

Dr. Rajendra Kumari Bajpai
Minister of State for
Welfare

D.O. No. 18013 3/86-TD (R)

January, 5, 1987

Dear

As you may be aware, paragraph 3 of the Fifth Schedule to the Constitution lays down 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 Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the States as to the administration of the said area."

2. Various Committees and Commissions and Working Groups which went into the problems of Scheduled Tribes, particularly the Scheduled Areas and Scheduled Tribes Commission (Dhebar Commission 1961) and the Shilu Ao Study Team (1969) and the Working Group on Development of Scheduled Tribes during Seventh Plan (1984) have observed that no instructions had been issued by the Union Government about the format and contents of these reports with the result that the State Governments had come to look upon them as departmental reports.

3. The recommendations of the Dhebar Commission were considered at various meetings and conferences and it had been agreed that preparation of the Governors' reports should be the responsibility of the State Secretariat. Further, it had also been agreed that views of the Tribes Advisory Councils be incorporated in the Governors' reports and the views expressed by the Commissioner for Scheduled Castes and Scheduled Tribes, Members of Legislatures and non-officials be kept in view while preparing the reports.

4. While it is possible to interpret "administration of Scheduled Areas" in a narrow sense i.e. as relating only to the management aspect, it will be appreciated that in the present day context inclusion of sufficient details on development effort as well as on regulatory administration appears imperative. In fact, recognising the importance of the changing situation, the reports of some State Governments include performance on the development front as its substantial part.

5. The question as to how the provisions of the Fifth Schedule can be made a more effective instrument in helping policy formulation ensuring adequate protection to the Scheduled Tribes and for raising the level of administration in Scheduled Areas has been considered by us in some depth. We have, no doubt, that the State Governments would also be seized of this matter. We feel that it should be possible to undertake a close and critical review of the administration of these areas in totality, including progress made in promoting development of Scheduled Tribes, particularly in the context of the Tribal Sub-Plan approach.

6. In order to enable the State Government to follow a frame-work for the Governors' reports a list of items that might be covered in the Governor's report is enclosed.

7. Generally, the reports are received late in the Ministry. For example, reports for the years, are still awaited. In letter No. 16/2/67-Estt. (C) dated 25 October, 1967 the Ministry of Home Affairs had emphasised and on several occasions subsequently reiterated the need for timely submission of these reports. The Commissioner for Scheduled Castes and Scheduled Tribes had in his annual reports stressed the point.

8. I shall be thankful if the Governor's report on the administration of the Scheduled Areas could be prepared in the light of the preceding paragraphs so as to give the President a complete, coherent and coordinated picture of the progress made in the developmental activities and the administrative situation in the Scheduled Areas.

With best wishes,

Yours sincerely,

(Sd/-)

(Rajendra Kumari Bajpai)

To
The Chief Ministers of 8 States having Scheduled Areas.
Copy to the Secretary to the Governor of 8 States having Scheduled Areas

(Sd/-)

B.K. Misra
Joint Secretary

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FORMAT FOR THE REPORT OF THE GOVERNOR ON THE ADMINISTRATION OF SCHEDULED AREAS

The Governor's Report on the administration of Scheduled Areas should cover:-

1. An objective assessment of the quality and adequacy of administration of the Scheduled Areas touching upon:
 - (a) exploitative elements, if any, or elements which may be detrimental to tribal interest or peace and good administration of the Scheduled Areas. The assessment should include overall evaluation of the working of Acts/Regulations/instructions relating to land alienation, money-lending, forest, trade and excise policy, bonded labour, displacement of tribals, atrocities, etc.
 - (b) complete sketch of the development programmes undertaken indicating the financial allocations used and physical targets achieved. The starting point should be the data, facts and figures of the previous year so that a vivid picture of the development of the year in question can be projected. Supporting comparative statistical tables should be appended. Such tables should reveal actual actuals for the previous year budgeted under the year under report and as far as possible, proposed for the ensuing year.
 - (c) the existing level of administration of Scheduled Areas and measures adopted or proposed to be adopted by the State Government to improve matters. In this section, the administrative structure actually existing in the field should be evaluated critically with reference to the needs of anti-exploitative and developmental machinery. The deficiencies and lacunae should be clearly projected.
2. The comments of Governor's Report should be such as to lead to specific action both by the State and the Union Governments with the avowed objective of improving the level of administration and development of the Scheduled Areas.
3. In regard to development, there should be clear time-table for preparation of reports on specific projects for tribal development and its submission to the President and follow-up action. The report should be submitted within six months of the closing of financial year i.e. 30th September of each year.
4. The preparation of the Report should begin at the level of Integrated Tribal Development Projects. The Project Authority should give a realistic assessment of the administrative situation within its area. The Draft Administration Report of each Project should be placed before the respective Project Advisory Committee and finalized after incorporating their reaction.
5. The report should give, as far as possible, an ITDA/ITDP/District-wise analysis of the results flowing from measures mentioned at (a) to (c) of para (1).
6. Each department at the State level should prepare a Report for the Scheduled Areas in respect of its functional jurisdiction and a department-wise analysis should be included in the report.
7. Observations made by the Tribes Advisory Council of the State should be dealt with in the Report indicating steps taken in accordance with the recommendations of the Tribes Advisory Council.
8. Based on the facts, thus gathered, the Tribal Development Commissioner/ Secretary, Tribal Development Department should prepare the draft Annual Administration Report on Scheduled Areas and obtain approval of the Chief Secretary. The report of the Governor should be placed before the Tribes Advisory Council. The Report as finally approved by the Governor should be submitted to the President through the Ministry of Tribal Affairs.