

SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED TRIBES

Programmes and important aspects related to Scheduled Tribes

1 Tribal Sub-Plan (TSP)

1.1 Since the beginning of the Planning process, efforts have been made to ensure that the tribal people were included in the growth process. However, the strategy changed with each Five Year Plan as new lessons were learnt from various developmental efforts. The first Five Year Plan emphasized the provision of additional financial resources through a community development approach to address the problems of tribal people rather than evolving a clear cut tribal development strategy. Towards the end of the Plan (1954), 43 Special Multipurpose Tribal Development Projects (MTDPs) were created. These MTDPs could not fully serve the interest of the tribal people since the schemes were numerous and of a general nature. This approach continued during the second Five Year Plan. In the third Plan, a different strategy for tribal development was evolved by converting the Community Development Blocks, where the concentration of tribal population was 66 % and above, into Tribal Development Blocks (TDBs). By the end of the fourth Five Year Plan, the number of Tribal Development Blocks in the country rose to 504. The strategy of development through Tribal Development Blocks had its limitations as well, as it failed to address the cause of the tribal population of the country living outside the Tribal Development Blocks, which comprised more than 60% of the total tribal population. During the 5th Five Year Plan period, the exercise of identification of tribal majority blocks was undertaken. These were later constituted into 194 ITDAs/ITDPs in the country.

1.2 The present Tribal Sub Plan (TSP) strategy was initially developed by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of Prof. S.C. Dube for the rapid socio-economic development of tribal people and was adopted for the first time in the Fifth Five Year Plan. The TSP strategy, with some modifications, continues till this day and the salient features with respect to TSP for States, are given below:

- i) The funds provided under the Tribal Sub Plan of the State have to be at least equal in proportion to the ST population of each State or UT;
- ii) Tribals and tribal areas of a State or UT are given benefits under the TSP, in addition to what percolates from the overall Plan of a State/UT;
- iii) The Sub-Plan should;

- a) Identify the problems and need of tribal people and critical gaps in their development.
- b) Identity all available resources for TSP
- c) Prepare a broad policy framework for development,
- d) Prepare a detailed department wise plan
- e) Define a suitable administrative strategy for its implementation.
- f) Specify the mechanism for monitoring and evaluation.

(iv) The TSP strategy has been in operation in 22 States and 2 UTs. However, funds meant for UTs are being provided for in the budget of Ministry of Home Affairs since 2003-04 and therefore, the Ministry of Tribal Affairs is not concerned in the administration of TSP funds in the UTs.

(v) TSP concept is not applicable to the tribal majority States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland and in the UTs of Lakshadweep and Dadra & Nagar Haveli where tribals represent more than 60 % of the population, since the Annual Plan in these States/UTs is itself a Tribal Plan. A statement showing State-wise total and Scheduled Tribe population as per census 1991, 2001 and 2011 respectively is given at **ANNEXURE-I.**

2 Funding of Tribal Development Programmes under TSP

2.1 Funds for tribal development under TSP are sourced from:

- i) State Plans;
- ii) The Special area programmes of Special Central Assistance (SCA) to Tribal Sub Plan (TSP) and Grant under Article 275 (1) of the Constitution, as also the funds under the other Schemes of the Ministry;
- iii) Sectoral programmes of Central Ministries/ Departments; and
- iv) Institutional Finance.

3 TSP Components of States and UTs

16.3.1 The Planning Commission had issued guidelines for the States and UTs to earmark funds for TSP to be placed under a separate Budget Head Code 796 from total State/ UT Plan outlay. As per guidelines issued by the Planning Commission, the Tribal Sub Plan funds are to be non-divertible and non-lapsable. The guidelines also provide that the Tribal Welfare Department will be nodal Departments for the formulation and implementation of the Tribal Sub Plan in the States. Though the States are expected to provide under the TSP funds which are at least equal to the percentage of the tribal population to the total population in the State, and though the Ministry of Tribal Affairs and the Planning Commission have repeatedly laid stress on earmarking of adequate resources, some of the

States while preparing the Annual Plan for even 2013-14 have continued to allocate fewer than proportional resources to TSP.

4 TSP Components of Central Ministries/Departments

4.1 The TSP strategy is expected to be followed in the Central Ministries/Departments also so that an adequate flow of funds in the Central Ministries/ Departments is ensured. Ministries/ Departments had earlier been reporting difficulty in implementing TSP citing indivisibility of projects, projects being applicable to all communities, including SCs/STs, etc. The Ministry of Tribal Affairs taking this into account had approached Planning Commission for devising a different strategy for Central Ministries on TSP. The Planning Commission constituted a Task Force in June, 2010 under the chairmanship of Dr. Narendra Jadhav, Member, Planning Commission. It recommended a classification of specific list of Ministries/Departments according to their obligations regarding earmarking of Plan outlays for TSP.

5 Special Central Assistance (SCA) to the Tribal Sub- Plan:

5.1 This is a major programme administered by the Ministry under which, grant is provided to the State Governments based on annual allocation made by the Planning Commission. This is treated as an additive to the State Plan, for areas where State Plan provisions are not normally forthcoming to bring about economic development to tribals. The programme was launched during 1974-75 and till the end of the IX Five Year Plan, the SCA to TSP was meant for filling up critical gaps in the family-based income- generating activities of TSP. From the Tenth Five Year Plan period, the objective and scope of SCA to TSP, was expanded to cover employment-cum-income generation activities and infrastructure incidental thereto. Beside family-based activities, other activities run by the Self-Help Groups (SHGs)/ Community are also to be taken up. The ultimate objective of extending SCA to TSP is to boost the demand based income-generation programmes and thus raise the economic and social status of tribals. The guidelines for implementation by the States were revised in May, 2003, and were further modified in January 2008. Recently in March 2014, the Ministry of Tribal Affairs has issued operational guidelines for formulation, implementation and monitoring of Tribal Sub-Plan and grants under Article 275(1) which has brought out certain substantive changes in the thrust of these Special Area Programmes, as also some procedural changes.

5.2 SCA is provided to 22 Tribal Sub-Plan States including the North Eastern States of Assam, Manipur, Sikkim and Tripura and two Union Territories. Since 2003-04 funds meant for UTs are being provided in the budget of Ministry of Home Affairs and therefore, Ministry of Tribal Affairs is not concerned with the administration of funds in the UTs. Funds under

SCA to TSP are released for economic development in the following areas and for the following population: -

- (i) ITDP/ITDA areas (194 Nos.), which are generally contiguous areas of the size of at least tehsil or block or more in which the ST population is 50% or more of the total population;
- (ii) MADA pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum population of 10,000;
- (iii) Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum population of 5,000,
- (iv) Particularly Vulnerable Tribal Groups (PTGs), characterized by a low rate of growth of population, pre-agricultural level of technology and extremely low level of literacy;
- (v) Dispersed tribal population - those tribals who fall outside the categories at SI No.(i) to (iv) above.

5.3 The Ministry provides 100% grant-in-aid to State Governments from the SCA funds made available to the Ministry for the purpose annually by the Planning Commission. Funds to the level of Rs. 15.00 Lakhs per village under the program for Development of Forest Villages were also provided as an extension of the Special Central Assistance to Tribal Sub-Plan (SCA to TSP). Government has decided that an additional funding upto Rs. 15.00 Lakh each would be provided to all those forest villages which have availed the first phase funding during the Xth Plan.

6 Grants under the First Proviso to article 275(1) of the Constitution:

6.1 The Ministry of Tribal Affairs provide grants to 22 Tribal Sub-Plan and 4 tribal majority States under the First Proviso to article 275(1) of the Constitution to meet the cost of such projects for tribal development as may be undertaken by the State Governments for the promoting the welfare of the Scheduled Tribes in the State and for raising the level of administration of the Scheduled Areas therein to that of the rest of the State. Since 1997-98, it has been decided to utilize a part of the funds under Article 275(1) of the Constitution for setting up 100 Model Residential Schools (named as Eklavya Vidyalaya) from class 6th to 10th in States & UTs for tribal students. For this purpose, Rs.150.00 crores were earmarked during the 9th Five Year Plan out of the funds available under Article 275(1) of the Constitution. The objective of setting up of the Eklavya Vidyalayas is to provide quality education to the tribal students. 164 Eklavya Vidyalayas were sanctioned to 22 States upto 31/03/2014 since the beginning and 120 Schools are reported to be functional

6.2 A fixed grant under the second proviso to Article 275(1) of the Constitution (Non-Plan) is given to the Government of Assam in respect of the administration of tribal areas in the hill districts of North Cachar and Karbi Anglong.

7 Centrally Sponsored Schemes:

7.1 The following Centrally Sponsored Schemes are presently being run by the Ministry of Tribal Affairs for development of Scheduled Tribes.

- (i) Post Matric Scholarship for STs /Book Bank
- (ii) Upgradation of Merit of ST Students
- (iii) Pre matric scholarship for ST students
- (iv) Girls Hostels
- (v) Boys Hostels
- (vi) Establishment of Ashram Schools
- (vii) Research and Training
- (viii) Information and Mass Media
- (ix) National Tribal Affairs Awards
- (x) Centre of Excellence
- (xi) Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes
- (xii) Organisation of Tribal Festival
- (xiii) Exchange of visits by Tribals
- (xiv) Monitoring and Evaluation
- (xv) Information Technology
- (xvi) Lump-sum Provision for N.E.

8 Central Sector Schemes under which 100% Grant is given to States and UTs

8.1 The following Central Sector Schemes are presently being run by the Ministry of Tribal Affairs for development of Scheduled Tribes:

- (i) Grants-in-Aid to Voluntary Organisations
- (ii) Special Incentives to NGOs performing exemplary tasks
- (iii) Coaching & Allied Schemes
- (iv) Vocational Training in Tribal Areas
- (v) Strengthening of Education among ST Girls in Low Literacy Districts
- (vi) Market Development of Tribal Products/ Produce (Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED)
- (vii) State Tribal Development Cooperative Corporation for Minor Forest Produce
- (viii) Development of Particularly Vulnerable Tribal Groups (PVTGs)
- (ix) National Scheduled Tribes Finance & Development Corporation

- (x) Rajiv Gandhi National Fellowship for ST Students
- (xi) Scheme of Institute of Excellence/ Top Class Institute
- (xii) National Overseas Scholarship Scheme
- (xiii) Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of value Chain for MFP
- (xiv) World Bank Project- Improving Development Programmes in the Tribal Areas

9 RECENT INITIATIVES OF MINISTRY OF TRIBAL AFFAIRS

9.1 The Ministry of Tribal Affairs committed to overall development of the people belonging to Scheduled Tribes and to project the rights of such people and preserve and promote tribal culture and heritage has recently taken up a number of new initiatives towards their development.

1. Strengthening of Institutions:

9.2 The capacity of tribal people to harness the fruits of development and to access various schemes for delivery of public goods and services has remained limited. The Integrated Tribal Development Agencies were the Institutions assigned with the role to facilitate such access. But over the years, several schemes- specific bodies at District level became stronger whereas ITDAs/ ITDPs have become weak or non-existent in most of the states. Similarly, Tribal Research Institutes have become weak in many states. This has reduced knowledge support to persons in charge of tribal development. Urban areas have seen increasing number of tribal people but there is no agency to look after their special problems. During the year 2014-15, the Ministry has taken up strengthening of these institutions on priority and also to create new ones so that they can deliver goods and services more effectively. Under the existing schemes of SCA to Tribal Sub-Plan, Grants under Article 275(1) of the Constitution and the scheme of 'Grant-in-Aid to Tribal Research Institutes', the guidelines have been revised so that these institutions may be equipped with proper infrastructure, manpower and flexibility.

9.3 In order to improve literacy amongst STs, Ministry of Tribal Affairs has taken following initiatives during the last one year:

- Campaign for 100% physical enrolment
- Special focus on low literacy tribes and districts for all interventions
- Constructions of Residential Schools & Hostels and upgrade existing facilities
- Development of Primers in Tribal languages along with regional languages
- Academic sessions to be in sync with Tribal Festivals
- Schools Management committee to engage requisite teachers.

2. Umbrella scheme for Education of ST Children:

9.4 The following schemes for education have been merged into the umbrella scheme.

- a) Establishing and strengthening of Ashram Schools.
- b) Establishing and strengthening of Hostels.
- c) Vocational training in tribal areas.
- d) Post-Matric Scholarship.
- e) Pre-Matric Scholarship.

9.5 The needs vary from State to State and this new scheme gives flexibility to opt for expenditure. This year bulk of the grants have gone for scholarships.

3. Scheduling of Tribes and change of guidelines:

9.6 There are several communities which are not included in the list of Scheduled Tribes and who claim the status of Scheduled Tribe on various grounds. The present process for inclusion of community under Scheduled Tribe is non-transparent. Some of these claiming communities were left out because of some historical mistakes like wrongly spelling them or due to phonetic variations mainly because of writing of vernacular names in Roman script. A task force constituted under the chairmanship of Secretary, Ministry of Tribal Affairs examined these issues in detail and submitted their recommendations to the Ministry of Tribal Affairs. All the recommendations of the Task Force have been accepted by the Ministry. One of the key recommendations of the Task Force is that the valid names of communities is that in Devnagri script so that the phonetic variation in English alphabet does not lead to multiple rendering of the names.

4. Institutional mechanisms for promotion of Tribal Products and Marketing:

a) Scheme for Minor Forest Produce:

9.7 The price of MFP is very often determined by traders rather than by demand and supply because of skewed information. The scheme is initially implemented in States having areas under fifth Schedule of the Constitution for 12 MFPs namely (i) Tendu Leaves (ii) Bamboo (iii) Mahua seed (iv) Sal Leaf (v) Sal Seed (vi) Lac (vii) Chironjee (viii) Wild Honey (ix) Myrobalan (x) Tamarind (xi) Gums (Gum Karaya) and (xii) Karanj. The Ministry's agency, TRIFED has hosted 'MFPNET', a web-based portal through which current price of MFPs can be known across important Mandis of different States.

b) Inauguration of Call Centre and Toll Free Number:

9.8 In order to provide real time information, daily prices of Minor Forest Produce in various Mandis across the country can now be obtained through Toll Free Number 1800-180-1551 which was inaugurated by the Hon'ble Minister for Tribal Affairs on 02.09.2014

c) E-Commerce Portal:

9.9 A portal for direct selling has been launched by TRIFED. In addition, TRIFED has tied up with "snapdeal.com".

5. Centers of Excellence

9.10 The Ministry supports strengthening active research in Universities and reputed institutions in order to involve them in a more focused, long term and policy-oriented work relating to scheduling of Tribes. Currently three institutions are functioning with support from the Ministry:

- i) National Institute of Rural Development, Hyderabad in the field of Local Governance and Rural Development.
- ii) BAIF Development Research Foundation, Pune in the field of Rural Technologies for Improvement in Livelihood and Quality of Life.
- iii) Bhasha Research and Publication Centre, Vadodra in the field of Information, Education and Communication.

9.11 The Ministry has recognized the Department of Odia, Vishva Bharati, Shanti Niketan Centre of Excellence in the field of Tribal Language and Literature. Another proposal has been approved by the Ministry to establish a National Research Centre in the Tribal Research Institute, Bhubaneswar to promote research activities on subjects/ issues for socio- economic development and culture of Scheduled Tribes.

6. Implementation of Forest Rights Act:

9.12 The Scheduled Tribes and Other Traditional Forest Dwellers ([Recognition of Forest Rights\) Act, 2006](#) is a landmark legislation to recognize the pre-existing rights of tribals and other traditional forest dwellers who are in occupation of forest land, but whose rights could not be recorded. A copy of the Act is placed at **ANNEXURE-II**. The Act has come into force w.e.f. 31/12/2007. In exercise of the powers conferred by sub-Sections (1) and (2) of Section 14 of the Act Government of India have also notified the Scheduled Tribes and Other Traditional Forest Dwellers ([Recognition of Forest Rights\) Rules, 2007](#) and these Rules have become effective from 01/01/2008. A copy of these Rules is placed at **ANNEXURE-III**. As per information made available by the Ministry of Tribal Affairs, by the end of January, 2015, i.e during more than seven years of implementation of the Act, more than 39.61 lakh claims have been filed. Of these, 15.32 lakh Individual Rights and more than 29,800 Community Forest Rights titles have been distributed covering a total area of 72.09 lakh acres of land. So far 83.06 per cent of claim applications filed have been disposed of.

7. Vanbandhu Kalyan Yojana:

9.13 In order to achieve comprehensive development of tribals, Vanbandhu Kalyan Yojana (VKY) is being implemented by the Ministry of Tribal Affairs which focuses on convergence of different schemes of development. VKY also envisages a shift in working character and rather than focusing merely on physical and financial achievements. For example, instead of

number of schools, it will see the number of students who have passed with distinction. The proposed intervention is aimed at adopting a holistic approach commensurate to the Gujarat Model for overall development of the tribal people with sustainability.

9.14 During 2014-15, budgetary support of Rs.3850 Crores has been made for various plan schemes of the Ministry at RE stage. A Project Appraisal Committee, headed by Secretary, Tribal Affairs, with representatives of State Governments, Financial Advisor Planning Commission, etc. has been constituted to appraise and approve the proposals for allocation under various schemes of the Ministry. This has helped in ensuring consultation with the States, convergence of various schemes of the Ministry and other Centrally Sponsored Schemes, transparency in the process of appraisal and fund releases and ensuring optimal allocation of limited financial resources. The Committee has prioritized on education especially that of girl child and low literacy tribes; health especially Sickle Cell Anemia, Malaria, Malnutrition and Livelihood. Facilities of Toilets with running water and electricity in residential schools has been emphasized. This process has helped in synchronizing national priorities with State priorities.

8. Health and Nutrition Initiatives:

9.15 Initiatives taken by the Ministry of Tribal Affairs in relation to Health and Nutrition aspect of Scheduled Tribes are:

- a. Sickle Cell Anemia: To eradicate Sickle Cell Anemia, health check-up followed by issue of Health cards of students of tribal department schools/ hostels to identify sickle cell trait (HbAS) (SCT) cases has been undertaken. Parents are to be made aware of the problems and its prevention methods. Health ministry has been requested to include Sickle Cell test for all population groups in malaria-prone areas.
- b. Malaria: Composite fish culture for controlling mosquito population and also to provide protein supplement to the people has been advocated and supported.
- c. Traditional Corps and Food: Growing and consumption of minor millets, kitchen garden for green leafy vegetable are encouraged in the project approvals to address nutritional issues
- d. Tribal Medicines and Practices: Documentation of Tribal Medicines and practices through Tribal Research Institutes has been initiated. Efforts to mainstream tribal medicines and validated practices for effective health service delivery for Tribal people has been started.

9. National Tribal Festival: 2015

9.16 The Ministry of Tribal Affairs organized the National Tribal Festival 'VANAJ' in New Delhi from 13th to 18th February, 2015. The festival provided glimpses of rich cultural heritage

of tribal communities across the country through unique forms of folk dances, songs and other traditional practices and focused on developing a sense of appreciation of the cultural diversity of the country. The highlights of the Festival included state specific tribal huts, exhibition of books, art and crafts, tribal cuisine, award winning photographs and demonstration of traditional skill in painting, craft and traditional medical practices. Screening of documentary films and seminars on subject relevant to tribal issues were other attractions of the six days event. The event would be organised from 2nd Friday to 3rd Wednesday of February every year.

9.17 Details regarding each Scheme mentioned above and working of these Schemes and other activities of the Ministry of Tribal Affairs are available on the website of the Ministry of Tribal Affairs (<http://www.tribal.nic.in>)

10 SCHEDULED AREAS

10.1 The Scheduled Tribes live in contiguous areas unlike other communities. It is, therefore, much simpler to have area approach for development activities and also regulatory provisions to protect their interests. In order to protect the interests of Scheduled Tribes with regard to land alienation and other social factors, provisions of “Fifth Schedule” and “Sixth Schedule” have been enshrined in the Constitution.

10.2 The **Fifth Schedule** under Article 244(1) of Constitution defines “Scheduled Areas” as such areas as the President may by Order declare to be Scheduled Areas after consultation with the Governor of that State. This schedule contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. There are nine States having Scheduled Areas, viz., Andhra Pradesh Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Orissa, and Rajasthan. The Governors of these States have special responsibilities and powers. These States have Tribes Advisory Councils (TACs). [In addition, Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory TACs]. List of orders in operation at present in their original or amended form may be seen on the website of the Ministry of Tribal Affairs i.e. (<http://www.tribal.nic.in>)

10.3 The **Sixth Schedule** under Article 244(2) of the Constitution relates to those areas in the north-east which re-declared as “tribal areas” and provides for an District or Regional Autonomous Councils for such areas. These councils have wide ranging legislative, judicial and executive powers. The Schedule also contains provisions relating to the administration of the areas declared as ‘tribal areas’. The Tribal Areas in relation to this Schedule are in the States of Assam, (North Cochar Hills District and Karbi Anglong District) Meghalaya,

Mizoram and Tripura. There are Autonomous District Councils and Autonomous Regional Councils in these areas, which have a long tradition of self-management systems. These Autonomous Councils not only administer various Departments and developmental programmes but they also have powers to make laws on a variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town police and public health and sanitation, inheritance of property, marriage and divorce and social systems. These Councils are elected bodies and have powers of legislation, administration of justice apart from executive developmental and financial responsibilities.

10.4 The advantages of Scheduled Areas are:

- (a) The Governor of a State, which has Scheduled Areas, is empowered to make regulations in respect of the following:
 - (i) Prohibit or restrict transfer of land from tribals;
 - (ii) Regulate the business of money lending to the members of Scheduled TribesIn 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.
- (b) 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.
- (c) 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.
- (d) Tribes Advisory Council [TAC] shall be established in States having Scheduled Areas. The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. The TAC consists of not more than twenty members of whom, as nearly as may be, three fourths are from the representatives of Scheduled Tribes in the Legislative Assembly of the State. 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.
- (e) The Panchayats (Extension to Scheduled Areas) Act, 1996, 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.

11 Panchayats (Extension to Scheduled Areas) ACT, 1996

11.1. The provisions of Part IX of the Constitution relating to Panchayats have been extended to the Scheduled Areas in various States through the Panchayats (Extension to Scheduled Areas) Act, 1996 (**ANNEXURE-IV**). Section (4) of this Act provides that notwithstanding anything contained under Part IX of the Constitution, the Legislature of a State shall not make any law under that Part which is inconsistent with any of the features mentioned in this Section. Section (4) of the Act, inter alia, provides that:-

- (i) (a) Every Gram Sabha shall approve of the plans, programmes and projects for social and economic development before such plans, programmes and projects are taken up for implementation by the Panchayat at the village level.
- (b) Every Gram Sabha shall be responsible for the identification or selection of persons as beneficiaries under the poverty alleviation and other programmes.
- (i) Every Panchayat at the village level shall be required to obtain from the Gram Sabha a certification of utilization of funds by that Panchayat for the plans, programmes and projects.
- (iii) The Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas.
- (iv) The recommendations of the Gram Sabha or the Panchayats at the appropriate level shall be made mandatory prior to grant of prospecting license or mining lease for minor minerals in the Scheduled Areas.
- (v) The State Legislature shall endeavor to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas.

11.2 Some other powers of Gram Sabhas in the Scheduled Areas as provided in Section (4) of the Act relate to (i) safeguarding and preserving the traditions and customs of the tribal people, (ii) planning and management of minor water bodies in the Scheduled Areas. The State Legislature is required to ensure that the Panchayats at appropriate level and the Gram Sabha are endowed specifically with the power-

- (i) to enforce prohibition or to regulate or restrict the sale and consumption of any intoxicant,
- (ii) to grant the ownership of minor forest produce,
- (iii) to prevent the alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land to a Scheduled Tribe,
- (iv) to manage village markets,

- (v) to exercise control over money lending to Scheduled Tribes,
- (vi) to exercise control over institutions and functionaries in social sectors and,
- (vii) to exercise control over local plans and resources for such plans including tribal-sub plans.

12 Scheduling and de-scheduling of Tribes:

12.1 Empowered by Clause (1) of Article 342, the President may, with respect to any State or Union Territory, and where it is a State, after consultation with the governor thereof, notify tribes or tribal communities or parts of these as Scheduled Tribes. This confers on the tribe or part of it a Constitutional status for availing the rights and safeguards provided for the Scheduled Tribes in the Constitution, in their respective State/UT.

12.2 Clause (2) of the Article empowers the Parliament to pass a law to include in or exclude from the list of Scheduled Tribes, any tribe or tribal community or parts of these.

13 Criteria for specification of a community as a Scheduled Tribe:

13.1 The criteria followed for specification of a community as a Scheduled Tribe are:

- (a) Indication of primitive traits,
- (b) Distinctive culture,
- (c) Geographical isolation,
- (d) Shyness of contact with the community at large, and
- (e) Backwardness.

13.2 This criteria is not spelt out in the Constitution but has become well established. It takes into account the definitions in the 1931 Census, the reports of the first Backward Classes Commission (Kalelkar) 1955, the Advisory Committee on Revision of SC/ST lists (Lokur Committee) 1965 and the Joint Committee of Parliament on the Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967 (Chanda Committee) 1969.

14 Procedure for inclusion in or exclusion from the list of Scheduled Tribes

14.1 In June, 1999, the Government approved modalities for deciding claims for inclusion in or exclusion from the lists of Scheduled Tribes. According to these approved guidelines, only those claims that have been agreed to by the concerned State Government, the Registrar General of India and the National Commission for Scheduled Castes & Scheduled Tribes will be taken up for consideration.

14.2 Whenever representations are received in the Ministry of Tribal Affairs for inclusion of any community in the list of Scheduled Tribes of a State/UT, the Ministry forwards that

representation to the concerned State Government/U.T. Administration for recommendation as required under Article 342 of the Constitution. If the concerned State Government recommends the proposal, then the same is sent to the Registrar General of India (RGI). The RGI, if satisfied with recommendation of the State Government, recommends the proposal to the Central Government. Thereafter, the Ministry of Tribal Affairs refers the proposal to the National Commission for Scheduled Castes and Scheduled Tribes for their recommendation. If the National Commission for Scheduled Castes and Scheduled Tribes also recommends the case, the matter is processed for the decision of the Cabinet after consulting the concerned administrative Ministries. Thereafter the matter is put up before the Parliament in the form of a Bill to amend the Presidential Order.

14.3 In case, there is disagreement between the views of the State Government and the RGI, the views of the RGI are sent to the State Government for reviewing or further justifying their recommendation. On receipt of the further clarification from the State Government/ Union Territory Administration, the proposal is again referred to the RGI for comments. In such cases, where the RGI does not agree to the point of view of the State Government/ UT Administration, Government of India may reject the said proposal.

14.4 Claims that neither the RGI nor the concerned State Government have supported are rejected. Similarly, those cases where the State Government and the RGI favour inclusion /exclusion, but not supported by the National Commission for Scheduled Castes and Scheduled Tribes are also rejected.

15 Authorities Competent to Issue Scheduled Tribe certificates:

15.1 The candidates belonging to Scheduled Tribes may get Scheduled Tribe certificates, in the prescribed form, from any one of the following authorities:

- (i) District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/ Additional Deputy Commissioner/Deputy Collector/ Ist Class Stipendiary Magistrate/ City Magistrate/ Sub Divisional Magistrate/ Taluka Magistrate/Executive Magistrate/ Extra Assistant Commissioner. [not below the rank of Ist Class Stipendiary Magistrate]
- (ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate
- (iii) Revenue Officers not below the rank of Tehsildar
- (iv) Sub- Divisional Officer of the Area where the candidate and/ or his family normally resides
- (v) Administrator/ Secretary to the Administrator/ Development Officer [Lakshadweep Islands]

16 Points to be observed while issuing/ verifying Scheduled Tribe certificates:

16.1 General:

16.1.1 Various points and issues are required to be considered before issuing a caste certificate to an applicant. The nodal Ministry dealing with the policy issue relating to the subject matter relating to inclusion into and exclusion from the list of SCs/STs has been with the Ministry of Social Justice and Empowerment. These points and issues are given in detail on the website of the Ministry of Social Justice and Empowerment (<http://www.socialjustice.nic.in>). However, some important issues are highlighted in this Handbook for ready reference.

16.1.2 Where a person claims to belong to a Scheduled Tribes by birth it should be verified that:-

- (i) The person and his/her parents actually belong to the community claimed;
- (ii) The community is included in the Presidential Order specifying the Scheduled Tribes in relation to the concerned State;
- (iii) The person belongs to that State and to the area within that State in respect of which the community has been scheduled;
- (iv) He/she may profess any religion;
- (v) He/she or his/her parents/grandparents etc., should be permanent resident of the State/UT on the date of notification of the Presidential Order applicable in his/her case.
- (vi) A person who is temporarily away from his permanent place of residence at the time of the notification of the Presidential Order applicable in his case, say for example to earn a living or seek education, etc. can also be regarded as a Scheduled Tribe, if his tribe has been specified in that Order in relation to his State/Union Territory. But he/she cannot be treated as such in relation to the place of his temporary residence notwithstanding the fact that the name of his/her tribe has been scheduled in respect of that State where he/she is temporarily settled, in any Presidential Order.
- (vii) In the case of persons born after the date of notification of the relevant Presidential Order, the place of residence for the purpose of acquiring Scheduled Tribe status, is the place of permanent abode of their parents at the time of the notification of the Presidential Order under which they claim to belong to such a tribe.

16.2 Scheduled Tribe claims on migration:

16.2.1 Where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which community is not scheduled, he will continue to be deemed to be a member of the Scheduled Tribe, in relation to that State;

16.2.2 Where a person migrates from one State to another, he can claim to belong to a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

16.3 Scheduled Tribe claims after marriage and status of their children:

16.3.1 The guiding principle is that no person who was not a Scheduled Tribe by birth will be deemed to be a member of Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe. Similarly a person who is a member of a Scheduled Tribe would continue to be a member of that Scheduled Tribe, even after his or her marriage with a person who does not belong to a Scheduled Tribes. However, status of the children born out of such marriages would depend on the particular caste status of the father.