they are part of a single entity with a mandate for achieving a common goal and that element becomes dysfunctional. A single line administration should be established at the level of ITDPs with a clear chain of command and specific wide-band functional domain. While Panchayat Raj institutions at the District/intermediate level should have decision-making powers in relevant areas, implementation should be the exclusive domain of administration. On the other hand, the domain of Gram Sabha should remain non-violable with administration playing a supportive role.

5.6.5. *Planning from Below:* The process of planning from below should begin with ITDPs. It should move on to block unit in the form of a broad perspective along with annual plan exercises in not more than three years. This preliminary exercise should pave the way for a real process of planning from below for Scheduled Areas in the 12th Plan. Competent micro planning units should be established at State and also ITDP level.

5.6.7. *District Tribunals:* The effectiveness of the Gram Sabhas (GS) as the institutions of self-governance as envisaged in PESA holds the key to peace and good government in Scheduled Areas. The Gram Sabhas, therefore, must be given highest regard by all concerned irrespective of the position they may hold in the System. Any act that may amount to denigration of Gram Sabhas should be deemed to be an offence against democracy.

5.7. Control over Natural Resources & Tenurial Security -- Tribal-Forest Interface.

5.71. Forest Rights: All claims of the occupants over forestland under the Forest Rights Act, 2006 should be settled within 2 years. Regulations should also be made so that the Gram Sabhas can protect forests in their traditional

habitats. The involvement of forest rights holders in the management of natural resources should be inbuilt in all efforts aimed at protection, regeneration and harnessing of benefits.

5.7.2. Effective Ownership on Minor Forest Produce from 1.1.2008 with MSP:

5.7.2.1. The collection of Minor Forest Produce (MFP) and its marketing constitutes a major source of livelihood for a Tribal family. It is estimated that up to 70% of the income in most of the cases comes from the Non-timber Forest Produce (NTFP).

5.7.2.2. Despite the transfer of control and management of natural resources to the STs, the collection of trade of NTFP is still monopolized by the Forest Departments/ Forest Corporations of State Governments. Its collection by Tribals is still considered to be a concession. This is perhaps one of the largest irritants and the source of the exploitation of the STs.

5.7.2.3. The States get a major share of revenue from the sale of NTFP. For instance, the *tendu patta*, provides a large amount of revenue to the State Exchequer of Chhattisgarh, Madhya Pradesh, Jharkhand and Orissa. This anomaly was formally removed by a mandatory provision in PESA in 1996. These measures have made no difference in the ground situation except partially in MP and Chhattisgarh.

5.7.2.4. The monopoly of the Corporations and the contractor system needs to be urgently done away with as the contractor in most of the Tribal areas are understood to have nexus with the naxal groups and pay extortion money to them for their trade. The poor STs are just employed by the contractors as helpless labourers.

5.7.2.5. The ownership has been reiterated now in the Forest Rights Act. It must be ensured that the old story does not repeat and the community rights

become a reality beginning with the next season and the primary collector is assured of full value of his collection without any levy of any description whatsoever.

5.7.2.6. It is also high time that *minimum support price* be introduced for at least those MFP which are collected by Tribals in bulk and substantial support to their economic welfare.

5.8. Flow of funds: Efficacious Use of provisions of Article 275 (1) :

5.8.1. The first proviso to of Article 275(1) is unique in the sense that it provides special dispensation for financing developmental programmes for STs and for raising the level of administration in SAs as grants-in-aid to the States. These outlays are a *charge* on the Consolidated Fund of India. Accordingly, once the Government of India accepts a scheme as essential for Tribal development, the above Constitutional provision is attracted. The financial sanction for such a scheme becomes automatic. The Article 275 (1) reads as follows:

Article 275. Grants from the Union to certain States.—

(1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:

Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State:

5.8.2. The first Proviso to Article. 275(1) reflects the fact that the framers of the Constitution were aware of the necessity and criticality of raising the level of administration in the Scheduled Areas of the State to the level of rest of the areas of that State. This provision is also recognition of the fact that the framers of the

3rd Report of the Standing Committee on Inter-sectoral Issues Relating to Tribal Development

Constitution were aware of the historical neglect of the Scheduled Areas during the British period and consequently, overall backward non of STs. The grant in aid to be provided to the States was to be out of the Consolidated Fund of India and was to consist of such capital and recurring sums as may be necessary to meet the cost of development schemes required for welfare of STs and raising level of administration in the Scheduled Areas.

5.8.3. The crucial Constitutional mandate about raising the level of administration under first proviso to Article 275(1) was a non-starter. Even the opportunity of the five yearly exercises under the aegis of Finance Commissions was lost by excluding SAs from their terms of reference.

5.8.4. In the absence of meaningful annual review in the Governor's Report or at the central government level, this most potent provision has not been used effectively and the gap in infrastructure in the Scheduled Areas vis-a-vis rest of the areas continued to increase widely . The funding has been adhoc without assessing the gaps in SAs. The level of funding has not at all been commensurate to the magnitude of the problem.

5.8.5. Due to inadequate funding and extension of general programmes with inbuilt exclusion of Tribal areas on the basis of population norms, the Scheduled Areas continue to suffer from utter neglect. The potent provisions of the Fifth Schedule, and Article 275 (1) read with Article 339 (2) have not been effectively used resulting into poorest infrastructure in the resource rich Scheduled Areas inhabited by poorest people.

5.9. **Bridging the Divide:**

5.9.1. The Tribal-dominated areas of the country are mostly upland in the Central plateau or the hills generally having a close inter-face with the forest areas. The infrastructure critical to the socio-economic development of the Tribal areas, including minor irrigation facilities for the land owned by the Scheduled Tribes is inadequate vis-à-vis the rest of the areas within most of the Tribal dominated States. It is therefore necessary to focus on creation of such infrastructure in Tribal

areas, which enhances production capacity of the land and ensures value addition right at the grass root level.

5.9.2. Basic infrastructure could not be created in the Scheduled Areas as many community as well as individual developmental activities were considered as non-forestry activities under the *Forest Conservation Act, 1980* and thus hit by that Act. Now with the passage of *Forest Rights Act, 2006* under which creation of infrastructure in Tribal areas is permissible, there is urgent need to cover the lost ground and create infrastructure on priority to bring a level of administration at par with rest of the areas in the respective States.

5.10. Annual Review:

The quality of administration is the firm foundation of planned economic development. This aspect has been badly neglected notwithstanding the provisions in Article 275(1). Special State-wise projects may now be prepared after through analysis of the existing gap in the infrastructure in Scheduled Areas and funds under the first proviso of Article 275 (1) may be effectively used for this purpose. The Government of India should institutionalize annual review of administration in the **Scheduled Areas. The first review under this Constitutional mandate** should be done within the current year itself in terms of a clear frame that may be prescribed and funding ensured under Article 275 (1) to bridge the gaps in each sector of development within the current Five Year Plan.

5.11. TSP Strategy: The Concept and the Reality:

5.11.1. The TSP Strategy stands on two co-equal pillars:

- (1) The Fifth Schedule that concerns governance including effective protection; and,
- (2) Tribal Sub Plan that envisages comprehensive inclusive development.

(i) **Holistic approach for TSP** was all-inclusive with an effective frame of governance, **elimination of exploitation** and building up the **inner strength of the community** in that order belonging at the top and development coming next that too communitarian frame having precedence over individualistic programmes.

(ii) *FS and TSP as Co-Extensive:* A policy decision was taken that Fifth Schedule would cover the entire TSP area. The Fifth Schedule was amended in 1976 to allow addition to existing SAs in concerned States.

(iv) *State Plan Dis-aggregation:* The dis-aggregation of State Plan outlays for the TSP followed the general principles laid down in the Guideline, which comprised parameters such as total population, Tribal population, geographical area and level of development in different sectors. The practice was to discuss TSP proposals in the Ministry of Home and Planning Commission have recently issued guidelines in this respect..

(v) *TSP Exercises with Union Ministries:* These exercises have remained a non-starter. Some Ministries merely make *notional* allocations towards TSP every year. The main argument often advanced by Sectoral Ministries regarding non-divisibility of funds for the exclusive benefit of disadvantaged group is not acceptable. The Planning Commission issued comprehensive guidelines for strict enforcement of the TSP by the Central and the State Governments. The failure on governance front after some initial significant measures in allocating TSP funds has, however, made even developmental efforts dysfunctional.

Schemes

The role of the Ministry of Tribal Affairs (MoTA) at present is persuasive without being really empowered to have any meaningful say. MoTA does not get any ST-specific feedback about the TSP funds disbursed and utilized in respect of more than Rs.5,000 crores of Plan funds from about 35 Central Ministries (8% TSP component of their Annual Budget) and more than Rs.2,000 crores of Non-Plan funds from the Ministry of Food & Consumer Affairs .

(vi) *Separate Budget Heads:* Separate budget heads were created for TSP in State budgets and even in the Central Ministries. GoI advised creating separate Demand for TSP that was adopted by Maharashtra followed by Madhaya Pradesh.

It facilitated need-based inter-sectoral adjustments and unified control and monitoring by nodal authority as also concurrent accounting by CAG.

5.11.2. Principle of Supplementation:

5.11.2.1. The principle of 'supplementation' was crucial. The earlier practice of matching grants by the Union Government, with special dispensation for Tribal schemes of 75% contribution by the Union and 25% by the States was discontinued. **All partners must contribute to the best of their capability while nodal authority was committed to supplement to the desired extent. The supplemental outlay was non-lapsable.** The eligibility was defied in terms of actual expenditure over and above the State's annual plan outlay for the TSP. The balance, if any, was automatically carried forward for the next year.

5.11.2.2. The spirit of supplementation, however, could not persist for long. Now many schemes are on 50:50 cost sharing basis and the State Governments often are not willing to make a claim for Central funds on the around of their own constraints for bringing in their own share. Sometimes they do not bring their own funds after availing of Central funds.

5.12. Recommendations- Recreating Holistic TSP Frame:

5.12.1 With a set of urgent tasks and need for effective implementation, the holistic frame of TSP should be put in place immediately. The Central Ministries/ State Departments must assume their responsibilities. They should assess the lost ground and make good omissions in the 11th Plan. It is necessary that well defined structure is put in place with backing of a formal order incorporating the following suggestions

- There shall be a separate Budget Head for each Ministry/Department for TSP.
- A minimum quantum of 8% (which shall not be the upper limit) of the Budgetted funds of Ministry/Department concerned with social sector programmes shall be allocated towards TSP. Serious and specific

directions need to issue to all line Ministries in this regard from the highest levels in the Government.

- The TSP funds of each Ministry/Department should be made non-lapsable and non-divertible.
- As in the case the North East Fund, the unutilized and non-lapsed TSP funds of each Ministry/Department should be made eligible for pooling at the end of the year.
- Every Ministry/Department shall prepare its ST-specific Annual Tribal Sub-Plan.
- A better and targeted implementation of TSP funds could be achieved by a concerted planning of resources flowing to Tribal areas through well thought out visible interventions. In other words, instead of every Ministry spending resources in a disjointed and uncoordinated manner, it would be beneficial if the TSP funds of all Ministries/Departments are managed on the advice of a single nodal agency.
- The TSP funds should be spent in a judicious and concerted manner under the ST-specific Annual TSP in consultation with the nodal agency, namely, Ministry of Tribal Affairs.
- There shall be established a Committee (called the "*Committee for Approval and Monitoring of Annual TSPs of Central Ministries/Departments*") chaired by Member, Planning Commission and consisting of the Secretary of the concerned Ministry/Department and the Secretary (Tribal Affairs) to consider the Annual TSP Plans for the concerned Ministry.
- These Committees should be empowered to approve TSP components and make recommendations regarding subsequent allocations from the non-lapsable funds after the first year of allocation.
- The Planning Commission should devise a policy to ensure that the Annual Plan of any Central Ministry would not be cleared if there was no TSP component therein.
- The Planning Commission should not approve the Annual Plans of any Ministry/Department unless the TSP Annual Plans are first approved by the above-mentioned Committee.
- The Committee should be serviced by the M/o Tribal Affairs. The implementation of the projects approved by the Committee shall be the responsibility of the concerned Ministry/Department.
- Similarly, the TSP of each State shall be appraised and approved by the Ministry of Tribal Affairs and Planning Commission shall consider the Annual State Plan only after such approval on TSP.
- There should be closer involvement of Panchayati Raj Institutions at the ITDP/ITDA level. DRDAs/ITDPs should function under the directions of the Zila Parishads. ITDPs, which are historically older than DRDAs, should be administratively and technically empowered.

- It was all right generally to have some norms based on population criteria etc. to provide some basic infrastructure facilities like primary schools, health centers, roads, electricity, etc. But the same norms should not be applied for STs as the ST clusters being sparsely habitated could never satisfy such norms. Hence, there is a need for relaxing such norms to make them flexible.

5.12.2. A demi-official letter addressed by the Prime Minister to the Central Ministries in 1980 (D.O. letter No.280/PMO/80 dated 12.3.1980) is the main source of authority behind the concept of TSP. It is high time that orders are issued by the Cabinet Secretariat formalizing the recommendations suggested above.

5.13. Review by the Finance Commission: The Seventh Finance Commissions considered funding for raising the level of administration in the Scheduled Areas as a part of TSP exercise and agreed to give *ad hoc* assistance for the same. The Eighth Finance Commission also followed suit. The Ninth Finance Commission, however, did not continue the practice for want of formal presentations by the concerned States. The GoI should specially revise the Terms of Reference of the Finance Commissions so that:

- (i) the state of administration in the SAs is especially assessed and
- (ii) specific provisions are made for its improvement in its Reports.

5.14. Institutional Credit:

(i) **Credit Flow:** An attempt was made in the beginning to influence the deposit-investment ratio that is particularly adverse in the Tribal areas. The Reserve Bank of India (RBI) started the practice of showing credit flow to TSP areas separately in the cooperative sector. Nevertheless the next stage of critical review and corrective measures were neglected. Since the exercise is discontinued, even exact data on credit flow to SAs is not known. This needs to be restarted for all the commercial banks and other desire credit institutes as credit deposit ratio is extremely adverse for SAs.

(ii) **Terms of Credit:** RBI supported 'differential rate of interest' scheme for Tribal people that lapsed after some time. The Tribals are the worst sufferers of the policy of exempting the terms of credit from courts' scrutiny (1984), namely, excluding

Credit Institutions from the purview of *Money-Lender's Acts* and also *Usurious Loans Act* that respectively declare compound interest void and excessive.

(iii) *Large-Sized Multi-purpose Co-operative Societies (LAMPS)*: A single-window system of LAMPS has been adopted for the TSP areas on the basis of recommendations of the Bawa Committee. They, however, could not prove equal to the challenge because of absence of a clear frame for discharging their varied responsibilities such as meeting all credit needs, purchase of all Tribal produce, supply of inputs and consumer goods and lack of State support to LAMPS;

iv) *Single Window Organisation for Credit Marketing and Supply*: A single window system for credit, marketing and supply under the system of Large Sized Multipurpose Societies (LAMPS) should be established, or revamped where already established, with competent and reliable personnel under the unified control of the ITDP.

(v) *Liabilities without accrual of benefits*: The Tribal is persuaded to take up development schemes, which may fail because of some small lacuna, or lack of coordination, or 'cuts' or his own inability to handle it. The liabilities that accrue against the Tribal people in respect of schemes that fail to yield the intended benefit for no fault of the borrower are many. There are large number of cases of target bound forceful financing in the entire Tribal belt under programmes like IRDP, PMRY, etc turning STs defaulters for not much of their willful fault.

(vi) Madhya Pradesh Government GR of 1979 absolves STs and also SCs of all such doubtful liabilities. The GR is still in vogue but it has not been implemented. No other State even acknowledges the plight of such 'victims' of inadequate financing. There is need to grant a one time amnesty to all such cases, which will enable STs to again avail credit.

5.15. ST centric planning: Improving delivery of services:

With effective protective shield in position, as envisaged in the Fifth Schedule and resurgent spirit of self-governance, the community will be ready to

move forward with confidence. It would make good the loss sustained so far and take advantage of the new deal. The potential of community spirit, the greatest treasure of Tribal people, should be so harnessed that it reinforces the communitarian frame and promotes equitable sharing of all dividends especially in case of produce from common property resources such as MFP.

5.16. Rejuvenation of the Traditional Economy:

5.16.1. The truth of the Tribal economy is that it has been badly mauled through incessant expropriation in countless forms and weakening communitarian traditions. A comprehensive '*Operation Rejuvenation*' (OR) should be taken up forth with in every village in the SA.

5.16.2. While Operation Rejuvenation is on, steps should be taken for laying the foundation for sustainable development by delineation of micro agro-climatic zones that would provide the frame for long-term sustainable development. The inclusive frame of the Tribal economy for optimizing the use of unique resource endowment of the local area should be harnessed. ITDPs should be re-strengthened to take up the task of preparing village-wise with the approval of Gram Sabhas. Preparing young leaders for change should be given the highest priority. Diversification should begin with obligatory first processing of local produce within each micro zone. The foremost agenda of each of the ITDP should be to undertake comprehensive and continuous assessment of the local situation, advising concerned Gram Sabhas, providing direct assistance, preparing micro turn-key projects and helping entrepreneurs in dealing with the unknown new economy.

5.16.3. About 15% of the Tribal people, located largely in the North-East and parts of Orissa and AP, still subsist on shifting cultivation. A ten-year '*Project Transformation*' should be launched under the overall guidance of a **National Centre on Shifting Cultivation** with a strong functional Unit in every concerned State so as to ensure continuance of the practice in scientific manner without compromising sustainability of the very resource.

5.17. Taming the Modern Sector:

5.17.1. The most serious challenge in Tribal areas is relatable to the rudderless development in the situation of '*rich resources and simple folks*' in a frame which ignores the tribes' association with their habitat and their traditional command thereon. An unequivocal national resolve to pursue the path of '*Development with Equity with Tribal People at the Centre of the Stage*' alone can measure up to the great crisis in the Tribal areas. The very concept of 'displacement' and 'rehabilitation' as two distinct entities is incongruous in the Tribal context. The structural transformation informs an entire tract, the zone of influence of the venture that has to be tamed and attended to. The confidence of the people in the system that has been badly shattered must be regained with a clear resolve that no scheme of any description shall be taken up without prior informed consultation with the community that should virtually mean their consent. **Any violation of this spirit by any one regardless of his position should be treated as an offence.**

5.17.2. The urban centers of expropriation should be transformed into pulsating centers of holistic development. Any entrepreneur starting a venture in a Scheduled Area on Tribal land should be legally bound to induct the owner of the land as an equal partner. **The Provisions of the Municipalities in Part IXA of the Constitution should be extended to the Scheduled Areas with exceptions and modifications as recommended by the Bhuria Committee.**

5.18. Social Services:

5.18.1 Normative approach - Need for a change in programmes that exclude STs:

5.18.1.1. Under the ICDS Scheme an Anganwadi Centre (AWC) is sanctioned on an average, for 1,000 population in rural/urban projects and 700 population in Tribal project. In sparsely populated hilly or desert areas, villages may be very small or divided into small hamlets. In such cases, an Anganwadi may be set up in clusters and a village or a hamlet having a population of 300 or more.

5.18.1.2. Similarly the *Pradhan Mantri Gram Sadak Yojana (PMGSY)*, a 100% centrally sponsored scheme was launched in December, 2000 as a component of *Bharat Nirman* to provide connectivity to unconnected habitations with the target of providing road connectivity to all habitations with a population of one thousand (500 in case of hilly or Tribal areas) with all weather roads by 2009.

5.18.1.3. Under the *Rajiv Gandhi Gramin Vidyutikaran Yojna (RGGVY)* also population norms work against the Tribal habitations. Around 18,000 un-electrified are mostly Tribal villages which are not found economically unviable to be covered by grid. So Tribals see transmission lines built and pass over their villages without any ray of light. The situation in case of *telephone connectivity*, either by State owned agencies or private sector is no different.

5.18.1.4. Under the *Indira Awaas Yojana (IAY)*, though coverage of 60% SCs/STs BPL families has been provided, the specifications and costs do not take into account the Tribal ethos and the inaccessible conditions in the Scheduled Areas.

5.19. Health Services: The unacknowledged health crisis in Tribal areas should be handled in a mission-mode in a holistic frame. It should cover all aspects of people's health from pauper-like diet status at one end and invasion of new diseases at the other. The traditional healers and *daies* should be integral part of this Mission. Comprehensive health coverage should begin with establishment of full facilities at the PHC and APHC level to be accomplished within 3 years. Alternative approach suited to Tribal people and their areas also needs to be developed by the Ministry of Health and Family Welfare.

5.20. Education: After early enthusiasm when people contributed in kind to engage teachers, their reluctance to send children to school for fear of becoming 'useless and misfit' is a long story of casual handling of this vital element of Tribal development. A major special thrust is necessary to ensure that:

- (i) Good quality elementary education is imparted to all free of cost

- (ii) Special handicaps are overcome and the great cultural heritage is used as the foundation of real education and
- (iii) Education overflows the boundary walls of the school and involves meaningfully

A time bound programme should be taken up comprising *inter alia*:

- (i) Universal enrolment in elementary stage as a campaign within 2 years;
- (ii) A system of 'academic linkage and guidance' should be established right from the nursery to the University (from 'n to u') within 2 years so as to make the entire educational system vibrant and capable of moving in unison with a purpose; and
- (iii) The school in the village should become the hub of citizen education, equipped with a good library, including audio visual.

5.21. Strengthening/reorienting /revamping of the implementing machinery: There is strong necessity of formulating suitable personnel policies to make postings in Tribal areas as attractive and satisfactory rather than being considered as punishment postings as is the present opinion across the board with a few exceptions. An effective system of postings, rewards and punishment should be worked out for the Scheduled Areas. To start with all positions in the Ministries/Departments dealing with Tribal affairs must be held by officers who may have worked in a Tribal area for not less than two years.

5.22. Administrative Mechanisms at State level:

5.22.1. At the State level, the Departments in charge of Tribal Affairs, besides undertaking the somewhat routine coordination functions, should plan and devise programs for Scheduled Areas. The nodal department should be responsible for planning and overseeing schemes under all TSP funds. The sectoral services being provided presently by Tribal Department of various States should be transferred to the concerned line Departments along with the staff. The budgeting exercise should be carried out at the State level in the nodal department and TSP document prepared for scrutiny by the Ministry of Tribal Affairs, Govt. of India, prior to approval of the State plan of the concerned State by the Planning Commission.

5.22.2. At the District level all TSP funds flowing to Scheduled Areas should be through the ITDPs specialized agencies for Tribal Affairs. Since the flow of funds at district level for Scheduled Areas is likely to exceed Rs.200 crore annually, an officer equal in rank and experience to that of the CEO (ZP) or Project Officer (DRDA) should be provided with a fixed tenure as the District Tribal /Welfare Officer or Project Director ITDP.

5.22.3. Such district level officer at least for Tribal majority districts should be selected by an expert committee headed by the Chief Secretary of the State Government. The district level office should be appropriately strengthened and the strength should be reviewed once in 5 years. The entire personnel should be brought under a special disciplinary regime. The District level officer should be vested with the full authority, as in Andhra Pradesh to coordinate with all line departments, deal with delinquent staff, including termination of service contracts. He should also be vested with administrative authority in respect of regular Government employees upto class-II level officers posted/working in SAs.

5.22.4. At the Block level in the Scheduled Areas, monitoring units should be created with modern office and communication facilities under the District Officer in charge of Tribal Affairs. As far as TSP funds are concerned, BDOs should be answerable to the district Tribal / welfare Officer or Project Director ITDP as the nomenclature may be.

5.23. Employment Policy:

5.23.1. Instead of a 'low-cost low-calibre' employee policy it is necessary to engage competent people and pay them accordingly. Increased annual monetary outgo should not be considered as cost to the country, but investment in its human resource as it would be more economical to build up the Tribal people as human resource than to allow them to be deprived and underdeveloped and pay the same costs later. There need not be any doubt whether they would come to a remote Tribal village. If the attraction of good salaries takes competent personnel to the Gulf and Africa, it could certainly attract them to Tribal areas.

5.23.2. Selected personnel with empathy for the Tribal people should be posted in Tribal areas with an extendable tenure of not less than five years and provision for *in situ* promotion. They should not be entitled to seek transfer to urban areas. They should be bound by an Objective Performance Based Policy of hire and fire. But they should be entitled to a Career Progression Policy for good performers in Tribal areas speedier than the rest.

5.23.3. Recruitment of staff for the field level should be for the specific vacancy and should not be transferable. Government employees in regular appointment and working in Scheduled Areas, should be given appropriate incentives, including enhanced pay and additional allowances. All employees working in Scheduled Areas should be offered opportunities for continuous training and opportunities and pass competency tests. Such competency tests should be carried out once in 3 years and those failing them should be debarred.

5.24. Tribal Administrative Service:

5.24.1. There is a need to examine the necessity for constituting a *Tribal Administrative Service* cadre for Tribal areas, with the Ministry of Tribal Affairs acting as the Cadre Controlling Authority for selection of suitable officers from various departments on deputation, who are enthusiastic and committed to work in the Tribal areas. In larger States sub-cadres may be established with a provision for choice to join the main stream after ten years service.

5.24.2. There is a strong need to provide continuous reorientation of employees at all levels appropriately with sensitivities of Tribal people. They should be sensitized to respect of the customs, culture, dignity, traditions, etc. of the Tribals. Their capacity building program could include adopting participatory approaches in implementing schemes, developing methods that avoid conflict with the value system of Tribals. A code of conduct prescribing dos and don'ts could also be considered in this respect.

5.25. Devolution of Powers:

Devolution of powers to the nearest level in the field should be the rule. Instances of misuse should be met with stringent action against the culprits and

institutionalizing effective correctives. It should not be allowed to be used as a ploy for its reversal. Devolution of powers to the Gram Sabhas under PESA should be treated as sacrosanct. **Any attempt to mislead or influence the Gram Sabhas and misuse the aura of authority of any description, administrative, institutional or political should be treated as a disciplinary issue.**

5.26. Revisiting the regulatory framework in scheduled areas.

5.26.1. Amends for Lapses: Historical Injustice to be undone: The historical injustice meted out to the Tribal people needs to be redeemed in the broad context of 'criminalisation of the community' on account of the acts of commissions and omissions of the State itself. The following measures should be taken immediately as a part of 'Regaining the Confidence' resolve of the State:

- (a) All those cases pending in the courts or under investigation, which (i) involve technical violation of the laws concerning forest, fishing, wild life and excise, and (ii) come within the ambit of 'dispute resolution' of Gram Sabhas under PESA, should be withdrawn or sent to the concerned Gram Sabhas for disposal.
- (b) All those cases where a party is alleged to have proceeded with the establishment of any project in the Scheduled Areas on the basis of contrived consent of Gram Sabhas should be referred to the Governor.

5.26.2. Effective Protection: Protective measures must precede developmental programmes with suitable amends in the TSP frame to ensure that the story of their earlier neglect is not repeated. The following are some of the urgent issues for time bound action.

5.26.3. Regulation of Markets and Marketing: The markets in Tribal areas are hubs of economic expropriation. They exercise virtual strangle hold on Tribal economy. Yet markets in SAs have remained beyond the reach of any regulation. The mafia is in exclusive command. **All markets should be suitably regulated under the aegis of ITDPs and the Panchayati Raj Institutions within a year. The entire Tribal produce should be brought under support price system within 2 years.**

5.26.4 *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989:*

Knowing fully well the atrocities to which the Scheduled Tribes are subject to in certain pockets and the subsequent emotional trauma that follows, the Government of India enacted *the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989*. It was expected that this Act would ensure speedy trial and conviction to the errant members of the society who perpetrate such excesses. While on the one hand much lower number of incidences of atrocities are reported/registered, on the other hand there is a lot of pendency in the Courts of cases booked under this Act. The equally worrisome part is the high rate of acquittal of those booked under the Act due to various factors, including weak prosecution, lack of interest of witnesses, etc. It is recommended that Special Courts should be set up to fast track disposal of pending cases on priority within a specified time frame and legal assistance extended to the victims.

5.26.5 *Land Alienation and its Restoration:* All State laws about land alienation should be reviewed and suitably amended to enable Gram Sabhas to take effective action for protecting Tribal land and restoration of illegally alienated lands in keeping with the spirit of PESA as has been done in MP. All the pending cases should be disposed of in special drives and delivery of possession simultaneously effected. **The task should be taken up as a campaign and completed within 2 years.**

5.26.6 *No Displacement:* The very concept of displacement violates the spirit of Constitutional schema. The transition, which Tribal people have to negotiate in the process of development including use of natural resources for a variety of developmental projects, should be meticulously planned with prior informed consent of likely affected people. The plan, with statutory backing, must ensure a place of honour on terms of equality in the new economy of the area for all as recommended by Bhuria Committee. The second report of the Inter Sectoral Committee had given detailed recommendations on this aspect which should be implemented.

5.27. Empowerment of Tribal communities to be masters of their destiny:

5.27.1 Self-Governance: The most sensitive aspect of the Tribal life is self-governance. The promise of real self-governance in PESA tickled the feelings of one and all with the image of '*MY VILLAGE, MY RULE*'. It has been badly mauled by the anti-climax of non-action and even perverse action. Amends should be made to contain that damage and recreate earlier milieu. The Gram Sabha should become fully functional in the image of Village-Republic within this year. The States concerned should immediately take the following steps in this regard:

- (a) Prepare Guidelines in the form of a Regulation for the functioning of the Gram Sabhas with the comprehensive frame as envisaged in PESA so as to enable the people to deal with the System with confidence and authority; and
- (b) Frame a Regulation to the effect that '*notwithstanding anything in any law for the time being in force, all formal or informal transaction of any description whatsoever between a Tribal and any other person, including a juridical entity shall be in the open assembly of the Gram Sabha and shall have no effect unless the GS authenticates the same*'.

5.27.2 Participatory Approach of Programme Implementation: Community participation should be a compulsory pre-requisite for programme implementation. The community should be taken into confidence and explained about the programme, and its likely impact. This would *inter-alia* involve capacity building for the Gram Sabha. Expert institutions in the field of local self Government and Tribal Affairs could be utilized for this purpose. The Gram Sabhas should be legally and operationally empowered to conduct social audit of Tribal development programmes to enforce people's participation, transparency and accountability of the implementing agencies and officials.

5.28 Special Missions for Vulnerable Groups:

5.28.1 Mission Navajeevan (PTGs): The situation of the especially vulnerable groups is much too complex and delicate to be handled by routine administration. Even special Projects with built-in flexibility did not click because of routine handling. As the issue here is of survival, a dedicated small team, including a

doctor and a social scientist, committed to the cause and prepared to work in mission mould, should be constituted for each group or part thereof under an umbrella organisation, *Navajeevan Mission*.

5.28..2 Mission Abhayadan for Vulnerable Girls: The implications of weakening community with a comparatively weak family system in Tribal area have been overlooked. The young girls are the worst victims. They are enticed, deceived and even captured from open markets by gangs for domestic service and flesh trade in an unknown world with no one to defend. The situation is serious in Jharkhand and Orissa. **The issue should be flagged for urgent administrative action under a regulation for immediate relief.** A long-term plan should also be prepared, on the basis of a time bound systematic study of 2 years or so.

5.28..3 Mission Dignity for Migrant Labour: There is a large exodus from Scheduled Areas in search of work at bare subsistence or even sub-subsistence wage level. There are gruesome stories of their exploitation, especially of women and girls. As the saying goes in Tribal pockets in Wynad, Kerala, '*The girl goes for filling her belly; she returns with a 'filled' belly*'. Effective legal and institutional protection should be provided for migrant labour from Scheduled Areas

Chapter 6

Role of the Ministry of Tribal Affairs

6.1 Defining Nodal Role:

6.1.1. The Ministry/Departments in charge of Tribal affairs at the Centre and in the States should be devoted exclusively to the nodal role. This should, *inter alia*, include coordination in preparation of sectoral plans and giving them a holistic frame. They should provide, if necessary, supplemental inputs of any description as may be demanded by the situation. They should monitor and oversee implementation and act as trouble-shooters.

6.1.2. The present role of the Union Ministry of Tribal Affairs (MoTA) has been to be largely programme implementation under various Plan Schemes for the welfare of Tribals and to some extent policy formulation for their welfare. However, policy initiatives and decisions impacting Tribals are largely in the domain of sectoral Union Ministries concerned. For example, subjects like land related matters and Resettlement & Rehabilitation (R&R) are being dealt with in the Ministry of Rural Development. and the Ministry of HRD is dealing with the *Sarva Shiksha Abhiyan*, including in Tribal areas.

6.1.3. The Ministry of Tribal Affairs should have a break from its tradition of 'implementing programmes'. MoTA should avoid taking up small schemes for Tribal welfare, which normally do not make significant impact, except for providing support for strengthening and modernizing State, District and Block level monitoring mechanism. It could take up one or two flagship programs of significance, say for infrastructure development, in Scheduled Areas.

6.1.4. The Ministry should play a formative, pro-active as well as a normative role vis-a- vis the wide range of government programmes for the development and welfare of the Tribal people. The formative role would imply the Ministry of Tribal Affairs interfacing with the other Ministries in the formulation of the schemes and programmes for providing major inputs which would define both the content and the methods of operationalization of the scheme. MoTA should

actively participate in all proposals relating to policy, programmes and schemes of various Union Ministries so far as these impact Tribal population. The **normative role** would imply where the Ministry would set the standards against which the efficacy of the scheme could be measured. The normative role would not only be limited to setting standards but also include task of 'monitoring' implementation and 'ensuring' efficacy of the programme or scheme.

6.1.5. The Ministry should at priority play a pivotal role in intervening in the following order of priority:

- (i) Policy formulation
- (ii) Land Administration as per state specific regulations
- (iii) Implementation of Forest Rights Act etc.
- (iv) Conferring ownership of Minor Forest Products
- (v) Universalisation of Elementary Education under Sarva Shiksha Abhian
- (vi) Coverage of Primary Health Care
- (vii) Implementation of provisions of PESA
- (viii) Setting of standards, defining benchmarks , measuring outputs and undertaking mid course correction.

6.1.6. The Ministry of Tribal Affairs will have to work in close liaison with the President on the one hand, and the Governors of States with Scheduled Areas, on the other so that Tribal development agencies will be free from political interference, with the Ministry of Tribal Affairs required only to inform the President and the Governors of the Fifth Schedule area States regarding the progress made in the Tribal areas. Once an efficacious development process is actualized, adherence to violence and politics of violence will hopefully abate and manipulation of these areas will also disappear.

6.2 No Line Functions for the Nodal Ministry/Department:

The nodal agencies at national, State or project level should have no line functions whatsoever. Their representatives should be constantly on the move in the field amongst the people to have a realistic idea from the people's end about the quality of administration, shortfalls of the system, nature of problems that

remain unattended and improvise remedial measures followed by systemic amends.

6.3. Role of National Commission for STs:

6.3.1. The NCST Commission has been assigned wide range of functions under Art. 338A of the Constitution to effectively arm the Commission with the powers to oversee to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution, inquire into specific complaints with respect to the deprivation of rights, advising on the planning process and evaluate the progress of their development ,etc. in addition NCST is also mandated to annually report to the President upon the working of those safeguards provided for protection of STs. The mandate also includes making such recommendation as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socioeconomic development of the Scheduled Tribes;

6.3.2. However, of these functions the NCST Commission seems somewhat overwhelmed by the sheer number of complaints mainly from ST employees in the Government Sector, public sector, nationalized banks etc relating to their service matters. May be due to staff constraints the NCST Commission is unable to focus its attention to the other areas of its mandated functions. It is necessary that the benefit of NCST's constant review and advice as mandated is available to the government. If the Commission suffers from staff constraints, the Government should suitably strengthen the hands of the Commission to enable it perform its functions fully. The Central Government should also consult the Commission on various policy matters and utilize its expertise.

6.4. Tribal Affairs Units in Ministries/Departments: All Ministries/Departments, except those especially exempted, at the Centre and States should immediately setup strong Tribal Affairs Units (TAUs). These is Units should go ahead to identify their role and responsibility, in consultation with the nodal Ministry/Department of Tribal Affairs in terms of the immediate and long-term tasks taking into consideration, *inter alia*, the issues identified here.

Chapter 7

Empowered structure at the Apex level

Institutionalised Mechanism for Constant Watch

7.1. It is high time that in order to ensure inclusive growth the basic premise of 'Tribal Affairs – A National Task' as envisaged by the Founding Fathers is reiterated and conditions are created to enable Tribal people to guide structural transformation in terms of their perception. To attach a sense of purpose and urgency to the task, it is crucial to put empowered institutionalized structures at the apex level in place.

7.2 *Vigil at the Top:* While the Ministry of Tribal Affairs will act as the nodal authority for Tribal affairs, action in unison in a broader frame on a continuing basis will be necessary especially in view the valuable time lost in many a crucial tasks and the impending crisis in many a Tribal areas. A **Standing Committee of the Cabinet** with the Prime Minister in Chair should be constituted for regular review of the Tribal situation in the country and measures taken by concerned authorities on vital issues emerging from the system proposed in this report.

7.3. *National Tribes Advisory Council headed by PM:*

7.3.1. The situation in the Tribal areas is so complex, the vested interests of all descriptions are so entrenched and the crisis is so deep-rooted and multidimensional (social, economic, administrative and political) that the various measures discussed above may still leave some crucial aspects uncovered in spite of the best efforts of all the partners. Therefore there is an urgent need for establishing a body that:

- (i) is free from routine and
- (ii) has access to all relevant authorities/institutions within the System and outside

This body should be able to have a realistic perception of the total situation on a continuing basis. It should be able to identify omissions and opine on the efficacy of various measures in achieving the national task.

7.3.2. A National Tribes Advisory Council headed by the Prime Minister should be established for this crucial task comprising experts with different backgrounds with deep understanding of the Tribal situation. The proposed Advisory Council could provide more space and access to those concerned with Tribal affairs and be useful for advisory role and they should continue to be consulted for legislation and policy formulations for Tribal population with powers to suggest measures of good governance to the State Advisory bodies and the Governor, who on receipt of such recommendations must consider converting them into regulations for administering the Tribal areas.

7.4. *Administrative Reports:* A continuous flow of information about the ground situation in terms of various indicators and its critical appreciation at various levels up to the top, taking full advantage of advances in information technology, alone can be the foundation of an effective administrative system. Sensitive indicators spanning the entire gamut of administration should be worked out for monthly, quarterly and annual reports with the ITDP, State Department and the Union Ministry as the nodal points for qualitative assessment, review, identifying weak points and action thereon.

7.5. *Governor's Report:* The Governor's Report should present an overall assessment of the Tribal situation in the State with special reference to weak spots and corrective actions, discontinuing the present practice of being a routine exercise that too not every year. The Report should contain specific chapters on protective measures, developmental activities, clearly comparing with the similar regime in non-Tribal areas of the same State so as to bring the annual comparative situation. There should be a chapter containing action taken report on the Governor's Report of earlier year. The President may prescribe a clear time schedule from its submission, through consideration to Presidential directions thereon, if any, so as to ensure that all action points are suitably accommodated in

the annual administration/developmental plans and also in the budgets. The Ministry of Tribal Affairs must critically examine these reports and submit action points to the President. The President may consider allotting specific time in the Annual Conference of Governors for discussion on governance in scheduled areas.

7.6. Report of the National Commission for Scheduled Tribes (NCST):

The Commission's Report may concentrate on the working of Constitutional safeguards and present the situation from the people's perspective based on its own investigations, complaints received and the findings of researches by other institutions as against the present practice of devoting disproportionate time on service matters. The President may prescribe a strict time schedule for the presentation of Commission's Report to the President and its consideration by the Parliament. The expertise base of the Commission should be expanded to induct renowned persons in addition to political representation. The appointment of the Chairman and members of the Commission should be entrusted to a Committee comprising the PM, the Leader of the Opposition and the Minister in charge of Tribal Affairs.

7.7. National Development Council: A Committee on Administration of Scheduled Areas may be constituted in the National Development Council, which may regularly place before the Council its assessment of the Tribal situation.

7.8. The Finance Commission: The practice of special consideration and dispensation for the Scheduled Areas by the Finance Commissions should be revived and earmarked. Flow of funds to the Scheduled Areas on the basis of formula covering population in the Scheduled Areas and spread of geographical area out of the funds recommended for States should be institutionalized.

7.9. Concurrent Study and Research:

7.9.1. The need of independent, systematic and regular appraisal of the complex Tribal situation is self-evident. The Tribal Research Institutes (TRIs) started with some real good work but gradually became mere decorative pieces. A new chapter

of concurrent and collaborative study and research should begin with the collation of whatsoever is available and defining the future tasks in terms of the past experiences and future vision. The proposed National Tribes Advisory Council may also provide a platform for providing direction to the TRIs.

7.9.2. Since no authentic data regarding the land use, including surface and the ground water availability in the Tribal/scheduled areas is available, support of the National Remote Sensing Agency (NRSA) may be taken to provide land use, surface and ground water availability in each of the 195 ITDAs of the country so that the specific development plans based on increasing the water regime of the Tribal land may be prepared resulting in enhanced productivity and income thereof. Such periodic assessments say at interval of two years would provide comparative status in a time series and form scientific basis of the concurrent review.

ANNEXURE-I

No. 560/03/C/12/2004-ES.II
Government of India
Prime Minister's Office
New Delhi

Dated the October , 2004

NOTIFICATION

Subject: **Setting up of a Standing Committee on Inter-Sectoral Issues relating to Tribal Development.**

1. Government has decided to constitute a Standing Committee on Tribal Development to periodically examine inter-sectoral issues relating to the development and welfare of the tribal people of the country. The Committee will suggest effective strategies to promote economic growth, well being and equal opportunities to development of the tribal people in a manner that respects their distinct cultural identities and conserves their environment. The Committee will address issues of legal, policy and institutional reforms that are required to serve these objectives.

2. The composition of the Committee will be as follows:

1. Dr. Bhalachandra Mungekar, Member, Planning Commission	Chairman
2. Sh.M. K. Narayanan, Special Adviser to PM	Member
3. Sh.B.N.Yugandhar, Member, Planning Commission.	Member
4. Sh. T.K. A. Nair, Principal Secretary to PM	Member
5. Secretary, Ministry of Home Affairs	Member
5. Secretary Deptt. of Legal Affairs	Member
6. Secretary, Ministry of Rural Development	Member
7. Secretary, Ministry of Panchayati Raj	Member
8. Secretary, Ministry of Environment & Forests	Member
9. Secretary, M/o Tribal Affairs	Member-Convener

The Standing Committee may co-opt other non-official members with expert knowledge of tribal development-related matters.

..... 2/-

3. Terms of Reference

- (g) Identifying inter-sectoral issues relating to economic development, well being and equal opportunities for development of tribal people and suggesting appropriate strategies to respond to them.
- (h) Identifying legal, institutional and policy constraints that limit development potential of tribal people and suggesting remedial action.
- (i) Suggesting measures to reconcile the objectives of economic growth and environmental conservation in tribal areas.
- (j) Identifying opportunities for promotion of livelihoods for tribal communities, capturing value-addition of forest produce, medicinal plants etc., evolving benefit-sharing mechanism for community-owned bio-resources and suggesting legal, institutional and policy reform required to achieve this.
- (k) Ensuring an effective system of relief and rehabilitation for tribal groups displaced by development projects.
- (l) Identifying measures to contain disaffection of tribal communities which in turn lead to extremist violence.

4. The Committee will meet once in two months to review the situation of tribal development in the country and report to the Prime Minister.

5. The Committee will be serviced by the Ministry of Tribal Affairs. The Ministries concerned will render necessary assistance to the Committee.

Sd/-
30/X/04
(T.K.A. NAIR)
Principal Secretary to PM

ANNEXURE-II

Extracts from the Constitution of India

Provisions relating to Scheduled Tribes

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. Equality of opportunity in matters of public employment.—(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent. reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

46. Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

PART IX

THE PANCHAYATS

243. Definitions. In this Part, unless the context otherwise requires,—

(a) "district" means a district in a State;

(b) "Gram Sabha" means a body consisting of persons registered in the electoral rolls relating to a village comprised within the area of Panchayat at the village level;

(c) "intermediate level" means a level between the village and district levels specified by the Governor of a State by public notification to be the intermediate level for the purposes of this Part;

(d) "Panchayat" means an institution (by whatever name called) of self-government constituted under article 243B, for the rural areas;

(e) "Panchayat area" means the territorial area of a Panchayat;

(f) "Population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(g) "village" means a village specified by the Governor by public notification to be a village for the purposes of this Part and includes a group of villages so specified.

243A. Gram Sabha.— A Gram Sabha may exercise such powers and perform such functions at the village level as the Legislature of a State may, by law, provide.

243B. Constitution of Panchayats.—(1) There shall be constituted in every State, Panchayats at the village, intermediate and district levels in accordance with the provisions of this Part.

(2) Notwithstanding anything in clause (1), Panchayats at the intermediate level may not be constituted in a State having a population not exceeding twenty lakhs.

243D. Reservation of seats.—(1) Seats shall be reserved for—

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct

election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

243T. Reservation of seats.—(1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

3rd Report of the Standing Committee on Inter-sectoral Issues Relating to Tribal Development

The Legislature of a State from making any provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities in favour of backward class of citizens.

PART X
THE SCHEDULED AND TRIBAL AREAS

244. Administration of Scheduled Areas and tribal areas.—(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

(2) The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram.

244A. Formation of an autonomous State comprising certain tribal areas in Assam and creation of local Legislature or Council of Ministers or both therefor.—(1) Notwithstanding anything in this Constitution, Parliament may, by law, form within the State of Assam an autonomous State comprising (whether wholly or in part) all or any of the tribal areas specified in Part I of the table appended to paragraph 20 of the Sixth Schedule and create therefor—

- (a) a body, whether elected or partly nominated and partly elected, to function as a Legislature for the autonomous State, or
- (b) a Council of Ministers,

or both with such constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) may, in particular,—

- (a) specify the matters enumerated in the State List or the Concurrent List with respect to which the Legislature of the autonomous State shall have power to make laws for the whole or any part thereof, whether to the exclusion of the Legislature of the State of Assam or otherwise;
- (b) define the matters with respect to which the executive power of the autonomous State shall extend;

(c) provide that any tax levied by the State of Assam shall be assigned to the autonomous State in so far as the proceeds thereof are attributable to the autonomous State;

(d) provide that any reference to a State in any article of this Constitution shall be construed as including a reference to the autonomous State; and

(e) make such supplemental, incidental and consequential provisions as may be deemed necessary.

(3) An amendment of any such law as aforesaid in so far as such amendment relates to any of the matters specified in sub-clause (a) or sub-clause (b) of clause (2) shall have no effect unless the amendment is passed in each House of Parliament by not less than two-thirds of the members present and voting.

(4) Any such law as is referred to in this article shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

275. Grants from the Union to certain States.— (1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:

Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State:

Provided further that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the State of Assam sums, capital and recurring, equivalent to—

(a) the average excess of expenditure over the revenues during the two years immediately preceding the commencement of this Constitution in respect of the administration of the tribal areas specified in Part I of the table appended to paragraph 20 of the Sixth Schedule; and

(b) the costs of such schemes of development as may be undertaken by that State with the approval of the Government of India for the

purpose of raising the level of administration of the said areas to that of the administration of the rest of the areas of that State.

(1A) On and from the formation of the autonomous State under article 244A,—

(i) any sums payable under clause (a) of the second proviso to clause (1) shall, if the autonomous State comprises all the tribal areas referred to therein, be paid to the autonomous State, and, if the autonomous State comprises only some of those tribal areas, be apportioned between the State of Assam and the autonomous State as the President may, by order, specify;

(ii) there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of the autonomous State sums, capital and recurring, equivalent to the costs of such schemes of development as may be undertaken by the autonomous State with the approval of the Government of India for the purpose of raising the level of administration of that State to that of the administration of the rest of the State of Assam.

(2) Until provision is made by Parliament under clause (1), the powers conferred on Parliament under that clause shall be exercisable by the President by order and any order made by the President under this clause shall have effect subject to any provision so made by Parliament:

Provided that after a Finance Commission has been constituted no order shall be made under this clause by the President except after considering the recommendations of the Finance Commission.

PART XVI SPECIAL PROVISIONS RELATING TO CERTAIN CLASSES

330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.—(1) Seats shall be reserved in the House of the People for

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as

may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

Explanation. —In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census.

332. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.— (1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be,—

(a) if all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as

the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district:

Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of Bodoland Territorial Areas District, shall be maintained.

334. Reservation of seats and special representation to cease after sixty years.—Notwithstanding anything in the foregoing provisions of this Part, the provisions of this Constitution relating to—

(a) the reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People and in the Legislative Assemblies of the States; and

(b) the representation of the Anglo-Indian community in the House of the People and in the Legislative Assemblies of the States by nomination,

shall cease to have effect on the expiration of a period of sixty years from the commencement of this Constitution:

· Provided that nothing in this article shall affect any representation in the House of the People or in the Legislative Assembly of a State until the dissolution of the then existing House or Assembly, as the case may be.

335. Claims of Scheduled Castes and Scheduled Tribes to services and posts.—The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:

Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

338A. National Commission for Scheduled Tribes.—(1) There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports recommendation as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socioeconomic development of the Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

(f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

339. Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes.—(1) The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order

appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States.

The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.

(2) The executive power of the Union shall extend to the giving of directions to a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

342. Scheduled Tribes.—(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

FIFTH SCHEDULE

[Article 244(1)]

Provisions as to the Administration and Control of Scheduled Areas and Scheduled Tribes

PART A GENERAL

1. Interpretation.—In this Schedule, unless the context otherwise requires, the expression "State" does not include the States of Assam, Meghalaya, Tripura and Mizoram.

2. Executive power of a State in Scheduled Areas.—Subject to the provisions of this Schedule, the executive power of a State extends to the Scheduled Areas therein.

3. Report by the Governor to the President regarding the administration of Scheduled Areas.—The Governor of each State having Scheduled Areas therein shall annually, or whenever so required by the President, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

PART B
ADMINISTRATION AND CONTROL OF SCHEDULED AREAS AND SCHEDULED TRIBES

4. Tribes Advisory Council.—(1) There shall be established in each State having Scheduled Areas therein and, if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than twenty members of whom, as nearly as may be, three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State:

Provided that if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes.

(2) It shall be the duty of the Tribes Advisory Council to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes in the State as may be referred to them by the Governor.

(3) The Governor may make rules prescribing or regulating, as the case may be,—

(a) the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof;

(b) the conduct of its meetings and its procedure in general; and

(c) all other incidental matters.

5. Law applicable to Scheduled Areas.—(1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub-paragraph may be given so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area.

In particular and without prejudice to the generality of the foregoing power, such regulations may—

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;

(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

PART C SCHEDULED AREAS

6. Scheduled Areas.—(1) In this Constitution, the expression “Scheduled Areas” means such areas as the President may by order¹ declare to be Scheduled Areas.

(2) The President may at any time by order²—

(a) direct that the whole or any specified part of a Scheduled Area shall cease to be a Scheduled Area or a part of such an area;

(aa) increase the area of any Scheduled Area in a State after consultation with the Governor of that State;

(b) alter, but only by way of rectification of boundaries, any Scheduled Area;

(c) on any alteration of the boundaries of a State or on the admission into the Union or the establishment of a new State, declare any territory not previously included in any State to be, or to form part of, a Scheduled Area;

(d) rescind, in relation to any State or States, any order or orders made under this paragraph, and in consultation with the Governor of the State concerned, make fresh orders redefining the areas which are to be Scheduled Areas;

and any such order may contain such incidental and consequential provisions as appear to the President to be necessary and proper, but save as aforesaid, the order made under sub-paragraph (1) of this paragraph shall not be varied by any subsequent order.

PART D
AMENDMENT OF THE SCHEDULE

7. Amendment of the Schedule.—(1) Parliament may from time to time by law amend by way of addition, variation or repeal any of the provisions of this Schedule and, when the Schedule is so amended, any reference to this Schedule in this Constitution shall be construed as a reference to such Schedule as so amended.

(2) No such law as is mentioned in sub-paragraph (1) of this paragraph shall be deemed to be an amendment of this Constitution for the purposes of article 368.

SIXTH SCHEDULE
[Articles 244(2) and 275(1)]
**Provisions as to the Administration of Tribal Areas in the States
of Assam, Meghalaya, Tripura and Mizoram**

[NOT REPRODUCED]

State-wise List of Scheduled Areas*[Source: Annual Report 2007-08 of the Ministry of Tribal Affairs]***I. ANDHRA PRADESH:**

(1) Balmor, Kondnagol, Banal, Bilakas, Dharawaram, Appaipali, Rasul Chernvu, Pulechelma, Marlapaya, Burj Gundal, Agarla Penta, Pullaipalli, Dukkan Penta, Bikit Penta, Karkar Penta, Boramachernvu, Yemlapaya, Irlapenta, Mudardi Penta, Terkaldari, Vakaramamidi Penta, Medimankal, Pandibore, Sangrigundal, Lingabore.

Rampur, Appapur, Malapur, Jalal Penta, Piman Penta, Railet, Vetollapalli, Patur Bayal, Bhavi Penta, Naradi Penta, Tapasi Penta, Chandragupta, Ullukatrevu, Timmareddipalli, Sarlapalli, Tatigundal, Elpamaehena, Koman Penta, Kollam Penta, Mananur, Macharam, Malhamamdi.

Venketeshwarla Bhavi, Amrabad, Tirmalapur, Upnootola, Madhavanpalli, Jangamreddi Palli, Pedra, Venkeshwaram, Chitlamkunta, Lachmapur, Udmela, Mared, Ippalpalli, Maddimadag, Akkaram, Ainol, Siddapur, Bamanpalli, Ganpura and Manewarpalli Villages of **Achempeth Taluq of Mahbubnagar district.**

(2) Malai Borgava, Ankapur, Jamul Dhari, Lokari, Vanket, Tantoli, Sitagondi, Burnoor, Navaon, Pipal Dari, Pardi Buzurg, Yapalguda, Chinchughat, Vankoli, Kanpa, Avasoda Burki, Malkapur, Jaree, Palsi Buzurg, Arli Khurd, Nandgaon, Vaghapur, Palsikurd, Lingee, Kaphar Deni,

Ratnapur, Kosai, Umari, Madanapur, Ambugaon, Ruyadee, Sakanapur, Daigaon, Kaslapur, Dorlee, Sahaij, Sangvee, Khogdoor, Kobai, Porala, Chaprala, Mangrol, Kopa Argune, Soankhas, Khidki, Khasalakurd, Khasalabuzurg, Jamni, Borgaon, Sayedpur, Khara,

Lohara, Marigaon, Chichdari, Khanapur, Kandala, Tipa, Hati Ghota, Karond Kurd, Karoni Buzurg, Singapur, Buranpur, Nagrata, Bodad, ChandPELLI, Peetgain, Yekori, Sadarpur, Varoor, Rohar, Takli and Ramkham villages of **Adilabad taluq of Adilabad district.**

(3) Ambari, Bodri, Chikli, Kamtala, Ghoti, Mandwa, Maregaon, Malborgaon, Patoda, Dahigaon, Domandhari, Darsangi, Digri, Sindgi, Kanakwari, Kopra, Malakwadi, Nispur, Yenda, Pipalgaon,

Bulja, Varoli, Anji, Bhimpur Sirmeti, Karla, Kothari, Gokunda, Gogarwudi, Malkapur, Dhonora, Rampur, Patri, Porodhi, Boath, Darsangi, Norgaon, Unrsi, Godi, Sauarkher, Naikwadi, Sarkani, Wajhera, Mardap,

Anjenkher, Gondwarsa, Palaiguda, Karalgaon, Palsi, Patoda, Javarla, Pipalgaon, Kanki Singora, Dongargoan, Pipalsendha, Jurur, Minki, Tulsi, Machauder Pardhi, Murli, Takri, Parsa, Warsa,

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Umra, Ashta, Hingni, Timapur, Wajra, Wanola.	Patsonda, Dhanora, Sakur and Digri villages of	Kinwat taluk of Adilabad district.
(4) Hatnur, Wakri, Pardhi, Kartanada, Serlapalli, Neradi-konda, Daligaon, Kuntala, Venkatapur, Hasanpur, Surdapur, Polmamda, Balhanpur, Dharamपुर, Gokonda, Bhotai, Korsekal,	Patnapur, Tejapur, Guruj, Khahtaguda, Rajurwadi, Ispur, Ghanpur, Jaterla, Khahtegaon, Sauri, Ichora, Mutnur, Gudi Hatnur, Talamedee, Gerjam, Chincholi, Sirchelma, Mankapur, Narsapur,	Dharmपुर, Harkapur, Dhampur, Nigni, Ajhar Wajhar, Chintalbori, Chintakarvia, Rampur, Gangapur and Gayatpalli villages of Boath taluk of Adilabad district.

(5) All villages of Utnur taluq of Adilabad district.

(6) Rajampet, Gunjala, Indhani, Samela, Tejapur, Kannargaon, Kantaguda, Shankepalli, Jamuldhari, Gundi, Chorpalli, Saleguda, Wadiguda, Savati, Dhaba, chopanguda, Nimgaon, Khirdi, Metapipri, Sakra, Sangi, Devurpalli, Khotara-Ringanghat, Nishani, Kota Parandoli, Mesapur, Goigaon, Dhanora, Pardha, Surdapur, Kerineri Murkilonki, Devapur, Chinta	Karra, Iheri, Ara, Dasnapur, Kapri, Belgaon, Sirasgaon, Moar, Wadam, Dhamriguda, Dallanpur, Chalwardi, Ihoreghat, Balijhari, Sakamguri, Ara, Uppal Naugaon, Anksorpur, Chirakunta, Illipita Dorli, Mandrumera, Dantanpalli, Deodurg, Tunpalli, Dhagleshwar, Padibanda, Tamrin, Malangundi, Kandan Moar, Geonena, Kuteda, Tilani, Kanepelli, Bordoum Telundi, Maugi	Lodiguda, Moinda- gudipet, Chinnedari, Koitelundi, Madura, Devaiguda, Areguda, Gardepalli, Takepalli, Choutepalli, Rane Kannepalli, Sungapur, Rala Samkepalli, Chopri, Doda Arjuni, Serwai, Rapalli, Tekamandwa and Meta Arjuni villages of Asaifabad taluq of Adilabad district.
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(7) Gudam, Kasipet, Dandepalli, Chelampeta, Rajampet, Mutiempet, Venkatapur, Rali, Kauwal,	Tarapet, Devapur, Gathapalli, Rotepalli, Mandamari, Dharmaraopet Venkatapur, Chintaguda and Mutiempalli	villages of Lakshetipet taluk of Adilabad district.
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(8) Bendwi, Chincholi, Goigaon, Hirapur, Sakri, Balapur, Manoli, Antargaon, Wirur, Dongargaon, Timbervai, Sersi, Badora, Vmarjeeri, Lakarkot, Ergaon, Kirdi, Sondo, Devara, Khorpana, Kanargaon,	Chenai, Kairgaon, Samalhira, Dhanoli, Marnagondi, Yellapur, Katalbori, Isapur, Devti, Panderwani, Wansari, Perda, Wargaon Nokari, Mirapur, Pardhi, Kutoda, Parsewara, Mangalhra, Karki, Nokari.	Manoli, Sonapur, Inapur, Mangi, Uparwai, Tutta, Lakmapur, Kirdi, Injapur, Jamni, Hargaon, Chikli, Patan, Kosundi, Kotara and Sonorli villages of Rajura taluq of Adilabad district.
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(9) Ralapat, Kistampet, Takalapalli, Chakalpalli, Anaram, Bhepalli, Korsni Isgaon, Chintaguda, Ankora, Usurampalli, Arpalli,	Bophalpatnam, Balasaga, Pardhi, Tumrihati, Chintalmanopalli, Chintam, Gullatalodi, Damda, Dhorpalli, Kanki Garlapet, Gudlabori,	Gurmpet, Lomveli, Mogurdagar, Wirdandi and Chilpurdubor villages of Sirpur taluq of Adilabad district.
(10) Kannaiguda, Ankannaguda, Raghavpatnam, Medarmiola, Koetla, Parsa Nagaram, Muthapur, Motlaguda, Venglapur, Yelpak, Kaneboenpalli, Medaram, Kondred, Chintaguda, Kondaparathi, Yelsethipalli, Allvamarighunpur, Rampur, Malkapalli, Chettial, Bhupathipur, Gangaram, Kannaiguda, Rajannapet, Bhutaram, Akkela, Sirvapur, Gangaram Bhupathipur,	Pumbapur, Rampur, Ankampalli, Kamaram, Kamsettigudam, Ashnaguda, Yellapur, Allaguda, Narsapur, Puschapur, Bhattupalli, Lavnal, Vadduguda, Kothur, Pegdapalli, Srvapur, Bhussapur, Chelvai, Rangapur Govindraopet, Ballapali, Dhumpallaguda, Kelapalli, Lakhanavaram, Pasra, Gonepalli, Padgapur, Narlapur, Kalvapalli, Uratam,	Kondia, Maliat, Aclapur, Dodla, Kamaram, Tadvai, Boodiguda, Bannaji, Bandam, Selpak, Kantalpalli, Sarvai, Gangaguda, Tupalkaguda, Akulvari, Ghanpur, Shahpalli, Gagpelli, Chinna-beonnpli, Venkatapur, Narsapur, Anvaram, Lingal, Ballepalli, Bandal and Thunmapur villages of Mulug taluq of Warrangal district.
(11) Vebelli, Polara, Bakkachintaphad, Ganjad, Thirinalguda, Gopalpur, Khistapur, Tatinari Venpalli, Pattal Bhoopati, Chandelapur, Battalpalli, Advarampet, Satiahnagar, Dutla, Mothwada, Mangalawarpet, Karlai, Arkalkunta, Kodsapet, Gunderpalli, Masami, Baitavartigudem, Mamidigudam, Pangonda, Roturai, Satreddipalli, Konapur,	Kondapuram, Pogulapalli, Govindapuram, Makadapalli, Pagulapalli, Murreigudem, Yelchagudem, Tummapurm, Jangamvartigudem, Rangagudem, Peddalapalli, Yerravaram, Kundapalli Neelampalli Daravarinampalli, Karnegund, Mahadevagudem, Marrigudem, Jangalpalli, Bavarguda, Oarbak,	Gangaramam, Mucherla Amaroncha, Kamaram, Chintagudem, Nilavanha, Kangargidda, Madagudem, Dalurpet, Kothagudem, Kotapalli, Durgaram, Dubagudem, Rudravaram, Narsugudam, Komatlagudem, Katervam, Semar Rajpet, Marepalli, Goarur, Radhiapur, Gazalgudem, Rajvepalli and Bollypalli villages of Narsampet taluk of Warrangal district.
(12) All the villages of Yellandu taluq of Warrangal district (excluding the Yellandu, Singareni and Sirpur villages and the town of Kothaguda)		
(13) (i) All the villages of Palocha taluq of Warrangal district excluding Palondha, Borgampad, Ashwaraopet, Dammampet, Kuknur and Nelipak villages and (ii) Samasthan of Paloncha		
(14) Visakhapatnam Agency area I [excluding the areas comprised in the	villages of Agency Lakshmpuram, Chidikada, Konkasingi,	Kumarapuram, Krishnadevipeta,

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Pichigantikothagudem, Golugondapeta, Gunupudi, Gummudukonda, Sarabhupalapatnam, Vadurupalli,	Pedajaggampeta]2[Sarabh upathi Agraharam, Ramachandrarajupeta Agraharam, and	Kondavatipudi Agraharam in Visakhapatnam district.]
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(15) East Godwari Agency area² [excluding the area comprised in the village of Ramachandrapuram including its hamlet Purushothapatnam in the East Godavari district.]

(16) West Godawari Agency area in West Godavari district.

*The Scheduled Areas in the State of Andhra Pradesh were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O.No.9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O.No.26) dated 7.12.1950 and have been modified vide the Madras Scheduled Areas (Cesser) Order 1951 (C.O. 50) and the Andhra Scheduled Areas (Cesser) Order, 1955 (C.O.30)

1. Inserted by the Madras Scheduled Areas (Cesser) Order, 1951
2. Inserted by the Andhra Scheduled Areas (Cesser) Order, 1955

II. GUJARAT**

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| 1. Uchchhal, Vyara,
Mahuwa, Mandvi, Nizar,
Songadh, Valod, Mangrol
and Bardoli talukas in
Surat district. | 3. Dangs district and
taluka | 6. Chhotaudepur and
Naswadi talukas and
Tilakwada mahal in
Vadodora district |
| 2. Dediapada, Sagbara,
Valia, Nandod and
Jhagadia talukas in
Bharuch district | 4. Bansda, Dharampur,
Chikhali, Pardi and
Umbergaon talukas in
Valasad district | 7. Khedbrahma, Bhiloda
and Meghraj talukas, and
Vijayanagar mahal in
Sabarkantha district |
| | 5. Jhalod, Dohad,
Santrampur, Limkheda
and Deogarh Baria talukas
in Panchmahal district | |

** The Scheduled Areas in the State of Gujarat were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and have been respecified as above by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31.12.1977 after rescinding the Order cited first so far as that related to the State of Gujarat.

III. HIMACHAL PRADESH***

1. Lahaul and Spiti district
2. Kinnaur district
3. Pangi tehsil and Bharmour sub-tehsil in Chamba district

*** Specified by the Scheduled Areas (Himachal Pradesh) Order, 1975 (Constitution Order 102) dated 21.11.1975

IV. MAHARASHTRA#

1. The following in Thane district :

(a) Tahsils of Dhahanu, Talasari, Mokhandu, Jawher, Wada and Sahapur

(b) (i) The one hundreded forty four villages of Palghar tahsil as mention below :

Palghar Tahsil

(1) Tarapur	(31) Wade,	(60) Khutal,	(90) Tamsai.
(2) Kudan	(32)	(61) Chilhar,	(91) Durves,
(3) Dahisar-tarf-Tarapur	Khadrkawane,	(62) Bhopoli,	(92) Dhuktan,
(4) Ghiwali	(33) Mendhwan	(63) Nihe,	(93) Pochade,
(5) Wawe	(34) Vilshet,	(64) Damkhand.	(94) Haloli,
(6) Akkarpatti	(35) Kondgaon	(65) Kondhan,	(95) Khamloli.
(7) Kurgaon	(36) Karsood	(66) Awandhan,	(96) Baliadoli.
(8) Parnali	(37) Betegaon.	(67) Bangarchole.	(97) Bot.
(9) Vengani	(38) Warangade	(68) Shil,	(98) Embur
(10) Patharwali	(39) Lalonde.	(69) Loware.	irambi.
(11) Newale	(40) Ghanede	(70) Bandhan,	(99) Danisari-tarf-
(12) Shigaon	(41) Kampalgaon	(71) Nand-gaon-	Manor.
(13) Gargaon	(42) Man	tarf-Manor,	(100) Kude,
(14) Chinchare	(43) Ghaneghar,	(72) Shilshet,	(101) Gundave,
(15) Akegawhan	(44) Wedhe	(73) Katale,	(102) Satiwali,
(16) Naniwali	(45) Chari	(74) Ambhan,	(103) Vehaloli.
(17) Ambedhe	Budruk	(75) Wasaroli	(104) Saware.
(18) Barhanpur	(46) Birwadi	(76) Kharshet,	(105) Warai.
(19) Salgaon,	(47) Kallale,	(77) Manor,	(106) Jansai
(20) Khutad,	(48) Padghe	(78) Takwahal.	(107) Khaire.
(21) Khaniwade,	(49) Pole.	(79) Sawarkhand.	(108) Dhekale,
(22) Rawate,	(50) Nandore.	(80) Nalshet.	(109) Ganje.
(23) Akoli,	(51) Girnoli,	(81) Kev.	(110) Jayshet.
(24) Asheri,	(52) Borande.	(82) Wakadi.	(111) Shelwade.
(25) Somate,	(53) Devkhope.	(83) Maswan.	(112) Veur.
(26) Pasthan,	(54) Sagawe.	(84) Wandiwali.	(113) Ambadi,
(27) Boisar,	(55) Kosbad	(85) Netali	(114) Nawali.
(28) Borsheti	(56) Kokaner.	(86) Saye.	(115) Morawali,
(29) Mahagaon,	(57) Nagzari	(87) Ten.	(116) Varkhunti,
(30) Kirat,	(58) Chari Khurd	(88) Karalgaon.	(117) Kamare,
	(59) Velgaon	(89) Gowade,	(118) Tokrale.

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(119) Bandate,	(128)	(134) Safale,	(141) Dahiwale,
(120) Zanjaroli,	Tandulwadi,	(135) Sonawe,	(142) Darshet,
(121) Chahade,	(129) Girale,	(136) Makane	(143) Navghar
(122) Wasare,	(130) Pargaon,	Kapse,	(Ghatim)
(123) Khadkoli,	(131) Nagawe-	(137) Karwale,	(144)
(124) Sakhare,	tarf-Manor,	(138) Wadhiv	Umbarpada-tarf-
(125) Rothe,	(132) Umbarpada	Sarawali,	Manor.
(126) Lalthane,	Nandade,	(139) Penand,	
(127) Navaze,	(133) Uchavali,	(140) Kandarwan,	

(ii) The forty five villages of Vasai (Bassein) Tahsil as mentioned below:

Vasai (Bassein) Tahsil

(1) Dahisar,	(13) Chandip,	(25) Shirvali,	(37) Juchandra
(2) Koshimbe,	(14) Bhatane,	(26) Majivali,	(38) Bapane
(3) Tulinj,	(15) Shivansai	(27) Karanjon,	(39) Deodal
(4) Sakawar,	(16) Usgaon,	(28) Tilher,	(40) Kamam
(5) Chimane,	(17) Medhe,	(29) Dhaviv,	(41) Sarajamori
(6) Hedavade,	(18) Vadghar,	(30) Pelhar,	(42) Poman
(7) Kashidkopar,	(19) Bhinar,	(31) Achole,	(43) Shilottar
(8) Khaniwade,	(20) Ambode,	(32) Valiv,	(44) Sasunavghar
(9) Bhaliwali,	(21) Kalbhon,	(33) Sativali,	(45) Nagle
(10) Kavher,	(22) Adne,	(34) Rajavali,	
(11) Shirsad	(23) Sayawan,	(35) Kolhi,	
(12) Mandvi	(24) Parol,	(36) Chinchoti	

(iii) The seventy two villages of Bhiwandi tahsil as mentioned bellow :

Bhiwandi tahsil

(1) Bhivali,	(15) Vadwali-tarf-	(28) Eksal;	(41) Newade,
(2) Gancshpuri,	Dugad,	(29) Chinchavali-	(42) Ambadi,
(3) Vadavali	(16) Malbidi,	tarf-Kunde,	(43) Dalonde,
Vajreshwari,	(17) Mohili,	(30) Dudhani,	(44) Jambhiwali-
(4) Akloli,	(18) Nandithane,	(31) Vape,	tarf-Khambal,
(5) Savaroli,	(19) Depoli,	(32) Ghadane,	(45)
(6) Khatriali	(20) Sakharoli,	(33) Kurde,	Umbarkhand,
(7) Usgaon,	(21) Supegaon,	(34) Ghotavade,	(46) Ashivali,
(8) Ghotgaon,	(22) Pilanze	(35) Mainde,	(47) Zidake,
(9) Vadhe,	Khurd,	(36) Karmale,	(48) Kharivali
(10) Vareth,	(23) Pilanze	(37) Kandali	(49) Base,
(11) Chane,	Budruk,	Budruk,	(50) Gondade,
(12) Asnoli-tarf-	(24) Alkhivali,	(38) Kelhe,	(51) Pahare,
Dugad	(25) Vaghivale,	(39) Kandali	(52) Shedgaon,
(13) Dugad,	(26) Devehole,	Khurd,	(53) Pachhapur,
(14) Manivali,	(27) Sagoan,	(40) Dighashi,	(54) Gondravali,

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(55) Jambhiali-tarf-Kunde,	(59) Mohandul,	(63) Khadki Budruk,	(68) Palivali,
(56) Asnoli-tarf-Kunde,	(60) Shirgaon,	(64) Chimbipade,	(69) Paye,
(57) Shirole,	(61) Pimpal Seeth Bhusheth,	(65) Kuhe.	(70) Gane,
(58) Dabhad,	(62) Khadki Khurd.	(66) Dhamne,	(71) Dahyale.
		(67) Lakhiwali,	(72) Firangpada.

(iv) The seventy seven villages of Murbad tahsil as mentioned below :

Murbad Tahsil

(1) Kasgaon,	(21) Madh,	(43) Chosale,	(62) Maniwali-tarf-Khedul,
(2) Kisal,	(22) Sonawale,	(44) Khutal Bangla,	(63) Pendhari,
(3) Wadawali,	(23) Veluk,	(45) Nayahadi,	(64) Umaroli budruk,
(4) Sakhare,	(24) Alawe,	(46) Moroshi,	(65) Ojiwale.
(5) Khutalborgaon,	(25) Bursunge,	(47) Fangulgawhan,	(66) Mandwat,
(6) Ambele Khurd	(26) Mandus,	(48) Sawarne,	(67) Mahaj,
(7) Sayale,	(27) Khed,	(49) Thitabi-tarf-Vaishakahre.	(68) Padale,
(8) Inde,	(28) Vanote,	(50) Kudhset,	(69) Koloshi.
(9) Khedale,	(29) Shai,	(51) Fangane,	(70) Jaigaon,
(10) Talawali-tarf-Ghorat,	(30) Shelgaon,	(52) Khapari.	(71) Kalambad (Bhondivale),
(11) Eklahare,	(31) Shiroshi,	(53) Hedawali.	(72) Kheware.
(12) Chafe-tarf-Khedul,	(32) Talegaon,	(54) Karchonde.	(73) Dudhanoli,
(13) Pimpalghar,	(33) Fangalkoshi,	(55) Zadghar,	(74) Umaroli Khurd.
(14) Dahigaon,	(34) Merdi,	(56) Udaldoha,	(75) Khopwali,
(15) Parhe,	(35) Walhivare,	(57) Mhorande.	(76) Milhe,
(16) Kandali,	(36) Mal,	(58) Tokawade,	(77) Gorakhgad,
(17) Dhasai,	(37) Jadai,	(59) Balegaon,	
(18) Alyani,	(38) Ambiwali,	(60) Talawali (Baragaon),	
(19) Palu,	(39) Dighephal,	(61) Waishakhare.	
(20) Deoghar,	(40) Diwanpada,		
	(41) Kochare Khurd,		
	(42) Kochare Budruk,		

2. The following in Nasik district :-

(a) The tahsils of Peint, Surgana and Kalwan

(b) (i) The one hundred six villages of Dindori tahsil as mentioned below :

Dindori Tahsil

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- | | | |
|------------------------|-----------------------|------------------------|
| (1) Mokhanal, | (37) Nalegaon, | (73) Sangamner. |
| (2) Bhanwad, | (38) Vilwandi, | (74) Khedle, |
| (3) Denare, | (39) Rasegaon, | (75) Mavadi, |
| (4) Karanjali, | (40) Kochargaon, | (76) Karanjwan, |
| (5) Gandole, | (41) Tilholi, | (77) Dahegaon, |
| (6) Palasvihir, | (42) Ravalgaon, | (78) Vaglund, |
| (7) Vare, | (43) Deher Wadi, | (79) Krishnagaon, |
| (8) Vanjole, | (44) Dhagur, | (80) Varkhed, |
| (9) Ambhad, | (45) Dandgaon, | (81) Kadwambhalungi, |
| (10) Vanare, | (46) Sarsale, | (82) Gaondegaon, |
| (11) Titve, | (47) Karanjkhed, | (83) Hatnore, |
| (12) Deothan, | (48) Pingalwadi, | (84) Nilwandi, |
| (13) Nanashi | (49) Eklahare, | (85) Pimpalgaon Ketki, |
| (14) Charose, | (50) Chausale, | (86) Rajapur, |
| (15) Deoghar, | (51) Pimpri Anchla, | (87) Dindori, |
| (16) Kaudasar, | (52) Ahiwantwadi, | (88) Jopul, |
| (17) Vani Khurd, | (53) Goldari, | (89) Madki jamb. |
| (18) Pimpalgaon Dhum, | (54) Haste, | (90) Palkhed. |
| (19) Joran, | (55) Kolher, | (91) Indore, |
| (20) Mahaje, | (56) Jirwade, | (92) Korhate, |
| (21) Chachadi, | (57) Chachadi, | (93) Chachadi, |
| (22) Nalwadi, | (58) Maledumala, | (94) Talegaon Dindori, |
| (23) Oje, | (59) Mandane, | (95) Akrale, |
| (24) Golshi, | (60) Koshimbe, | (96) Mohadi, |
| (25) Jalkhed, | (61) Punegaon, | (97) Pimpsalanare. |
| (26) Nigdol, | (62) Pandane, | (98) Khatwad, |
| (27) Kokangaon Budruk, | (63) Ambaner, | (99) Ramsej. |
| (28) Umbrale Khurd, | (64) Chandikapur, | (100) Ambe Dindore, |
| (29) Ambegan, | (65) Bhatode, | (101) Dhakambe, |
| (30) Chachadgaon, | (66) Dahivi, | (102) Janori, |
| (31) Vaghad, | (67) Mulane, | (103) Manori, |
| (32) Pophal wade, | (68) Kokangaon Khurd, | (104) Shivanai, |
| (33) Dhaur, | (69) Malegaon, | (105) Varwandi, |
| (34) Umbate Budruk, | (70) Pimparkhed, | (106) Jaulke Dindori, |
| (35) Jambutke, | (71) Phopasi, | |
| (36) Pimpraj, | (72) Vani Kasbe, | |

(ii) The ninety three villages of **Igatpuri tahsil** as mentioned below and one town **Igatpuri** :

Igatpuri Tahsil

- | | | |
|--------------------|----------------------|---------------------|
| (1) Dhadoshi, | (7) Samundi, | (13) Alwand, |
| (2) Bhilmal, | (8) Kharoli, | (14) Dapure, |
| (3) Pahine, | (9) Kojoli, | (15) Met Humbachi, |
| (4) Zarwad Khurd, | (10) Avhate, | (16) Zarwad Budruk, |
| (5) Tak-Harsha, | (11) Kushegaon, | (17) Mhasurli, |
| (6) Aswali Harsha, | (12) Metchandryachi, | (18) Shevgedang, |

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|--------------------------|-------------------------|------------------------|
| (19) Wanjole, | (44) Awalkhede, | (70) Maniargaon, |
| (20) Deogaon, | (45) Paderi, | (71) Ambewadi, |
| (21) Ahurli, | (46) Balayduri, | (72) Khadked, |
| (22) Nandagaon, | (47) Khambala, | (73) Indore, |
| (23) Vavi Harsha, | (48) Take Ghoti, | (74) Umbarkon, |
| (24) Nagosali, | (49) Ghoti Budruk, | (75) Somaj Ghadga, |
| (25) Dhargaon, | (50) Talegaon, | (76) Ubhade, |
| (26) Ondli, | (51) Girnare, | (Vanjulwadi), |
| (27) Saturli, | (52) Titoli, | (77) Megare, |
| (28) Awalidumala, | (53) Bortembhe, | (78) Belgaon Tarhale, |
| (29) Karhale, | (54) Taloshi, | (79) Dhamangaon, |
| (30) Rayambe, | (55) Nandgaon sade, | (80) Deole, |
| (31) Takedeogaon, | (56) Pimpri Sadaroddin, | (81) Khairgaon, |
| (32) Metyelyachi, | (57) Talegha, | (82) Pimpalgaon Mor, |
| (33) Biturli, | (58) Kanchangaon, | (83) Dhamni, |
| (34) Walvihir, | (59) Shenwad Budruk, | (84) Adasare Khurd, |
| (35) Bhavli Badruk, | (60) Fangulgavan, | (85) Adasare Budruk, |
| (36) Pimpalgaon Bhatata, | (61) Borli, | (86) Acharwad, |
| (37) Kopargaon, | (62) Manwedhe, | (87) Taked Khurd, |
| (38) Kumoli, | (63) Bhavali Khurd, | (88) Taked Budruk, |
| (39) Dhamoli, | (64) Kaluste, | (89) Khed, |
| (40) Waki, | (65) Jamunde, | (90) Barshingve, |
| (41) Chinchale, | (66) Gahunde, | (91) Sonoshi, |
| (Khaire), | (67) Bharvaj, | (92) Maidara Dhanoshi, |
| (42) Tringalwadi, | (68) Karungwadi, | (93) Wasali, |
| (43) Adwan, | (69) Nirpan, | |

(iii) The seventy villages in Nasik tahsil as mentioned below and one town **Trimbak** :

Nasik tahsil

- | | | |
|----------------------|------------------------|-------------------------|
| (1) Sapte, | (15) Brahmanwade | (30) Pogalwadi Trimbak, |
| (2) Kone, | Trimbak, | (31) Vacholi, |
| (3) Kharwal, | (16) Toanagan, | (32) Ubbrande, |
| (4) Varasvihir, | (17) Dhumbdi, | (33) Kalmuste, |
| (5) Vaghera, | (18) Bese, | (34) Trimbak (Rural), |
| (6) Rohile, | (19) Chakore, | (35) Harshewadi, |
| (7) Nandgaon, | (20) Amboli, | (36) Metgherakilla |
| (8) Gorthan, | (21) Ambai, | Trimbak, |
| (9) Hirdi, | (22) Shirasgaon, | (37) Mulegaon, |
| (10) Malegaon, | (23) Talwade Trimbak, | (38) Ladachi, |
| (11) Welunje, | (24) Pimpalad Trimbak, | (39) Naikwadi, |
| (12) Ganeshgaon | (25) Khambale, | (40) Vele, |
| Waghera, | (26) Sappaon, | (41) Sadgaon, |
| (13) Pimpri Trimbak, | (27) Kachurli, | (42) Vadgaon, |
| (14) Met Kawara, | (28) Arianeri, | (43) Manoli, |
| | (29) Talegaon Trimbak, | (44) Dhondegaon, |

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|---------------------|--------------------------|-------------------------|
| (45) Dari, | (54) Sawargaon, | (62) Wasali, |
| (46) Gimate, | (55) Goverdhan, | (63) Dudgaon, |
| (47) Dugaon, | (56) Shivangaon, | (64) Mahrawani, |
| (48) Deorgaon, | (57) Pimpalgaon | (65) Talegaon Anjaneri, |
| (49) Nagalwadi, | Garudeshwar, | (66) Jategaon, |
| (50) Ozarkheda, | (58) Rajewadi, | (67) Sarul, |
| (51) Chandashi, | (59) Gangawarhe, | (68) Pimplad Nashik. |
| (52) Gangamhalungi, | (60) Ganeshgaon Trimbak, | (69) Rajur Bahula, |
| (53) Jalalpur, | (61) Ganeshgaon Nashik, | (70) Dahigaon, |

(ix) The following villages in Baglan tahsil as mentioned below :

Baglan tahsil

- | | | |
|-------------------|---------------------|----------------------|
| (1) Borhate, | (20) Mulher, | (39) Kerasane, |
| (2) Mohalangi, | (21) Babulne, | (40) Vathod, |
| (3) Jaitapur, | (22) Morane-Digar, | (41) Pathwedigar, |
| (4) Golwad, | (23) Bordaivat, | (42) Talwade Digar, |
| (5) Hatnoor, | (24) Bhimkhet, | (43) Morkure, |
| (6) Maliwade, | (25) Waghambe, | (44) Kikwari Khurd, |
| (7) Ambapur, | (26) Manoor, | (45) Kelzar, |
| (8) Jad, | (27) Salher, | (46) Tatani, |
| (9) Visapur, | (28) Katarwel, | (47) Bhildar, |
| (10) Shevare, | (29) Bhilwad, | (48) Kikwari Budruk. |
| (11) Kharad, | (30) Tungan, | (49) Joran, |
| (12) Vade Digar, | (31) Daswel, | (50) Sakode, |
| (13) Deothan, | (32) Jakhod, | (51) Karanjkhed. |
| (14) Kondharabad, | (33) Mungase, | (52) Dang Saundane, |
| (15) Antapur, | (34) Bhawade, | (53) Nikwel, |
| (16) Raver, | (35) Dasane, | (54) Bandhate, |
| (17) Jamoti, | (36) Malgaon Khurd, | (55) Dahindule, |
| (18) Aliabad, | (37) Salawan, | (56) Sarwar, |
| (19) Ajande, | (38) Pisore, | (57) Wadichaulher. |

3. The following in Dhule District:-

(a) Tahsils of Nawapur, Taloda, Akkalkuwa and Akrani.

(b) (i) The eighty villages in Sakri tahsil as mentioned below:-

Sakri tahsil

- | | | |
|-----------------|----------------|------------------|
| (1) Choupale, | (6) Dhaner, | (11) Burudkhe, |
| (2) Rothod, | (7) Amale, | (12) Pangaon, |
| (3) Jamkhel, | (8) Machmal, | (13) Lagadwal, |
| (4) Khuruswade, | (9) Khandbare, | (14) Raitel, |
| (5) Sutare, | (10) Raikot, | (15) Brahmanwel, |

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(16) Amkbel,	(39) Basar,	(60) Khatyal,
(17) Jambore,	(40) Isarde,	(61) Vardoli,
(18) Varsus,	(41) Petale,	(62) Kaksad,
(19) Jamki,	(42) Pimpalgaon,	(63) Pankhede,
(20) Runmali,	(43) Mohane,	(64) Samode,
(21) Vaskhedi,	(44) Tembhe, Pargane	(65) Mhasadi, Pargane
(22) Damkani,	Warse,	Pimpalner,
(23) Saltek,	(45) Shirsole,	(66) Pimpalner,
(24) Dahiwel,	(46) Umarpata,	(67) Chikase,
(25) Bhongaon,	(47) Malgaon Pargane	(68) Jirapur,
(26) Badgaon,	Versa,	(69) Kokangaon,
(27) Maindane,	(48) Khargaon,	(70) Shevage,
(28) Dapur,	(49) Kalambe,	(71) Dhamandhar,
(29) Rohan,	(50) Chorwad,	(72) Virkhel,
(30) Jebapur,	(51) Lakhale,	(73) Pargaon,
(31) Amode,	(52) Warse,	(74) Mandane,
(32) Kirwade,	(53) Shenwad,	(75) Balhane,
(33) Ghodade,	(54) Kudashi,	(76) Deshivade,
(34) Surpan,	(55) Manjari,	(77) Kadyale,
(35) Korde,	(56) Mapalgaon,	(78) Dhongaddigar,
(36) Valwhe,	(57) Dangshirwade,	(79) Shelbari,
(37) Vitave,	(58) Bopkhel,	(80) Degaon,
(38) Kasbe Chhadwell,	(59) Shiv,	

(ii) The eighty two villages in Nandurbar tahsil and town Nandurbar as mentioned below:-

Nandurbar tahsil

(1) Bhangade,	(20) Velaved,	(39) Ashte,
(2) Mangloor,	(21) Vyahur,	(40) Thanepada,
(3) Vasalai,	(22) Dhulawad,	(41) Amarave,
(4) Arditara,	(23) Gujar Bhavali,	(42) Patharai,
(5) Dhanora,	(24) Gujar Jamboli,	(43) Dhamdai,
(6) Pavale,	(25) Karankhede,	(44) Varul,
(7) Kothede,	(26) Phulsare,	(45) Adachhi,
(8) Umaj,	(27) Umarde Budruk,	(46) Lonkhede,
(9) Kothali Khurd,	(28) Narayanpur,	(47) Karajkupe,
(10) Vadajakan,	(29) Ghirasgaon,	(48) Nalave Khurd,
(11) Nimbone Budruk,	(30) Dhekwad,	(49) Sundarde,
(12) Jalkhe,	(31) Biladi,	(50) Nalave Budruk,
(13) Shirvade,	(32) Khairale,	(51) Dudhale,
(14) Ranale Khurd,	(33) Khamgaon,	(52) Nandarkhe,
(15) Natawad,	(34) Nagasar,	(53) Dhane,
(16) Karanjwe,	(35) Virchak,	(54) Vasadare,
(17) Shejwe,	(36) Tokartale,	(55) Wawad,
(18) Pimplod-tarf-Dhanore,	(37) Waghale,	(56) Chakle,
(19) Loya,	(38) Ozarde,	(57) Dahindule Budruk,

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|------------------------|-----------------------|-----------------|
| (58) Dahindule Khurd, | (67) Ghuli, | (76) Bhagsari, |
| (59) Athore Digar, | (68) Rakaswade, | (77) Dhamdod, |
| (60) Umarde Khurd, | (69) Waghode, | (78) Savalde, |
| (61) Chaupale, | (70) Patonde, | (79) Korit, |
| (62) Akrale, | (71) Hol-tarf-Haveli, | (80) Sujatpur, |
| (63) Vadbare, | (72) Khodasgaon, | (81) Tishi, |
| (64) Akhatwade, | (73) Shahade, | (82) Dhandhane. |
| (65) Hatti alias Indi, | (74) Shinde, | |
| (66) Palashi, | (75) Kolde, | |

(iii) The one hundred forty one villages in Shahada tahsil as mentioned below:-

Shahada tahsil

- | | | |
|---|---------------------------|---------------------------|
| (1) Akaspur, | (26) Umarati, | (59) Kharagaon, |
| (2) Nawagaon (Forest Village), | (27) Pimpri, | (60) Kochrare, |
| (3) Virpur, | (28) Mhasavad, | (61) Biladi-tarf-Haveli, |
| (4) Dara, | (29) Anakwade, | (62) Bahirpur, |
| (5) Bhuta, | (30) Sulwade, | (63) Bramhanpur, |
| (6) Kansai,(Forest Village), | (31) Tavalai, | (64) Sultanpur, |
| (7) Nandya Kusumwade (Forest Village, Rampur. | (32) Mubarakpur, | (65) Raikhed, |
| (8) Chirada, | (33) Velavad, | (66) Khed Digar, |
| (9) Nagziri (Forest Village), | (34) Kalmadi-tarf-Boardi, | (67) Navalpur, |
| (10) Kusumwade, | (35) Wadi, | (68) Chandsaili, |
| (11) Nandya (Forest Village), | (36) Buhawad-Boardi, | (69) Godipur, |
| (12) Pimprani, | (37) Thangche, | (70) Padalde Khurd. |
| (13) Ranipur, (Forest Village), | (38) Javadetarf-Boardi, | (71) Bhagapur, |
| (14) Fattepur, | (39) Tarhadi-tarf-Boardi, | (72) Javkhede, |
| (15) Lakkadkot (Forest Village), | (40) Vardhe, | (73) Sonwai-tarf-Haveli, |
| (16) Kothanani (Forest Village), | (41) Pari, | (74) Kavalith, |
| (17) Pimplod, | (42) Kothali-tarf-haveli, | (75) Tuki, |
| (18) Kuddawad, | (43) Aurangpur, | (76) Sawkhede, |
| (19) Lachhore, | (44) Chikhali Budruk, | (77) Karjot, |
| (20) Kanadi-tarf-Haveli, | (45) Karankhede, | (78) Lohare, |
| (21) Shirud-tarf Haveli, | (46) Nandarde, | (79) Gogapur, |
| (22) Amode, | (47) Vaijali, | (80) Kurangi, |
| (23) Alkhed , | (48) Vaghode, | (81) Tidhare, |
| (24) Padalde Budruk, | (49) Parakashe, | (82) Damalde, |
| (25) Budigavan, | (50) Dhamlad, | (83) Kalamad-tarf-Haveli, |
| | (51) Katharde Budruk, | (84) Chikhali Khurd, |
| | (52) Katharde Khurd, | (85) Bhortek, |
| | (53) Kalsadi, | (86) Shrikhede, |
| | (54) Dhurkhede, | (87) Ozarte, |
| | (55) Bhade, | (88) Ukhalshem, |
| | (56) Pingane, | (89) Vagharde, |
| | (57) Ganor, | (90) Jam, |
| | (58) Adgoan, | (91) Javade-tarf-Haveli, |

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(92) Titari,	(113) Borale,	(129) Kondhawal,
(93) Hol Mubarakpur (Forest Village).	(114) Kamravad.	(130) Bhulane (Forest Village).
(94) Vadgaon,	(115) Kahatul,	(131) Chandsaili (Forest Village).
(95) Pimparde,	(116) Vadchhil,	(132) Ubhadagad (Forest Village).
(96) Asalod,	(117) Londhare,	(133) Kakarde Khurd,
(97) Mandane,	(118) Udhalod,	(134) Khaparkhede (Forest Village).
(98) Awage,	(119) Nimbhore,	(135) Malgaon (Forest Village).
(99) Tikhore,	(120) Dhandre Budurk,	(136) Langadi Bhavani (Forest Village).
(100) Untawad,	(121) Chirkhan (Forest Village),	(137) Shahana (Forest Village).
(101) Hol,	(122) Asalod (New) (Forest Village),	(138) Kakarde Budruk,
(102) Mohide-tarf-Haveli.	(123) Jainagar,	(139) Abhanpur Budruk,
(103) Junwane,	(124) Dhandre Khurd (Forest Village),	(140) Katghar,
(104) Lonkhede,	(125) Manmodya (Forest Village),	(141) Nimbardi (Forest Village),
(105) Tembhal,	(126) Dutkhede (Forest Village),	
(106) Holgajari,	(127) Bhongara (Forest Village),	
(107) Asus,	(128) Vadali,	
(108) Bupkari,		
(109) Maloni,		
(110) Dongargaon,		
(111) Kothal-tarf-Shahada,		
(112) Matkut,		

(iv) The sixty two villages in Shirpur tahsil as mentioned below:-

Shirpur tahsil

(1) Borpani (Forest Village),	(11) Chondi (Forest Village),	(21) Tembha (Forest Village),
(2) Malkatar (Forest Village),	(12) Bhudaki (Forest Village),	(22) Kharikhan (Forest Village),
(3) Fattepur (Forest Village),	(13) Chandsurya (Forest Village),	(23) Boaradi,
(4) Gadhad Deo (Forest Village),	(14) Boradi (New) (Forest Village),	(24) Wasardi,
(5) Kodid (Forest Village),	(15) Kakadmal (Forest Village),	(25) Nandarde,
(6) Gurhadpani (Forest Village),	(16) Vakawad (Forest Village),	(26) Chandase,
(7) Bhudaki (Forest Village),	(17) Umarda (Forest Village),	(27) Wadi Budruk,
(8) Waghpage (Forest Village),	(18) Durabadya (Forest Village),	(28) Wadi Khurd,
(9) Saigarpada (Forest Village),	(19) Mohide (Forest Village),	(29) Jalod,
(10) Manjriburdi (Forest Village),	(20) Dondwada (Forest Village),	(30) Abhanpur Khurd,
		(31) Tarhad,
		(32) Ukhalwadi,
		(33) Mukhed,
		(34) Nimzari,
		(35) Varzadi,
		(36) Waghbarda,
		(37) Samryapada,
		(38) Lauki,

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(39) Sule,	(49) Khaikhuti (Forest	(55) Rohini,
(40) Fattepur,	Village),	(56) Bhoiti,
(41) Hedakhed,	(50) Joyada (Forest	(57) Ambe,
(42) Arunapuri Dam	Village),	(58) Khamkhede Pargane
(Deforested),	(51) Chilare (Forest	Ambe,
(43) Sangavi,	Village),	(59) Hiwarkhede, (Forest
(44) Hated,	(52) Lakdya Hanuman	Village),
(45) Zendya Anjan,	(Forest Village),	(60) Higaon,
(46) Palasner,	(53) Mahadeo Dondwade	(61) Vadel Khurd,
(47) Khambale,	(Forest Village),	(62) Kalapani (Forest
(48) Panakhed (Forest	(54) Malapur (Forest	Village)
Village),	Village),	

4. The following in Jalgaon district:-

(a) (i) The twenty five villages in Chopda tahsil as mentioned below:-

Chopda Tahsil

(1) Maratha (Forest	(10) Vaijapur (Forest	(18) Deoziri (Forest
Village),	Village) (54),	Village);
(2) Mordhida (Forest	(11) Borajanti (Forest	(19) Kundyapani (Forest
Village),	Village),	Village),
(3) Umarti (Forest	(12) Malapur (Forest	(20) Ichapur Pargane
Village),	Village),	Mudwad.
(4) Satrasen (Forest	(13) Bormali (Forest	(21) Badhawani,
Village),	Village),	(22) Badhai,
(5) Krishnapur (Forest	(14) Karajane (Forest	(23) Andane,
Village),	Village),	(24) Moharad,
(6) Angurne,	(15) Melane (Forest	(25) Asalwadi (Forest
(7) Kharya Padav (Forest	Village),	Village),
Village),	(16) Vishnapur (Forest	
(8) Vaijapur (Revenue),	Village),	
(9) Mulyautar (Forest	(17) Devhari (Forest	
Village),	Village),	

(ii) The thirteen villages in Yaval tahsil as mentioned below:-

Yaval Tahsil

(1) Manapuri,	(6) Haripura (Forest	(9) Borkhede Khurd,
(2) Tolane,	Village),	(10) Langda Amba,
(3) Khalkot,	(7) Vaghazira (Forest	(11) Jamnya (Forest
(4) Ichakhede,	Village),	Village),
(5) Malod,	(8) Parasade Budruk,	

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- (12) Gadrya (Forest Village),
(13) Usmali (Forest Village)

(iii) The twenty-one villages in Raver tahsil as mentioned below :-

Raver Tahsil

- | | | |
|-----------------------------------|------------------------------------|---------------------------------|
| (1) Mahumandali (Forest Village), | (7) Janori, | (16) Kusumbhe Budruk, |
| (2) Pimparkund (Forest Village), | (8) Chinchati, | (17) Kusumbe Khurd, |
| (3) Andharmali (Forest Village), | (9) Pal, | (18) Pimpri, |
| (4) Tidya (Forest Village), | (10) Marwhal, | (19) Mohagan Budruk, |
| (5) Nimdya (Forest Village), | (11) Jinsi, | (20) Padale Budruk, |
| (6) Garbardi (Forest Village), | (12) Sahasraling (Forest Village), | (21) Mahumandali (old Deserted) |
| | (13) Lalmati (Forest Village), | |
| | (14) Abhode Budruk | |
| | (15) Lohare, | |

5. The following in Ahmednagar district

(a) The ninety-four villages in Akole tahsil as mentioned below:

Akole Tahsil

- | | | |
|----------------------|-------------------------|------------------------|
| (1) Tirdhe, | (22) Pendshet, | (43) Guhire, |
| (2) Padoshi, | (23) Manhere, | (44) Katalapur, |
| (3) Mhajungi, | (24) Shelvihire, | (45) Ratanwadi, |
| (4) Ekdare, | (25) Panjare, | (46) Mutkhel, |
| (5) Sangavi, | (26) Chinchond, | (47) Terungan, |
| (6) Keli Rumhanwadi, | (27) Waki, | (48) Rajur, |
| (7) Bitaka, | (28) Titavi, | (49) Vithe, |
| (8) Khirvire, | (29) Pimparkane, | (50) Koltembhe, |
| (9) Kombhalne, | (30) Udadawane, | (51) Kelungan, |
| (10) Tahakari, | (31) Kodani, | (52) Jangaon, |
| (11) Samshepur, | (32) Ghatghar, | (53) Shirpunje Budruk, |
| (12) Savargaon Pat, | (33) Shinganwadi Rajur, | (54) Savarkute, |
| (13) Muthalane, | (34) Murshet, | (55) Kumshet, |
| (14) Bari, | (35) Shendi, | (56) Shirpunje Khurd, |
| (15) Waranghusi, | (36) Samarad | (57) Dhamanvan, |
| (16) Ladagaon, | (37) Bhandardara, | (58) Ambit, |
| (17) Shenit, | (38) Ranad Budruk, | (59) Balthan, |
| (18) Pabhulwandi, | (39) Ranad khurd, | (60) Manik Ozar, |
| (19) Babhulwandi, | (40) Malegaon, | (61) Puruchawadi, |
| (20) Ambevangan, | (41) Kohondi, | (62) Maveshi, |
| (21) Deogaon, | (42) Digambar, | (63) Shiswad, |

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- | | | |
|-------------------|--------------------|-----------------|
| (64) Wapjulshet, | (75) Lavali Kotul, | (86) Palsunde, |
| (65) Gondoshi, | (76) Waghdari, | (87) Pisewadi, |
| (66) Khadki, | (77) Shilvandi, | (88) Phopsandi, |
| (67) Sakirwadi, | (78) Kohone, | (89) Satewadi |
| (68) Pachanai, | (79) Lavali Otur, | (90) Keli Otur, |
| (69) Chinchavana, | (80) Tula, | (91) Keli Kotul |
| (70) Padalne (80) | (81) Kothale, | (92) Khetewadi. |
| (71) Shelad, | (82) Somalwadi, | (93) Esarthav, |
| (72) Pimpri, | (83) Vihir, | (94) Karandi, |
| (73) Ghoti, | (84) Shinda, | |
| (74) Paithan, | (85) Ambit Khind, | |

6. The following in Pune District

(a) (i) The fifty-six villages in Ambegaon tahsil as mentioned below :

Ambegaon Tahsil

- | | | |
|-----------------------|----------------------|-----------------------|
| (1) Don, | (21) Mahelunge-tarf- | (39) Rajewadi, |
| (2) Pimpargaane, | Ambegaon, | (40) Supeghar, |
| (3) Aghane, | (22) Savarali, | (41) Taleghar, |
| (4) Ahupe, | (23) Megholi, | (42) Mapoli, |
| (5) Tirpad, | (24) Vachape, | (43) Dimbhe Khurd. |
| (6) Nhaved, | (25) Sakeri, | (44) Pokhari. |
| (7) Asane, | (26) Pimpri, | (45) Gohe Budruk, |
| (8) Malin, | (27) Ambegaon | (46) Nigadale, |
| (9) Nanawade, | (28) Jambhori, | (47) Gohe Khurd, |
| (10) Amade, | (29) Kalambai, | (48) Apati, |
| (11) Warsawane, | (30) Kondhawal, | (49) Gangapur Khurd, |
| (12) Kondhare, | (31) Phulavade, | (50) Amondi |
| (13) Adivare, | (32) Phalode, | (51) Kanase, |
| (14) Borghar, | (33) Koltavade, | (52) Gangapur Budruk, |
| (15) Patan, | (34) Terungaon, | (53) Shinoli, |
| (16) Kushire Khurd, | (35) Dimbhe Budruk, | (54) Pimpaigaon-tarf- |
| (17) Panchale budruk, | (36) Mahalunge-tarf- | Ghoda, |
| (18) Kushire Budruk, | Ghoda, | (55) Sai, |
| (19) Digad, | (37) Rajpur, | (56) Dhakale |
| (20) Panchale Khurd, | (38) Chikhali, | |

(ii) The sixty-five villages in Junnar tahsil as mentioned below :

Junnar Tahsil

- | | | |
|------------------------|------------------------------|---------------------------|
| (1) Chilhewadi, | (23) Hadsar, | (45) Wanewadi, |
| (2) Ambehavhan, | (24) Devale, | (46) Aptale, |
| (3) Jambhulshi, | (25) Khaire, | (47) Koli, |
| (4) Khireswar, | (26) Ghatghar, | (48) Shivali, |
| (5) Mathalane, | (27) Jalwandi, | (49) Utchil, |
| (6) Kolhewadi, | (28) Hirdi, | (50) Botarde, |
| (7) Kopare, | (29) Undekhadak, | (51) Dhalewadi-tarf- |
| (8) Mandave, | (30) Rajpur, | Minher, |
| (9) Singanore, | (31) Khatkale, | (52) Bhivade Budruk, |
| (10) Alu, | (32) Manikdoh, | (53) Ingaloon, |
| (11) Khubi | (33) Khad kumbe, | (54) Bhivade Khurd, |
| (12) Pimpalgaon Joga, | (34) Ursan, | (55) Ghangaldare, |
| (13) Karanjale, | (35) Vevadi, | (56) Sonavale, |
| (14) Mach, | (36) Tejpur, | (57) Tambe, |
| (15) Pangri-tarf-Madh, | (37) Phangalghavan, | (58) Hlivare-tarf-Minher, |
| (16) Kolwadi, | (38) Chavand, | (59) Hatvij, |
| (17) Pargaon-tarfModh, | (39) Pur, | (60) Ambe, |
| (18) Taleran, | (40) Khangaon, | (61) Pimparwadi, |
| (19) Sitewadi, | (41) Mankeshwar, | (62) Sukalewdhe, |
| (20) Wathale, | (42) Surale, | (63) Godre, |
| (21) Nimgir, | (43) Amboli, | (64) Khangaon, |
| (22) Anjanwale, | (44) Shirolit-tarf-Kukadner, | (65) Somatwadi, |

7. The following in Nanded District:-

(a) The one hundred fifty-two villages and town Kenwat in kinwat tahsil as mentioned below:-

Kinwat Tahsil

- | | | |
|------------------------|--------------------------|--------------------------|
| (1) Takli, | (15) Digdi (Kutemar), | (29) Khambala, |
| (2) Padsa, | (16) Wai, | (30) Pardi, |
| (3) Sayepal, | (17) Hardap, | (31) Sindkhed, |
| (4) Murli, | (18) Naikwadi, | (32) Cinchkhed, |
| (5) Wadsa, | (19) Hingani, | (33) Hatola, |
| (6) Koli, | (20) Wazra, | (34) Waifani, |
| (7) Ashta, | (21) Tulshi, | (35) Dhundra, |
| (8) Gondegaon, | (22) Gondwadsa, | (36) Ciouri, |
| (9) Madnapur (Mahore), | (23) Anjankhed, | (37) Both, |
| (10) Bondgavan, | (24) Borad, | (38) Sailu, |
| (11) Umra, | (25) Chorad, | (39) Karanji (Sindkhed), |
| (12) Machandra Pard, | (26) Dhanora (sindkhed), | (40) Bhagwati, |
| (13) Karalgaon, | (27) Rampur, | (41) Wazra Budruk, |
| (14) Sawarkhed, | (28) Pathri, | (42) Umri, |

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(43) Unakdeo,	(79) Malborgaon,	(118) Karla,
(44) Chais,	(80) Nejpur,	(119) Degaon,
(45) Pimpalsenda,	(81) Rajgad,	(120) Lingdhari,
(46) Sarkhani,	(82) Wadoli,	(121) Pardi Budruk,
(47) Delhi,	(83) Anji,	(122) Bodhadi Khurd,
(48) Nirala,	(84) Kanakwadi,	(123) Bodhadi Budruk,
(49) Noorgaon,	(85) Loni,	(124) Sindgi (Chikhli),
(50) Titvi,	(86) Dhamandhari,	(125) Andbori (Chikhli),
(51) Lingi,	(87) Pandhara,	(126) Kopara,
(52) Nagapur,	(88) Bellori (Kinwat),	(127) Piperphodi,
(53) Jununi,	(89) Maregaon,	(128) Patoda (Chikhli),
(54) Digadwazra,	(90) Kamthala,	(129) Pipri,
(55) Darsangvi	(91) Ambadi,	(130) Dhanora (Chikhli),
(Sindkhed),	(92) Kherda,	(131) Sawari,
(56) Singoda,	(93) Malkapur,	(132) Thara,
(57) Sirpur,	(94) Ghoti,	(133) Poth Redy,
(58) Tembhi,	(95) Sirmetti,	(134) Singarwadi,
(59) Patoda Budruk,	(96) Bhimpur,	(135) Anjegaon,
(60) Mandvi,	(97) Pipalgaon (Kinwar),	(136) Bhandarwadi,
(61) Jambhale,	(98) Ghogarwadi,	(137) Jaldhara
(62) Palsi,	(99) Gokunda,	(Chandrapur),
(63) Belgaon,	(100) Mandva,	(138) Belori (Chikhli),
(64) Kanki,	(101) Digdi (Mangabodi)	(139) Malkolari,
(65) Kothari, (Sindkhed),	(102) Nagzari,	(140) Digras,
(66) Pimpalgaon	(103) Kothari (Chikhli),	(141)
(Sindkhed),	(104) Pradhan Sangvi,	Dongargaon(Chikhli),
(67) Dongargaon	(105) Bendi,	(142) Shivoni (Chikhli),
(Sindkhed),	(106) Amadi,	(143) Paroti,
(68) Jarur,	(107) Madnapur (Chikhli),	(144) Sawargaon,
(69) Minki,	(108) Shaniwar Peth,	(145) Jaldhara (Islapur),
(70) Pachunda,	(109) Dabhadi,	(146) Kothari,
(71) Wanola,	(110) Chikhli,	(147) Hudi (Islapur),
(72) Sakur,	(111) Hudi (Chikhli),	(148) Karanji (Islapur),
(73) Mendki,	(112) Endha,	(149) Kupti Khurd,
(74) Digdi (Mohanpur),	(113) Bhulja,	(150) Kupti Budruk,
(75) Dhanora (Digdi),	(114) Darsangvi (Chikhli),	(151) Wagdhari,
(76) Mohapur,	(115) Malakwadi,	(152) Talari,
(77) Mungshi,	(116) Penda,	
(78) Singdi (Kinwat),	(117) Pardi Khurd,	

8. The following in Amravati district:-**(a) The tahsils of Chikhaldara and Dhani****9. The following in Yavatmal district**

(a) (i) The one hundred thirty villages in Maregaon tahsil as mentioned below :

Maregaon Tahsil

- | | | |
|--------------------------|------------------------|--------------------------|
| (1) Ghoguldara, | (36) Wagdhara, | (71) Nimaní. |
| (2) Shionala, | (37) Mendhani. | (72) Darara. |
| (3) Buranda, | (38) Ghanpur, | (73) Asan. |
| (4) Phapal, | (39) Hatwaniri, | (74) Jaglon. |
| (5) Kanhalgaon | (40) Khapri, | (75) Zamkola. |
| (6) Khepadwai, | (41) Uchatdevi (Forest | (76) Isapur, |
| (7) Ghodadhara, | Village), | (77) Kilona, |
| (8) Narsala, | (42) Maregaon (Forest | (78) Umarghat, |
| (9) Dhamani, | Village), | (79) Wallasa, |
| (10) Madnapur, | (43) Khandani, | (80) Junoni (Forest |
| (11) Bori Khurd, | (44) Mhasdodka, | Village), |
| (12) Pisgaon, | (45) Palgaon, | (81) Lenchori. |
| (13) Wadgaon, | (46) Botoni, | (82) Chinchghar. |
| (14) Phiski (Forest | (47) Girjapur (Forest | (83) Ambizari, Khurd. |
| Village), | Village), | (84) Ambezari Badruk. |
| (15) Bhalewadi. | (48) Pachpohar, | (85) Kargaon Khurd. |
| (16) Pathari, | (49) Ambezari, | (86) Nimbadevi. |
| (17) Chinchala, | (50) Rohapat, | (87) Tembhi. |
| (18) Pan Harkawala, | (51) Raipur, | (88) Kundi. |
| (19) Kharda (Forest | (52) Sagnapur, | (89) Mandiv. |
| Village), | (53) Hiwara Barsa, | (90) Junoni, |
| (20) Pimprad (Forest | (54) Rampur | (91) Parambha. |
| Village), | (55) Katli Borgaon. | (92) Pokharni (Forest |
| (21) Phaparwada, | (56) Pardi, | Village), |
| (22) Salabhatti (Forest | (57) Shibla, | (93) Piwardol, |
| Village), | (58) Chiali (Forest | (94) Bhorad, (Forest |
| (23) Doldongargaon, | Village), | Village), |
| (24) Machindra, | (59) Boargaon (Forest | (95) Chikhaldoh. |
| (25) Pandwihir, | Village), | (96) Mulgawaan. |
| (26) Jalka, | (60) Pendhari. | (97) Bhimnala. |
| (27) Pandhardevi (Forest | (61) Arjuni. | (98) Chatwan. |
| Village), | (62) Kagaon. | (99) Araiakwad. |
| (28) Ambora (Forest | (63) Rajani, | (100) Gawara. |
| Village), | (64) Majara, | (101) Matharjun. |
| (29) Chinchoni Botoni. | (65) Gangapur (Forest | (102) Mahadapur, |
| (30) Awalgaon (Forest | Village), | (103) Pandharwani. |
| Village), | (66) Bhoikund (Forest | (104) Demad Devi. |
| (31) Kanhalagaon, | Village), | (105) Mandwa, |
| (32) Khairgaon. | (67) Wadhona, | (106) Dongargaon (Forest |
| (33) Sarati, | (68) Susari, | Village), |
| (34) Buranda, | (69) Surla, | (107) Dabhadi. |
| (35) Durgada, | (70) Godani, | (108) Umari. |

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(109) Mudhati,	(118) Shirola,	(126) Pawnar (Forest Village),
(110) Parsodi,	(119) Adkoli,	(127) Krishnapur (Forest Village),
(111) Kodpakhindi,	(120) Khalakloh,	(128) Khekadi (Forest Village),
(112) Mangrul Khurd,	(121) Birsapeth,	(129) Shekapur,
(113) Mangrul Badruk,	(122) Muchi,	(130) Yeoti.
(114) Gopalpur,	(123) Marki Budruk,	
(115) Rampeth,	(124) Marki Khurd,	
(116) Chalbaridi,	(125) Ganeshpur,	
(117) Jamani,		

(ii) The forty-three villages in Ralegaon tahsil as mentioned below :-

Ralegaon Tahsil

(1) Lohara,	(16) Tejani,	(30) Pardi (Forest Village),
(2) Eklara,	(17) Anji,	(31) Umarvihir,
(3) Sonerdi	(18) Loni,	(32) Adni,
(4) Wathked,	(19) Borati (Forest Village),	(33) Khatara,
(5) Jalka,	(20) Sarati,	(34) Munzala,
(6) Wama,	(21) Khairgaon Kasar,	(35) Palaskund,
(7) Pimpri Durga,	(22) Wardha,	(36) Vinirgaon,
(8) Mandawa,	(23) Bhulgad,	(37) Khairgaon,
(9) Kolwan,	(24) Pimpalshenda (75)	(38) Deodhari,
(10) Soit,	(25) Atmurdi	(39) Singaldip,
(11) Varud,	(26) Sawarkhed,	(40) Sonurli,
(12) Bukai,	(27) Chondhi,	(41) Shindola,
(13) Zargad,	(28) Wadhoda,	(42) Zotingdara,
(14) Khadki Sukli,	(29) Khemkund,	(43) Sakhi Khurd.
(15) Dongargaon,		

(iii) The one hundred three villages in Kelapur tahsil as mentioned below and town Pandharkawada:-

Kelapur Tahsil

(1) Mohdari,	(11) Tiwsala (Forest Village),	(22) Khairgaon,
(2) Jogin Kohla,	(12) Kothada,	(23) Wagholi,
(3) Mira,	(13) Surdevi,	(24) Kusal,
(4) Jira,	(14) Chanai,	(25) Chopan,
(5) Ghoddara (Forest Village),	(15) Asoli,	(26) Malkapur (Forest Village),
(6) Sakhi Budruk,	(16) Mohada,	(27) Kgaon,
(7) Wadhona Khurd,	(17) Karegaon,	(28) Vadner,
(8) Zolapur (Forest Village),	(18) Chikhaldara,	(29) Zuli,
(9) Karanii,	(19) Krishnapur,	(30) Bhad'umari,
(10) Wadhona Budruk	(20) Dabha,	(31) Patoda,
	(21) Morwa,	(32) Pahapal,

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(33) Nagazari Khurd,	(56) Mangi.	(82) Beluri,
(34) Bahattar.	(57) Dhaki,	(83) Tadumari,
(35) Susari,	(58) Wai,	(84) Bargaon.
(36) Naiksukali, (Forest Village),	(59) Pimpalapur.	(85) Acoli Budruk.
(37) Pedhari.	(60) Ganespur.	(86) Mahandoli,
(38) Pilpali.	(61) Khairgaon	(87) Sakhara.
(39) Dongaragaon.	(62) Pah,	(88) Marathwakadi.
(40) Both,	(63) Niljai,	(89) Dhoki,
(41) Malegaon Khurd (Forest Village),	(64) Margaon.	(90) Ballarpur,
(42) Hiwardari (Forest Village),	(65) Ambhora	(91) Tokwanjari.
(43) Malagaon Budruk (Forest Village),	(66) Dongargaon	(92) Wanjari.
(44) Daryapur,	(67) Pimpari,	(93) Khairgaon Budruk,
(45) Pilwahari,	(68) Khairgaon.	(94) Tembhi.
(46) Arli,	(69) Muchi,	(95) Radhapur (Forest Village),
(47) Hiwari,	(70) Mangurda,	(96) Pikhana (Forest Village),
(48) Pimpalshenda,	(71) Pandharwani Budruk (Forest Village),	(97) Wasari,
(49) Karagaon.	(72) Kondhi,	(98) Andharwadi.
(50) Wadwat,	(73) Wedad,	(99) Yellapur (Forest Village),
(51) Khairi.	(74) Baggi,	(100) Chanakha.
(52) Ghubadi.	(75) Ghanmode,	(101) Nimdheli.
(53) Konghara.	(76) Nandgaon.	(102) Rudha.
(54) Sakhara Budruk,	(77) Ganeshpur (30)	(103) Sukli
(55) Dharna.	(78) Tatapur,	
	(79) Zunzapur,	
	(80) Gondwakadi,	
	(81) Chalbardi,	

(iv) The fifty-five villages in Ghatanji tahsil as mentioned below :-

Ghatanji Tahsil

(1) Marweli,	(16) Bodadi,	(29) Gawara (Forest Village),
(2) Rajurwadi,	(17) Mudhati (Forest Village),	(30) Titwi,
(3) Lingi,	(18) Jalandri,	(31) Muradgavhan (Forest Village)
(4) Koli Khurd,	(19) Manusdhari.	(32) Pimpal Khuti (Forest Village),
(5) Koli Budruk.	(20) Ayate.	(33)Kharoni (Forest Village),
(6) Rampur Undharni.	(21) Kap.	(34) Wadhona.
(7) Kapshi,	(22) Kavatha Budruk.	(35) Dorli.
(8) Datodi,	(23) Bilayat,	(36) Rahati.
(9) Gudha.	(24) Khadki,	(37) Rasa (Forest Village),
(10) Warud (240)	(25) Chimta,	(38) Zatala,
(11) Zaparwadi,	(26) Kopri Khurd,	(39) Chikhalwardha,
(12) Umri (242)	(27) Chincholi (268)	
(13) Palodi,	(28)Kindhi (Forest Village)	
(14) Kopri (244)		
(15) Ghoti,		

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|--------------------------------|--------------------------------|---------------------------------|
| (40) Tad-Sawali, | (47) Jamb, | (52) Rajagaon (Forest Village), |
| (41) Saifal, | (48) Kaleshwar, | (53) Khapri (Forest Village), |
| (42) Nagezari Budruk, | (49) Sherad, | (54) Honegaon |
| (43) Kawatha (Forest Village), | (50) Dhunki (Forest Village), | (55) Ganeri |
| (44) Parwa, | (51) Mathani (Forest Village), | |
| (45) Majhada, | | |
| (46) Pardi, | | |

10. The following in Gadchiroli district:-

(a) ~~the tahsils of Ettapatti, Sironcha, Aheri, Dhanora, Kurkheda.~~

(b) (i) The sixty-two villages in Gadchiroli tahsil as mentioned below :-

Gadchiroli Tahsil

- | | | |
|---------------------|---------------------|-------------------|
| (1) Nawgaon, | (22) Mudza Tukum, | (43) Gajanguda, |
| (2) Chak Churchura, | (23) Krupala, | (44) Banoli, |
| (3) Kurhadi, | (24) Masli, | (45) Suryadongri, |
| (4) Chak Maushi, | (25) Ranbhumi, | (46) Salaitola, |
| (5) Murmadi, | (26) Chandala, | (47) Bitantota, |
| (6) Botheda, | (27) Ranmul, | (48) Potegaon, |
| (7) Palandur, | (28) Kumbhi Patch, | (49) Rajoli, |
| (8) Gilgaon, | (29) Kumbhi Mokasa, | (50) Madras, |
| (9) Chak Kharpurdi, | (30) Made Mul, | (51) Jaller, |
| (10) Japra, | (31) Maroda, | (52) Devapur, |
| (11) Chak Dhibhana, | (32) Kosamghat, | (53) Ramgad |
| (12) Marumbodi, | (33) Raipur, | (54) Gavalheti, |
| (13) Kurkheda, | (34) Rawanzora, | (55) Deoda, |
| (14) Khursa, | (35) Pekinkasa, | (56) Kharadguda, |
| (15) Visapur, | (36) Sawela, | (57) Talguda, |
| (16) Sonapur, | (37) Suimara, | (58) Jamgaon, |
| (17) Mondha, | (38) Sakhera, | (59) Kadsa, |
| (18) Sawrgaon, | (39) Karkazara, | (60) Korkuti, |
| (19) Kanri, | (40) Kanhalgaon, | (61) Nagweli, |
| (20) Pulkhal, | (41) Keligatta, | (62) Jalagaon. |
| (21) Mudza Budruk, | (42) Tohagaon, | |

(ii) The seventy-four villages in Armori tahsil as mentioned below :-

Armori Tahsil

- | | | |
|-------------------|------------------|--------------------------|
| (1) Koregaon | (7) Kasarigaon, | (13) Dongargaon (Halbi), |
| (2) Kalamgaon, | (8) Shivrajpur, | (14) Palasgaon, |
| (3) Kural, | (9) Potegaon, | (15) Navargaon, |
| (4) Selda Tukum, | (10) Vihirgaon, | (16) Pathargota, |
| (5) Selda Lambe, | (11) Pimpalgaon, | (17) Mangewada, |
| (6) Kasari Tukum, | (12) Arat-tondi, | (18) Armori. |

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(19) Salmara,	(37) Chak Naroti.	(57) Koregaon.
(20) Thanegaon.	(38) Chak Kurandi	(58) Warkheda.
(21) Patanwada,	(39) Wadegaon,	(59) Kharadi,
(22) Puranawairagad,	(40) Thotebodi,	(60) Bhansi,
(23) Deulgaon,	(41) Dellanwadi,	(61) Dorli.
(24) Sukala,	(42) Manapur,	(62) Wanarchuwa.
(25) Mohazari alias Sakharbodi,	(43) Kosari.	(63) Jambhali.
(26) Chak Kernada,	(44) Mangoda.	(64) Mendha.
(27) Lohara.	(45) Tultuli,	(65) Narchuli.
(28) Chak Sonpur.	(46) Chaknagarwahi.	(66) Khairi.
(29) Hirapur,	(47) Vihirgaon,	(67) Maregaon Patch.
(30) Dongartamsi.	(48) Kurandi,	(68) Maregaon
(31) Shiani Khurd,	(49) Umari,	(69) Chak Maregaon
(32) Chavhela,	(50) Yengada,	(70) Chak Chicholi,
(33) Mohatala Chak Kukodi,	(51) Pisewadadha,	(71) Mousi Khamb,
(34) Mendha.	(52) Paraswadi,	(72) Belgaon,
(35) Dongartamsi Patch,	(53) Dawandi,	(73) Chicholi,
(36) Nagarwadi,	(54) Khadaki,	(74) Wankheda
	(55) Bhakarandi,	
	(56) Naroti Malgujar.	

(iii) The one hundred thirty-two villages in Chamorshi tahsil as mentioned below :-

Chamorshi Tahsil

(1) Saganpur.	(25) Chak Amagaon No. 1.	(47) Wanarchuwa.
(2) Bandhona.	(26) Mutnur.	(48) Jairampur.
(3) Gilgaon.	(27) Abapur.	(49) Waigaon.
(4) Bhendi Kanhal.	(28) Murandapi,	(50) Narayanpur.
(5) Thatari.	(29) Lenguda.	(51) Rajur Khurd.
(6) Chite Kanhar,	(30) Adyal.	(52) Haladwahi.
(7) Kalamgaon,	(31) Karkapalli,	(53) Mudholi.
(8) Kurud,	(32) Chak Karakapalli,	(54) Kothari.
(9) Maler.	(33) Jangamkurul,	(55) Bamhani Deo,
(10) Kulegaon,	(34) Fuser,	(56) Somanpalli.
(11) Nachangaon.	(35) Dhekani,	(57) Kanhalgaon.
(12) Bhadbhid.	(36) Chak Mudholi No.2,	(58) Singela.
(13) Walsara.	(37) Lakshamanpur.	(59) Belgatta.
(14) Chak Visapur,	(38) Saganapur.	(60) Pethtala.
(15) Jogana,	(39) Amboli.	(61) Chak Pethtala No. 1.
(16) Murmuri.	(40) Gahubodi,	(62) Pardideo.
(17) Rawanpalli.	(41) Chak Narayanpur No. 1.	(63) Yadavpalli.
(18) Sonapur,	(42) Chak Narayanpur No. 2.	(64) Rajpur.
(19) Darli,	(43) Rajur Budruk,	(65) Jambhalirith.
(20) Rekhagaon,	(44) Bhadbhid,	(66) Meteguda.
(21) Yedanur,	(45) Manger,	(67) Chak Belgatta.
(22) Pailanpeth,	(46) Chichpally.	(68) Manjigaon.
(23) Pandhri Bhatal,		(69) Machhalighot.
(24) Rajangatta,		

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(70) Chak Makepalli No. 4,	(89) Ambela (Forest village),	(110) Chaidampatti,
(71) Darpanguda,	(90) Gatta (Forest Village),	(111) Mukadi (Forest Village),
(72) Chak Makepalli No. 2,	(91) Adgepalli,	(112) Singanpalli,
(73) Chak Makepalli No. 3,	(92) Surgaon (Forest Village),	(113) Dhamanpur,
(74) Garanji,	(93) Yellur,	(114) Kothari (930)
(75) Chak Made Amgaon,	(94) Thakari,	(115) Ambatpalli.
(76) Chak Made Amgaon No. 1,	(95) Rajgatta,	(116) Gomani,
(77) Chak Made Amgaon No. 2,	(96) Lohara,	(117) Lagamhetti,
(78) Tumdi,	(97) Mukaritola,	(118) Damapur,
(79) Regadi,	(98) Bholkhandi (Forest Village),	(119) Bandukpalli,
(80) Makepalli Malgajari,	(99) Hetalkasa,	(120) Kodigaon,
(81) Borghat,	(100) Bolepalli,	(121) Chichela,
(82) Ashti Nokewada,	(101) Pulligudam,	(122) Nagulwahi,
(83) Bramhanpeth,	(102) Kunghada,	(123) Chintugunha,
(84) Venganur,	(103) Kunghada,	(124) Tumugunda,
(85) Nokewada,	(104) Kalapur,	(125) Machingatta,
(86) Allapalli,	(105) Gangapur,	(126) Yella,
(87) Rengewahi,	(106) Chandankhedi	(127) Tikepalli,
(88) Kolpalli	(107) Malera,	(128) Marpalli,
	(108) Basarwada,	(129) Jamgaon.
	(109) Chaprala,	(130) Kultha,
		(131) Rampur,
		(132) Lagam Chak.

11. The following in Chandrapur district:-

The one hundred eighty-two villages in Rajura tahsil as mentioned below :-

Rajura Tahsil

(1) Parasoda,	(18) Shivapur,	(34) Yellapur,
(2) Raipur,	(19) Chopan,	(35) Singar Pathar,
(3) Kothoda Khurd,	(20) Kerambodi,	(36) Lambori,
(4) Govindpur,	(21) Kukulbodi,	(37) Shedwai,
(5) Kothoda Budruk,	(22) Tippa,	(38) Narpathar,
(6) Mehandi,	(23) Mangulhira,	(39) Kodapur,
(7) Parali,	(24) Khadhi,	(40) Charpura,
(8) Jewra,	(25) Jamuldhara,	(41) Nokewada,
(9) Chanai Khurd,	(26) Borgaon Budruk,	(42) Gudsele,
(10) Akola,	(27) Borgaon Khurd,	(43) Wani,
(11) Korpana,	(28) Asapur,	(44) Kokazari,
(12) Durgadi,	(29) Tangala,	(45) Mohda,
(13) Rupapeth,	(30) Khairgaon,	(46) Pudiya Mohda,
(14) Chanai Budruk,	(31) Hatloni	(47) Kamalapur,
(15) Mandwa,	(32) Yergoan,	(48) Chickkhod,
(16) Kanergaon Budruk,		(49) Wansadi,
(17) Katlabodi,	(33) Umarzara,	(50) Paramba,

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(51) Devghat.	(96) Khirdi,	(140) Belgaon,
(52) Kusal,	(97) Thutra,	(141) Kakadghat,
(53) Dahegaon.	(98) Behlampur.	(142) Ganeri.
(54) Sonurlo.	(99) Manoli Khurd,	(143) Khirdi.
(55) Kargaon Khurd,	(100) Jamani,	(144) Sedwai.
(56) Dhanoli,	(101) Nokari Budruk,	(145) Babapur.
(57) Piparda.	(102) Sonapur.	(146) Hirapur.
(58) Chincholi.	(103) Upparwai.	(147) Sakhari.
(59) Kargaon Budruk,	(104) Bhurkunda Khurd,	(148) Manoli Budruk.
(60) Markagondi.	(105) Kaadki.	(149) Goyegaon.
(61) Belgaon.	(106) Nokari Khurd.	(150) Hardona Khurd.
(62) Zulbardi.	(107) Nagrala,	(151) Hardona Budruk.
(63) Sawalhira,	(108) Palezari.	(152) Winirgaon.
(64) Khiragaon.	(109) Kakban,	(153) Magi.
(65) Pandharwani,	(110) Dongargaon,	(154) Wangi.
(66) Jambuldhara,	(111) Chikhali,	(155) Pandharpouni.
(67) Dhanak Devi,	(112) Bhurkhunda Budruk,	(156) Aheri.
(68) Yermi Isapur.	(113) Pachgaon,	(157) Kochi.
(69) Sarangapur.	(114) Sengaon,	(158) Goraj.
(70) Jiwati	(115) Tatakohadi,	(159) Warur.
(71) Nagapur.	(116) Bhendvi,	(160) Raniwcli.
(72) Markalmotta.	(117) Sukadpalli.	(161) Bhedoda.
(73) Dhonda Arguni.	(118) Markagondi.	(162) Tembhurwahi
(74) Dhondha Mandwa.	(119) Titvi.	(163) Chirud.
(75) Teka Arjuni.	(120) Nadpa.	(164) Chinchbodi.
(76) Teka Mandwa.	(121) Yergavan.	(165) Kawthala.
(77) Rahpalli Budruk,	(122) Kawadgondi.	(166) Sonurli.
(78) Chikhili	(123) Sorakasa.	(167) Sirsi.
(79) Patan.	(124) Kusumbi.	(168) Berdi.
(80) Hirapur.	(125) Jankapur.	(169) Bhendala.
(81) Isapur.	(126) Punaguda	(170) Kelzari.
(82) Asan Khurd,	(Navegaon).	(171) Navegaon
(83) Asan Budruk,	(127) Dewada,	(172) Chinchala.
(84) Pipalgaon.	(128) Khadki Raipur.	(173) Wirur.
(85) Palezari.	(129) Govendpur.	(174) Siddheshwar.
(86) Borinavegaon.	(130) Maraipatan.	(175) Ghotta.
(87) Nanda.	(131) Umarzara.	(176) Dongargaon.
(88) Bibi	(132) Rahpalli Khurd.	(177) Subai.
(89) Dhunki.	(133) Dharamaram.	(178) Kostala.
(90) Dhamangaon.	(134) Bhoksapur.	(179) Lakadkot
(91) Kakhampur.	(135) Bambezari.	(180) Ambezari.
(92) Wadgaon.	(136) Bhari.	(181) Antargaon
(93) Injapur.	(137) Pandarwani.	(182) Annur
(94) Chandur.	(138) Sindolta.	
(95) Kukadsat.	(139) Sondo.	

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#The Scheduled Areas in the State of Maharashtra were originally specified by the Scheduled Areas (Part A States) Order, 1950 (C.O.9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950 (C.O. 26) dated 7.12.1950 and have been respecified under the Scheduled Areas (Maharashtra) Order, 1985 (C.O. 123) dated 2.12.1985 after rescinding the Orders cited earlier in so far as they related to the State of Maharashtra.

V. ORISSA##

1. Mayurbhanj district
2. Sundargarh district
3. Koraput district
4. Kuchinda tahsil in Sambalpur district
5. Keonjhar and Telkoi tahsils of Keonjhar sub-division, and Champua and Barbil tahsils of Champua sub-division in Keonjhar district.
6. Khondmals tahsil of Khondmals sub-division, and Balliguda and G. Udayagiri tahsils of Balliguda sub-division in Boudh-Khondmals district
7. R. Udayagiri tahsil, and Guma and Rayagada Blocks of Parlakhemundi Tahsil of Parlakhemundi sub-division, and Surada tahsil, excluding Gazalbadi and Gocha Gram Panchayats of Ghumsur sub-division, in Ganjam district
8. Thuamul Rampur Block of Kalahandi Tahsil, and Lanjigarh Block, falling in Lanjigarh and Kalahandi tahsils, in Bhawanipatna sub-division in Kalahandi district.
9. Nilgiri Community Development Block of Nilgiri tahsil in Nilgiri Sub-division in Balasore district.

##The Scheduled Areas in the State of Orissa were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950, (Constitution Order, 26) dated 7.12.1950 and have been respecified as above by the Scheduled Areas (States of Bihar Gujarat, Madhya Pradesh and Orissa) Order, 1977, (Constitution Order, 109) dated 31.12.1977 after rescinding the Orders cited earlier in so far as they related to the State of Orissa.

VI. RAJASTHAN\$

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| <ol style="list-style-type: none"> 1. Banswara district 2. Dungarpur district 3. The following in Udaipur district :- <ol style="list-style-type: none"> (a) Tahsils of Phalsia, Kherwara, Kotra, Sarada, Salumbar and Lasadia. (b) The eighty one villages of Girwa tahsils as mentioned below: <ol style="list-style-type: none"> (i) Sisarma Devali, Baleecha, Sethji Ki Kundal, Rayta, Kodiyat and Peepliya villages of Sisarma panchayat, (ii) Bujra, Naya Gurha, Popalti and Naya Khera villages of Bujra Panchayat, (iii) Nai village of Nai Panchayat, (iv) Dodawali Kaliwas, Kar Nali Surna, Borawara Ka Khera, Madri, Bachhar and Keli villages of Dodawali Panchayat, | <ol style="list-style-type: none"> (v) Bari Undri, Chhoti Undri, Peepalwas and Kumariya Kherwa villages of Bari Undri Panchayat, (vi) Alsigarh, Pai and Aar Villages of Alsigarh Panchayat, (vii) Padoona Amarnara and Jawala villages of Padoona Panchayat, (viii) Chanawada village of Chanawada panchayat, (ix) Saroo and Baran villages of Saroo Panchayat (x) Teeri, Borikuwa and Gojiya villages of Terri Panchayat. (xi) Jawar, Rawan, Dhawari Talai, Nayakhera, Kanpur and Udaiya Khera villages of Jawar Panchayat |
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| (xii) Barapal, Torana Talab and Kadiya Khet villages of Barapal Panchayat, | Manpura and Jodhipuriya villages of Chansada Panchayat. |
| (xiii) Kaya and Chandani Villages of Kaya Panchayat | (xviii) Jagat village of Jagat Panchayat |
| (xiv) Teetardi, Phanda, Biliya, Dakankotra, Dholiya Ki Pati and Saweena Khera villages of Teetardi Panchayat, | (xix) Dateesar, Runeeja, Basu and Rodda villages of Dateesar Panchayat, |
| (xv) Kanpur village of Kanpur Panchayat | (xx) Lokarwas and Parola villages of Lokarwas Panchayat |
| (xvi) Wali, Boodel, Lalpura, Parawal, Kheri and Jaspur villages of Wali Panchayat. | (xxi) Bhala Ka gurha, Karget, Bhesadha and Bichhri villages of Bhala Ka Gurha Panchayat. |
| (xvii) Chansada, Dameron Ka Guda, Mamadeo, Jhamar Kotra, Sathpura Gujaran, Sathpura Meenan, Jali Ka Gurha, Kharwa. | 4. Pratapgarh tahsil in Chittaurgrah district. |
| | 5. Abu Road Block of Abu Road tahsil in Sirohi district. |

§ The Scheduled Areas in the State of Rajasthan were originally specified under the Scheduled Areas (Part B States) Order, 1950 (C.O. 26) dated 7.12.1950 and have been respecified vide the Scheduled Areas (State of Rajasthan) Order, 1981 (C.O. 114) dated 12.2.1981 after rescinding the Order cited earlier in so far as it related to the State of Rajasthan.

VII. JHARKHAND§§

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| 1. Ranchi District | 8. Sarikela-Kharsawan District |
| 2. Lohardaga District | 9. Sahebganj District |
| 3. Gumla District | 10. Dumka District |
| 4. Simdega District | 11. Pakur District |
| 5. Latehar District | 12. Jamtara District |
| 6. East Singhbhum District | 13. Palamu District-Rabda and Bakoria Panchayats of Satbarwa Block |
| 7. West Singhbhum District | 14. Garhwa district- Bhandaria Block |
| | 15. Godda District-Sunderpahari and Boarijor Blocks. |

§§ The Scheduled Areas in the composite State of Bihar were originally specified by the Scheduled Areas (Part A States) Order, 1950 (Constitution Order, 9) dated 23.1.1950 and thereafter they had been respecified by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977 (Constitution Order, 109) dated 31.12.1977 after rescinding the Order cited first so far as that related to the State of Bihar, Consequent upon formation of new State of Jharkhand vide the Bihar Reorganisation Act, 2000, the Scheduled Areas which were specified in relation to the composite State of Bihar stood transferred to the newly formed State of Jharkhand. The Scheduled Areas of Jharkhand have been specified by the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) dated 20.2.2003 after rescinding the order dated 31.12.77 so far as that related to the State of Bihar. The Schedule Area of Jharkhand specified in the the Scheduled Areas (States of

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Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) have been rescinded vide the Scheduled Areas (State of Jharkhand) Order, 2007 (C.O. 229) dated 11.04.07.

VIII. MADHYA PRADESH

1. Jhabua district
2. Mandla district
3. Dindori district
4. Barwani district
5. Sardarpur, Dhar, Kukshi, Dharampuri, Gandhwani and Manawar tahsils in Dhar district
6. Bhagwanpura, Segaoon, Bhikangaon, Jhirniya, Khargone and Meheshwar tahsils in Khargone (West Nimar) district
7. Khalwa Tribal Development Block of Harsud tahsil and Khaknar Tribal Development Block of Khaknar tahsil in Khandwa (East Nimar) district
8. Sailana and Bajna tahsils in Ratlam district
9. Betul tahsil (excluding Betul Development Block) and Bhainsdehi and Shahpur tahsils in Betul district
10. Lakhanadone, Ghansaur and Kurai tahsils in Seoni district
11. Baihar tahsil in Balaghat district
12. Kesla Tribal Development Block of Itarsi tahsil in Hoshangabad district
13. Pushparajgarh, Anuppur, Jaithari, Kotma, Jaitpur, Sohagpur and Jaisinghnagar tahsils of Shahdol district
14. Pali Tribal Development Block in Pali tahsil of Umaria district
15. Kusmi Tribal Development Block in Kusmi tahsil of Sidhi district
16. Karahal Tribal Development Block in Karahal tahsil of Sheopur district
17. Tamia and Jamai tahsils, patwari circle Nos. 10 to 12 and 16 to 19, villages Siregaon Khurd and Kirwari in patwari circle no. 09, villages Mainawari and Gaulie Parasia of patwari circle No. 13 in Parasia tahsil, village Bamhani of Patwari circle No. 25 in Chhindwara tahsil, Harai Tribal Development Block and patwari circle Nos. 28 to 36, 41, 43, 44 and 45B in Amarwara tahsil
Bichhua tahsil and patwari circle Nos. 05, 08, 09, 10, 11 and 14 in Saunsar tahsil, Patwari circle Nos. 01 to 11 and 13 to 26, and patwari circle no. 12 (excluding village Bhuli), village Nandpur of patwari circle No. 27, villages Nikanth and Dhawdikhapa of patwari circle no 28 in Pandurna tahsil of Chhindwara district.

IX. CHHATISGARH

1. Surguja district
2. Korba district
3. Bastar district
4. Dantewara district
5. Kanker district
6. Marwahi, Gorella-1, Gorella-2 Tribal Development Blocks and Kota Revenue Inspector Circle in Bilaspur district
7. Korba district
8. Jashpur district

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9. Dharmjaigarh, Gharghoda, Tamnar, Lailunga and Kharsia Tribal Development Blocks in Raigarh district
10. Dondi Tribal Development Block in Durg district
11. Chauki, Manpur and Mohla Tribal Development Blocks in Rajnandgaon district
12. Gariaband, Mainpur and Chhura Tribal Development Blocks in Raipur district
13. Nagri (Sihawa) Tribal Development Block in Dhamtari district

\$\$\$ The Scheduled Areas in the State of Madhya Pradesh were originally specified by the Scheduled Areas (Part A States), Order, 1950 (Constitution Order, 9) dated 23.1.1950 and the Scheduled Areas (Part B States) Order, 1950, (Constitution Order 26) dated 7.12.1950 and had been respecified as above by the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977, (Constitution Order, 109) dated 31.12.1977 after rescinding the Orders cited earlier in so far as they related to the State of Madhya Pradesh. Consequent upon the formation of new State of Chhattisgarh by the Madhya Pradesh Reorganisation Act, 2000 some Scheduled Areas stood transferred to the newly formed State of Chhattisgarh. Accordingly, the Scheduled Areas have been respecified by the Scheduled Areas (States of Chhattisgarh, Jharkhand and Madhya Pradesh) Order, 2003 (Constitution Order, 192) dated 20.2.2003 after rescinding the Order dated 31.12.77 so far as that related to the States of Madhya Pradesh.
