PREFERENTIAL TREATMENT AND ITS LIMITATIONS:
A Case Study of Scheduled Tribes in Orissa

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in partial fulfillment of the requirements for the award of the Degree of

MASTER OF PHILOSOPHY

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CERTIFICATE

Certified that the Dissertation entitled "**Preferential Treatment and Its Limitations: A Case Study of Scheduled Tribes in Orissa**" submitted by me in partial fulfillment of the requirements for the degree of **Master of Philosophy** has not been previously submitted for any other degree of this or any other University and is my original work.

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We/I recommend that this dissertation may be placed before the examiners for evaluation.

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In The Reverent Memory of
My Late Parents whose Affection, Care,
Training and Discipline have made me what
I am today.

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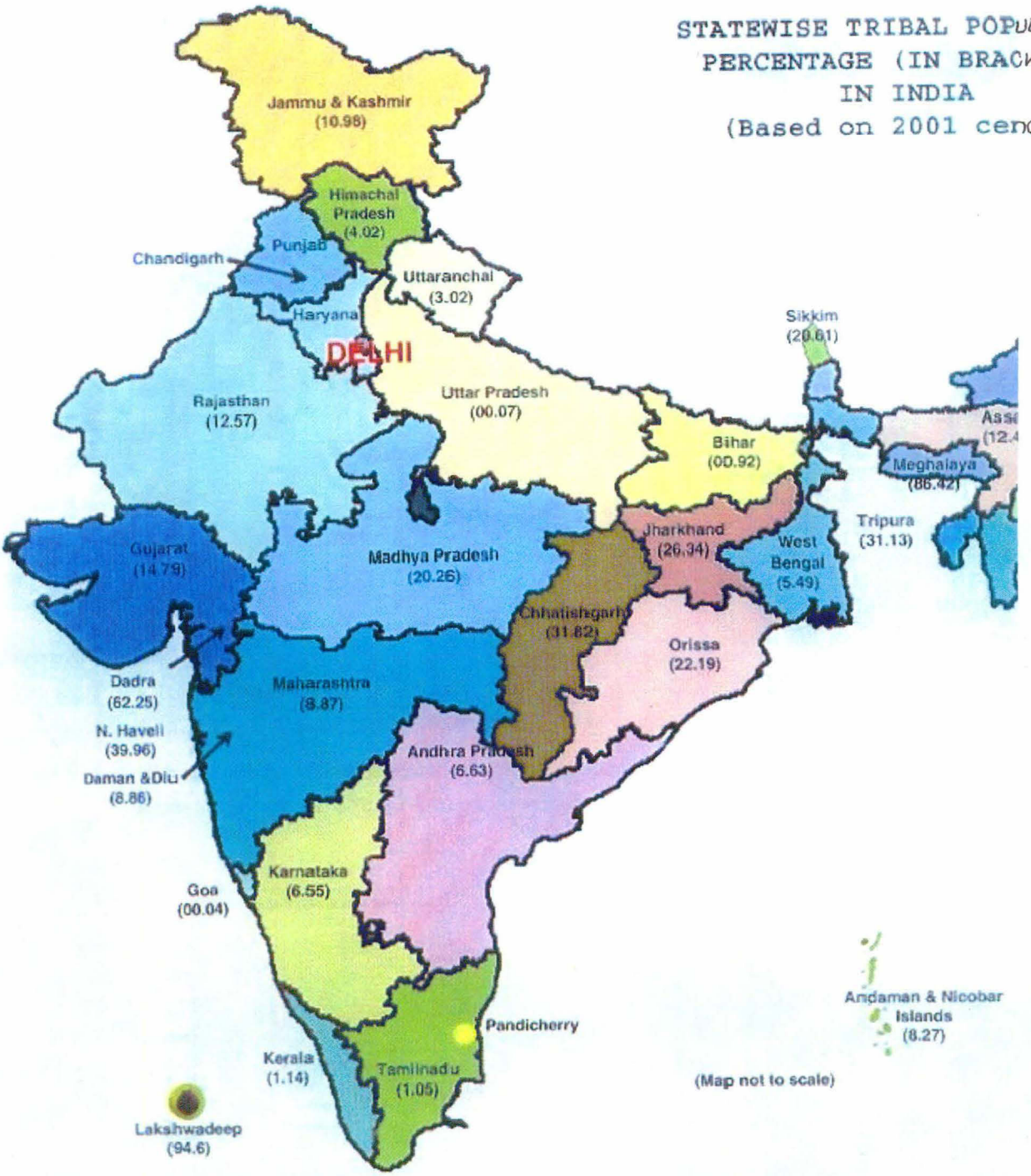
List of Abbreviations

AITUC	:	All India Trade Union Congress
ATDC	:	Academy of Tribal Dialectics and Culture
BJD	:	Bharatiya Janata Dal
BJP	:	Bharatiya Janata Party
CCSP	:	Central and Centrally Sponsored Scheme
CERI	:	Centre d'Etudes et de Researches Internationales
CITU	:	Centre for Indian Trade Union
CPM	:	Communist Party (Marxist)
CSH	:	Centre de Sciences Humaines
DTDP	:	Dispersed Tribal Development Programme
HMS	:	Hindu Mazdoor Sangh
HYV	:	High Yeilding Variety
IAS	:	Indian Administrative Service
IAY	:	Indira Awas Yojana
ICS	:	Indian Civil Service
IFAD	:	International Fund for Agricultural Development
IITs	:	Indian Institute of Technologies
INC	:	Indian National Congress
INTUC	:	Indian National Trade Union Congress
IPS	:	Indian Police Service
ITDAs	:	Integrated Tribal Development Agencies
JMM	:	Jharkhand Mukti Morchha
JRY	:	Jawahar Rojgar Yojana
MADA	:	Modified Area Development Approach
MLAs	:	Member of Legislative Assemblies
MTA	:	Ministry of Tribal Affairs
NALCO	:	National Aluminium Company Limited
NTBs	:	Nationalised Text Books

NTFP	:	Non-Tomber Forest Produce
OAS	:	Orissa Administrative Service
OBCs	:	Other Backward Classes
OPSC	:	Orissa Public Service Commission
OTDP	:	Orissa Tribal Development Project
OTELP	:	Orissa Tribal Empowerment and Livelihood Programme
PDS	:	Public Distribution System
PH	:	Physically Handicapped
PM	:	Per Month
PMRY	:	Prime Minister's Rojgar Yojana
PRI	:	Panchayati Raj Institution
PTGs	:	Primitive Tribal Groups
SCA	:	Special Central Assistance
SCs	:	Scheduled Castes
SCSTRTI	:	Scheduled Caste and Scheduled Tribe Research and Training Institute
SEBC	:	Socially and Educationally Backward Classes
SGRY	:	Sampoorna Gramina Rajgar Yojana
SGSY	:	Swarnajayanti Gram Swarajgar Yojana
SHGs	:	Self-Help Groups
STs	:	Scheduled Tribes
TDCCOL	:	Tribal Development Cooperative Corporation of Orissa Limited
TRYSEM	:	Training and Rural Youth for Self-Employment
TRW	:	Tribal and Rural Welfare
TSP	:	Tribal Sub-Plan
VTCs	:	Vocational Training Centres
WEF	:	World Education Forum


STATEWISE TRIBAL POPULATION
PERCENTAGE (IN BRACKET)
IN INDIA
(Based on 2001 CENSUS)
Jammu & Kashmir
(10.98)
Himachal
Pradesh
(4.02)
Punjab
Chandigarh
Uttaranchal
(3.02)
Haryana
DELHI
Rajasthan
(12.57)
Uttar Pradesh
(00.07)
Sikkim
(20.61)
Bihar
(00.92)
Meghalaya
(86.42)
Tripura
(31.13)
Jharkhand
(26.34)
West
Bengal
(5.49)
Gujarat
(14.79)
Madhya Pradesh
(20.26)
Chhatishgarh
(31.82)
Orissa
(22.19)
Dadra
(62.25)
N. Haveli
(39.96)
Daman &Diu
(8.86)
Maharashtra
(8.87)
Andhra Pradesh
(6.63)
Karnataka
(6.55)
Goa
(00.04)
Pandicherry
Kerala
(1.14)
Tamilnadu
(1.05)
Laksh wadeep
(94.6)
Andaman & Nicobar
Islands
(8.27)
(Map not to scale)

Introduction

Introduction:
Preferential Treatment and Group Rights in India

Since India is a multicultural society, it is interesting to note the location of group rights in India. According to Gurpreet Mahajan, the existence of different cultures does not by itself make a society multicultural. It is only when these diverse cultures exist as equals in the public arena that a democracy can be claimed to be multicultural. The concern for equality is a constitutive element of multiculturalism.[1] The presence of diverse cultures in the public arena signals the absence of cultural homogeneity. Since liberal democratic state operates with the belief that promoting fair and treatment for all would be the best way of preserving diversity, it perhaps important to talk about group rights to take care of various types of discrimination of the disadvantaged minorities that result from social and cultural differences.

Group rights in a multicultural state can pertain to regional autonomy, political representation in legislatures, quota system in education and employment, language rights, land claims etc. The demand for group rights is promised on the belief that only the granting of these rights will ensure the equal participation of all citizens within the national polity. The theoretical foundation for demanding group rights pertains the culturally embedded members, who constitute the group. They are primarily concerned about 'cultural membership' or the right to association within a cultural group. We may rephrase this idea by stating that, by definition, cultural rights pertains to groups and not to individuals.

To prefer one individual over another on grounds of caste, religion or other ascriptive criteria is specially branded as unfair. There was an agreement that some groups were burden by a heritage of invidious discrimination, exclusion and/or isolation that made their condition distinct from that of their fellow citizens. The deprivations of their past and present members were thought to justify a special effort for their improvement and inclusion. Some individuals have generally been objects of social discrimination on account of their group or, more appropriately, community membership. The latter provides a viable basis of differentiating

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[1] Gurpreet Mahajan (2005b), "Can Intra-Group Equality Co-exist with Cultural Diversity? Re-examining Multicultural Frameworks of Accommodation" in Avigail Eisenberg and Jeff Spinner Halev (eds.), *Minorities Within Minorities: Equality, Rights and Diversity*, Cambridge: Cambridge University Press, p. 90.

between individuals and giving special consideration to some. To put it differently, it is easier to locate and identify groups that are disadvantaged on account of systematic social discrimination.

The notion of group rights resonates strongly in India. Within its varied ethnic communities, religious groups, social classes and vast economic differences, India has considerable experience with the challenge of realising and protecting equal rights. Years of subordination had seriously handicapped the members of discriminated communities and placed them at a disadvantaged position. So Indian constitution highlights the importance of recognising, protecting and promoting cultural differences of the minorities under Articles 29 and 30. Mahajan has noted that the Indian constitution devised a two-fold policy. On the one hand, it tried to ensure that no community is excluded or systematically disadvantaged in the public arena. On the other hand, it provided autonomy to each religious community to pursue its own way of life in the private sphere.[2] However, this chapter wishes to study group rights in the context of STs in India.

The STs in India have experienced discrimination and disadvantaged in their respective social context, which have not been effectively restricted by the 'neutral state' and the dominant political system. These groups have their own language, religion, customs, rituals, social practices, life styles etc. that are different from the majority community. They are likely to face more and more discrimination, disadvantages and exclusion. Their struggle is against this continued subordination of the community. They seek, in other words, opportunities that might enable them to lead a reasonably dignified life with some protection against conditions that render them destitution and vulnerable to exploitation. So, the process of overcoming the subordination of whole communities entails recognition of their collective rights to order their own affairs. In this context, it is appropriate to talk about group rights or community rights for tribals.

The group rights in India should only be seen as a measure of protection of the minority groups and subordinated sections of the society against the majoritarian threats. Within this framework, Indian constitution recognises different kinds of citizens on the basis

[2] Gurpreet Mahajan (1998b), *Identities and Rights: Aspects of Liberal Democracy in India*, Delhi: Oxford University Press, p. 4.

of their group affiliation and cultural belonging. Such recognition upholds differential treatment to citizens over and above equal rights, universally available to all Indian citizens, sometimes in a qualified mode. Differential treatment in this respect is primarily oriented to accord equal rights and consideration to those suffering disadvantages of one kind or another. Differential treatment extended to groups that are different with respect of religion, language and ethnicity are primarily group-specified rights. Some of these groups such as the tribals may suffer but the reason for conferring these rights are not account of such deprivation but for letting them to live and define themselves in their distinct ways in relevant respects.

In a minority-majority situation, equality of treatment came to be profoundly qualified for the exclusion and subordination of vulnerable tribal communities. What is perhaps most important is Ronald Dworkin's differentiation between equal treatment and treatment as an equal.[3] Equal treatment is the right to an equal distribution of some opportunity and resource. On the other hand, treatment as an equal are the rights, not to receive the same distribution of some benefit, but to be treated with the same respect and concern as any one else. Will Kymlicka, who is not contained with the identical treatment of minority groups in a plural society where the majority placed at a more advantageous position, has advocated a more vocal form of group rights.[4] In the similar vein, John Rawls points out that there must be a balance between the principle of equal liberty and the principle of difference.[5] Whereas the first principle is concerned with the dispensation of citizenship rights of equality and liberty, the second principle takes care of minority rights and social justice to the disadvantaged. The second principle postulates a differential treatment of groups who are unequally placed in the socio-economic conditions.

Individual based equality is conceptually inadequate and politically untenable in heterogeneous societies like India. In the given complexity of the problem of community and citizenship rights in a plural society, group rights and individual rights cannot be seen in dichotomous mould. A constructive mode of debate should be revolved around the possibility of accommodation between importance of citizenship and requisite of group rights. To put it

[3] Ronald Dworkin (1998), "De Funis V. Sweatt" in Gurpreet Mahajan (ed.), *Democracy, Difference and Social Justice*, Delhi: Oxford University Press, pp. 364-365.
[4] Will Kymlicka (1998), "Multicultural Citizenship" in Gurpreet Mahajan (ed.), Ibid., pp. 109.
[5] John Rawls (1971), *A Theory of Justice*, Delhi: Oxford University Press, pp. 60-65.

differently, the remaining pages, however, address two questions: (i) can liberal democracies accommodate preferential treatment? And (ii) on what grounds is preferential treatment endorsed in India?

All the contemporary liberal theory must be sensitive to differences that exist in any democratic society. Essentially, there are two kinds of differences: individual and collective. When differences between communities result in discrimination and social exclusion, the principle of equality comes to fore in liberal democratic theory. Since the perception and assessment of differences had to give way to political equality, it had to include the people of various categories, who had hitherto been excluded on account of their class, colour or gender in political process. The notion of equality provided a norm on the basis of which certain kinds of differences were identified as a source of discrimination and social justice. In other words, the principle of equality offers a basis for anchoring the claims of the excluded and discriminated people. The liberal ideologues in the twentieth century concerned themselves with the issue of equal opportunity for all communities to take care of these disadvantages.

Gurpreet Mahajan (2005a) poses egalitarian argument to justify preferences for disadvantaged groups in liberal democracy. It suggests that preferential treatment would enhance efficiency, minimal racial strife, create harmony and produce an improvement in the prevailing social and political condition. She further says, it is the *democratic inclusion*[6] arguments that are backing the preferential treatment for STs in India. Valerian Rodrigues defends preferential treatment policies in India on the ground of differential treatment.[7] This is because the disadvantaged have their own values, beliefs and practices and are different from others. Rodrigues says treating unequal equally; it actually violates the principle of equality. Preferences, therefore, would involve respecting the condition and choices of the disadvantaged sections seriously and perceiving advantage and disadvantage from their

[6] Gurpreet Mahajan (2005a), "Affirmative Action and Liberal Democracy: Pursuing Non-Discrimination in the Indian Context", Paper presented at the International Seminar on *Affirmative Action in Comparative Perspective*, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi in collaboration with Centre d'Etudes et de Researches Internationales (CERI), Paris and Centre de Sciences Humaines (CSH), New Delhi, February 24-25, p. 14 (emphasis added). For similar argument, also see Gurpreet Mahajan (1998b), Op. Cit., p. 135. When rights of citizens are granted to all citizens, pursuing the ideal of non-discrimination in a democracy necessitated their inclusion in social and political life through social policies that try to overcome the effect of differences that were the initial source of discrimination and arbitrary exclusion.

[7] Valerian Rodrigues (2005), "Preferential Treatment: Contentions", Paper presented at the International Seminar on *Affirmative Action in a Comparative Perspective*, Op. Cit., p. 2.

perspective. By cherishing and even promoting differences, preferential treatment may bolster cultures and communities, which may feel threatened by mainstream values and practices. Therefore, to Rodrigues, preferential treatment implies assigning a certain advantage, weight or deference to individuals or collective over the rest. Rohini Pande put forward moral and economic argument to defend preferences in India. Pande further says, it is in the interest of the society to improve economic standing of historically disadvantaged minority groups[8] such as STs in India.

The groups categorised as STs are the most socially and economically disadvantaged groups in India. So, the ideal citizenship is meaningless and ineffective unless they are provided equal opportunity to share the available resources in society with others without any discrimination and disadvantage. In addition to this opportunity, some forms of state support and preferential treatment are required in the case of tribals.[9] The assumption here is that tribals may not be able to effectively realise the idea of equal opportunity of the citizenship rights in the given condition of their social, cultural and economic handicaps. In such cases, group preferences appear to be the viable means of channelising social and economic justice.

The logic and demand of social justice in favour of the disadvantaged, discriminated and vulnerable tribal groups go beyond the narrow application of the idea of citizenship. In brief, this debate is for understanding preferential treatment for STs in India. This is because without preferences, the meaning of group rights for tribals is ineffective. Within this backdrop, this chapter argues for preferential treatment on grounds of historical discrimination and marginalisation. As Will Kymlicka says historical discrimination as a justification for special treatment for certain groups: 'the historical domination of some groups by other groups has left a trial of barriers and prejudices that makes it difficult for historically disadvantaged groups to participate effectively in the political process'.[10] The

[8] Rohini Pande defines historically disadvantaged groups as groups, which have been systematically excluded from institution and cultural practices that provide skills and resources. An important moral argument for directing state support at such group is that historical discrimination against a group should not be allowed to perpetuate itself and inhibit the group rights to well being. Moreover, such support may enhance efficiency by improving the talent allocation across different occupations, Rohini Pande (2003), "Can Mandate Political Representation increase Policy influence for Disadvantaged Minorities? Theory and Evidence from India", *The American Economic Review*, vol. 93, no. 4, September, p. 1132.

[9] Gurpreet Mahajan (1998), "Introduction" in Gurpreet Mahajan (ed.), Op. Cit., p. 9.

[10] Quoted in Alistair McMillan (2005), *Standing At The Margins: Representation and Electoral Reservation in India*, Delhi: Oxford University Press, pp. 4-5.

intention of this dissertation is to explain the failure of preferential treatment in Orissa not because of the lack of recognition of group rights but because of lack of implementation and utilisation.

The justification of the title of this dissertation lies in the fact that the original concept of reservation as a prescription for the advancement of the really downtrodden SCs and STs stood hijacked. Reservation policy considerations in India are extended not merely to SCs and STs, as originally accorded by the nation's constitution, but to women, backward classes and physically challenged over the years. Another justification comes from the fact that this study not only focuses on reservations in education, employment and politics but also some other measures that enhance the skills and efficiency of tribals to use preferential treatment policies in Orissa to the desirable extent. Nevertheless, preferential treatment, protective discrimination, affirmative action, compensatory discrimination, positive discrimination and sometimes reservation policy have been used interchangeably.

The preferential treatment policy has its limitations in the context of STs in India. While enacting preferential treatment, the framers of Indian constitution did not address the actual needs of tribals. Alistair McMillan's study shows that the actual felt needs of tribals were not deliberately debated. They simply went to adopt preferential policies on the basis of their socio-economic backwardness. The SCs and STs have been lumped together into a homogeneous mass for purposes of public policy without considering the specific social disabilities they suffered. Within this backdrop, the constitution of India provides similar provisions for SCs and STs. According to Virginius Xaxa (2001), the constitutional provisions turned out to be the major breakthrough for SCs but not so for STs.[11]

Review of Literature

During the last few decades, there have been a number of works done on various aspects of SCs and STs in different parts of India. But most of them are sociological, anthropological and some of them are political in its nature. Followings are some of the studies on the different aspects of SCs and STs in India in general and Orissa in particular.

[11] For details, see Virginius Xaxa (2001), "Protective Discrimination: Why Scheduled Tribes Lag Behind Scheduled Castes", *Economic and Political Weekly*, vol. XXXVI, no. 21, July 21, p. 2770.

Marc Galanter in his monumental piece, *Competing Equalities: Law and the Backward Classes in India* (1984), has done elaborate study on what he terms the Indian practice on reservation policy as 'compensatory discrimination policy'. He justifies the term by pointing out the nation's negligence to the claims of those at the bottom. The book is all about the way in which the commitment of compensatory discrimination has been incorporated into a regime of constitutionally guaranteed rights, including notable right to formal equality, protected by court equipped with broad powers of judicial review. He provided the most comprehensive statement of the State policy and its judicial interpretation. By devoting most of its parts on the caste system and inequalities associated with it, Galanter energises the debate on law and backward classes in India. The book tries to assess the achievement of compensatory discrimination programmes in India in the light of the problems that are inherent in such a policy. Galanter argues that these policies have produced substantial redistribution effects in education, employment and politics that would otherwise be lacking. However, he concludes that the Indian compensatory discrimination policy has costly succeeded and there is a long way to go.

Alistair McMillan in his work, *Standing At The Margins: Representation and Electoral Reservation in India* (2005), tries to establish the relationship between the group representation and electoral system. Like Marc Galanter, he begins by exploring the historical development of administrative policy towards SCs and STs and the debate about how best to structure the development policy for these groups. The book examines the principles and practice of mode of group representation of SCs and STs in the context of group representation, i. e., it is important to have representation of historically marginalised groups within the legislature to speak on behalf of their discriminated and backward communities. He, however, raises an important question on whether the outcome in terms of policy actually benefits the group. He claims that the demand for tribal representation came much later compared to SCs. The nature of tribal representation was also different from that of the untouchables, as it was based on the protection of tribal interests rather on assimilation. Analysing the data collected in the 1970s and 1990s by Centre for the Study of Developing Societies, he looks at participation and voting behaviour of these groups. The book concludes by assessing the impact of electoral reservation looking at how the institution has performed in terms of the objectives visualised by the framers of Indian constitution during the enactment of reservation policy for SCs and STs.

The book, *The Politics of Backwardness: Reservation Policy in India* (1997) edited by V. A. Pai Panandikar, deals with reservation policy for SCs, STs and OBCs in Indian States. The politics of backwardness is the central theme of the book, as it arose most prominently in the 1990s with the implementation of Mandal Commission's report of giving 27 per cent reservation to the backward Muslims. The book argues for the transfer of power to the backwards. The basic objective of the work is to help better understanding of process of reservation policy in India and its merits and demerits. The book concludes that the reservation policy has become the stamping ground of several types of vested interests.

Jaganath Pathy in his work, *Under-Development and Destitution: Essays in Orissan Society* (1988), makes an attempt to study on tribal societies of Orissa, though does not devote the whole book on tribes. After outlining a brief history of Orissa to illuminate the roots of under-development and deprivation, in the part II of the book, he provides an analysis of the production relations in different types of tribal and rural villages of Orissa.

He examines the political economy of the Kandha tribe by focusing on their inner working of the existing mode of production. It begins with historical account of the political economy during colonial and pre-colonial period and narrates the early possibilities in the process of class formation in the community. This followed by a discussion on the present day political economy in terms of land relations and role of merchant capital. The discussion is based on the information collected from the author's fieldwork done in the villages of Rada and Pakelingia, two Kondha villages of Baliguda sub-division. It is pointed out that the Kandha is a class community, where limited feudal and semi-feudal relations dominate the economy. He concludes that unless tribals are made aware of their rights and assert their rights, even progressive legislation cannot help them.

Jaganath Pathy in his book, *Ethnic Minorities in the Process of Development* (1988), explores the process of development of ethnic minorities, especially the tribal communities of Orissa. In the light of the political, economic and cultural dynamics of Orissan ethnic minorities, he focuses on eleven ethnic minorities distributed in ten villages and spread over seven districts of Orissa. Their existence, relative autonomy and cultural dynamics are discussed in the regional context. He concludes that all the ethnic minorities, i. e., STs are

internally differentiated with respect to land, employment of labour, income and others are essentially structured in terms of class.

N. Patnaik in his book, *Tribes and Their Development: A Study of Two Tribal Development Blocks in Orissa* (1972), depicts the development of tribal communities inhibiting Narayanpatna and Ruruban, two of the four special multipurpose tribal blocks in Orissa. He begins by analysing the socio-economic condition of tribal communities and then goes to assess the benefits of development programmes that have accrued to them. He says that development programmes may easily trigger off different and, sometimes, unexpected types of political and economic reactions. This is due to differences in the attainment of the level of development and also for different socio-economic conditions. So, in the changing circumstances, a new and different strategy for tribal development needs to be evolved, keeping in mind not only the material and cultural parameters but also genius and character and susceptibility of the people. He concludes by suggesting that planners should have thorough knowledge of the habitat economy, society and culture of tribal people for the effective and viable implementation of development programmes.

G. K. Srichandan in his book, *Tribal Development and Welfare Legislation in Orissa* (1993), focuses on tribal development in Orissa. He makes an attempt to show the gradual evolution of welfare legislation in Orissa for the upliftment of tribal communities. He analyses different legislation on education, employment, land etc. He also makes an attempt to focus on different income generating scheme for the socio-economic development of STs in Orissa. The book concludes by suggesting some measures for the meaningful implementation of welfare legislation for tribals in Orissa.

Virginius Xaxa in his article, "Protective Discrimination: Why Scheduled Tribes Lag behind Scheduled Casts" (2001), makes a significant attempt to describe the reasons for the under-utilisation of protective discrimination policy by STs in general. He seeks to do so by making comparative study with another constitutionally designed group to avail the benefits of protective discrimination such as SCs. He argues that the way in which tribal groups are being located in the colonial period with never having been an integral part of the mainstream society is responsible for their lagging behind SCs. On the contrary, SCs are being a part of the mainstream society, who share language, culture and tradition of the linguistic

community. He concludes that STs have invariably played a second fiddle to SCs in taking advantage of the resources granted to them, whether it is education, employment or politics.

S. N. Rath in his article, "Welfare of the Scheduled Tribes and Their Development: The Orissa Case" (2001), begins by looking at the tribal situation in Orissa and then goes to review tribal developmental efforts in Orissa. He deals with the tribal welfare measures such as, Tribal Sub-Plan (TSP), Integrated Tribal Development Agencies (ITDAs), micro-project for development of Primitive Tribal Groups (PTGs), anti-poverty programmes etc. Although some progress has been made, he argues that the benefit of development programmes is not spread evenly throughout the beneficiary groups. He concludes by suggesting that the tribal development strategy should recognise the tribal cultures and values.

P. K. Kar in his article, "Social Transformation and The Tribes of Orissa" (1999), discusses a number of developmental programmes meant for the socio-economic upliftment of tribals in Orissa. He gives the list of district wise distribution of micro-project of eight undivided districts of Orissa. He also presents the district wise distribution of voluntary organisations with specific aims and objectives of tribal development in Orissa. He claims that the administrative unpreparedness appeared to be the main constraint in the implementation of programmes and protective policies. He also argues that Tribal Development Blocks are more in the nature of welfare schemes and failed to become an effective instrument for tribal development.

L. K. Mohapatra in his article, "Problems and Welfare of Orissa Tribes" in R. N. Pati and Jaganath Dash edited book, *Tribal and Indigenous People of India: Problems and Prospects* (2000), discusses the problems of tribal population of Orissa under seven heads: techno-economic, ecological, educational, health and nutrition, demographic, socio-political and social control and law. According to him, these are some of the major problems in relation to the tribal development in Orissa, which needs to be understood within the broader perspective of social change.

The beneficiaries of positive discrimination programme in India are generally regarded to be groups, who suffer disadvantages on account of the dominant practices. It comprises three types of communities: ex-untouchables, designated as Scheduled Castes

(SCs), the spatially and culturally isolated community, designated as Scheduled Tribes (STs) and the socially and educationally backward classes of the citizens called Other Backward Classes (OBCs).[12] Since there have been numerous studies on the effect of preferences/reservations on SCs or OBCs, but there is hardly any major work that tries to study the working and impact of different policies in the context of preferences for STs. So, this dissertation makes an attempt to fulfill this gap, with special reference to Orissa.

Objectives

The purpose of the study is to bring out the emerging issues of preferential policy implementation for vulnerable tribal communities of Orissa and its implications of different ways of meeting social needs and resolving social problems through a sound mechanism of social and political administration in the countryside. The basic objective of the study is to identify the utilisation of preferences in education, employment and politics along with the progress of welfare measures in Orissa. This study also makes an attempt to understand the socio-economic constraints that prevent the large majority of STs from making use of preferences in Orissa. With a view to find out a gap between the predicament and policy implementation, an attempt has been made to screen the theoretical model and practical approach of welfare and development of STs in Orissa. Under the purview of policy objectives, strategies and approaches of social development, the focus of this study is concentrated on the implementation and administration of preferential policies and welfare measures in Orissa.

Within this backdrop, the remaining pages of the dissertation are structured in the following way. Chapter one explores the Constituent Assembly debates on preferential treatment for STs in India and their position on the colonial construction of isolation policy and the nationalistic policy of assimilation and integration. The members, however, felt the necessity of giving some preferences to STs because of the unique position historically

[12] Marc Galanter (1984), *Competing Equalities: Law and the Backward Classes in India*, Delhi: Oxford University Press, p. 121; Granville Austin (1996), *The Indian Constitution: The Cornerstone of a Nation*, Delhi: Oxford University Press, p. 20; D. L. Sheth (1997), "Reservation Policy Revisited" in V. A. Pai Panandikar (ed.), *The Politics of Backwardness: The Reservation Policy in India*, New Delhi: Konark Publishers Pvt. Ltd., p. 223; D. L. Sheth (2004), "Caste, Ethnicity and Exclusion in South Asia: The Role of Affirmative Action in Building Inclusive Societies", *Occasional Paper*, Human Development Report, New Delhi: UNDP, p. 39; Shyam Nand Singh (2000), "Impact of Reservation Policies for Tribals in India", *Journal of Rural Development*, vol. 19, no. 4, October-December, p. 605.

occupied by them in Indian society. Within this backdrop, it looks at the eligible criteria to avail the benefits of preferential treatment policy followed by the constitutional provisions. It also deals with the controversial stand of defenders and critics of preferences.

Chapter two focuses on the social and economic conditions of vulnerable tribal communities of Orissa. Within this framework, it looks at the state and tribal relationship, tribal and non-tribal relationship, their traditional social, political, economic and religious life in Orissa. This chapter argues that tribals of Orissa are at different stages of social and economic development.

Chapter three deals with the practical dimensions of the implementation of preferential treatment policies in Orissa. It tries to draw a sketch of welfare policies in the largest outline of vulnerable tribal communities. This chapter argues that the achievements of preferential policies and programmes in Orissa are significant, even if they fall short of the targets and quotas set. Undeniably, they have produces substantial redistribution effects, though distribution is not spread evenly throughout the beneficiary groups. Reserved seats, for instance, provide an important legislative presence and swell the flow of patronage, attention and favourable policy to STs. Job preferences promote their presence in other influential roles and education preferences provide the basis for such participation. This chapter also looks at different welfare measures, as it helps the tribals to use preferential treatment policies more effectively and meaningfully. It concludes by claiming that preferential policies in Orissa give substantial benefits to STs that would otherwise be lacking.

Chapter four discusses the social and economic problems of tribal societies of Orissa that keep the majority of them away from getting the benefits of preferential treatment policies. It traces the problems such as educational, political, employment, economic, cultural, policy formulation and implementation etc. This chapter, however, argues that due to poor implementation, bureaucratic apathy, low level of awareness and poverty, the large number of tribal population of Orissa has not benefited.

Finally, conclusion attempts to make some practical suggestions, if followed that help to bring necessary socio-economic development of tribal communities of Orissa vis-à-vis the effective and viable implementation of preferential treatment policies in Orissa.

Overall, this dissertation intends to show the evaluation of welfare legislation in Orissa for the upliftment of tribals and to study the target achievement pattern emerging in the implementation of such legislative and administrative pattern.

Hypotheses

The following hypotheses have been examined in different chapters of this dissertation.

- The STs of Orissa have attained different stages of socio-economic development.
- The preferential treatment policy has enabled a small section of tribal population to improve their socio-economic positions, gain education and government employment.
- However, due to poor implementation of bureaucratic apathy, low level of awareness and poverty, the large majority of tribal population in Orissa has not benefited.

Methodology

This study follows descriptive and analytical methods. For this study, it has been relied on government reports, secondary sources and other publications depicting various attempts and measures taken by legislators and administrators for socio-economic and political developments of tribal societies. The government document includes, reports of the National Commission for Scheduled Castes and Scheduled Tribes, reports of Ministry of Tribal Affairs, Planning Commission's report etc. and the State government reports include reports of Directorate of Economics and Statistics, reports of Scheduled Castes and Scheduled Tribes Research and Training Institute (SCSTRTI), Census of Orissa etc. However, as I have brought up among the tribal children, personal observations and experience have substantiated some of the arguments.

Chapter One

Policies of Preferential Treatment for STs in India: Constituent Assembly Debates and the Constitutional Provisions

Chapter One

Policies of Preferential Treatment for STs in India:
Constituent Assembly Debates and the Constitutional Provisions

The framers of the Indian constitution took note of the fact that certain communities in the country were suffering from extreme social, educational and economic backwardness. This disadvantaged position of deprivations to which they are exposed is rooted in the hierarchical structure of the Indian society and is maintained by legitimised traditions of discrimination and suppression of rights. The strength of traditions can be seen most clearly in the persistence of caste-designated occupations among disadvantaged groups. The framers of the Indian constitution were, thus, occupied with the thought of making the newborn India a better place to live, of securing economic and social justice for various people subject to centuries of exploitation. In other words, they tried to ensure that in independent India, no one is discriminated on grounds of colour, caste, religion and gender, i.e., no one would be excluded arbitrarily from public life and all would be equal before the law. They realised that this is impossible to translate into a reality without ensuring special treatment for the deprived.

Guided by this understanding, the constitution introduced policies of preferential treatment to ensure equal opportunity for the most disadvantaged section of the society namely the Scheduled Tribes (STs). Protective discrimination or preferential treatment or reservation policy is essentially a humanitarian instrument. It seeks to uplift the economic and social positions from a situation of backwardness. It claims the practice of reserving or restricting jobs in government services for certain communities. In India, the provisions in the constitution have a three fold purpose-*remedial*, i.e., to remove social and religious disabilities of certain specified groups suffering disabilities on account of their segregation and spatial and cultural isolation; *promotive*, i.e., to facilitate and promote equal participation with others, of all socially disabled and disadvantaged groups in organised sectors of the country's economic and social life; and *protective*, i.e., to protect, if necessary through

legislative actions and executive orders, this group from all forms of social injustice and exploitation.[1]

The philosophy on which preferential provisions are based is that when a highly hierarchical society chooses to be egalitarian and decides simultaneously to be free and open, equality is not likely to be achieved unless groups that rank low in the traditional system of stratification are purposively assisted to leap across the gap that separates them from the others. According to Marc Galanter (1984), the rationale behind the reservation policy is that the historically disadvantaged population should be provided with preferential treatment. He argues that preferences are of three basic types: first, there are reservations, which allot or facilitate access to valued positions or resources. Second, there are programmes involving expenditure or provision of services, e.g., scholarships, grants, loans, land allotments, health care and legal aid, to beneficiary groups beyond comparable expenditure for others. Finally, there are special protections.

Preferential treatment policies in India are a system of quotas for disadvantaged groups in education (Articles 15 (4) and 29), employment (Articles 16 (4), 324 (4) 333 and 335) and legislatures (Articles 330 and 332).[2] Like affirmative action policies in other countries, preferential treatment policies in India aim to increase opportunities for under-represented groups. In India, positive discrimination is increasingly being seen as an instrument of social transformation. The STs owe their existence in the legislative bodies to the political base provided by the provisions of protective discrimination. Thus, preferences provide for a substantial quantitative presence of this group that would otherwise be lacking. Over times, these policies were supplemented by series of other measures that sought to provide scholarships, loans and other economic benefits for the members of this group in India. Reservations, along with other measures of protection and upliftment of weaker sections of the society should, thus, be viewed as an instrument of a larger social policy of the state, addressed to a long-term goal of creating civil society through extending effective

[1] D. L. Sheth (2004), "Caste, Ethnicity and Exclusion in South Asia: The Role of Affirmative Action Policies in Building Inclusive Societies", *Occasional Paper*, Human Development Report, Delhi: UNDP, p. 38.

[2] It is important to note that Indian constitution reserved seats for SCs and STs in proportion to their population at three levels such as education, employment and political representation but the legislative reservations are the only ones that are subject to a constitutional time limit for a period of ten years after the commencement of the constitution, Marc Galantar (1984), *Competing Equalities: Law and the Backward Classes in India*, Delhi: Oxford University Press, p. 45.

citizenship rights to the vast sections of the population who have been historically deprived and marginalised.

This chapter begins by throwing a light on genealogy of preferential treatment policy in India. It also explores the Constituent Assembly debates, where the members drew a common conclusion that certain amount of preference should be given to STs because of the unique position historically occupied by them in Indian society. An attempt has been made here to identify the beneficiaries followed by constitutional provisions. This chapter also looks at how preferences could be defended or rejected.

Genealogy of Preferential Treatment Policy

A discursive analysis of preferential treatment should incorporate an examination of history of ideas and concepts, the context in which they evolved. A genealogy of preferential treatment begins in India as a by-product of the British style and system of governance, more particularly in social and economic sphere. Reservations were introduced in India during the second half of the 19th century at a time when the sub-continent could be broadly divided according to two main forms of governance: British India and the 600 princely states.

In the British province of Madras and in the princely states of Mysore, there was a preponderance of Brahmins in the public services and the Mysore Government following the Madras scheme made reservation in favour of backward classes as far back as 1874. The old princely states of Mysore had introduced reservation in government jobs in a selective way, where it reserved 20 per cent of lower and middle level posts in the police department for Brahmins and the remaining 80 per cent for non-Brahmins, Muslims and Indian Christians. In January 1885, the Mysore government issued further circular reserving posts in favour of backward classes. The government also appointed a committee headed by Leslie C. Miller to consider measures for adequate representation of non-Brahmins in the public services of the princely states. The committee defined the term 'Backward Classes' to include all the communities except Brahmins.[3] It should not surprise us then that the very first records of implementing preferential policies are from these princely states.

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[3] Permananda Singh (1982), *Equality, Reservation and Discrimination in India*, New Delhi: Deep and Deep Publications, p. 81.

When English was introduced as the official language, the upper and monetarily well off classes decided to go into law or civil service. The untouchables had joined the presidency armies and fought battles under the command of British officers. They had contributed a great deal towards the creation of British Empire. The untouchables were asking for concessions and for their upliftment. Hence, from princely India, arrangement traveled to British India. The Government of India Act, 1919, was the first statute of British government to have provided for representation in the legislative bodies to the Depressed Classes, Muslims, Sikhs, Indo-Christians, Anglo-Indians and Aborigines. The Government of India Act, 1935, further consolidated the policy of communal representation in elected bodies. Mahatma Gandhi undertook a fast unto death against this communal award as it separated the Harijans from the mainstream Hindus. To save Gandhi, Gandhi – Ambedkar Pact (Poona Pact) was signed, which resulted the system of preference for untouchables under a joint electorate. The present reservation of seats in the elected bodies is in a way reminder of the Gandhi-Ambedkar Agreement of 1932.

The Poona pact had also far reaching effects and obstructed the progress of depressed classes in other fields. The government issued orders regarding preference in services. Preference in public services was provided for all minorities excepting depressed classes. It was stated therein that adequate steps should be taken to secure to the depressed classes, a fair degree of representation in the public services. It was only in 1942 that the Government of India decided to fix 8.5 per cent preference in central services and other facilities for the first time in the history of India. But it was much below the percentage of the SC population on all India basis which was 12.75 per cent according to 1931 census. It was proposed to consider the question of raising this percentage as soon as sufficient numbers of qualified candidates were found available. In June 1946, however, the percentage of reservation in favour of SCs was raised to 12.75 in proportion to their numerical strength.

The government was also sympathetic to STs for the purpose of their representation in services but did not consider it useful to provide any reservation for them in view of non-availability of suitable candidates from this group. The appointing authorities were, therefore, instructed to keep in mind the desirability of recruiting candidates belonging to tribes to the

vacancies reserved for other minority groups. So, the claim of the tribal people for preferential treatment came to be recognised only after the attainment of independence.[4]

Constituent Assembly Debates

The Constituent Assembly was set-up under the framework of Cabinet Mission (1946) for drafting the constitution for independent India. It was recognised that India was a land of immense diversities and care had to be taken to ensure that no group felt deprived or discriminated against in anyway and that all were provided with full opportunities for flowering of their personalities as well as the protection of their identities. Accordingly, the members of the Constituent Assembly represented, in one way or other, the claims and demands of different competing social groups. Representatives of each group sought to establish that their group is more eligible for safeguards or deserving of greater representation than any other on grounds, for instance, that it was numerically superior, more backward than others, more distinct from the majority in its cultural practices and so on. A group of people of highly nationalistic tendencies led by Dr. H. C. Mookherjee, a respected Christian leader from Bengal, from the beginning opposed reservation in the constitution. Raj Kumari Amrit Kaur also at that time strongly denounced reserved seats in Legislative Assemblies for any minority as privileges in the name of unity and efficiency of good government.[5]

But there was little opposition in the Constituent Assembly, when the protective framework came to be conferred to STs. In the Constituent Assembly, out of total of 324 only 103 members, i.e., about 30 per cent actually participated in the debate and even out of these 103, no less than 66 spoke only once or twice.[6] The STs, however, deemed necessary to enable them to overcome historical disabilities and to come up to the general level. In this regard the role-played by Ambedkar was significant. His suggestions on safeguards were, by and large, incorporated in the Constitution, such as: right to representation, in proportion to their population, in the Union and the State Assemblies, ministers and local bodies, public services under the union and the state and all other local authorities; special responsibility of

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[4] Unlike SCs where the legislation was enacted in 1943, legislation on behalf of STs was first enacted in 1950. See Stuart Corbridge (2000), "Competing Inequalities: The Scheduled Tribes and the Reservations System in India's Jharkhand", *The Journal of Asian Studies*, vol. 59, no. 1, February, footnote 1, p. 62.

[5] Bimal Prasad (2001) (ed.), *The Ideas and Men behind the Indian Constitution: Selections from the Constituent Assembly Debates*, New Delhi: Konark Publishers Pvt. Ltd., pp. 82-83.

[6] H. S. Saksena (1981), *Safeguards for Scheduled Castes and Tribes: Founding Father's View*, New Delhi: Uppal Publishing House, p. xviii.

the state to provide funds for higher education and for education abroad of the members of this community; and appointment of the special officer to keep a watch over the process of the safeguards enumerated above'.[7]

Soon after the Constituent Assembly began to function, its Advisory Committee on Fundamental Rights, Minorities etc. constituted a sub-committee under Dr. H. C. Mookherjee to spell out the political safeguards for minorities in the centre and the provinces. The Minorities' sub-committee based itself on its member's responses to a short questionnaire on safeguards for minorities prepared by K. M. Munshi and Ambedkar. Munshi's questionnaire consisted of the nature and scope of political, economic, religious, educational and cultural safeguards for a minority at the centre and the provinces in the new constitution on the machinery to ensure these safeguards.[8] Ambedkar's draft contained a section on provisions for the protection of minorities demanding that members of each community in the legislature elect the representative of different minorities in the cabinet. Although Ambedkar named only SCs as a minority, he did assume the inclusion of other minorities when he wrote that the share of tile SCs in the reserved seats in the legislatures and services could not be at the cost of other minorities. In his own words "social discrimination continues the real test for determining whether a social group is or not a minority.[9] Besides replies to the questionnaire, a few memoranda were also received from the organisations of SCs and STs. In particular, it claimed reservation of seats in various legislatures in proportion to their population. The views expressed in this Sub-committee and content in the memoranda received by it contained a variety of suggestions. The political safeguards claimed the maximum attention of the Sub-committee and the Constituent Assembly are representation in the legislature; joint versus separate electorates and weightages; and reservation of seats in the cabinet.

The problem that has been exercising the mind of the thinking persons in India, especially after the attainment of independence, is what should be the place of tribal people in the framework of Indian nation and how should be developed and brought to a level with the rest of the people socially, economically, culturally and politically. There were several

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[7] Ibid., pp. xxii-xxiii.
[8] Shefali Jha (2002), "Secularism in the Constituent Assembly Debates: 1946-1950 ", *Economic and Political Weekly*, vol. XXXVII, no. 30, July 27-August 2, p. 3179.
[9] Ibid.

debates on this issue at the dawn of independence. These debates revolved around the colonial policy of isolation and the nationalistic policy of assimilation and integration. The then Prime Minister Jawaharlal Nehru took initiative in accepting the approach of integration. Our various policies and programmes of tribal developments are supposed to have been based on this approach of integrating tribals with the mainstream and brought at far with rest of the people.

Two committees, namely, the North-East Frontier (Assam) Tribal and Excluded Areas Sub-committee and the Excluded and Partial Excluded Areas (other than Assam) Sub-committee[10] were appointed by the Advisory Committee on Fundamental Rights, Minorities, Tribals Areas etc. to prepare scheme for the administration of the Tribal and Excluded Areas. The sub-committee on Assam was formed with Gopinath Bardoloi (chairman) and J.J.M. Nichols Roy, Rup Nath Brahma, A.V. Thakkar, Aliba Imti (as members). Similarly, the sub-committee on other than Assam was formed with A. V. Thakkar (chairman) and D. N. Samanta, Phool Bhan Shaha, Rajkrishna Bose, Jaipal Singh, P.C. Ghose, Jagjivan Ram (as members). The debates took place on the recommendations of these two committees. The second Sub-committee made recommendations of vital importance regarding the protection and the advancement of the tribal people in India other than Assam. It says that areas predominantly inhabited by tribal people could be known as Scheduled Areas and special administrative arrangements should be made in regard to them. Without demarcating the Scheduled Areas, this sub-committee did not speak about STs and stated that the Governor or Ruler of each State having Scheduled Areas therein shall submit the report annually or 'whether so required by the Government of India' regarding the administration of the Scheduled Areas in the State. It also recommended for the setting-up the Tribal Advisory Council to look at the needs of tribes and it could primarily advise the government in regard to the application of laws to Scheduled Areas.

The recommendations of the second sub-committee were debated on 5th September 1949. There was not a complete consensus amongst representatives from tribal groups in accepting these recommendations. The problem was if the report of the Governor or Ruler to the Government of India is to apply only to those tribes who are in the Scheduled Areas, then

[10] Saksena, Op. Cit, pp. xxx-xxxi.

there would be millions of them out side of the Scheduled Areas. As the demarcation of Scheduled Areas was unknown, i.e., whether or not whole State will be declared as Scheduled Areas, it was futile to argue whether or not the report will include all STs of a particular list. Jaipal Singh emerged to speak on behalf of millions of the original people of India such as STs. He began his intervention by proposing an amendment to include the administration of STs within the schedule; and the Tribes Advisory Council should be given effective voice in the decision of the respective state government in the application of laws to Scheduled Areas and in the promulgation of the regulations.[11] Relative to the report to be submitted by the Governor on the administration of Scheduled Areas, he proposed an amendment to delete "whether so required by the Government of India" and pleaded for annual submission of the report because reservation was conceived as a time bound measure and whether the government may ask for a report once in twenty years.[12] However, in the later part of the debate, he withdrew this amendment because he was confident for the continuation of preferential policy. In short, two principles were involved in his amendment. First, all the STs should be benefited by provisions of the Fifth Schedule and, secondly, that the Tribal Advisory Council should be a reality and not a mere palliative. Yudhisthir Mishra moved a separate set of amendments having more or less same objective as the amendment suggested by Jaipal Singh.[13]

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Some members were in favour of centre assuming full responsibility for the administration of these areas. Brajeshwar Prasad followed the democratic principle of abiding by the decision of the majority of the people. He says that the interests of India can never be opposed to the interests of its component parts. The Government of India has no right to exist if it fails to guarantee means of livelihood and free educational and medical facilities even for a small number of people. The tribals will not lose in any way if tribal areas administered by the centre. So, he put forth his thesis that what the tribal want is not a Council but a guarantee by the constitution that means of livelihood, free education and free medical facilities shall be provided for all the tribals. Since states were weak in economic resources they would not be in a position to shoulder their responsibility and the centre should, therefore, take command of

[11] Government of India, *Constituent Assembly Debates,* vol. IX, p. 976.
[12] Government of India, *Constituent Assembly Debates,* vol. VII, p. 975.
[13] For details, see H. S. Saksena, Op. Cit., pp. 86-88. He also said that the executive authority should not limit the advisory power of the Tribal Advisory Council.

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the areas.[14] A. V. Thakkar moved against this amendment on the ground that the centre has endowed with numerous responsibilities and insisted that the administration of Scheduled Areas and STs should be assigned to the respective state.[15]

In response to Jaipal Singh's amendment, K. M. Munshi pointed out that Adivasis or tribes were many in number belonging to different ethnic, religious and social groups who were scattered in many places. Unless a scheme is adumbrated whereby special representation for the scattered tribes is made, it will not be possible to come in large number to take part in Legislative Assemblies and also to take part in the Tribes Advisory Council. His second suggestion was that persons who have sympathy for tribals and also people who have been working in the field of elevation of the tribals must represent the Tribes Advisory Council. He, however, did not clarify whether or not the tribals should represent that. Thakkar Bapa also supported this view. Munshi argued that they should be protected from the destructive compact of races possessing a higher and more aggressive culture and should be encouraged to develop their own autonomous life, at the same time they should take a larger part in the country adopted. To put it differently, he insisted for the maintenance of unity of tribals, within the broader framework of diversity.[16] He also insisted that it would not be possible for each Tribe Advisory Committee of small tribe to come to a common conclusion with regard to the elaborate Act of Parliament as to what provisions should or should not apply. Therefore, he proposed the word 'advise' should be replaced by 'consult'.

Similarly, the recommendations of the Sub-committee on Assam were also extensively debated in the Constituent Assembly. This committee's suggestion was more detailed and designed to confer a considerable extent of autonomy, by establishing Autonomous District Councils to enable the people living in those areas to develop themselves according to their genius and culture, on the tribal population through their elected representatives. Two views emerged in the Constituent Assembly for the protection of tribal interests in Assam. One is put forth by members such as J. J. M. Nichols Roy, Gopinath Bardoloi etc. supported the recommendations of the Sub-committee on Assam for the adoption of a separate scheme with the mode of Autonomous District Council for the administration of tribal areas; and the

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[14] Government of India, *Constituent Assembly Debates,* vol. IX, p. 982.
[15] Ibid., pp. 988-989.
[16] Government of India, *Constituent Assembly Debates*, vol. IX, p. 998.

second view, supported by the members such as Rohini Kumar Chaudhuri, preferred the assimilation of tribal people into culture of plainsmen and they suggested for introducing local self-government rather than Autonomous Districts Councils in tribal areas. According to the second view, the people who live in the hill districts of Assam are not capable of running their administration and utilising the power given to them by the provisions in the Sixth Schedule.

In response to the theory of assimilation, J.J.M. Nichols Roy said that the people of hill areas are afraid of exploitation and that is the reason why they demand for Autonomous District Council by which they can make their own laws to some extent and also develop themselves according to their own genius and culture. He also spoke about the superior culture of the tribal people, which must not be destroyed by using the issue of cleavage. J. J. M. Nichols Roy and Jaipal Singh, however, suggest that India should come up to the idea of equality and real democracy of which the tribal people had achieved.[17] Brajeshwar Prasad criticised the creation of District Council and Regional Council trenchantly by claiming the danger of an interpretation and contended that they will lead to the establishment of another Pakistan. He insisted that those who are competent, wise, just and literate could shoulder the responsibilities of parliamentary life. To vest wide political powers into the hands of the tribals is the surest method of inviting chaos, anarchy and disorder throughout the length and breadth of this country. He was not in favour of self-determination and believed in the utilitarian principle of 'greatest good of the greatest number'.[18]

Finally, two types of political processes have been recommended from the Constituent Assembly debates on governance and administration of tribes in India, with some amendments moved by Ambedkar: one was to establish Tribes Advisory Councils under the draft Fifth Schedule to the constitution and other was to establish Autonomous District Councils under the draft Sixth Schedule to the constitution. The latter recommendation was accepted on three conditions: firstly, the social customs and organisation of the tribal people were distinct from those of the non-tribal people; secondly, there was the fear of exploitation of the tribal people by the non-tribal people on account of the latter's superior organisation

[17]For details, see Government of India, *Constituent Assembly Debates,* vol. IX, pp. 1021-1023. For the view of Jaipal Singh, see Government of India, *Constituent Assembly Debates,* vol. I, p. 143.

[18] Ibid., p. 1009. Also see Alistair McMillan (2005), *Standing At The Margins: Representation and Electoral Reservation in India*, New Delhi: Oxford University Press, p. 125.

and experience in business; and, finally, there was also another fear that unless suitable financial provisions were made or powers conferred on local committees themselves, the provincial government might not, due to pressure of the plain people, set apart adequate funds for the development of tribal areas.[19] The responsibility of tribals either in Assam or in other parts of India was vested on the Government of India and the schemes of development were to be implemented by the concerned state governments.

When the second sub-committee submitted its report, it recommended that "the whole tribal population should be treated as a minority community for the welfare of whom certain special measures are necessary."[20] Consequently, the tribal population along with the Sikhs, the Anglo-Indians, the Indian Christians and the depressed classes, all came to be treated as minorities in the initial stage of preparing the Draft for independent India. So, the STs began their career as minorities in the Constituent Assembly. There was no unanimity among tribal representatives to claim minority status and political safeguards for their larger community. They demand for precise definition of the term 'minority'. To quote Jaipal Singh, "I do not consider my people a minority... we have already heard on the floor of the House this morning that the Depressed Classes also consider themselves as 'adivasis', the originally inhabitants of this country. If you go on adding people like the exterior castes and others who are socially in no man's land, we are not a minority."[21] How tribal people living amongst non-tribal people not be given the status of a minority, when their social position was often worse than that of SCs? If the democratic project of equality was to succeed in India, then the problem of discrimination had to be dealt with.

The Sub-committee formed by the Advisory committee on Fundamental Rights, Minorities and Tribal Areas etc. defined the position of STs and considered them as backward and segregated communities, which needed to be included on equal term in the social and political life of the nation. It was, however, recognised that the peculiar position of STs would make it necessary to give them reservation for a period of ten years. Accordingly, the

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[19] Virginius Xaxa (2001), "Empowerment of the Tribes" in Debal K. Singh Roy (ed.), *Social Development and the Empowerment of the Marginalised Groups: Perspectives and Strategies*, New Delhi: Sage Publications, p. 216.

[20] B. Shiva Rao (1967), *The Framing of India's Constitution: Selected Documents*, Vol. III, New Delhi: Indian Institute of Public Administration, p. 734.

[21] Government of India, *Constituent Assembly Debate*, vol. I, p. 144.

Advisory Committee passed the said resolution as amended by Muniswami Pillai, which says, "that the system of reservation for Minorities other than Scheduled Castes in Legislature be abolished."[22] It was further decided that nothing contained in the said resolution should affect the recommendations made by the two sub-committees with regard to the representation of tribals in the legislatures.[23] Even though the sub-committee initially began with the proposal to establish religious communities and for SCs and STs separate electorates and reservations in legislative bodies, ministers and civil, military and judicial services of the government, separate electorates and reservations in the ministries and government services was given up in the name of pure nationalism. So, at the end of the long drawn debates, Constituent Assembly in their wisdom singled out SCs and STs as the only two groups, who deserve the benefits of reservation in legislatures and public services during discussion of the revised draft of the constitution on November 16, 1949.[24]

While the claims for the special treatment of backward classes and tribals drew upon similar arguments about historical injustice and reparation, there was also significant difference. In case of backward castes their demand was to include them in the administrative system of the country and their access to positions of political power and lacked territorial elements. They appealed for preferential treatment primarily in the form of reserved seats in legislatures and public services. On the contrary, the tribal representatives gave utmost importance to land in aboriginal[25] life and claimed some level of discrimination. As Jaipal Singh, a tribal representative, argued "..... Land is the bulwark of aboriginal life ..... Wherever we have been (in tribal areas) it has been urged upon us that for several years to come, the aboriginals the land must be inalienable ..... We have been talking about equality. Equality sounds well; but I do demand discrimination when it comes to the holding of

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[22] B.Shiva Rao (1968), *Framing of Indian Constitution: Selected Documents, vol. IV*, New Delhi: Indian Institute of Public Administration, p. 601.

[23] Ibid.

[24] Shefali Jha (2003), "Rights versus Representation: Defending Minority Interests in the Constituent Assembly", *Economic and Political Weekly*, vol. XXXVIII, no. 16, April 19, p. 1581.

[25] The word 'aboriginal' used at the time of Draft was made. Substantially, the Committee on Tribal Areas preferred to use the phrase "Scheduled Tribes" than aboriginal. In order to keep the language uniform, Ambedkar moved an amendment to substitute the word 'schedule' for the word 'aboriginal'. There was demand for explanation. Ambedkar explained the significance of the term in the following way. According to him the word "Scheduled Tribe" carried fixed meaning because it enumerates the tribe. The term was used mainly as a mark of identification and differentiation, that is, to mark out a group of people different in physical features, language, religion, custom, social organisation etc. The importance of the term was to define the Adivasis, Saksena, Op. Cit., p. 59. So, in the present constitution, nowhere used the term 'aboriginal'.

aboriginal land."[26] In the centrality accorded to land in such claims, in the fact that issues of cultural identity were bound up with those of land, and in the reliance on arguments from original ownership and reparation, the tribal claims took the form of the claims of indigenous people.

Like reservations in the political representation, there were considerable debates on quotas in services in the Constituent Assembly. The dominant opinion in the house regarded quotas in services as undesirable in general, although necessary for backward classes in the short run. In the initial stages of framing of the constitution, the opinion was in favour of continuation of the policy of reservation in services to minority communities. By supporting this view, Brajeshwar Prasad proposed an amendment to restrict the reservation in services only to the backward communities by saying that there are no minorities in this country; therefore, the claims of no minorities can be entertained. There are backward communities who have been suppressed and oppressed for centuries and their claims alone that should be taken into consideration.[27]

H. C. Mookherji made the similar argument in the Constituent Assembly. He stated that there was no question of providing safeguards for any religious minority. He, therefore, eventually proposed an amendment to identify SCs as the real beneficiary groups of reservations in the Indian constitution and categorically denied that this benefit should also be extended to religious minorities.[28] S. Nagappa also supported reservations for the backward communities and said, in response to the basis of reservation as raised by H. V. Kamath, in order to be just and equitable, that the reservation should be in proportion to their numerical strength.[29] While representing the Report of Minority Rights, Sardar Patel said: "We have now decided that in the public services a certain amount of reservation for certain communities is necessary-particularly the Anglo-Indian Community and Scheduled Castes in certain aspects deserved special consideration."[30] To put it differently, when special consideration comes to address religious minorities, the 'backwardness' of the community

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[26] Government of India, *Constituent Assembly Debates,* vol. III, pp. 462-463.
[27] H. S. Saksena, Op. Cit., pp. 399-400.
[28] Iqbal A. Ansari (1999), "Minorities and the Politics of Constitution Making in India" in G. Mahajan and D. L. Sheth (eds.), *Minority Identity and Nation State,* New Delhi: Oxford University Press, p. 118.
[29] H. S. Saksena, Op. Cit, p. 433.
[30] Ibid., p. 365.

became a way of justifying privilege without appearing to disadvantage any other group and the claim of cultural exceptionalism was used to differentiate tribals from SCs. The Constituent Assembly, therefore, definitively rejected these safeguards for religious and other minorities[31] and restricted the scope of these articles mainly to SCs and STs.

At the same time, the constitution makers saw reservations as a policy, which also had some negative aspects and the time limit was accepted by Scheduled caste/tribe leaders to carry the support of those who would not be able to benefit from it. In case of reservation of seats in the legislature, this consensus was sought to be achieved by limiting such reservations only to SCs and STs and then restricting the period of such reservations initially to ten years. It is remarkable that Ambedkar introduced such clause. When opposite arguments were put forward by some of the SC representatives, Dr. Ambedkar reminded them: "They have really no cause for complaint, because the decision to limit the thing to ten years was really a decision which has been arrived at with their consent. If at the end of the ten years, the Scheduled Castes find that their position has not improved or that they want further extension of this period it will not be beyond their capacity to invent new ways of getting the same protection which they are promised here."[32] For STs, he prepared to give such benefits beyond the period of ten years.[33]

But the representatives were always meticulous that the thing should end by ten years. So in politics, the period of reservation was initially meant for 10 years. The moral of this illustration is that a conscious strategy of accepting a limit within which a policy of reservation is to be worked, provides a viable mechanism for promoting a consensus in relation to such a policy and hence minimises the social conflict likely to arise from having to accord preferential treatment to given sections of society. It is worth noting here that such time limit, contrary to general beliefs, was not fixed in the areas of government services and educational services. The reason is loud and clear that if the political reservation comes to an end, there will be no adequate representation from these communities to protect their rights

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[31] Granville Austin, Op. Cit., pp. 146-156. Also see, R. Bajpai (2000), "Constituent Assembly Debates and Minority Rights", *Economic and Political Weekly,* vol. XXXV, nos. 21 &22, May 27, p. 1841.

[32] Government of India, *Constituent Assembly Debates,* vol. IX, pp. 696-697.

[33] National Commission for Scheduled Castes and Scheduled Tribes (1998), *Fourth Report, vol. 1, (1996-97 & 1997-98),* New Delhi: Government of India, p. 10.

and interests. The Parliament may bring legislation to alter the provisions that are dealing with reservation in services and educational institutions for backward communities.

Finally, Ambedkar, chairman of the Drafting Committee, summarised all the view points made by the members of the Constituent Assembly into three categories: first there shall be equality of opportunity for all citizens; the second view opposed reservation of any sort for any class or community, i.e., all citizens if they are qualified, should be placed on the same footing of equality so far as public services are concerned and the third view backed by a massive opinion insisted that "although theoretically it is good to have the principle that there shall be equality of opportunities, there must, at the same time, be a provision made for the entry of certain communities which have so far been out side the administration."[34] Thus, the constitution while adopting the general principle of non-discrimination based on religion, caste etc. has made an exception so far as SCs and STs are concerned. It is keeping in mind such a backdrop that the constitutional provisions for STs need to be examined and understood.

Defining the Disadvantaged

There are two alternative approaches to the identification of target groups for the entitlement of preference. One line of approach is that preferential treatment is to protect the weak from the entrenched and therefore poverty should be most appropriate criteria, because of being secular, for the inclusion of potential beneficiaries. The other approach is that the strategy of positive discrimination is adopted for social rather than economic reason, none else than the caste criteria should be adopted for the implementation of the policy. The Indian constitution tries to reconciliate these two approaches. So the original constitution did not spell out any criteria for inclusion of a community in the list of SCs or STs.[35] In this respect, the makers of modern India treated SCs and STs differently. In the case of SCs, the state has taken the view that economic deprivation and low ritual status are interlinked and those government actions on both fronts can rapidly speed the integration of SCs into a modern

[34] Government of India, *Constituent Assembly Debates,* vol. VII, p. 701.

[35] In the Constituent Assembly, Ambedkar in reply as to who were backward classes for the purposes of the Article 16 (4) said, "A backward community is a community which is backward in the opinion of the government", Sagar Preet Hooda (2001), *Contesting Reservations: Indian Experiment of Affirmative Action,* Jaipur: Rawat Publications, pp. 61-62. Also see, National Commission for Scheduled Castes and Scheduled Tribes (1998), *Fourth Report, vol. I, 1996-1997 & 1997-1998,* New Delhi: Government of India, p. 39.

polity organised around class and merit rather than caste and status. The main difficulty that the state has faced in regard to SCs is in the matter of notification.

But that is not the case with STs in India. The constitution of India does not define STs as such. Article 342(1) refers to STs as "the tribes or the tribal communities or parts of or groups within tribe or tribal communities, after the consultation with the Governor thereof, which the President may specify by public notification." This ambiguity sometimes leads to confusion in classifying and identifying a tribal population for declaring it a ST. Thus, the first specification of STs in relation to a particular state/ union territory is by a notified order of the President, after consultation with the state government concerned. These notifications can be modified subsequently through an Act of Parliament [Article 342(2)]. In 1951, the Commission for SCs and STs proposed common elements to the definition of 'who the tribals are' as "tribal origin, primitive way of life, remote habitation and general backwardness in all respects." The criterion for determining tribal character was set up in 1965, by the Lokur Committee, are: indication of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness. The indifference of British rulers towards the tribal welfare had perpetuated distinct characteristics of the tribal. The British adopted policies, which were designed to isolate tribals from the general masses as part of their deliberate policy of not developing communication in tribal areas.[36]

The British administration did not address to any extent the question of who a tribal was, and how they relate to the rest of the society. The term 'ST', whilst a colonial construction, an abstraction and a distortion of social reality, however, has taken an administrative practice and endowed it with its own socio-political meaning in independent India. Without identifying them, the British followed isolationist policy towards tribals. The anthropologist, Verrier Elwin was also classed as an isolationist, after advocating the creation of a 'National Park' in an inaccessible part of the country, where Baiga culture could be preserved.[37]

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[36] Narender Kumar (2004), *Dalit Policies, Politics and Parliament,* New Delhi: Shipra Publications, p. 43; Virginius Xaxa (1999), "Transformation of Tribes in India: Terms of Discourse", *Economic and Political Weekly*, vol. XXXIV, no. 24, June 12, p. 1520; C. Rupa (1991), *Reservation Policy: Mandal Commission and After*, New Delhi: Sterling Publishers, p. 24.

[37] Verrier Elwin (1939), *The Baiga*, London: Oxford University Press, pp. 511-519.

After independence, he modified his 'National Park' theory of keeping the tribals as 'museum specimens' and clarified that "we do not want to preserve the tribesmen as 'museum specimens' but equally we do not want to stop the clock of progress but we do not want to see that it keeps the right time. We may not believe in the myth of noble savage but we do not want to create a class of ignoble....."[38] This modification of 'National Park' theory provides backdrop to Nehruvian model of tribal development, popularly known as *'panchsheel'* or five pillars of tribal development.

The five fundamental principles (*Panchsheel*) are as follows: (i) tribal should develop along the lines of their own genius and nothing should be imposed upon them; (ii) respect for tribal rights on land and forest; (iii) minimum investment of outsiders (non-tribals) in their administration and development; (iv) administration and launching of multiple schemes should be avoided and effects should be made within the framework of their social and cultural institution; and (v) evaluation of results should not be statistics but by the quality of life.[39] These principles gave importance to tribal pluralism and aim to integrate the tribal population with the mainstream society. Thus, Virginius Xaxa argues that reservation was extended to STs with a view to integrate them in the so-called mainstream of Indian life.[40]

Therefore, the Indian government extends the privileges granted to STs to those social groups, which are not fully integrated into Indian nation for reasons of economic handicaps, different ecological conditions, a different racial origin and a different mental religious world outlook and culture. It is well known that all ST communities are not uniform in their socio-economic level of development. There is mark imbalance in the development among tribal communities. The list of STs is state specific and a community declared as STs in a state need not be so in another state. This can be justified under Article 341 (1), which speaks that in order to get the benefit of being a member of a SC or a ST in the matter of public employment, the person claiming it should be a member of such caste or tribe in relation to the particular area or state where he is residing and where he seeks employment.

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[38] Quoted in L. P. Vidyarthi and B. K. Rai (1985), *The Tribal Culture of India*, New Delhi: Concept Publishing Company, p. 415.
[39] Ibid., p. 419.
[40] Virginus Xaxa (2001), "Protective Discrimination: Why Scheduled Tribes Lag behind Scheduled Castes", *Economic and Political Weekly*, vol. XXXVI, no. 21, p. 2768.

As Indira Gandhi explained the rationale of this policy: "This is a matter on which one has to have a certain balance, while we stand for the principle that any Indian should be able to work in any part of India, at the same time it is true that if a large number of people come from out side to seek employment in an area while there is unemployment among the local people, that is bound to create tension in that area. Therefore, I do not like the idea of having any such rule, one has to have some balance and see that local people are not deprived of employment."[41] Thus, the real difficulty in setting out formal criterion for defining a tribe arises from the fact that tribes in India have been for some decades remains in transition.[42]

Constitutional Provisions and Their Significance

The need to provide adequate safeguards for tribals was extensively discussed in the Constituent Assembly and the nationalist opinion favoured incorporation of far more radical provisions for the safeguards of tribal interests in the forms of some special provisions in Indian constitution. The constitutional provisions try to strike a balance between its commitment to an overarching concept of equality in terms of basic freedom and the imperatives of compensatory discrimination in favour of specified groups. It is based on the principle of equality and dignity for all. Hence, it directs the state 'to take special care of 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' (Article 46). As this can be seen, this article of the constitution makes it obligatory for the state to make action to ameliorate the conditions of the weaker sections including the backward classes. They are two-fold: (a) to promote with special care the educational and economic interests by taking 'positive measures', and (b) to prevent social injustices and all forms of exploitation by taking 'preventative measures'. Central to this directive and other related provision is reservation, which is a package of constitutional provisions and their intended follow-up programmes for the social advancement of weaker sections. Thus, the present policy with regard to the tribal population has two dimensions: to bring them into the mainstream of national life; and at the same time to maintain their distinctive characteristics of their tribal identity.

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[41]Quoted in S. R. Maheshwari (1997), "Reservation Policy in India: Theory and Practice", *Indian Journal of Public Administration,* vol. XLIII, no. 3, July-September, p. 676.

[42] For details, see N. K. Ghatak (2003), "The Scheduled Tribes of India in the New Millennium: Constitutional Aspect of Identification of Scheduled Tribe in India", *The Journal of the Anthropological Survey of India,* vol. 52, no. 1, March, p. 89.

Under the original constitution, preferential treatments were in the field of government employment and legislative representation. A new clause 15 (4) to the effect that "nothing in this Article or clause (2) of the 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 SCs and the STs" was added in 1951 by the 1st Amendment. The object of this clause is to bring Articles 15 and 29 in line with Articles 16 (4), 46 and 340 and to make it constitutional for the state to reserve seats for STs in the public educational institutions as well as to make special provisions as may be necessary for their advancement. Articles 15, 16 and 19 make it possible, while legislating on any matter, to take into consideration the special conditions of tribals in the matter of enforcing the provisions relating to the equality of all citizens. To put it differently, pursuing the ideal of non-discrimination in a democracy necessitated their inclusion in public services.

So, there is a reservation of 7.5 per cent for STs, in proportion to their numbers. This provision has provided widening space for various kinds of demand.[43] They also avail this benefit in the matter of admission in educational institutions with a provision of five per cent relaxation in minimum qualifying marks for admission, which came under the administrative control of Human Resource Development and other central ministries. The state governments have also provided similar facilities. Educational facilities like scholarships, books and stationary, uniforms, mid-day meals, hostels, special coaching etc. are also provided to students of this community. The Government of India also initiated a number of centrally sponsored schemes/ non-plan schemes for the benefit of tribal students. The segregated literacy figures of 2001 census for STs have not been released so far, no doubt, there has been considerably progress in the field of education. The literacy rate among STs rose from 0.7 per cent in 1931 to 29.6 per cent in 1991.[44]

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[43] The glaring example is the implementation of the Mandal Commission Report by the V. P. Singh government and accepted by the Narasimha Rao government in the 1990s, giving 27 per cent reservation to the OBCs. Similarly, the 73rd and 74th Constitutional Amendments, which made a landmark provision of reserving not less than one-third of the total number of seats for the women in the formal political institution, such as local and urban bodies. Subsequently, the campaign for a similar reservation in the State Assemblies and Parliament gathered momentum, Manoranjan Mohanty (2004), "Introduction: Dimensions of power and Social Transformation", in his ed. book *Class, Caste, Gender,* New Delhi: Sage Publications, pp.15-16.

[44] P. K. Mohanty (2000), "Development of Scheduled Castes and Scheduled Tribes in independent India: Leads and Lags", *Journal of Rural Development,* vol.19, no. 4, (Table), p 555.

Similarly, along with Article 16 (4), Article 335 grants special claims of SCs and STs to services and posts. This Article, thus, makes it clear that in order to get the benefit of preference or a post in the government or in a public undertaking, a candidate would have to fulfill the minimum educational and other qualifications prescribed for the post in consonance with the nature and requirement of that post to maintain the efficiency of the administration. Table-1 shows that the representative of STs in groups A, B, C and D is below 7.5 per cent. It is a matter of serious concern that even in groups C and D the prescribed percentage of 7.5 for STs is yet to be reached. The quantum of reservation prescribes for STs are fixed on the basis of percentage of their population. But table 2 shows that the figures of their actual representation show that this legal provision has been grossly violated. At both state and central level, the seats allotted for STs have not actually been fulfilled (Table 1 and 2).

Table-1

Representation of SCs/STs in Central Government Services on January 1,1997

Group	Total	SC	Percent	ST	Percent
A	60,067	6,135	10.21	1,840	3.06
B	94,111	11,649	12.38	2,840	3.02
C	19,59,477	3,14,995	16.08	1,22,903	6.27
D (excluding sweepers)	8,18,748	1,76,368	21.54	54,931	6.71
Sweepers	15,51,137	16,149	39.42	12,812	8.26
Total(excluding sweepers)	29,32,403	5,09,149	17.36	1,82,524	6.22
Total(including sweepers)	30,87,540	5,70,296	18.47	1,95,326	6.33

Source: National Commission for Scheduled Castes and Scheduled Tribes (1999), *Fifth Report, 1998-99*, New Delhi: Government of India, p.130.

The failure of STs to gain group A and group B jobs is explained away by the government in terms of its statutory obligation to balance the claims of compensation against those of 'efficiency'. The low percentage of STs even in the lower posts, although attributed to the non-availability of ST candidates, cannot in any way be justified. So National Commission for SCs and STs recommended both short term and long-term measures for increasing the number of STs in services. In short term, special recruitment teams should be

deputed to the predominantly tribal areas with instructions to grant maximum permissible relaxation for recruitment and to give offer of appointment on the spot for group C and D posts. As a long run measures, it is necessary to ensure that STs are admitted in the educational and training institutions in adequate numbers and requisite hostel facilities are also made available for them in these institutions.[45]

The Indian constitution provides for reservation of seats in elected bodies at all levels of governance for STs for their adequate representation. The phrase adequate representation has been interpreted in a way that has linked it to the notion of proportionality. The constitution has reserved seats in the Lower Houses both at the Centre and the State in proportion to their size in the population. We need to be emphasised here is that the mandatory provisions for reservation of seats in legislative bodies was aimed at eliminating discrimination that may have resulted in their exclusion from the political system. Although seats for STs are reserved in the Lok Sabha and the Vidhan Sabha in proportional to their numerical strength, but there is no reservation of seats in the indirectly elected Upper Houses at both Centre and the States.[46] Accordingly, a total of 38 and 282 seats are reserved for STs in Parliament and Assemblies respectively. Seats are reserved for STs are to be filled by joint electorate. These reservations do not involve 'separate electorates'[47] in the sense that the representation of a particular group by legislators chosen by an electorate composed solely of members of that group. The seats are 'reserved' in the sense that candidates who stand for them must belong to those communities. The entire electorate, however, participates in choosing among candidates so qualified. However, this provision does not deprive a member

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[45] National Commission for Scheduled Castes and Scheduled Tribes (1996), *Third Report, 1994-1995 & 1995-1996,* New Delhi: Government of India, p. 148.

[46] Marc Galanter, Op. Cit., p. 49. It is important to note that the electoral process for both the Houses is different. In case of the Lower Houses of the Parliament (Lok Sabha) and the Assemblies (Vidhan Sabha), the members are directly elected by the people. While the people do not elect the members of the Upper Houses directly, Rajya Sabha composed the representatives of States and Union Territories and the nominated members by the President. Unlike the Vidhan Sabha, the members of the Vidhan Parishad are elected by the members of municipalities; district boards and other local authorities; graduates of universities; persons engaged in teaching and other educational institutions; by the members of the state Legislative Assembly from among persons who are not members of the Assembly and the members nominated by the Governor. In short, the representatives of the Lower Houses are more responsible to the people than the Upper Houses, R. C. Verma (1995), *Indian Tribes Through the Ages*, New Delhi: Publications Division, Ministry of Information and Broadcasting, Government of India, pp. 133-134.

[47] Separate electorates meant the representation of religious (or other) minorities by legislators chosen by an electorate composed only of members of that minority. The provision and extend of such representation was an extremely trouble some political issue in India during the 1930s. The Government of India Act, 1909, gave separate electorates to Muslims, the Government of India Acts, 1919 and 1935, provided separate electorates to SCs were withdrawn after adamant resistance by Mahatma Gandhi, Marc Galanter, Op. Cit., pp. 18-40.

of STs of his right to contest a general seat on the strength of the very nomination for a reserved seat. ST members were elected in Parliament as well as State Assemblies on non-reserved seats in the first six general elections.[48]

Since seats in Parliament and Legislatures are filled periodically by elections, STs have been founding numerical representation in these bodies. They have come to increasingly realise their significance in the power game and their capacity to tilt the balance decisively in favour of one of the competing groups. Observers of the political scenario believe that the provision of reservation in the seats of Parliament and Legislatures have definitely, in someway, accelerated the political education of these disadvantaged groups.

Beside these provisions, Indian constitution also adopted some other provisions to protect the interests of tribals. Article 275 of the constitution provides for assistance to the states for promoting the welfare of STs and administration of Scheduled Areas. There are eight states having Scheduled Areas, viz, Andhra Pradesh, Bihar, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. These states have Tribal Advisory Council. In addition, Tamil Nadu and West Bengal, which do not have any Scheduled area, also have statutory Tribal Advisory Councils. This is a way of reminding Yudhisthir Mishra's proposal for setting up Tribal Advisory Council even in States where there are no Scheduled areas.[49] A similar provision exists in this Article for promoting such special grants to States covered under the Sixth Schedule out of the Consolidated Fund of India. Fifth Schedule contains provisions regarding the administration and control of Scheduled Areas and STs. Sixth Schedule contains provisions relating to the administration of tribal areas in the states of Assam, Meghalaya, Mizoram, and Tripura.

There are Autonomous District Councils and Autonomous Regional Councils in these areas. These Autonomous Regional Councils not only administer the various departments and developmental programmes but they also have power to make laws on variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town

[48] It can be pointed out that in 1952, 1 and 4, 3 and 11 in 1957, 2 and 31 in 1962, 1 and 11 in 1967, 4 and 14 in 1971 and 2 and 2 in 1977, members of STs were elected on general constituencies in Lok Sabha as well as Vidhan Sabha respectively, Anirudh Prasad (2001), *Reservation Policy and Practice in India: A Means to an End*, New Delhi: Deep and Deep Publications, (Table-19), p. 77.

[49] Government of India, *Constituent Assembly Debates*, vol. IX, p. 977.

police and public health and sanitation, inheritance or property, marriage or divorce and social customs. If a comparison of Fifth and Sixth Schedules were to make, broadly speaking, it could be said that the Fifth Schedule tends to be protected and even paternalistic, while the grain of the Sixth Schedule veers towards self-management.

For STs, along with reservations comparable to those for SCs, there are provisions for direct control over the administration, for direct control over financial responsibility, Annual Reports by the Governor to the President, for extensive executive power over Scheduled Areas to insulate them from the application of inappropriate law and to fashion protective regulation (especially regarding allotment and transfer of land and money-lending) and for the formation of Tribal Advisory Councils to participate in the formulation of policy. Besides, there are Articles 371(A), 371(B) and 371(C), which are forced only in certain states of the North-Eastern region either in the whole state or part of it.[50]

Although STs share with SCs a variety of reservations in legislature, government services and educational institutions, the principal schemes for Tribes have been protective and developmental (economic, educational, health and communications). The provisions for STs are distinct not only in their scope but in their intent, for preservation of their separate integrity rather than complete assimilation, is one element in policy towards them. The aim of STs' policy is more complex to balance improvement of their condition and a degree of assimilation with preservation of their distinctiveness.

Therefore, based on the logic of Reservations, the government has laid down three kinds of arrangement for the people belonging to the category of STs along with SCs: first, there has been reservation of seats for these groups in the Parliament/State legislatures; secondly, there has been reservation of jobs for them in government and semi-government services; and finally, seats have been reserved for them in the educational institutions, especially in the institution of higher learning such as colleges and universities for their social and educational advancement.

[50] R. C. Verma, Op. Cit., p. 152. Also see, Virginius Xaxa (2001), Op. Cit., p. 2765.

New Developments

The following developments have been taken place in the recent years:

- The constitution (81st Amendment) Act, 2000, was passed by the Parliament to amend Article 16 of the constitution by inserting clause 4B. It provides that ceiling of 50 per cent on filling up reserved vacancies would apply only on the reserved vacancies for SCs and STs of earlier years would be treated as a separate and distinctive group and would not be subject to any ceiling.
- Similarly, Article 335 was amended by enacting 82nd constitutional amendment. It restores the power that the government can make any provision in favour of SCs and STs for relaxation in qualifying marks and standard of evaluation in matters of reservation in promotion. Such relaxations were withdrawn from July 1997 following Supreme Court judgement.
- The 97th constitutional Amendment Bill is awaiting Presidential Assent. The amendment proposes to make available to SC and ST consequential benefits in seniority in promotion to their next higher grade on the basis of rule of reservation.

Terms of Discourse

Several times in post-independence India, questions have been raised on preferences and whether its true benefits have percolated to sections that really need them. This has divided the nation into two opposite camps of defenders and critics. Following the proportional equality principle (that is, the principle based on the meritarian principle commits the fallacy of taking talents or merit to be intrinsic to the individual rather than as a cultural product), one of the popular argument put forth by people like Arun Shourie is that 'merit' would be the first casualty. It is often stated that preference would lead to lowering of efficiency and undermining merit. In essence, it goes something like this: we wish to build a society based on merit and not on birth. But the truth is that there are severe distortions within our society. Many people with relatively low merit will go far only because they are well born. Equally, some people will never even get an opportunity to rise because their communities are discriminated against. So even as we strive to make society more meritocratic, we should also reserve a certain number of college seats to allow those who come from oppressed communities some access to education. And to ensure that they are not

discriminated against once they finish their education, we should reserve as small proportion of government jobs for them.

The opponents view the fact that preference in government posts was regarded as undesirable not only for country but also for the backward castes themselves because not only would quotas stigmatise the recipients, induce the feelings of inferiority among them and stifle initiative for self-development but also that they would benefit only a few, already privileged sections within the group. Critics argue that the present generation should not be required to pay the price of the injustices in the past, especially since they are not directly related to or to have in anyway benefited from past injustices.[51]

On the contrary, preference is demanded as a right to set the wrongs to be corrected and to eradicate the disabilities arising out of the unequal caste structure. The wrongs and the consequent disabilities are historical because they originated in the past. This needs to be emphasised because theorists from Marc Galanter to Laura Dudley Jenkins represent the Indian framework of affirmative action as entailing compensation for victims of past injustices. Bikhu Parekh defends the affirmative action through "moral capital".[52] He says that the disadvantaged groups are historical in their origin. It arises when their predicament is a result of the past actions and practices of the privileged groups. If the past and future have claimed in the present, then one cannot disassociate oneself from the past entirely at least, one cannot disown all inheritances or liabilities or live in the present. The current condition of the untouchables in India is largely a result of what the caste Hindus did to them for centuries. The later created the category of untouchability, defined its membership and subjected them to the most degrading treatment. It is, therefore, the moral responsibility of the state and society to redress the past practices.

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[51] Neera Chandhoke questions the manner in which reservation has been conceptualised and implemented by the Indian state. It is pointed out that it is not proper to demand reservation as a compensation for historical wrongs. It is said that it provokes animosity and resentment, and that it does not help to develop a sense of self-respect among the beneficiaries of reservation. So, it is suggested that those who have not been allotted their rightful share in the common resources should look at the issue from an egalitarian worldview. Then they could approach the government not as a victims and petitioners, but as bearers of rights demanding their share by rights, Neera Chandhoke (2004), "Reservation about Reservation", *The Hindu*, August 16, New Delhi, p. 10.

[52] It claims that all human beings belong to a common species; they are similarly constituted, have similar basic needs and are equal at the deepest level. Such expressions as the spirit of humanity, human community, fellow feeling and human fellowship are laying the basis of moral experience, Bikhu Parekh, (1998), "A Case for Positive Discrimination" in G. Mahajan (ed.), *Democracy, Difference and Social Justice*, New Delhi: Oxford University Press, p. 383.

Those who believed that injustices being perpetuated in the present generation, but the logic of compensatory treatment is not to remedy yesterday's discrimination but to serve today's social needs. As Nehru stated in the Constituent Assembly, "I try to look upon the problems not in the sense of a religious minority, but rather sense of helping backward groups in the country. I do not look at it from the religious point of view but from the point of view that a backward group ought to be helped."[53]

Another major argument put forth against preferential policy has been that due to this policy, the poisonous weed of casteism has been injected into the policy that this virus will come in the way of national integration. One of the members of the Constituent Assembly, Damadar Swarup Seth had expressed his opposition to the job preferences. In his opinion, "reservation of posts or appointments in service for backward classes means the very negation of efficiency and good government? If this clause is accepted it will give rise to casteism and favouritism which should have nothing to do in a secular state."[54] The proponents of this theory also fear that it will also affect the day-to-day life of the people because people are not going to be judged on the basis of their performance but be judged on the basis of their caste. This, they argue, is contrary to India's commitment to the principle casteless society. But it is the misconception that reservation is the cause of casteism rather the result of it.

Dipankar Gupta (1997) attacks the policy of preference, particularly for the OBCs. This he does by counter posing B. R. Ambedkar and B. P. Mandal- the latter recommended 27 per cent reservation in the government jobs for OBCs. He appreciates Ambedkar's view of preference, which was designed primarily to remove the scourge of untouchability from Indian society. In a situation of acute scarcity, Gupta views, preferences became an important asset for accessing valuable resources. Instead of looking at caste as an institution to be undermined, the advocates of Mandal see it as an important political resource. In the case of Mandal, the driving logic is that caste identity is a permanent asset to be exploited for political and economic ends. In his famous speech on 25th November 1949, B.R. Ambedkar said that India was wanting in its "recognition of the principle of fraternity. What does fraternity mean? Fraternity means a sense of common brotherhood of all Indians-of India being one people. It

[53] Bimal Prasad, Op. Cit., pp. 92-93.
[54] C. Rupa, Op. Cit., p. 26.

is the principle which gives unity and solidarity to social life."[55] Ambedkar had a larger social programme, viz, that of enhancing fraternity among citizens in a free, sovereign republic. According to this vision caste would gradually cease to make any difference in public life. This is why Ambedkar urged that the preferential policy be periodically reviewed. Gupta, however, agreed to offer special concession to SCs and STs because they are socially stigmatised.

Statements by members of the present government relating to the extension of preferences to private sectors have once again brought the issue of reservations to the centre stage. Those who have raised the issue of preferences in private sectors defend their case by referring to affirmative action programme that are endorsed by the corporate class in other countries. Situating the level of discrimination in different corners of the country that takes place directly or indirectly in private sectors, Sukhadeo Thorat (2004) contended that if the societal discrimination in private domain can be justified, why could not such a policy be extended to the private sector? Prakash Louis demands preference in private sectors on the basis of "social responsibility".[56] Gurpreet Mahajan tries to defend preferences in private sectors by making the utilitarian argument.[57] She further claims that in a liberal democracy, no area of life can claim to be out side of the purview of law and, by extension, of the governmental regulation.

On the contrary, members of the corporate class, such as Sunil Kumar Munjal, the president of CII, have sought to oppose the quota system on the ground that it could be disastrous for the future of private sectors.[58] Due to privatisation, the subsequent withdrawal of the state and the decline in the government and the public employment, the employment

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[55] B. Shiva Rao (1968), Op. Cit., p. 945.

[56] Prakash Louis argues that government provides safeguards to private sectors to promote their business by creating better situation for encouragement of business and trade. It can, thus, be expected from private sectors to fulfill their social responsibility. He further says that if private sectors are not fulfilling their social responsibility, then the government should make necessary provisions by legislative measures, Prakash Louis (2004), "Affirmative Action in the Private Sector", *Economic and Political Weekly*, vol. XXXIX, no. 33, July 3, p 3692.

[57] For details, see Gurpreet Mahajan (2005), "Affirmative Action and Liberal Democracy: Pursuing No-Discrimination in the Indian Context", Paper presented at the International Seminar on *Affirmative Action in a Comparative Perspective*, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi, in collaboration with Centre d'Etudes et de Recherches Internationales (CERI), Paris and Centre de Sciences Humaines (CSH), New Delhi, February 24-25, pp. 3-17.

[58] Prakash Louis (2004), Op. Cit., p. 3691.

rate of SCs and STs under preferences has declined quite significantly. Given the discriminatory and exploitative social milieu, the weaker sections are the one who would be victims of this process. Preference should, therefore, be continued in the undertakings, which have been privatised during the 1990s under the policy of privatisation. Preference in the private sector, however, remains as a big challenge due to the adoption of liberalisation.

A common complaint against forms of positive discrimination/affirmative action/compensatory discrimination is that the benefits on offer from the State are monopolised by elite groups within the target constituencies, what is called the "creamy layer" in India. These so-called "creamy layer" classes are gaining reserved jobs disproportionately for two reasons. On the one hand, they are generally better educated and qualified than others. At the same time, they also have contacts and social skills (and sometimes money) that are required to gain access to reserved employment, particularly in public sector undertakings. In short, in reservation system, jobs are linked to educational qualifications rather than social backgrounds, in somewhat, contribute to the emergence of middle class within the target group. So, they insist that caste should not be the sole criteria for identifying the beneficiary groups; income or economic disadvantage should also be taken into account. Parmananda Singh (1982) asserts that the policy of compensatory discrimination has become the tool of aggrandisement in the hands of politically dominant castes and communities, who are fighting hard to retain the privilege of being classified as backward classes at the expense of really needy and deserving. The critics advocate that members who have, through education or occupational mobility, already overcome the effect of social disadvantage be excluded from the list of beneficiaries. That is, their claims should be set-aside in favour of the least advanced sections of the group. In other words, other than inter group equality; the question of intra-group equality has now been raised in India.

Since caste was the ground on which some communities had previously been excluded and segregated, caste offers appropriate criteria for identifying those who needed to be included as equals. Ghanashyam Shah feels that if the government tries to change the criterion from caste to class, persons from upper strata of the lower castes who as a rule are unable, due to historical reasons, to compete with other upper strata of the upper caste, will be excluded from white-collar jobs. What is also to be noted is that the question of dominant castes and communities gaining at the expense of the poor of their respective communities arises only

when the full quota of their respective communities occupied by them. As things stand today, there are a large number of vacancies in reserved categories and most of them get to be occupied by forward caste members after they are de-reserved. Therefore, there is no logic in the belief that some of the dominant castes and communities are gaining at the cost of their lesser brethren. Overall, when question of preference comes to be conferred to weaker sections, there is little opposition.[59]

Conclusion

The protective discrimination policy and other policies and programmes initiated by the Indian state have helped the weaker sections to a greater extent in getting access to different jobs in government, public sector undertakings, political arena and educational institutions. As opposed to the interpretation by Marc Galanter (1997) that no specific goal was to be achieved through the policy of reservation, the goal was clearly stated that to be increased welfare of the weaker sections through a reduction of inequalities in income, education and other facilities. The over all impact of all these policies is, though uneven and limited, certainly positive in the sense that at least a small section of SCs and the STs could get into government jobs and legislatures. However, the poor and needy that constitute a majority are outside the vortex of these developments. Further, it indicates that the weaker sections are not homogeneous groups due to their different socio-economic problems and variations of family background.

There was the demand that preference should be provided in compartments in commensurate with the degree of backwardness. The best examples are the granting of a separate quota by the Karunanidhi government in 1989 to the most backward classes (MBCs) within the quota allotted to the backward classes, demands by MBCs in UP in the 1990s, promised by the BJP prior to the 2002 State Assembly elections of separate quotas for different groups among SCs in Uttar Pradesh etc. The continuing backwardness of these

[59] Citing the example of Rawlsian theory of difference principle of social and economic inequalities are justified only when they work to the maximum benefit of those who are most disadvantaged, Anne Phillips argues for active intervention of members of groups who are under represented. Her main concern is more specifically political mechanisms which associate fair representation with political presence irrespective of gender, race or ethnicity and that will be fruitful to change the composition of decision making bodies, as it leads to change the character of issues and policies discussed. See Anne Phillips (2003), *The Politics of Presence: The Political Representation of Gender, Ethnicity and Race,* New York: Oxford University Press, p. 167.

sections reinforces the need for continued reservations and positive discrimination. Though imposed as a temporary measure, reservation will inevitably become permanent because SCs and STs form an important vote bank and the vested political interests could never terminate the policy or end the period of reservation. At present it has extended up to 2010.

Table-2

Statewise Reservation for SCs and STs: Approved and Filled (Percent)

States	Population		Prescribed Reservation		Actual Representation							
					Group A		Group B		Group C		Group D	
	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST	SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13
Andhra Pradesh	14.87	5.93	15	06	3.99	0.70	5.52	0.80	19.40	0.94	15.81	2.68
Bihar	14.51	8.31	14	10	NA	NA	NA	NA	NA	NA	NA	NA
Gujrat	7.15	14.22	07	14	9.64	5.91	11.49	4.00	17.68	8.98	41.62	17.78
Haryana	19.07	----	20	----	5.60	----	4.70	----	8.0	--	26.20	----
Himachal Pradesh	24.62	4.61	22	05	5.40	3.90	7.80	3.70	12.00	3.40	20.50	5.80
Jammu & Kashmir	8.31	---	08	---	2.08	----	-----	-----	3.08	---	4.29	----
Karnataka	15.07	4.91	15	03	12.23	1.79	8.06	1.49	11.20	1.57	18.58	3.28
Kerala	10.02	1.03	08	02	8.41		----	-----	9.00		13.40*	
Madhya Pradesh	14.10	22.97	15	20	2.13	1.94	5.31	2.44	9.17	9.45	11.75	8.67
Maharastra	7.14	9.18	13@	07	6.90	2.29	7.91	2.28	12.83	5.02	21.20	7.45
Manipur	1.25	27.30	02	31	0.81	13.83	0.91	17.96	1.46	29.98	1.36	26.4
Meghalay	0.41	80.85	01	44	1.04	68.70	0.70	73.35	0.86	77.13	1.73	73.00
Mizoram	0.03	93.55	--	45	0.40	73.20	0.55	87.41	0.54	90.12	2.17	88.54
Nagaland	--	83.99	--	45	NA	NA	NA	NA	NA	NA	NA	NA
Orissa	14.66	22.43	15	23	1.41	0.88	2.87	1.56	8.65	5.62	21.29	12.02
Punjab	26.87	--	25	--	9.23	--	12.39	--	9.56	---	14.38	---
Rajasthan	17.04	12.21	16	12	7.90	2.78	9.80	8.70	9.02	7.71	22.65	11.43

(Table 2 cont.....)

(Table 2 cont....)

1	2	3	4	5	6	7	8	9	10	11	12	13
Sikkim	5.78	23.27	06	23	6.18	32.16	2.39	27.78	4.12	27.00	11.34	29.12
Tamilnadu	18.35	1.07	18	01	7.00	0.40	14.30	0.10	13.70	0.10	16.60	0.40
Tripura	15.12	28.44	15	29	4.40	5.69	6.65	7.73	9.59	19.20	16.26	19.21
Uttar Pradesh	21.16	5.63	21	02	7.40	0.45	7.11	0.37	13.66	0.42	17.58	0.50
West Bengal	21.99	5.63	15	05	4.63	0.92	6.01	0.82	9.50	2.08	16.21	4.05
Union Territories												
Andaman &Nicobar Islands	-	11.85	--	15	0.90	0.45	0.92	0.03	3.37	0.90	--	3.70
Arunachal Pradesh	0.46	69.82	--	80	2.37	12.58	3.44	25.02	3.76	25.30	4.30	55.95
Chandigarh	14.09	--	14	--	3.60	--	2.50	--	11.52	0.22	27.65	0.60
Dadra Nagar Haveli	1.97	78.82	02	43	--	7.14	6.89	6.89	5.97	33.14	8.23	79.42
Delhi	18.03	--	15	7.5	7.3	0.9	9.2	2.1	10.63	1.19	31.3	3.4
Goa, Daman and Diu	2.16	0.99	02	01	2.17	0.32	2.91	0.48	1.95	0.36	2.95	0.73
Lakhsa-Dweep	--	93.82	--	45	3.70	44.44	4.16	47.91	0.63	59.88	0.37	89.00
Pond chery	15.99	--	15	--	3.95	---	11.56	0.80	9.33	0.42	14.78	1.23

Notes* The Actual representation of SCs and STs of Kerala is for both SCs and STs. Here 8.41 percent of actual representation is for both categories A+B.

@ Including reservation for neo-Buddhists.

Source: Report of the Commissioner for Scheduled Castes and Scheduled Tribes (1986), *28th Report*, 1986-87, New Delhi: Government of India, pp. 520-521.

Chapter Two

Socio-Economic and Political Condition of STs in Orissa: A Background

Chapter Two

Socio-Economic and Political Condition of Scheduled Tribes in Orissa: A Background

India is the nation with the highest concentration of tribal population in the world, perhaps next to Africa. According to 1991 census, the ST population in India is 84.51 million, which is about 8.14 per cent of the total population. The population of tribe had grown at the growth rate of 21.03 during the period of 1991-2001. The ST population is practically founded in all the States and Union Territories, except Haryana, Punjab, Delhi, Pondicherry and Chandigarh, in the country. More than half of the ST population of India lives in the States of Madhya Pradesh, Maharashtra, Orissa, Jharkhand and Gujarat. Tribal communities live in about 15 per cent of country's area, in various ecological and geographical conditions ranging from plains, forests, hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. They have drawn from more than 500 communities (with many overlapping communities in more than one State) as notified under Article 342 of the Indian Constitution.

Turning to Orissa, it is found that Orissa is an epitome of tribal communities. It occupies a unique position in the tribal map of India. According to 2001 census, Orissa has 8,145,081 tribal persons, out of which 4,066,783 are male and 4,078,298 are female, contributing 22.19 per cent to the state population of 36,706,920. To put it in another way, about one of every four person is adivasi or tribal in Orissa. It is nearly 9.64 per cent of the tribal population of the country, third in terms of tribal concentration, only next to Madhya Pradesh (14.48 per cent) and Maharashtra (10.15 per cent), lives in Orissa. They are drawn from 62 communities, the largest number in the country. They belong to different ethnic, linguistic and religious groups. They maintain socio-economic and cultural characteristics. Each one of the tribal communities has its own language different from the others. The Parliament in its winter session passed the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002, (No. 10 of 2003) with some modifications prepared the list of 62 communities (see Annexure).

The tribal communities living in the State range from small communities like Chenchu, Banda, Juanga, Didayi to a larger groups like, Munda, Santhals, Kandha, Oraon,

Saura and Bhuiyan. Among the 62 tribal communities of Orissa, Government of India identifies only 13 tribes as Primitive Tribal Groups (PTGs). They are namely, Birhor, Bonda, Didayi, Dongria Kondh, Juang, Kharia, Kutia Kondh, Langia Saora, Lodha, Mankirdia, Paudi Bhuiyan, Saura and Chutia Bhunja. They live in the area of Sambalpur, Koraput, Malkangiri, Keonjhar, Sundergarh and Mayurbhanj. Each of these group is small in number, have attended various levels of social and economic development and generally, they live in remote habitat with poor administrative and infrastructure back up. They have been characterised by a low level of literacy, declining or stagnant population, a pre-agricultural level of technology and are economically backward. However, these communities have similarities of their dependence on the nature for livelihood and in adherence to nature spirit complexes. For better administration and effective implementation of developmental programmes for the benefit of STs, almost 44.21 per cent of the total land area of the State has been constitutionally declared as Scheduled Areas by taking into account the concentration of tribals in different parts of the State.

The tribes of Orissa have been classified ethno-linguistically into three groups: (i) Austro-Asiatic or Munda group; (ii) Dravidian group; and (iii) Indo-Aryan group.[1] Some others like, N. K. Behura classified the tribes of Orissa, according to their economic practices, into following six categories: (i) hunting gatherer nomads living in hilly and forest areas; (ii) hunting gatherer shifting cultivators; (iii) simple artisans; (iv) shifting cultivators; (v) settled agriculturist; and (vi) the industrial and urban unskilled and semi-skilled workers.[2] The core of the tribal population is concentrated in three belts: the South-West belt comprises the district of Koraput; the North-West belt consists of Mayurbhanj and Sundargarh in the north of Orissa. The tribes of Orissa have their distinct ethnic identity, which overtly marked in their language, culture, art and craft, beliefs and value judgement and the life style. Nearly 25 tribes speak their own language or have distinct languages. Some of the tribal languages are Santhali, Ho, Mundari, Kol, Kharia, Sadri, Kuvi, Koya etc. They use these languages to communicate among themselves. Ironically, most of these tribal languages have no script. In

[1] Jagannath Das and Suresh Chandra Pradhan (2002), "Tribes of Orissa and their Population" in R. N. Pati and Jaganath Das (eds.), *Tribal and Indigenous People of India: Problems and Prospects,* New Delhi: A. P. H. Publishing Corporation, p. 41.

[2] N. K. Behura (2002), "Status of Tribal Communities of Orissa" in Ibid., p. 63. Also see, Khageswar Mahapatra (2000), "The Ethno-Linguistic Identity of the Tribes of Orissa" in Kishore C. Padhy (ed.), *The Challenges of Tribal Development: Essays in Honour of Dr. N. Patnaik,* New Delhi: Swarup & Sons, p. 170.

recent times, however, Santhals have been able to develop a script known as '*Olchiki*' and Saoras a script called as '*Sorang Sompe*'.

Table: 1

S.No.	*District*	*Total*	*ST*	*Population* % to the state	*Population* %to the state
1.	Anugul	1,140,003	132,994	1.63	11.66
2.	Balangir	1,337,194	275,822	3.38	20.62
3.	Balesore	2,024,508	228,454	2.80	11.28
4.	Bargarh	1,346,336	60,691	3.20	19.36
5.	Bhadrak	1,333,749	25,141	0.30	1.88
6.	Baudh	373,372	46,557	0.57	12.46
7.	Cuttack	2,341,094	83,591	1.02	3.57
8.	Debagarh	274,108	92,103	1.13	33.60
9.	Dhenkanal	1,066,878	136,501	1.67	12.79
10.	Gajapati	518,836	263,476	3.23	50.78
11.	Ganjam	3,160,,635	90,919	1.11	2.87
12.	Jagatsinghapur	1,057,629	8,640	0.10	0.81
13.	Jajapur	1,624,341	125,989	1.54	7.75
14.	Jharsuguda	509,716	159,757	1.96	31.34
15.	Kalahandi	1,335,494	382,573	4.69	28.64
16.	Kandhamal	648,201	336,809	4.13	51.96
17.	Kendrapara	1,302,005	6,822	0.08	0.52
18.	Kendujhar	1,569,990	695,141	8.53	44.27
19.	Khordha	1,877,395	97,186	1.19	5.17
20.	Koraput	1,180,637	585,830	7.19	49.61
21.	Malkangiri	504,198	289,538	3.55	57.42
22.	Mayurbhanj	2,223,456	1,258,459	15.45	56.59
23.	Nuaapada	530,690	184,221	2.26	34.71
24.	Nabarangapur	1,025,776	564,480	6.93	55.02
25.	Nayagarh	864,516	50,836	0.62	5.88
26.	Puri	1,502,682	4,482	0.05	0.29
27.	Rayagada	831,109	463,418	5.68	55.75
28.	Sambalpur	935,613	322,770	3.96	34.49
29.	Sonapur	541,835	52,978	0.65	9.77
	Sundargarh	1,830,673	918,903	11.28	50.19

Source: Government of India, *Census of India, 2001*, Final Population, Series 1.

Distribution of STs in Districts

The STs are distributed in almost all districts including those in the coastal belts. The analysis of census data shows that the tribes such as, Juang, Gadaba, Paraja, Banda, Koya etc.

live in compact area; while the Saura, Kandha, Gond and Bhuiyan have a wide distribution in different districts. The particular block or district is not confined with a particular tribe. There are more than one community live in every village. The distribution of ST population among districts is greatly uneven. As the table indicates, the STs are much larger proportion to the total district population compared to the State average of 22.19 per cent in districts like, Malkangiri (57.42 per cent), Mayurbhanj (56.59 per cent), Rayagada (55.75 per cent), Nabarabgpur (55.02 per cent), Kandhamal (51.96 percent), Sundergarh (50.19 per cent), Gajapati (50.78 per cent), Koraput (49.61 per cent), Kendujhar (44.27 per cent), Nuapada (34.71 per cent), Sambalpur (34.49 per cent), Debegarh (33.60 per cent), Jharsuguda (31.34 per cent) and Kalahandi (28.64 per cent) and the rest are below the State average. Just below the 50 per cent of districts have the higher proportion of tribal people than the State average. According to 2001 census, the proportion of tribal population to the total population of the district is highest in the district of Malkangiri (57.42 per cent). This district was also the first among districts in 1991 with 58.54 per cent.

The proportion of STs is lowest in districts of Puri (0.29 per cent), Kendrapada (0.52) and Jagatsinghpur (0.81). If we compare the tribal population of Malkangiri district between 1991 and 2001, we notice that it has gone down by 1.12 per cent. Puri district was also the last among districts in 1991 with 0.27 per cent. Similarly, if comparison will be made between 1991 and 2001, there has been a marginal increase of 0.02 per cent. Reckoning against the total population of the State, more than one-third of the tribal population lives in Mayurbhanj, Sundargarh and Kendujhar.

State and Tribal Relationship

In a broader or narrow sense, it is not an easy task to draw a clear-cut relationship between the State/nation and tribals. To be specific, it is a very complex process to assess the relationship between the State and tribals in Orissa, as they have different attitudes towards each other. The existing literature claims considerable diversity, substantiated by their relative field studies, in their approaches, methods and inferences. This part starts with one of the significant aspects of Oriya identity or nationalism, i.e., language issue.

Let us start with the thesis of Georg Pfeffer. His thesis follows: 'The STs in Orissa are inimical and antithetical to Oriya identity/nationalism.'[3] As language is a maker of identity, Orissa gained the status of separate State due to its exclusive identity as a province of the Oriya speaking people on 1st April 1936 under the province of the British people. According to Georg Pfeffer, STs are not glamorous, fashionable, feasible and reliable for strengthening Oriya identity. He goes on to the extent of ratiocinating that STs know Oriya language and they do have the talent to communicate with others in Oriya but they are reluctant to disclose Oriya as their mother tongue.

For instance, it has been observed that, whether it may be Bhumia or Koya tribe, first of all, they prepared to respond their respective tribal dialect as the mother tongue and then come to Oriya. To put it differently, they conceived that tribal dialects are primary and Oriya language is secondary for them. This may be due to the kind of discrimination, the tribal population faced by Oriyas. In contrast, tribals, in fact, experience gender equality in their own cultural context. This argument can be more strengthened if we look at the Constituent Assembly debates. In the Constituent Assembly, tribal representatives demanded to develop according to their own genius and culture because there was no gender discrimination among tribals and this trend of tribals is yet to become irrelevant.

The question of 'tribals as an inimical to Oriya identity' has, however, been increasingly found to be of little significance. In this context, Biswamoy Pati's study can be quoted as an instance. Citing an example of coastal Orissa (comprising Cuttack, Puri and Balasore) that is the language spoken in this tract is the real Oriya and this area is the center of Oriya culture, he argues that some of the remotest tribes of the province i.e., the Bandas of Koraput district, speak language which sounds like the seminal variant of Oriya spoken in the coastal region today.[4] To Parlay Kanungo, the tribal deity Jagannath is the prime symbol of

[3] For details, see Georg Pfeffer (1998), "The Own and the Other: Construction of Oriya Identity in Orissa", *The Fourth World*, no. 8, October, pp. 20-24.

[4] This was discovered among the Bandas of Koraput (now Malkangiri) district while conducting the field work, Biswamoy Pati (1993), *Resisiting Domination: Peasants, Tribals and the National Movements in Orissa, 1920-1950*, New Delhi: Manohar Publishers and Distributors, p. 2. But his argument is far from tenable. In reality, there is no similarity between the two languages. If there is any similar sound between the two, the meaning would be different. As I personally belong to the above-mentioned district, I do not see any similarity. This position will be more strengthened, when we see that 62 tribal communities of Orissa have their own tribal dialects, which they use to communicate among their respective sub-tribes. Unfortunately, Banda language is such a complex language; even it is more difficult to understand for other sub-tribes in Orissa.

Oriya identity.[5] It is more significant that prior to colonial period, Oriyas did not have a strong consciousness of their identity.[6] The virtual 'common sense' emerged with the emergence of Jagannath as a key player in the political arena of the province. The most important feature, however, is the unique position of Jagannath of Puri in the regio-cultural and political traditions of Orissa. Though Jagannath is identified as Orissa's 'god/cult', he has a strong adivasi connection.[7] However, throughout these centuries, Jagannath remained as potent rallying symbol, reinforcing the collective regional and ethnic identity of the territorially fragmented Orissa.

During freedom movement, tribals of Orissa took part in large numbers. By the 1940s, tribal involvement in the freedom movement had become widespread, even though there was less manifestation of unrest than in 1930-1932. Several regions of tribal middle India, which had not been affected by the Civil Disobedient Movement, felt the impact of Quit India Movement. A typical example was Laxman Nayak, a Bhumia from Koraput (now Malkangiri) district of Orissa, who had given up hunting and become a vegetarian under the influence of Gandhian ideology, offered Satyagraha in 1939-40. He organised resistance to payment of taxes and led a march of the Bondo highlanders on 31st August 1942. They picked liquor shops and there was a scuffle in the course of which a forest guard was killed. Laxman Nayak was implicated in this case and his history came to an end when he was hanged on 29th March 1943, even though he was universally believed to be innocent.[8] Even it is most unfortunate that the people involved in the entire process of Laxman Nayak's arrest and death penalty were able to get all government facilities, employment and promotion during the post-independence period.

Orissa witnessed a series of tribal revolts since the beginning of the 19th century. The Koyas of the Malkangiri in erstwhile Madras Presidency rose against the administration in

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[5] Pralay Kanungo (2003), "Hindutva's Entry into a 'Hindu Province': Early Years of RSS in Orissa", *Economic and Political Weekly,* vol. XXXVIII, no. 31, August 2, p. 3294. Also ses Jaganath Pathy (1988), *Under Development and Destitution: Essays in Orissan Society,* New Delhi: Inter-India Publishers, p. 43-44.

[6] For details, see Bishnu N. Mohapatra (1996), "Ways of 'Belonging': The Kanchi Kaveri Legend and the Construction of the Oriya Identity", *Studies in History,* vol. 12, no. 2, pp. 203-221.

[7] Prasanna K. Nayak (2001), "Jagannath and the Adivasis: Reconsidering the Cult and Its Traditions" in Herman Kulke and Burkhard Schnepel (eds.) *Jagannath Revisited: Studying Society, Religion and the State in Orissa,* New Delhi: Manohar Publishers and Distributors, pp. 25-48.

[8] Nityanand Das (1967-68), "Mortyr Lakshman Naik: A Hero of the Freedom Movement", *Adibasi,* vol. IX, no. 1, pp. 22-28. Also see, Jaganath Pathy, Op. Cit., p. 23.

1879 and 1880. Kondh of Phulbani rose in revolt under the leadership of Chakra Bissoyi in 1850. Being oppressed by the mutta heads, Saura rose twice in 1890 and 1940. Bhuyians and Juanngs of Keonjhar were equally vociferous against the native chiefs. All these events claim that tribals resisted the alien rulers, who overlook their own tradition and felt needs. It is worth acknowledging that tribal women of Orissa were also not out of the scene during the national movement. For instance, Bangara Devi, a Koya princess, who ascended the throne of Malkangiri in 1835, launched an attack on British troops in 1860. Similarly, Khare Parvati, a Banda tribal woman, carried out a guerrilla war against the British during the early twentieth century. So, tribals of Orissa had great attachment with the State and that continues to exist even today.

In order to attain national integration and maintain national independence, it is thought that the primordial ethnic and religious identities must be replaced by the loyalty to the 'national mainstream' or at least made them compatible with the 'national interest'. Paradoxically, the formation of the nation-State led to the denial of diversity of cultures and value system of people and their language and religion severely impaired and stigmatised. The assimilationist policy of nation-building devastated tribal cultures, languages and their collectivities. It would be dangerous for the Indian State to ignore social bases of ethnicity and treat their upsurges merely as a law and order problem. Meanwhile, the key to survival of tribal people with dignity rests in their struggle for recognition of their inalienable traditional rights over local resources and right to self-determination in the legitimate cultural, social, linguistic and political spheres.

The tribals of Orissa, however, maintain '*we-feeling*' or their 'distinct identity' within the broader framework of 'unity in diversity'. The simultaneous presence of similarities and differences in social organisation of tribes lies at the heart of the question of identity. According to Myron Weiner, "policy feedbacks"[9], i. e., government policies in the form of entitlement and reservations induce groups to organise for political action, have had their impact on the intensification of the self-identity of tribals in Orissa. Differences or boundaries of caste/tribe or the other inside/outside levels (such as class, religion, language etc.) are essentially maintained because they represent their separate and distinct identities.

[9] Myron Weiner (1989), *The Indian Paradox: Essays in Indian Politics*, New Delhi: Sage Publications, p. 30. Also see Suranjan Sinha (1993), "Construction of Identity", *Seminar*, no. 412, December, p. 41.

Virginius Xaxa's study reveals that the articulation of identity is most pronounced among tribes where an educated middle class has emerged.[10] With the emergence of middle class, the issue of culture, tradition, livelihood, even control over land and resources as well as demand for a share in the benefit of projects of modernity has become an integral part of identity articulation among tribes. However, the consciousness evident in such articulation is not the consciousness of tribe as a category but consciousness of being a people different from the others and especially the dominant regional community. The articulation of tribal identity also related primarily to the State and resources or the benefits that it may make available. Hence, it emerges more in the context of tribal people's relation with the State, facilities of reservations and other forms of affirmative action. In short, the exclusion of other and the exclusiveness of the own are almost absolute in the tribal society of Orissa.

Tribal and Non-Tribal Relationship

There is wide literature exists to demonstrate that the British policy tried to separate tribes from non-tribes. When British entered tribal areas, there were encounters and uprisings. Hence, the administration of such regions was separated from civil administration. In 1874, the Scheduled Districts Act was passed, which tended to keep tribal areas administrative separate. This came to be known as 'non-regulation system'. This endorsed the British Government to reveal that tribals are native and indigenous groups, which are different and isolated from the mainstream. But the nationalists, under the leadership of Gandhi, opposed the segregation of tribals from rest of India. They hold that tribals are a part of Hindu society and at the most, they are backward Hindus.

When we address the question of tribal and non-tribal relationship, it is clear that the relationship is based on cross-cultural assimilation and conflict. Taking note of active process of cultural assimilation, large number of land granted to Brahmins to the upland hilly forest areas of Orissa, which led to the process of Brahminisation. This process facilitated the acculturation of tribals. Some tribal elements were incorporated with the Hindu society and there was an upward mobility, described by M. N. Srinivas as 'sanskritisation'[11], which were

[10] Virginius Xaxa (2005), "Politics of Language, Religion and Identity: Tribes in India", *Economic and Political Weekly*, vol. XL, no. 13, March 26, pp. 1368-1369.

[11] Quoted in Jayanta Sarkar (2003), "Transition, Change and Transformation: Impacting the Tribals in India" in Jayanta Sarkar and Jyotirmoy Chakrabarty (eds.) *Transition, Change and Transformation,* Kolkota: Anthropological Survey of India, pp. 3-4.

assimilated in the Brahminical caste hierarchy. But Xaxa prefers to use the term 'Hinduaisation' in the place of sanskritisation.[12] This is because climbing up the caste ladder is not the overriding concern among tribes. Such interaction of tribal and Brahminical culture led to the cross-cultural assimilation in Orissa as manifested in the worship of Shakti in the form of mother goddess and the cult of Jagannath. Another example can be substantiated. The people of Malkangiri district in Orissa celebrate *'Badayatra'*, which takes place in every alternative years, irrespective of their caste, class, colour, sex etc. This shows their co-operation as well as cultural assimilation. Thus, the tribals have played a major role in shaping the history and culture of Orissa.

On the contrary, the Hindu caste hierarchy demonstrates the latter. According to historian Niharanjan Ray, "In Indian historical tradition there were two sets of *janas,* one who are still recognised by anthropologists and sociologist as tribes.....and another set who are at a higher level of socio-economic and political organisation and of aesthetic and religious culture."[13] This dynamic of social stratification between tribals and non-tribals continued from the formation of Princely State, which led to a sort of king-subject relationship between the non-tribal king and tribal subjects.[14] In the context of preferential treatment, the tribal and non-tribal relationship has turned into conflict in Orissa. For instance, Mathili block of Malkangiri district in Orissa witnessed a bloody struggle between the Kandha tribe and non-tribals in 2000. The conflict arose on the ownership pattern of land, where the non-tribal (upper caste) people felt the sense of relative deprivation. This pattern of ownership of land has more aggravated in the recent years.[15] The relationship between tribals and dalits will be focused in the subsequent chapter. Notwithstanding these cultural assimilation and conflict, what is seen as the most pronounced mark of differentiation as compared to non-tribes is that

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[12] Virginius Xaxa (1999), "Transformation of Tribes in India: Terms of Discourse", *Economic and Political Weekly*, vol. XXXIV, no. 24, June 12, pp. 1520-1522.

[13] Niharanjan Ray (1972), "Introductory Address" in K. S. Singh (ed.) *Tribal Situation in India,* Shimla: Indian Institute of Advanced Study, p. 123.

[14] For details, see Vidyut Joshi (1997), "Genesis of Tribal Problem" in Ghanashyam Shah (ed.) *Social Transformation in India,* vol. II, Jaipur: Rawat Publications, p. 460.

[15] In the recent years, it has been observed that the struggle for survival among tribals of Malkangiri district is being initiated by some civil society organisations. The main motto of this struggle is to restore the land rights of tribals, which are transferred to non-tribals illegally.

they are more self-contained than the non-tribal social groups[16] and they are fall outside civilisation.[17]

Social organisation

Tribes in India are not homogenous category. They differ widely among themselves in respect of regions they live in, language they speak, physical feature they display, geographical terrain they inhabit, modes in which they make their living, levels of development at which they are placed and size of community they represent. The tribal structure does not subscribe to the pattern of social stratification according to the Varna or jati as found in Hindu society. As V. P. Varma put: "The Adivasis is not organised on the basis of the endogamous structure of the caste that is prevalent in the Hindu society. The tribal social system, on the contrary, is structure on the basis of inner differentiation among the tribes themselves. It is true, however, that with the infiltration of Hindu priest, traders and other citizens into tribal society; some kind of Hinduization is taking place. But the tribal population, not being organised on the caste lines, will have differentiation in getting Hinduized. It is also observed that their process of Hinduization is being counteracted by the intensification of the Christian proselytization."[18]

Some tribes of Orissa, for instance, like the Kandha and the Saora have developed internal social differentiation along the line occupational specialisation such as, potters, weavers and basket makers. Some other tribes like the Bhuiyan, the Bathudi, the Gond and the Binjal of northern and western Orissa have been very much Hinduised and their status is equal to that of the clean Hindu castes. Thus, in tribal society, two broad dimensions of stratification can be seen: firstly, it is to be seen in the background of caste versus tribe and tribe versus tribe; and secondly, in the relevance of intra-tribe setting.

Among the tribes of Orissa, family is patriarchal type and the rule of residence is patrilocal. The oldest male member of the family, unless he is very old and is leading retired

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[16] Virginus Xaxa (2003), "Empowerment of Tribes" in Debal K. SinghaRoy (ed.) *Social Development and the Empowerment of the Marginalised Groups: Perspectives and Strategies,* New Delhi: Sage Publications, p. 203.
[17] Andre Beteille (1986), "The Concept of Tribe with Special Reference to India", *Journal of European Sociology,* vol. 27, no. 2, p. 316.
[18] Vishwanath Prasad Varma (1972), "Political System of Tribal Bihar", *Indian Journal of Political Science,* vol. XXXIII, no. 4, October-December, pp. 383-384.

life or is handicapped or infirm, is the mukhia, the head of the family. He plays a dominant role in all family matters. The mukhia, however, consults usually grown-up male members of the family in social and economic matters. The eldest son occupies an important position in the family. Division of labour in the family is based on age and sex. Women take the responsibility of all the household work plus go to the field with their husbands to help them in various agricultural activities and collection of firewood. The anthropological study shows that men exclusively do ploughing.[19] But female members are also practicing this and the Koya tribe of Malkangiri district can be illustrated.

The STs dispersing all over the country differ from one another in racial traits, language, social organisation, cultural pattern etc. Marriage, as an institution, has a different connotation to people on the basis of their ethnic and cultural identities. The customary and legal procedures, provisions, ceremonial practices etc. vary from one country to another and also within the country on the basis of people's ethnic and cultural affinities. Social organisation of any culture reflects the core and the intensity of social bond existing in that culture. So, the need of marriage is for a dependable social mechanism for the care of children and also transmission of culture from one generation to the other.

Realising the pious duty and responsibility of the parents, they with their elderly kinsmen and friends search for potential life partner for their grown-up children. The parents, relatives and friends were the person to take the final decision in selecting prospective spouses for their grown-up children. To day, in the contemporary Indian situation, the parents in the modern educated family have become more democratic and liberal in their out look. The educated parents give freedom to their educated children to take part in the process of mate selection but that to be within their respective sub-tribes.

Since tribal communities of Orissa are conservative, tradition bound and have limited worldview, their social organisations and marriages are basically regulated by clans. Each tribe has some clans with whom marital relationship can be established. As it has been already stated that there is inner differentiation among tribes, their practice of marriage is not same. For example, the Dongria Kondhs of Koraput district prefer to marry a member of samudhi

[19] Nishi Singh (1995), "Family and Marriage among Khonds of Koraput, Orissa- A Comparative Study", *Man in India,* vol. 75, no. 1, March, p. 106.

clan residing out side the village, while this restriction is not being practised by the Bhumia tribes of Malkangiri. They prefer to marry girls from their own sub-tribe. They do not allow the marriage ceremony to take place on the basis of inter-tribes.

Most of the tribes in Orissa (for instance, the Kuvi Kandha and the Bhumia) practice cross cousin marriage. Predominant form of marriage among the tribal people is monogamy but polygamy is also practised. They believe that having more than one wife is the indication of the higher status.[20] It has been perceived that, if more wives are there, they will produce more children so that workload is distributed. In this context, the notion that a small family means better economic status does not apply.

For them, marriage by negotiation is always considered as socially approaved and most prestigious, however, they also follow some other ways of acquiring mates such as, marriage by capture, marriage by exchange and marriage by service. To make the marriage ceremony more enjoyable, they introduce liquor. Country wines called *Mahula* and *Salapa* are in use among them. There must be dance and feast with plenty of liquor for everyone to get some pleasure out of the marriage event.[21] The drinking of wine is so much a part of their social and religious life that the Government of Orissa while introducing prohibition had excluded the districts with a large Adivasi population out of its purview.[22]

In Orissa, certain tribes practice the paying of bride price and the bridegroom acquires his bride only after making payment towards it. This categorically differentiates what is happening in the contemporary Indian scenario. The Bhumias call this system as *'jala'* and *'modar'* as the Dongria Kandhas name it. The logic behind the bride price, according to tribals of Orissa, is that the parents have taken the responsibility of her growing up. So, it is also her responsibility towards the parents. The groom sometimes comes to serve as a suitor-servant in his would be father in- law's house till the time he is able to pay the entire amount of the finalised bride price. Once it is paid, he can take back his bride. But the story of bride price does not take full shape at this juncture. It goes much beyond that. To maintain some

[20] Nishi Singh (1995), Op. Cit., p. 107.
[21] Verrier Elwin (1954), *Tribal Myths of Orissa,* London: Oxford University Press, p. 532.
[22] Shreeram Chandra Dash (1997), *States of our Union: Orissa,* New Delhi: Publications Division, Ministry of Information and Broadcasting, Government of India, p. 80.

form of balance, they also practice another kind of bride price termed as *'sagarta'* by the Bhumia tribe of Malkangiri call it. This system clearly shows that if widow of a particular family gets family bond with some body else, that family will demand the amount more than they had actually paid. It may take the form of negotiation, but he is bound to pay either in cash or kind.

Economic Organisation

Anthropological economics deals with the value, institutions, roles and groupings that are parts of systems of production and distribution of goods and services, an area, that has been referred to as 'substantive economics' as opposed to the 'formal economics' of price and money theory.

K. S. Singh (1992) analyses that the economy of tribes is a projection of tribal society, a response to the economic system in which it placed, its functions of production and distributions are governed by the bond of kinship within or between families, clans and kindred. Production is based on the exploitation of resources locally and easily available with a crude technology largely for consumption. Family is the unit of production, with little specialisation and division of labour base on sex and age. The tribal civilisation is predominantly rural in character and its political economy is very primitive.

The tribes of Orissa belong to different socio-cultural situation and show a considerable variation in their basic economy. Because of their adherence to habits that are either located in the hills and forests, hills-plains fringe regions or the plains and subsequent ecological adaptation to the immediate physical as well as social environment, they have been found with different primary occupation or techno economic levels like food gathering and hunting, shifting cultivation, settled agriculture, industrial urban labour etc.

On the other hand, there are backward shifting cultivating groups like the Kutia Kandha, the Bonda, the Hill Juang, the Paudi Bhuiya etc. and there are assimilated groups who are undistinguishable from the general rural population of the country. The most

interesting aspect of tribal economy is that they rarely follow one occupation exclusively.[23] Above all, agriculture is the main source of their income substantiated by shifting cultivation.

The tribal economy of Orissa is primarily a subsistence oriented and based upon a combination of agriculture, forestry and wage labour. Nearly 90 per cent of tribals depend on agriculture. Although agriculture is the main source of their income, agricultural productivity of tribals is quite low in Orissa due to traditional farming practices, low use of yeild stimilating inputs like, high yielding variety (HYV) seeds, chemical fertiliser, inadequate irrigation facilities that are available and low investment in agriculture.

Land is the major economic aspect in any agricultural society and tribes of Orissa are no exception to that. Land is not only a source of livelihood for tribals, but it is also connected with their sense of history and is a symbol of social prestige for them.[24] The entire life process was centred and built upon two major means of production i. e., the forest and the land, which are described as twin pillar of tribal economy. The relationship with these two, especially with the latter, is something like their 'philosophy of life'. Generally, they are typically patrilineal in nature where ancestral landed property is inherited from father to his sons. The unmarried daughters and his wife are also having share in the family property after the death of a person. But this pattern of ownership will cease to exist after getting married, as after the marriage the daughter becomes the member of another clan, or death and has no right to claim her father's property. This is because the tribal society of Orissa is very much conscious of their clan affiliation and membership.

The tribal socio-cultural and economic life is intimately connected with forest ecology. Forest is an inseparable part of tribal life. They depend on the forest to eke out their

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[23] Buddhadeba Chaudhari (1997), "Forest and Tribals" in Georg Pfeffer and Deepak Kumar Behera (eds.) *Contemporary Society: Tribal Studies, vol. I: Structures and Process,* New Delhi: Concept Publishing Company, p. 233. In Orissa, the tribals like Kharia and Birhor follow the occupations of hunting, collecting and gathering types. Birhor, although, are identified as the hunting and gathering community, their main occupation is making ropes out of the siali. Similarly, Saora and Gadaba are both adhere to shifting and settled agriculture, see Jagannath Das and Suresh Chandra Pradhan, Op. Cit., pp. 42-43. As far as Santhals are concerned, they were formally engaged in collection of forest produce, hunting, fishing and cultivation on hill slopes. At present, they are engaged in cultivation with the capacity of sharecroppers, agriculture labourer and small farmers, see P. K. Kaur (1999), "Social Transformation and the Tribes of Orissa" in V. K. Pant and B. S. Bisht (eds.), *Backward Communities: Identity, Development and Transformation*, New Delhi: Gyan Publishing House, p. 244.

[24] Verrier Elwin (1963), *New Deal for Tribal India*, New Delhi: Ministry of Home Affairs, Government of India, p. 50.

livelihood from these natural resources. They collect barriers, honey, mushroom, tubers and green leaves from the forest, various types of insects, birds and animals are hunted. The economic, cultural and social life of these communities were fully inter-twined with the forest. They were fully using forest resources as totems, which reflect their collective sentiments and solidarity. They use forest for various purposes like, construction of houses, preparation of household articles, tools and implementation, music instruments, food, fuel, fodder, decoration of houses, and for ritual requirements during birth, marriage and death ceremony. Buddhadeba Chaudhari (1997) has observed that more than 80 per cent of forest dwellers collect 25 to 50 per cent of their food from forest in the states of Bihar, Orissa, Madhya Pradesh and Himachal Pradesh.

The United Nations (UN) Report on Tribal Development succinctly states that: "Tribal people in general derive either directly or indirectly a substantial amount of their livelihood from the forests. They subsist on edible leaves and roots, honey, wild game and fish; they build their homes with timber and bamboo and practice cottage crafts with the help of local raw materials."[25] Collection of honey and other non-timber forest produces (NTFP) such as *sal* and *kendu* leaves are important sources of income. The study of Behura and Panigrahi (2002) appears to indicate that around 28.98 per cent of the total annual incomes of the Bhuiyan are raised from the sale of different forest produces, while it is 29.18 per cent among the Juangs, who are largely depending on it. Collection of *kendu* leaves is an important source, but the government in Orissa controls it. The tribals are always ill paid to their NTFP and the market is practically controlled by the businessmen. Therefore, the tribals choose to live in isolated and inaccessible areas, often in and near about forest regions because of their social practices.[26]

The financial position of tribals does not present a good picture. The development gaps between tribals and non-tribals vary across States and so the resource requirements to bridge the gap. The inter-State variations in the level of deprivation of tribals vis-à-vis the rest of the population may also exist in each area of social concern. It is impossible to assess

[25] Quoted in Upali Aparajita (1994), *Culture and Development: Dongrias of Niyamgiri,* New Delhi: Inter-India Publications, p. 121.

[26] P. A. Sangma (1998), *Into the New Millenium: A Speakers Perspective,* New Delhi: Lok Sabha Secretariat, p. 210.

quantitatively the relative deprivation of tribals vis-à-vis the rest of the population for each State. Corresponding to their income, the per capita monthly income of tribals is Rs. 124.16 as against Rs. 131.17 in case of non-tribals in Orissa.[27]

The State government of Orissa has failed to provide quality life to the tribal community. This is because of financial crisis, low level of economic growth, per capita income etc. Although agriculture continues to be the mainstay of the State's economy with a contribution of about 28.13 per cent of NSDP during 2001-2002, it suffers from many hazards. Droughts and floods are not only the permanent feature of Orissa's economy, the production pattern is also defective in Orissa. Orissa also suffers from serious financial burden and it raises a loan over the years. In Orissa, for instance, the per capita loan burden during the year 1999-2000 was Rs. 5014.07 and was raised to Rs. 8473.62 in 2003-2004. So, the Government of Orissa failed to provide quality life to the people, including tribals, due to its financial constraints.[28]

Political organisation

Political organisation or political association of tribals is formed on the basis of clan, language, village or an area. The foremost characteristic of the tribal is clan. When one speaks of tribal groups in Orissa, he draws an inference that initially it was the kinship through blood that was the prime mover and perhaps the determinant of organisation of the community in political terms.[29] This association of different tribes does not necessarily represent similar features.

Political organisation varies from tribe to tribe. As the needs and the aspirations of tribes are not same everywhere, the political organisation of a particular tribe differs from that of the others. They formed an organisation according to the changing needs of their community. They enact rules and regulations in accordance with the demanding circumstances.

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[27] Meenakshi Hooja (2004), *Issues and Strategies for Tribal Development*, Jaipur: Rawat Publications, p. 30.
[28] Baidyanath Misra (2003), "Problems and Prospects of Revival of Orissa's Economy", *IASSI Quarterly*, vol. 22, no. 1, pp. 87-97; Satya Prakash Dash (2004), "State Administration: Development, Finance and Crime", *The Indian Journal Political Science*, vol. LXV, no. 3, July-September, pp. 433-456.
[29] Upali Aparajita (1993), "Political Organisation: The Institutionalisation of Tradition among the Dongria Kondhs", *Journal of Anthropological Survey of India*, vol. 42, June, pp. 66-67.

Political organisation of tribals can be seen as a curious blend of democracy and monarchy.[30] The head of every community or village or an area or a class exercises the supreme power over his subjects and he is the source and interpreter of all laws. Socially, tribals in most cases are well organised into many groups. In this context, Verrier Elwin says: "There is a regular village hierarchy. Every village has its own chief who is its spokesperson and general organiser. In some tribes, he has great authority; in other words he is a mere figure head."[31] The Savar headman is known as *'Gomango'*; the Kondhs call him *'Samanto'*, or *'Majhi'*; the Parojas call him *'Janni'* or *'Muduli'*; the Koyas call him as *'Pedda'*, *'Goantia'* or *'Naik'* and the head of the Bhumias known as *'Naik'*. As political life, political behaviour and political role of an individual are influenced by the socio-economic conditions of the family/community, his office is a hereditary. In case of Dongria Kondhs, after his death his son becomes the head. If he is not blessed with a son, his younger brother and failing that any other competent consanguine relatives becomes his successor. The careful analysis of political organisation of the Bhumias of Malkangiri district in Orissa seems quite different. Considering the Bhumias, after the death of the head, his younger brother becomes his successor or failing that his son becomes the head. The democratic nature of the tribal political organisation can be demonstrated by the fact that the tribal leader governs the community only because majority or whole of the nation backs him. It has been observed that tribal leadership cannot be changed that is not backed by heredity. If anybody does, he is not going to be recognised as the leader of his or her respective community.

In Orissa, the political organisation of tribals has been empowered to enjoy legislative, executive and judicial powers. It stands for the safeguard of judicial rights and the enforcement of the judicial obligation on people. Law and order is maintained by a few village elders in consultation of the adult male members that are uncodified in nature and maintained discipline in nature. They categorically announce that violation of any law is punishable. Generally, tribes do not have any judicial institutions in Orissa, but they have their panchayat system and village council of which the elders of the village are members. They try to settle all types of controversies within the village. The party found guilty will be fined with some amount of money. Ironically, they spend the money for intoxication as well

[30] K. S. Padhy and P. P. Tripathy (1994), *Voting Behaviour of the Tribals in India,* New Delhi: Kanishka Publishers Distributors, p. 54.
[31] Verrier Elwin (1954), Op. Cit., p. 2/10.

as entertainment. This village council is also the ultimate arbiter of ensuring peace and justice, solving disputes and regulating social life by the enforcement of customary laws. If the village council fails to resolve the difference then they will move to the panchayat. Again it fails, the sarapanch forward the case to the police station, which is very rarely used by tribal people in Orissa. The tribals keep it as the last option of resolving differences. So, we can observe that tribal communities of Orissa try to resolve all types of controversies irrespective of their nature at their disposal by hook or crook and show their apathy in modern political institutions. While the village council settles matters confined to persons or families in a village, matters concerning two or more village are similarly settled by calling a meeting of the elders of each concerned village. After detail and often heated discussion wherein everyone present has a right to participate and the contesting parties are given the benefits of a full hearing, the case is almost always amicably settled.

The panchayat system that came into existence as a mode of democratic decentralisation of power and authority consequent on the Balwantrai Mehta committee recommendation in the early fifties provided a new dimension to the traditional socio-political structure of tribals in Orissa. There are significance differences between the village council and the new panchayat system. The former was based on clan with conventional functions; where as the latter is based on the democratic process and activities related to the developmental programmes. The traditional village council was completely autonomous and there was no scope for the involvement of out side agencies. It sought to regulate social, religious and ritual matters. By contrast, government functionaries oversaw the new panchayat system. The government officials advise, direct and guide the different activities of the new panchayat system. This was the new beginning of political education in encysted, mostly illiterate and small communities. The new panchayat system, thus, a totally different organisation educating the illiterate tribals into the mysterious and intricacies of awareness of needs and aspirations of the area, the scope to articulate and ventilate them in a given forum.

Religious Beliefs and Practices

The tribals of Orissa have crude form of religion. They attach prime importance to religious practices in every walk of life. They perceive that life is full of hazards and to survive amidst them, they seek the help of supernatural beings. Thus suitable solution to any

problem, remedial measures for healthy existence, in the society all broadly refer to the field of religion. In Orissa, the tribal religion refers to the belief and faith in reincarnation and transmigration of souls into various forms of life, trees, birds, animals etc. They are mostly animist and as they live in the midst of wild animals all the year around, they worship some of them. Some tribes worship nature and its elements. According to them, after death, the soul is believed to prevail in the ancestral spirits. They show greater respect and concern toward soul and spirits, which are invisible but their presence is felt in and around the house, hamlets, neighbouring areas. Accordingly, they try to appease the invisible objects by offering food, drinks and animal sacrifices.

In Orissa, the religion of tribes delineates largely the pantheon of tribals at the outset, which embodies the Sun God as the supreme deity, earth as the Mother Goddess, various village deities, ancestral and other spirits. They consider God in different terms. The Jhadia Paraja of Koraput and the Bhumia tribes of Malkangiri district, for instance, use the term '*Debta*' for the Gods, whereas the Pengo Paraja calls them as '*Pen*'. The spirits, on the other hand, are known as '*Duma*' by most tribes. It has been perceived by tribals that the *Debta* will protect the village from various mishaps and calamities like, flood, cyclone, draught, attack of small pox etc. They firmly believe that the dissatisfaction or unhappy of *Debta* will harm the village. In order to satisfy the God, they offer the sacrifices of goat, sheep, cock, pigeon etc. More interestingly, these practices have not been confined only to tribals, non-tribals of the same village are no exception.

In addition, they worship the God with rice, ghee, milk, earthen lamp of castor oil, *mohwa* liquor[32], water and flowers. Their faith in religion is so deep nobody among tribals dares to ignore or discard the religious practices in the fear of getting condemned by the community members for violation of traditional values; and inviting wrath of the ancestral spirits, which may lead to perpetual sufferings and miseries of the family members. It has, thus, been observed that one of the main reasons for economic hardship of tribals in Orissa is the expensive ritual followed with drinks and food.[33]

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[32] Biswamoy Pati (2001), "Identity, Hegemony, Resistance: Conversions in Orissa, 1800-2000", *Economic and Political Weekly,* vol. XXXVI, no. 44, November 3, p. 4208.

[33] Biswajit Sen (2000), "Tribal Religion: Change, Continuity and Conflict: Sauras of Orissa" in M. C. Behera (ed.) *Tribal Religion: Change and Continuity,* New Delhi: Commonwealth Publishers, p. 106.

In Orissa, tribal communities accept some tribal supermen like the *Jani* and *Disari* as the agents of divinity.[34] These agents assume leadership in many instances and are commonly believed to be endowed with supernatural powers for propitiating the evil spirits and accepted gods and goddesses, and they also are believed to have the power of healing the wounds and diseases. *Jani* is regarded as the religious head of the Paraja village. In case of the Bhumia tribe, it is *Pujari*, who is regarded as the religious head. In the terms of Kondhs, *Pujari* is regarded as the village cook and important functionary during the Meria festival. For Kondhs, *Jani* is the religious head as well as head of the traditional village council. In other words, tribals of Orissa do not use similar term for the identification of the head of the religious and political orgasnisation. The *Jani/Pujari* does not receive any kind of salary in return for his duties and functions. It is the prestige and honour of the post that gives him greater satisfaction and the ultimate source of his authority. He is respected both by tribal and non-tribal members of the village for his sacred benevolent functions. For the Paraja, he is also respected in economic, political and judicial fields of the village. It is somewhat different among other tribes of Orissa.

Unlike the Paraja, it has been observed that the head of the political and judicial matter is known as *Naik* among the Bhumias of Malkangiri districts of Orissa. However, in any important village ceremony, he gets the larger share of the distributive articles. The position of the *Pujari/Jani* is become hereditary and always occupied by male members of the society. The various religious rites, hymns and incantations recited are memorised by the *Jani/Pujari* from his childhood. There are no written manuscripts in this regard and it has to be learnt by the word of mouth.

The ST population of Orissa has also some important customs and festivals, which are different from the coastal region. Through rituals and festivals, the hard working tribals satisfy their gods, relax and enjoy the life for the moment, strengthen the mental condition of the individual members for a better tomorrow. Some of the important festivals of tribals are 'Rani Parab', 'Pusa Parab', 'Magha Parab', 'Diali Parab', 'Chaita Parab' etc. Besides all these major festivals, tribals also worship 'Basumati', the earth goddess in the month of Chaitra (March-April) in connection with agricultural production.

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[34] Shreeram Chandra Dash, Op. Cit., p. 82.

After having the general idea about the tribal religion, it is important to highlight the impact of Hinduism and Christianity on tribals of Orissa. The term 'conversion' has always become controversial, when it addresses the tribal people in Orissa. In this context, the murder of Graham Staine and his two children in Orissa can be demonstrated.[35] Generally, conversion means only to Christianity, Islam and some occasions to Buddhism in India, but very rarely to Hinduism and this notion coexist with an understanding that Hindus can only be born as Hindus. Although, very little literature exists in relation to the subject of religious conversion with reference to the Hinduism, the work of Biswamoy Pati can be taken as the most influential study in Orissa, which categorically deals with 200 years of conversion process of tribals.[36] To him, the dynamics of conversion with reference to Hinduism may not take the same form, as perhaps, some other religions may do. Taking his argument further, the logic of conversion to Hinduism is based on the idea of questioning and interrogating the way the conversion has been located.

Focussing on the historical background, he begins by stating, "Hindu civilisation did not on the whole seek to convert or displace tribals, although they agree that conflicts were frequent, and tribals were forced to retreat to the remotest area viz., the forest and the mountains."[37] This delineates the process of conversion to Hinduism. In Orissa, during 19th century, Hinduism launched a terror campaign for conversion of Adivasis by starting scratch and forced to convert or join the outcastes.[38] The tribals have been influenced and converted to Hinduism. The Gond tribe of Sambalpur, for instance, relocate themselves within the framework of Hinduism and the Gond zamindars wear the sacred thread. This implied not only a considerable degree of Hinduisation of tribals but also strategy to cope with the agrarian intervention. This helped them to do well in the new production to the grain market. The Adivasis, who succeeded to do so, they claimed Khandayat- the oriya variant of kshatriya-status.[39] This implied a level of rajputisation/kshatriyasation that converged with

[35] The cause for the death of Graham Staine and his two sons lies, in fact, with the slogan (in oriya) like 'bideshi padre hatao-desha banchao' (remove foreign padre and save nation), Biswamoy Pati (2000), "Orissa Today: Fantasy and Reality", *Economic and Political Weekly,* vol. XXXV, no. 18, April 19, p. 1516.
[36] Biswamoy Pati (2001), Op. Cit., pp. 4204-4212.
[37] Ibid. 4205.
[38] Ibid. 4207.
[39] Shishir Kumar Panda (2004), "Situating Tribals in the Early History of Orissa" in B. B. Chaudhari and Arun Badhapadhyay (eds.), *Tribes, Forest and Social Formation in Indian History,* New Delhi: Manohar Publishers and Distributors, p. 83. Also see Tiplut Nongbri (2003), *Development, Ethnicity and Gender: Selected Essays on Tribes in India,* Jaipur: Rawat Publications, p. 30.

Hinduism and affected the affluent sections of tribals. Further more, some advanced Binjhal tribes claimed Rajput status and adopt the practice of burning their dead (as it is the symbol of Brahminical order).

But this process of Hinduisation was very much related to the well-to-do agricultural production. It was not really easy for the unsettled Pariah adivasis, who were engaged in shifting cultivation. Most of the tribes in general claimed to be Hindus, at least in the initial years; they continued to follow the age-old traditional social and religious customs. This process marked that while being integrated they were also being hierarchised. At this juncture, the question of religious conversion to Christianity comes up. It is, therefore, worthwhile to discuss the role of Orissa Government in the context of conversion.

The role of administrative set up and government agencies is something that threatens to substitute the rule of law with the outlaws in Orissa. But the pertinent question is, "can both the Congress and the Bharatiya Janata Party (BJP)/Biju Janata Dal (BJD) government's notification, which stipulates that a person who desires to convert has to take prior administrative permission[40] be justified?" It is difficult to observe how such a regulation can be the basis of breeding a system of bribery and harassment, when it comes to tribals and dalits? And what about adivasis and dalits, who want to convert to Hinduism? After all, how can anybody assume that these sections are Hindu? To put it another way, their Hindu identity is taken for granted, which makes re-conversion perfectly possible, acceptable and, if needed, be justifiable.[41] Pati (2000) realised that there is a lack of opposition/resistance in the present day in comparison to the colonial period, as the 19th century saw a visible adivasis rebellion armed with battle-axe, bows and arrows. But he optimistically concludes his small piece that the space for resistance and contestation is bound to develop and the coming days will witness bitter struggle when the exploited poor, minorities, adivasis, dalits and women will stand up to fight.

Like Hinduism, the dynamics of conversion also takes place to Christianity. The functional structure of Christian missionaries is backed by some motives. The missionaries who move to tribal areas of Orissa could see some prospect of spreading the message of

[40] Biswamoy Pati (2000), Op. Cit., p. 1516.
[41] Biswamoy Pati (2001), Op. Cit., p. 4204.

Christ among neglected tribals, who claimed to the Hindu, but were practising traditional religion. Some of the natural calamities like, 1866 famine, draught, cyclone etc. might have provided scope for Christian missionaries to intensify their religious propaganda in Orissa. The Christian missionaries sought to address the problems created by the movement of the Hindu population in tribal areas. It was, therefore, hardly surprising that in several instances, tribes were attracted to the Christian faith. By posing the issue of exploitation, oppression and discrimination and by addressing matters of health, disease, education and language, Christianity heightened the contrasting identity of tribes as against those of larger society, especially the caste Hindus.

In this context, Kidar Nath Thasu's study shows that people get converted to Christianity only for the sake of food and employment.[42] The NGOs working in tribal belts operated through agencies, which were manned by the Christian converts, and those agencies were receiving financial assistance from national and international voluntary organisations manned by the followers of Christian religion.[43] It is true that Indian constitution is secularist in its orientation. Nevertheless, the conversion of large segments of population on economic or other consideration may present a real danger to the Indian political system. As has been mentioned that the conversion process of Hinduism not necessarily takes place in the same manner as other religions do, there is significance difference between the conversion with reference to the Hinduism and the Christianity, where as the former was based on force during the 19th century. As a result, in a context of uncertainties and insecurities, the Oraons of Orissa felt that Christianity protected them from the witches and 'bhoots' who were powerless against this system.[44]

As the present study deals with STs in the context of preferential policy, it is worthwhile to focus on the relationship between the religious conversion and the preferential policy in India. Caste, along with religion, remained the primary basis for designating SCs and it is the caste in the sense of rank or status in the social religious hierarchy, which is the criterion for choosing these groups. The religious test for SCs is employed, not a positive test for selecting appropriate groups for inclusion but as a disqualification of individuals and

[42] Kidar Nath Thasu (1977), *Pengo Poraja of Koraput,* Calcutta: Anthropological Survey of India, p. 82.
[43] Biswajit Sen , Op. Cit., p. 109.
[44] Biswamoy Pati (2001), Op. Cit., p. 4208.

groups who otherwise meet the criterion, thereby inevitably discouraging conversion. Thus, only the 'castes' within the Hindu fold alone can be included within SCs. Presumably, the use of religion as a relevant criterion is justified on the ground that religion has direct relevance to untouchability and the constitutional goal is to eliminate the disabilities arising out of Hinduism. It is thought that only those individuals are intended to be included in the Scheduled Castes Order who suffers from the stigma of disabilities of untouchability, which exists only within Hinduism. In other words, 'casteism within Hinduism will be the only consideration in selecting SCs.'

As far as the tribal conversion to Christianity is concerned, the proponent of so-called 'cultural nationalism' i.e., Sangh Parivar, forcefully and aggressively articulated that tribals ceased to be tribes once they became Christians.[45] It was also argued that they must identify themselves as Christians and not as tribes, when they apply for jobs and other benefits from the government. The implication is that when they become Christians, they ceased to be tribes and therefore ineligible to apply for State benefits as tribes. Such a conception of tribes not only goes against the general anthropological understanding of tribes, but also against the basic conception and spirit underlying in the Indian constitution.

As stated in the previous chapter that the Constituent Assembly identified STs not on the basis of their belongingness to a particular religious groups or community. They have been identified because they constitute a cultural backward, distinct from dominant regional community, speak their own languages, have a distinct social organisation and way of life etc. Therefore, unlike SCs, they enjoy the benefits of preferences irrespective of their religion.

Conclusion

Orissa, the exotic land of temples, vibrant culture, heritage and a doorway to the wonderland of sands, is an epitome of tribal communities. Anthropologically, a tribal is a social group, the members of which live in a common territory, have a common dialect, uniform social organisation and possess cultural homogeneity having a common ancestor, political organisation and religious pattern. But perhaps it would be very difficult to find out

[45] Virginius Xaxa (2005), "Politics of Language, Religion and Identity: Tribes in India", *Economic and Political Weekly*, vol. XL, no. 13, March 26, p. 1365.

many tribal groups in Orissa, who possess all these characteristics. The above analysis could be illustrated.

In Orissa, all 62 tribal communities, along with their sub-groups, belong to different racial stocks, speak language of different families and show considerable variation in their basic economy. Nearly, 90 per cent of the tribal population is locked up in the agricultural sector (50.70 per cent as cultivators and 38.30 as agricultural labourer). However, dependance on forest still continues. The Birhon, the Mankidia and the Hill Kharia are primarily forest collectors and hunters. The Juang, the Hill Bhuyan, the Lanjia Saora, the Kondh, the Banda, the Didayi etc. are shifting cultivators, supplementing their living through forest collection and hunting. The Saura, the Santhal and the Kadia are settled cultivators with marginal dependence on hunting and forest collection. Thus, in Orissa, we could come across different stages of social and economic growth that various tribes exhibit in their day-to-day life. In addition, their differences in cultural and religious practices are also visible. The above analysis reveals that tribes are heavily concentrated in the hilly tracts of western Orissa (Table 1). In the coastal regions, they constitute a small percentage. They live in a certain degree of seclusion form. The aboriginal still lead a simple, traditional and colourful life, hunting and agriculture, amidst deep woods, valley, lush forest and primitive situations inspite of the forces of so-called modern civilisation and developmental programmes.

Chapter Three

Policies of Preferential Treatment for STs in Orissa: Implementation and Impact

Chapter Three

Protective Discrimination Policies for STs in Orissa: Implementation and Impact

Looking at the structural profile of India's population, one striking feature is that a measure of disparity exists in the ownership of productive assets as well as the income distribution among the various sections of population. The scheduled groups of this country are placed in a comparatively infavourable position in terms of assets ownership and income distribution. They comprise in urban area, the urban poor and the rural areas, the rural landless and marginal and small farmers. It is felt that serious imbalances in the ownership of assets and income distribution coupled with widespread unemployment and underemployment have worsened among these sections. In addition, massive majority remaining discriminated socially, depressed economically and ostracised politically. Hence, it has been called for serious concern among the policy makers and planners to think of all round development of these sections. In other words, planners and policy makers tried to address the following questions: What do we want to make the tribals out of their present status? What is the nature of future of the Indian society that we want to develop?

Reckoning these thoughts, organised attempt both at the national and the State levels was made only during the post-independence period in the light of constitutional provisions, characterised by the value of justice: social, economic and political and other welfare measures for STs. This attempt was made through a series of five-year and other plans; the scale, range and quantum of assistance for tribal development have grown enormously. All this ensures, what is known as "protective discrimination"[1] that guarantees special treatment in favour of the weaker section such as the STs to bring them on par with the rest of the society. The policy in which various welfare measures and provisions pertaining to protect the interests of historically disadvantaged sections have been incorporated is known as 'protective

[1] The term 'protective discrimination' was first used by Charles Henry Alexandrowicz in his book, *Constitutional Developments in India*, Marc Galanter (1984), *Competing Equalities: Law and the Backward Classes in India,* Delhi: Oxford University Press, p. 2. He used the term 'protective discriminatiom' to indicate the protective measures including reservation of seats in colleges and posts in government services, sanctioned by the constitution by way of exception to the general principle of equality and non-discrimination embodied in Articles 14, 15(1), 16(1) and 16(2) of the constitution and in favour of SCs, STs and backward classes.

discrimination'. The term 'protective discrimination', thus, refers to a wide variety of special provisions designed to meet out special or preferential treatment, or grant concession to the weaker sections, including SCs, STs and OBCs. To put it differently, protective discrimination insists not only preferences in education, politics and public services for STs, but also some other welfare measures adopted by the government. Hence, the theory of protective discrimination is nothing but an instrument of helping those who have remained disadvantaged, marginalised and deprived of opportunities.

The policies and programmes of the Central and State governments for the benefit of STs cover several areas and they vary from State to State. While STs are legally entitled to preferences nation-wide, they are also entitled to preferences within their own respective States. Now the questions need to be asked are: does the programme actually deliver the goods (for instance, more jobs or better performance in schools)? Has the programme produced the results that it is supposed to achieve? Against this backdrop, this chapter begins by analysing preferences in education, politics and government employment for STs in Orissa. Within the framework of State-tribal relationships, discussed in the second chapter, this chapter examines the working and impact of different policies in the context of preferential employment policies to mitigate social inequalities adopted by the Government of Orissa for vulnerable tribal communities. It also attempts to provide clear understanding of consequences of institutional support for the development of STs in Orissa. To glean the clear picture of implementation of these policies, it tries to show periodical review of benefits, at least, in the sphere of education and employment but it is difficult enough, at the given situation, to assess their performance at the political level.

Educational Developments

One of the modalities of tribes is affirmative action that is providing for reservation in jobs and legislative bodies. Such preference is meaningless unless tribes have education. How can tribes without education get recruited to public service even within the reserved quotas? How can tribal legislators discharge their functions unless they have education and understanding? Therefore, the Indian State has adopted preferential pollicies and programmes for educational development of STs since independence with the express purpose of not only to bring socio-economic transformation in tribal societies but also to reduce the gap between

tribals and non-tribals. The main purpose of this programme is to remove or minimise social and economic disabilities of tribals and to bring them at far with other sections of the Indian society. This is clearly defined under Article 46 of the Indian constitution. The policy for removal of educational backwardness of STs along with other weaker sections appeared to be an integral part of Indian planning and avowed goal of development.[2] Education was envisaged as one of the most powerful engines of the social and economic liberation of STs through awakening and creating awareness. When the educational facilities are extended to tribals, they will articulate with the new and consequently, new facilities will be made available to them and that will help to change their stereotyped way of life.

Guided by this understanding, the village level study, done by National Council of Applied Economics, in Orissa claims that all social groups have experienced a secular increase in the level of awareness about sending children, particularly girls, to school.[3] However, it maintains striking differences in perception among the parents of different castes about the advantages of educating their children. The scheduled groups perceive only the market benefits of education such as higher wages, availing of loans and tracing land registration papers etc. The higher castes such as Kuttas and Kumhars, on the contrary, perceive non-market benefits also. The tribal society of Orissa looks at education as 'investment' in human resources for income generation. It is in the sense that in a particular agricultural society, it helps to build up a member of the family capable of earning money from sources other than agriculture. They believe that benefits of education include better sanitation, more efficient consumption, a better choice of marital partner, sound health and so on. Education makes one more civilised, and helps in earning respect and regard in the society and improves employment prospects. While conducting research, a consensus emerged among all groups irrespective of their caste and income that their educated children will look after them safely in their old age.[4] Within this framework, it makes easy to confront the questions such as to what extent the parents are influenced by the prospects of higher education? And, in what way they want their children to come up? It explains the students' understanding about hopes and aspirations of the parents. Though many parents come from

[2] Ibid., p. 56.
[3] National Council of Applied Economic Research (2004), *East India Human Development Report,* New Delhi: Oxford University Press, p. 242.
[4] Ibid., p.251.

poor and often degrading circumstances, they have definite and positive hopes and aspirations about the efficiency of education. Higher education, however, modifies not only the outlook of tribal students but also that of their parents. In other words, the impact of education does not confine itself to students or direct receivers of education but spreads also to others who are related to them.

Thomas E. Weisskopf's study claims to maintain secular position on the impact of education in India, but it fails to keep the purpose.[5] The major part of the work has been devoted to SCs or its comparison with non-SCs but very little has been focussed on STs. This is because of either disinterest or lack of relevant data on STs in India. Weisskopf is less supportive of a quota policy unless it is constrained by size, the period for which it is to be applied and merit bars. He, however, draws two inferences about the consequences of preferences in higher education. Firstly, virtually all scheduled students at the most elite Indian universities and institutions for profession and technical training (most of which are centrally controlled) would not have been admitted in the absence of reserved seats. Secondly, admission to a reserved seat enhances the ability of scheduled students to gain access to financial and other forms of government aid without which staying in schools may prove to be very difficult. Scholars who have studied the experience of tribal students in higher education report widely that they lag well behind non-tribal students in their performances in examinations. Moreover, we speculate that the performance rate of tribal students has likely increased since the period of their study because the cut off marks for admission of students to ST reserved seats have been rising over the years. Thus, Indian preferential treatment policies have no doubt played a major role in increasing the opportunities for ST students to continue their education at the college and university level.

There are a number of indicators that determine the literacy level of the tribal society in Orissa. Those indicators can be discussed on the following heads:

- Relevant study has noted that the rate of literacy among middle and rich cultivators is greater than that among the poor cultivators and labourers. The association of

[5] For details, see Thomas E. Weisskopf (2004), "Impact of Reservation on Admissions to Higher Education in India", *Economic and Political Weekly*, vol. XXXIX, no. 39, September 25, pp. 4339-4349.

educational benefits with land holdings and class positions appears rather very strong in Orissa.[6]

- The study of National Council of Applied Economic Research (2004) shows that literacy is closely related to land size. For instance, large farmers have attended higher percentage of literacy (74.3 per cent) than the land less wage earners (only 29 per cent). The reason is that large farmers can have offered money for their children's education, while land less labourers could not.
- The literacy rate improves with an increase in household size. For example, the rate is 22.5 points higher for households consisting of eight or more members than households with up to four members.
- The literacy rate is high in the more developed village. For example, the literacy rate is 66 per cent while it is only 45 per cent in low development village.
- Literacy is high among salaried, professional and self-employed groups and least among wage earners.
- It has been seen that there is close relationship between socio-economic status and literacy rate as well as academic performance in higher educational institutions.[7]

The studies, therefore, reveal a positive connection between the size of the family of a tribe, socio-economic status, educational attainment of the parents, occupation, landholding pattern and the level of literacy in the tribal society of Orissa.

Education is the most important thrust area for the socio-economic development of the tribal society in Orissa. To achieve the aims and objective stated under Article 46 of the Indian constitution, the Government of Orissa has undertaken a number of important measures to improve the educational level of STs through steps like provisions of scholarships, boarding facilities, free distribution of nationalised text books (NTBs), uniform and imparting special coaching for appearing in various competitive examinations.[8] Orissa

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[6] National Council of Applied Economic Research, Op. Cit., pp. 203-206. Also see, Sachidananda (1982), "Structural Constraints in the Education of Scheduled Tribes and Scheduled Castes" in B. B. Chaudhari (ed.), *Tribal Development in India*, New Delhi: Inter-India Publishers, pp. 403-408.

[7] Thomas E. Weisskopf, Op. Cit., pp. 4344-4345. Also see, Sudha Pai (2004), "Affirmative Action, Group Rights and Democracy: Caste Conflict in Andhrapradesh", Paper presented at the Seminar on *Indian Democracy and Cultural Nationalism: Critical Perspectives*, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi, March 17-18, p. 7.

[8] Planning Commission (2002), *Orissa Development Report*, New Delhi: Government of India, p. 450.

has also introduced mid-day meals in all primary schools to check the drop out rate among the tribal students. Planning Commission Report (2002) shows that Orissa government distributed 60,57,000 NTBs during 1998-1999 academic year that benefited 15,14,353 SC and ST students. But the figure of book distribution comes down by 86,23,89 during 1999-2000 academic year and the number of beneficiaries correspondingly decreased by 19,74,21 as well. Besides, there is also a book bank scheme for tribal students, who are pursuing professional courses. This is a centrally sponsored scheme and the expenses are shared between the Centre and the State on 50:50 basis. Under this banner, Ministry of Tribal Affairs (MTA) released Rs. 5.02 lakh and Rs. 5.62 lakh, which benefited 326 and 350 tribal students of Orissa during the year of 2002-2003 and 2003-2004 respectively.[9] This scheme operates in two different ways: first, two students will be provided with one set of books in case of professional courses and one set for each student in respect of post-graduate courses and Chartered Accountancy.

The Government of Orissa has undertaken measures to provide residential facilities to STs along with SCs. Sevashrams and Residential sevashrams and Ashram schools and Kanyashram are established for the aforesaid purpose. During 2002-2003, 919 Sevashrams and 143 Residential Sevashrams (up to class V) were functioning in the State under SC and ST Development Department. During this period, the enrolment in these Sevashrams was 1.22 lakh and 0.27 lakh respectively, out of which 61.3 per cent were tribal students. Similarly, during the same academic year, 112 Ashram schools and 37 Kanyashrams were functioning and the total number of students directly benefited was recorded 27,819, out of these 79.6 per cent belong to the tribal community. During 2002-2003, Rs. 3.70 crore was released for the construction of 55 Ashram schools, 10 Kanyashrams and 15 Residential Sevashrams under 11th Finance Commission. This amount was raised to Rs. 5.01 crore for the year 2003-2004 for this purpose. The Government of Orissa is also providing hostel at pre-matric and post-matric level. At present, 1,548 primary school hostels (40 seats each) and 510 residential institutions are functioning in the TSP area of the State. Notwithstanding, there are seven special Adivasi hostels including two for women (Bhubaneswar and Raurkela). MTA released Rs. 55 lakh for the construction of seven hostels for STs during 2001-2002 and Rs. 41.46 lakh during 2003-2004, which benefited 200 and 100 tribal students respectively. It has been

[9] Ministry of Tribal Affairs (2004), *Annual Report, 2003-2004*, New Delhi: Government of India, (Annexure-XI), p. 134.

observed that Malkangiri district is the highest concentration of tribal population in proportion to the district population, there is not a single hostel exclusively for STs, where maximum of tribal students continue their post-matric education. There are ten Modern schools (class VI-XII) to provide quality education to meritorious tribal students with residential facilities for 60 students including 30 girl students in each class. This different attitude of the Government of Orissa towards tribal communities is also partially responsible for different levels of literacy and socio-economic development of tribal communities.

The Government of Orissa also introduced vocational training centres (VTCs) in 1993-1994 to develop the skills of tribal youths for a variety of jobs and self-employment as well. To achieve this aims and objectives, MTA released Rs. 64.15 lakh during 2002-2003. As a result, by the end of 2002-2003, 17 VTCs have been established in 15 ITDAs of 12 districts. Special coaching scheme is being introduced in five junior colleges in the State for 136 ST students to get into engineering course at +2 level and Rs. 12.40 lakh has been released by MTA for the implementation of the scheme. Special attention has also been given to tribal boys to get into military and para-military services in Orissa.

The Post-Matric scholarship, a centrally sponsored scheme, was founded in 1944 and extended to STs in 1948. The Government of Orissa also provides financial assistance to STs in the form of Pre-matric and Post-matric scholarship under the banner of the SC and ST Development Department, Bhubaneswar, Orissa. This scheme operates in two ways: firstly, for boys, this scheme provides scholarship to only two children of same parents/guardian; and secondly, this condition has been relaxed for girls and now any numbers of girls of the same parents/guardian can get benefit of the scheme.

Pre-matric scholarship and stipend are awarded to every ST student from class VI-X @ Rs. 300/- P. M. to boy hostler and Rs. 325/- to each girl hostler. Similarly, for day scholars, it provides @ Rs. 10/- P. M. to boys and Rs. 15/- P. M. to girls reading in class VI-VII and Rs. 15/- P. M. to boys and Rs. 20/- P. M. to girls reading in class VIII-X. During 2002-2003, an amount of Rs. 62.43 crore was distributed to 7,09,308 SC and ST students out of which 3,67,337 were ST students. Post-matric scholarship is also given to all tribal students. But the amount of scholarship for Post-Matric study is determined on the basis the courses they

offered.[10] For this purpose, Post-matric scholarship to the tune of Rs. 8.45 crore was awarded to 80,279 SC and ST students out of which 34,788 were ST students. Similarly, the ST students who are undergoing training in different IITs of the State are being provided scholarship @ Rs. 60/- p. m. for ten months. During 2002-2003, 964 ST students were able to get this benefit. Similarly, central universities also partially try to bring balance educational developments among the districts by giving weightage on the basis of their representation to educational institutions. For instance, Jawaharlal Nehru University identified 19 districts of Orissa as quartile-1, seven districts as quartile-2 and the rests have been left out.[11] Consequently, quartile-1 districts will get additional points over quartile-2 districts and similarly, quartile-2 districts will get some weightage over the left out districts of Orissa.

The collective impact of these sustained and uninterrupted efforts on the educational status of the tribal society in Orissa could be glanced by examining the changes in the literacy rate, dropout and enrolment at different levels. When we compared across different census reports of 1961, 1971, 1981, 1991 and 2001, it is clear that all social groups have experienced a secular increase in levels of education. The consequent upon the expansion of formal schooling, provision of limited residential schools, scholarships and stipends, supply of books, stationery, uniform, mid-day meals, special tutorials and remedial programmes etc., the literacy status of tribal communities of Orissa has increased from 7.36 per cent in 1961 to 37.37 per cent in 2001 (table 1). That the percentage of literacy has increased by five times in four decades is a pleasing statistics, especially when the literacy in the general population has just tripled from 21.66 per cent in 1961 to 63.61 per cent in 2001. Nonetheless, it also points out the enormous existing gap between tribals and non-tribals of Orissa, but this must be seen against a starting point of almost total exclusion from educational opportunities until fairly recently. Ironically, even the two constitutionally identified scheduled groups of Orissa such as SCs and STs maintain the disparity of 4.21, 5.70, 8.55, 14.47 and 18.16 per cent over the

[10] In case of degree and post-graduation level course in science stream, each hostler and day-scholar will get @ Rs. 450/- and 190 P. M. respectively. Group B courses like, diploma level courses in medical, engineering etc., Rs. 290/- and Rs. 190/- P. M.; Group C courses such as, certificate courses in engineering and technology and post-graduation in arts and commerce, Rs. 290/- and Rs. 190/- P. M.; Group D courses-general courses up to graduate level (2nd year onwards), Rs. 230 and Rs. 130/- P. M.; and Group E-class XI-XII in 10+2 system and intermediate courses and first year of general courses up to graduate level, Rs. 150/- and Rs. 90/- P. M. to hostlers and day-scholars respectively; see, National Commission for Scheduled Caste and Scheduled Tribe (1998), *Fourth Report, vol. I, 1996-1997 & 1997-1998*, New Delhi: Government of India, p. 52.

[11] Jawaharlal Nehru University (2006), *Prospectus: Admission Session, 2005-2006*, New Delhi, pp. 52-53.

successive decades from 1961 to 2001. In short, substantial variation exists in literacy across the social groups in Orissa and this gap is widening over the decades.

Table 1
Progress of Literacy Rate (per cent)

Year	Genral	SC	ST
1961	21.66	11.57	7.36
1971	26.18	15.61	9.46
1981	34.23	22.41	13.96
1991	49.09	36.78	22.31
2001	63.61	55.53	37.37

Sources: Census Reports

Table 2
Districtwise Literacy Rate (2001)

Districts	General	SC	ST
Angul	69.40	56.99	45.35
Balasore	70.94	59.41	31.88
Bargarh	64.13	55.56	50.21
Bhadrak	74.64	59.35	27.44
Bolangir	54.93	53.54	43.64
Baudha	58.43	49.92	46.65
Cuttack	76.13	61.40	35.75
Deogarh	60.78	52.84	45.26
Dhenkanal	70.11	56.23	39.41
Gajapati	41.73	37.14	27.77
Ganjam	62.94	44.56	35.54
Jagatsinghpur	79.61	66.30	48.62
Jajpur	72.19	54.61	31.41
Jharsuguda	71.47	63.97	57.23
Kalahandi	46.20	47.12	34.17
Kandhamal	52.95	53.36	44.47
Kendrapara	77.33	60.73	40.07
Keonjhar	59.75	64.38	40.30
Khurda	80.19	64.98	49.91
Koraput	36.20	35.43	18.68
Malkangiri	31.26	49.94	14.69
Mayurbhanj	52.43	53.56	38.80
Nawarangpur	34.26	45.36	24.00
Nayagarh	71.02	57.27	47.09
Nuapada	42.29	43.99	33.12
Puri	78.40	64.05	58.72
Rayagada	35.61	35.18	20.23
Sambalpur	67.01	61.49	52.67
Sonepur	64.07	56.77	52.16
Sundergarh	65.22	61.54	52.75
ORISSA	**63.61**	**55.53**	**37.37**

Source:
htt://www.censusindia.net/cendata1/show_data54.php3?j=100&j1=21&j2=4&j3=Orissa (Access on 10th July 2004). Director of Census Operation (2001), Census of India (Orissa), Bhubaneswar, (unpublished).

Across all districts, Puri achieved the highest literacy rate (58.72 per cent), where as Malkangiri has recorded the lowest literacy rate of only 14.49 per cent (2001 census, table 2). This shows the negative relationship between the concentration of tribal population and literacy rate. It is disheartening to note that the female literacy of STs in Orissa is only 10.21 per cent in 1991 as against the general female literacy rate of 34.68 per cent and the SC female literacy rate of 20.74 per cent. In all the decennial census years, the disparity value has been founded to be increasing between these three groups. Paradoxically, the STs are easily outnumbered the SCs in terms of numerical strength in Orissa but their literacy rate is invariably worse. In short, STs are lagging behind SCs in Orissa.

According to 1991 census, literacy rate among the males is higher than that of females in across all districts. The highest disparity is seen in Phulbani (33.28 per cent) followed by Balangir (32.46 per cent) and lowest in Koraput (13.29 per cent). It is observed that gender disparity is low in districts with very low literacy rate and vice versa. The highest literacy rate of STs among males is reported in Sundergarh (50.13 per cent) and lowest in Koraput (15.68 per cent). The highest literacy among females is observed in Sundergarh (24.52 per cent) and lowest in Koraput (just 2.39 per cent). Ironically, all undivided districts lie below the average female literacy of the State (25.56 per cent). Urban and rural disparity in the level of literacy is quite widespread. The disparity is high in Ganjam (46.79 per cent) and low in Keonjhar (8.63 per cent). Urban literacy is almost double the rural literacy. While one out of ten rural females can read and write and three out of ten urban females can do so. It is apparent that rural literacy and female literacy are dragging down the average performance of SCs and STs in Orissa.[12] It is true that the growth of literacy has been accelerating steadily over the year but the trend of ST literacy shows that despite many schemes being implemented, the literacy and the education is far from being at par with other sections of the society. It is, therefore, safe to comment that the nation has reneged on its constitutional commitments to draw this section into its mainstream.[13]

The reports of National Commission for Scheduled Castes and Scheduled Tribes (1994-1995 & 1995-1996 and 1996-1997 &1997-1998) show that the enrolment ratio of ST

[12] National Council of Applied Economic Research, Op. Cit., pp. 180-181.
[13] P. Radhakrishnan and R. Akila (1983), "India's Educational Efforts: Rhetoric and Reality", *Economic and Political Weekly*, vol. VIII, no. 48, p. 2614.

population at school levels were 99.14 and 39.32 per cent in the classes I-V (6-11 years) and class VI-VIII (11-14 years) in 1994-1995 respectively. It also depicts that the enrolment rate of girls is less than boys, as the ratio is 68.83: 129.48 and 25.31:52.57 in class I-V and class VI-VII in the same year. This indicates that while they move to the higher level of education, their enrolment number is substantially decreasing. Against these enrolment ratios, the dropout rate was 88.56 per cent in 1990-1991. The existing data show that 57.42, 74.0 and 78.48 and 57.36, 81.24 and 86.47 per cent of boys and girls have dropped in 1990-1991 at primary, middle and secondary stage respectively. Data sheet on tribals, prepared by SCSTRTI shows that the drop out rate of STs in Orissa was 74.5 per cent as against the total drop out rate of 58.0 per cent (class I-VII) in 1998-1999. Unlike the enrolment ratio, the dropout rate increases at the successive higher stage of education and girls are the most victims in this case.

Turning to higher education, it is found that the representation of tribal students is much below than the desired level. In the case of higher educational institutions controlled at the State level, the percentage of ST reserved seats are determined by the (approximate) proportion of this group in the State population. On the basis of this logic, STs should have represented in the State run universities according to their numerical strength in Orissa. But this principle of Indian constitution has grossly violated. For instance, STs represented only 3.73 and 6.00 per cent as against their population of 22.19 per cent (1991 census) in Berhampur and Utkal Universities in 1994-1995.[14] It certainly helps us to counter the argument that the higher education through preferences in Orissa helps only to the economically and politically strong within the ST groups.

But this must not be seen at the cost of other vulnerable tribal communities of Orissa. This argument will be more strengthened when we say that the prescribed quota of 23 per cent has not been fulfilled in the State run universities such as Utkal and Berhampur University. It is also clear that no enrolment has reportedly been said in courses such as Science, Education and Law in Berhampur University from tribal communities in the same academic year. It is also revealed from the available information that though in the central universities 7.5 per cent seats are reserved for STs, the representation of tribal communities is negligible. Although a

[14] National Commission for Scheduled Caste and Scheduled Tribe (1996), *Third Report, vol. I, 1994-1995 &1995*-1996, New Delhi: Government of India, p. 51.

large number of students apply to these universities, a few of them are admitted. In Jawaharlal Nehru University, for instant, 1145 ST students applied for admission in 1994-1995 out of which only 75 (6 per cent of all students) were admitted. It is worth mentioning that higher is the grade the lower their representation.

Electoral Reservations

A basic premise of representative democracy is that all those subject to policy should have a voice in its making. In a democratic set-up, as people are the real 'sovereign', they have the right to choose the accountable, responsible and transparent government. In order to put this notion into practice, universal adult franchise, the most sacred principle of democracy, has been adopted in India. Politically, it empowers the mass and gives a political voice to sections of the population that traditionally had little say in the political process. People are called upon time to time to elect their representatives to the State Assemblies and Parliament. People cast their vote for the following purposes: (i) to exercise a democratic right; (ii) to bring success to a party of choice; (iii) to elect a desirable candidate; (iv) to promote the development of the country; (v) to win the confident of the local elite; and (vi) to achieve some personal gain.

The political scenario of the 1990s reflected the fundamental transformation in the terrain of politics, which in turn is anchored in the process of social change. This saw an expanding base of electoral democracy that was fallout of witnessing greater participation and more intense politicisation than before, among the marginal social groups.[15] The voters, at least, expect four types of functions from political parties: (i) as a means of pursuing economic needs; (ii) as a means of satisfying; (iii) as a means of pursuing particular values; and (iv) as a means of meeting sub-consciousness and psychological needs.[16] The backward communities are often disinterested in politics unless they are encouraged and allured by vote bank to participate in the electoral process. They are prone to believe that the present socio-

[15] For details, see Yogendra Yadav (1999), "Electoral Politics in the time of Change: India's Third Electoral System, 1989-1999", *Economic and Political Weekly,* vol. XXXIV, nos. 34&35, August 21-28, pp. 2393-2399. At the local level, the new generation Panchayats from the 1990s opened-up tremendous possibilities in the areas of decentralisation, development, social justice, people's participation and grass roots democracy, George Mathew (2003), "Panchayati Raj Institutions and Human Rights in India", *Economic and Political Weekly,* vol. XXXII, no. 2, January 11, p. 155.

[16] Yatindra S. Sisadia (1999), *Political Consciousness among the Tribals,* Jaipur: Rawat Publications, p. 136.

political set up is hostile to them. They become apathetic towards the political system and develop cynicism towards it. The effectiveness of STs in shaping the contents of political decisions as well as their long term orientation for political efficacy, however, constitute the dominant theory of inquiry.

The participation is associated with political consciousness, i.e., knowledge about political affairs. Political consciousness has strong correlation with participatory orientation, cynicism and political efficacy of the people. The level of political consciousness among people has far reaching consequences for the successful functioning of democracy. Political participation not only depends upon political awareness but also promotes it. In tribal society, political participation is closely associated with the social characteristics of the society. The political behaviour of tribals is not very much individual. Casting of ballot of an individual represents his consciousness towards political system.

Generally, any person can claim a right to contest election for a seat in Lok Sabha or Vidhan Sabha from any area. But the Constitution put a restriction on this right of non-tribals to protect the interests of tribals. This restriction is based on the presumption of 'who can speak for or on behalf of another'. The recognition of community based identities led to special representation, so that the representatives and those represented share common aspect of socio-economic life. The choice of legislators among the tribals obviously reflects the similar socio-economic characteristics within their representative community at large. As stated elsewhere that tribal communities have strong group consciousness, often cutting across kin, class and political loyalties, they evaluate most of the problems in terms of 'We Adivasis'. This trait reflects in the voting behaviour of their concerned leaders in Orissa. Thus, while providing reservations in the legislatures, it was believed that his/her own community than a non-tribal legislator would be in a better position to comprehend the problem faces a tribal representative. As John Burnheim believes that "our interests are better protected when we are represented by those who share our experience and interests and that this similarity of condition is far better indicator than whether people might share our rather shaky opinions."[17] So, they decide whom to vote and why without any compulsion whatsoever to make the reason for a particular choice public. They cast their ballot in fovour

[17] Quoted in Anna Phillips (2003), *The Politics of Presence: The Political Representation of Gender, Ethnicity and Race*, New York: Oxford University Press, p. 2.

of the rivalry candidate, who represents the mirror of preferences and interests of the people that ideally translate people's will into governmental decisions. The translation of different choices into aggregate outcome, however, remains problematic.[18]

Had there been no policy of reservation for tribes, would they have been able to represent themselves? It is unlikely, at least in the earlier phase of electoral politics. The participation of tribals in the freedom struggle through involvement in the activities of political parties was marginal if not rare. Neither would there have been serious and systematic efforts to recruit tribals into party cadres. It was only the constitutional provisions that extended the opportunity for tribals in India. It is also realised that even though in a predominantly tribal dominated constituency, due to the situation of backwardness and their continuous struggle for subsistence, they have not emerged as an independent political force in Orissa. Reckoning their continuing condition of abject poverty, it would otherwise have been difficult for them to provide an alternative leadership in State level politics. On the other hand, the tribal leadership in Orissa has in general functioned more or less as a junior partner of the upper caste coastal leadership. The tribals have, on the whole, been excluded from holding important party positions.[19] According to F. G. Bailey, the Karans of Orissa generally and those of Cuttack particular, are clever maneuvers and occupy important positions in the State. Because of their political skills, they dominate the administrative aspects of Oriya society.[20] The British colonial policies, which failed to arrest the trend of pauperisation,

[18] This problem revolves around some of the pertinent questions that the Constituent Assembly faced during its sessions. This includes, what does Parliament represent? Does it represent preferences or interests or about individual, group or national interests? For details, see Shefali Jha (2004), "Representation and its Epiphanies: A Reading of Constituent Assembly Debates", *Economic and Political Weekly,* vol. XXXIX, no. 39, September 25, pp. 4357-4360. As political parties today have fallen prey to the politics of caste, creed and community, they go beyond the national interest, Bishnu Mohapatra and Dwipayan Bhattacharyya (1996), "Tribal-Dalit Conflict: Electoral Politics in Phulbani (Orissa)", *Economic and Political Weekly,* vol. XXXI, nos. 2&3, January 13-20, pp. 160-164.

[19] Manoranjan Mohanty and L. N. Mishra (1976), "Orissa: Politics of Political Stagnation" in Iqbal Narrain (ed.), *State Politics in India,* Meerut: Minakshi Prakashan, p. 241. This argument can be substantiated that the political organisations such as the Indian National Trade Union Congress (INTUC), the Hindu Mazdoor Sangh (HMS), the All India Trade Union Congress (AITUC), the Centre for Indian Trade Union (CITU) etc. are dominated by the upper caste paople. What is most striking is that even after 'decasted' and 'declassed' them in the process an autonomous leadership of SCs/STs did not emerge as an alternative to the upper caste leadership, Manoranjan Mohanty (1990), "Class, Caste and Domonance in a Backward State: Orissa" in Francine R. Frankel and M. S. A. Rao (eds.) *Dominance and State Power in Modern India: Decline of Social Order,* vol. II, Delhi: Oxford University Press, p. 322. Pralay Kanungo also strengthens this position by arguing that the strong existence of obnoxious caste prejudices for centuries provided scope for the dominant caste Hindus to control the lives of the subaltern lower castes, Pralay Kanungo (2003), "Hindutva's Entry into a 'Hindu Province': Early Years of RSS in Orissa", *Economic and Political Weekly,* vol. XXXVIII, no. 31, August 2, p. 3294.

[20] F. G. Bailey (1961), *Politics and Social Change in Orissa,* London: Oxford University Press, p. 173.

actually consolidated the process of higher caste like Brahman-Karan domination in Orissa. Most of the Zamindars were from these castes. In the urban centres, middle class opportunities were also monopolised by them. In other words, the subordination of tribals and lower castes has historical approach, which continued from the colonial period.

The provision of preferential treatment for STs through reservation stands out as the most powerful instrument of State policy for their development. The system of preference in favour of backward communities in India is nothing but a process of State intervention in a constitutional manner to overcome the plight and backwardness, which suffered for centuries. The quantitative presence of STs at different levels of power is due to the political base provided by the policy of preferential treatment. The policy aimed at integration of the deprived in the political system in order to secure accommodation of their raising aspirations and to provide for their integration with non-tribal elite on equal terms. The State wedded to the principle of equality and universality in the political system to ensure political participation of deprived sections of the community through the measure of preferential treatment. In other words, following the principle of universal adult franchise, the State has become 'more inclusive' in nature. Thus, the policy represents a major political innovation to guarantee 'proportional self-representation' to weaker sections whose long experience has left them with such low levels of resources for political competition that they would normally be unable to compete effectively in a democratic system.

The competitive politics within the parliamentary framework, with the provision of reservation of seats, has created political consciousness among the tribals of Orissa to an unprecedented scale. They have begun to feel that a few of them can occupy political offices and be in a position to change their condition. Political leaders emerged with a skill to bargain and manipulate the ruling elite at all levels- from village to the panchayats to Parliament. That will ideally help to formulate policies with an aim to address political demands of the society and the need to foster desirable changes according to those demands. The policies can be formulated to meet the wider goals like socio-economic development, liberty and equality as its objective or narrow goals, which are more tangible, concrete and immediate such as educational development.

The tribes of Orissa are represented by their political piece, the Jharkhand Party, which has been able to swing the political fortunes of various ministers from time to time. With the formation of this political party, there has been an increase in political consciousness and demand for greater share not only of political power but also in employment, development benefits and even control over land, forest and other resources. Indeed the Panchayat Act, 1996, emerged out of this process- of this greater awakening and consciousness among the tribes with respect to production of their lands, forest, water and other resources. The recent demands by a vociferous section of tribal leaders for a separate Jharkhand State have added new dimension to the regional rivalry in the State. These developments rhyme, Vershney argues, well with the demands for rural representation and voice in the politics above (State institutions) and simultaneously the politics below (mass political mobilisation) marked by increasing tribal organisations.[21] The legislative presence of the ST elite swells the flow of patronage, attention and benefits to the scheduled communities and 'lock in place the other programmes for their benefits and assures that their problems are not dismissed and ignored'. Therefore, political factors play an important role in shaping the destiny and direction of the underprivileged section.

The implementation of preferences in politics has made cumulative and lasting impact on India's political system. The 1950 Indian constitution mandates political preferences in favour of STs in every State election (Article 332). A preference of jurisdictions in favour of STs has ensured them representation in Indian State Legislatures. In Orissa, as a consequence of preferential policy, five out of 21 seats and 34 out of 147 seats are reserved for the STs in the Lok Sabha and Legislative Assembly respectively. As State elections in India are party based, the recent electoral verdict (2004) suggests that the Congress party seemed to be the preferred choice of the majority of dalits and adivasi voters although the BJD-BJP alliance

[21] Ashutosh Varshney (1998), *Democracy, Development and the Countryside: Urban-Rural Struggles in India*, London: Cambridge University Press, p. 191. This argument acquires even greater force in relation to the tribal people of Orissa. The sporadic attempts have been made by tribal leaders to mobilise the opportunity for participatory democracy at the grass root level. In 1997, for instance, the Orissa Adivasi Manch organised a conference of about 1,400 tribal delegates from the districts of Koraput, Kandhamal, Rayagada, Malkangiri, Nawarangpur, Kalahandi, Mayurbhanj, Sundergarh, Ganjam and Gajapati and demanded the allocation of greater local level resource management powers for the Gram Sabha i.e., the assembly of all voters in a village. It also wanted all tribal areas of the State to be declared as Scheduled Areas where special tribal panchayats were to be established in the place of panchayat bodies, see Jayanta Sengupta (2001), "State, Market and Democracy in the 1990s: Liberalization and the Politics of Oriya Identity" in Niraja Gopal Jayal and Sudha Pai (eds.), *Democratic Governance in India: Challenges of Poverty, Development and Identity*, New Delhi: Sage Publications, pp. 185-186.

received substantial support from these social groups. Orissa took initiative in the direction of providing reservations in local government but it came close to the enactment of the 73rd Constitutional Amendment Act, 1992. In Orissa, the preference in politics was extended to SCs and STs in the Gram Panchayats in proportion to their population at the Word level only since 1991. After the enactment of the 73rd Amendment Act, they enjoy the benefit of preference in all tiers of Panchayati Raj Institutions. By 1997, they have represented 22,854 (24.72 per cent) candidates in three tiers of Panchayati Raj Institutions in Orissa (Data Sheet on tribals). As these seats are reserved for tribals, which kept the non-tribals away from contesting from these constituencies, seats have been periodically filled up. At least, some of them have been able to occupy the political offices that would otherwise be lacking. So, the working of the policy facilitated not just political participation of STs in Orissa but made possible their entry into power structure.

In Orissa, preference in politics can be presumed as an instrument of obtaining justice and a site for achieving an independent agency in strife-torn ambience.[22] For tribals, preference in politics means the way of improving their socio-economic conditions by overcoming age-old plight and discrimination. It has further made it possible for STs to capture political resources in a situation of bitter scrambler for power. It is no exaggeration to say that preferential treatment policy in Orissa has never controversial among the marginalised groups. The study of Mohapatra and Bhattacharya (1996) reveals the State's perhaps worst ever incident of caste violence, months of bloody caste war between dalits and adivasis in Phulbani district of Orissa during February-June, 1994. To be precise, this arises over political, economic and cultural resources, the reproduction of the old and the creation of the new solidarity, fighting against indignities and above all and most importantly, achieving new political agency.

The two competitive groups such as tribals and dalits, found themselves locked in a battle over scarce resources. The tribals saw dalits' participation and increase power in the larger politics as a political threat to their 'moral economy'. The upper caste people of Phulbani also told them that 'dalits loot the illiterate tribals and disrupt the moral order of the village'. Tribals perceive the benefits of preferential policy in Orissa as a zero-sum game. As

[22] Bishnu N. Mohapatra and Dwipayan Bhattacharya, Op. Cit., p. 161.

a result, they suffered from a feeling of loss. The benefits used by dalits are seen as some form of political domination over the tribals in Orissa.[23] In short, STs lag behind that of SCs in taking advantage of the resources granted to them.

Preference in Services

In the Constituent Assembly, Ambedkar claimed that it was not difference but discrimination that marked out a minority. It was not their belonging to a different religion that identified religious groups as minority but the fact that they were discriminated against. In his own words, "social discrimination constitutes the real test for determining whether social group is or is not a minority", since a common "religious affiliation may be accompanied by an intense degree of social separation and discrimination."[24] This famous statement of Dr. Ambedkar in the Constituent Assembly indicates the anxiety of the framers of the Indian constitution to establish equality by discriminating in favour of the weaker sections of the society.

At the end of the long drawn debates in the Constituent Assembly, Ambedkar lucidly pointed out that "although theoretically, it is good to have the principle that there shall be equality of opportunities, there must at the same time, be a provision made for the entry of certain communities which have so far been out side the administration."[25] This principle worked out as one of the most significant steps towards the adequate representation of STs in public services. As a result, the State has been empowered to reserve posts for STs along with, as are not adequately represented in services of the State under Article 16(4) of the constitution. Marc Galanter has described this provision of Indian Constitution as "a matter not only of private ambition but of group advancement"[26] for SCs and STs. This is because the employment in the private sector has been severely limited; SCs and STs depend upon the government for employment in the upper reaches of government services is often used as a measure of advancement and security. Besides, Article 335 lays down that 'the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration,

[23] Ibid.
[24] B. Shiva Rao (1967), *The Framing of India's Constitution: Selected Documents,* vol. II, New Delhi: Indian Institute of Public Administration, p. 109.
[25] Government of India, *Constituent Assembly Debates,* vol. VII, p. 701.
[26] Marc Galanter (1984), Op. Cit., p. 85.

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.'

Guided by this humanitarian approach, the Government of Orissa adopted the preferential treatment policy in posts and services for SCs and STs since 1953. At that time it was confined only to initial recruitment but not to promotional appointment. Till the end of 1961, the percentage of preferences for SCs and STs were 12 and 20 per cent. The Government of Orissa, in the Tribal and Rural Welfare (TRW) department in the revised Resolution No. 9941-TRW dated 18th May 1965, has provided for reservations of 24 and 16 per cent of vacancies in all public services for candidates belonging to the ST and the SC respectively after receiving the position relating to the percentage of their population to the total population of Orissa in 1961 census.[27] But this percentage has been reduced by one each now and this is because of the change of their numerical strength. This clearly shows that Orissa adopted preferential treatment policy much latter than that of other States.[28]

But in order to fulfil the constitutional and social obligations embodied in Articles 16 (4), 46 and 335 of the Indian constitution more effectively, Orissa is the first State in the country to make a law called "The Orissa Reservation of Vacancies in Posts and Services (for Scheduled Caste and Scheduled Tribe) Act, 1975".[29] The rules and regulations framed under this Act came into force with effect from 1st July 1976 to tighten up measures for securing increased representation of SCs and STs in posts and services through preferences. The State government has also issued separate instructions to the organisations (public sector undertakings, corporations, autonomous bodies, universities etc.) receiving grants-in-aid from the government to conduct their recruitment to fill up the vacancies according to the

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[27] G. K. Srichandan (1993), *Tribal Development and Welfare Legislation in Orissa,* Delhi: Pratibha Prakashan, pp. 223-224.

[28] All the States except Orissa, Madhya Pradesh and Jammu and Kashmir had adopted reservation policy by 1951, see Marc Galanter, Op. Cit., p. 87.

[29] Planning Commission, Op. Cit., p. 448; Directorate of Economics and Statistics, Planning and Coordination Department, *Economic* Survey *(2003-2004)*, Bhubaneswar: Government of Orissa, pp. 20/9-20/10; G. K. Srichandan, Op. Cit., p. 131. A Standing Committee on Employment was constituted during the year 1970-1971 to study the situation relating to employment of SCs and STs in services and other public sector undertakings. This committee was formed with Minister, Harijan and Tribal Welfare (as chairman), five MLAs nominated by the speaker of the Orissa Legislative Assembly, Chief Secretary of Home Department (as members) and Secretary of Harijan and Tribal Welfare Department (as member secretary). On the recommendation of this committee, the Bill was placed in the Assembly and passed on 1st August 1975 and the Governor gave assent on 23rd August 1975, ibid., p. 225.

principles laid down in the Reservation Act. This unambiguously indicates the greater concern on the part of the State government for the adequate representation of STs to public services.

The extension of preference in employment and educational institution is not automatic for STs. It is contingent on qualification plus performance, described popularly as qualification and merit. It is on these counts certain sections were and are still kept outside the purview of preference. So, the most viable and dramatic attempt to improve chances of ST applicants has been the available of free coaching centre by way of pre-employment training to prepare for tests/interviews. As a result, special coaching for Indian Civil Service (ICS) examination has been started at Utkal University for 20 seats each for ST and SC candidates during the year 2002-2003. A course for lower services has also been introduced at Utkal University for 60 seats each for ST and SC candidates. Besides, a course for lower services has also been started for 78 seats each for them through the aegis of coaching-cum-guidance center at Bhubaneswar.[30] Similarly, Central government has also introduced similar facilities for STs irrespective of the States they belonged. However, the State as well as the Central government have failed to make any provision of accommodation for the tribal students and correspondingly that keeps the maximum interested students away from availing these facilities.

Over the year, sizable number of candidates from the tribal communities are appointed in the Central and State government on the basis of the preferential policy in services (Article 335). There are several special provisions permitted by the Government of Orissa, in consonance with the Central government, designed to enhance the ability of preferred groups to compete successfully for government posts. To give impetus to the fulfillment of quotas, several relaxation have been provided in terms of age, fee, educational qualifications/standards, experience etc. So, preferential policy helps the tribal society of Orissa to enter the competition, they would not otherwise be eligible. In a few cases, it works as a project of capacity building through coaching. It would not be out of place here to mention that not all of these devices are in effect in all places or for all posts.

[30] Directorate of Economics and Statistics, Planning and Coordination Department, Op. Cit., p. 20/14.

In the past, various instructions have been issued by the State government to ensure preferences in services for SCs and STs eventually based on the principles adopted by the Government of India. In this context, The Orissa Reservation of Vacancies in Posts and Services (for Scheduled Caste and Schedule Tribe) Act, 1975, has turned out to be the most important. Some of the important provisions of the Act can be summerised in the following way:[31]

- General candidates shall not fulfil the vacancies reserved for SCs and STs without being de-reserved in accordance with the prescribed procedures.
- The number of vacancies reserved for SCs and STs out of the total vacancies notified shall be clearly indicated in the requisite furnished to the Employment Exchange.
- If sufficient number of SC and ST candidates are not available through the Employment Exchange to fill up the vacancies reserved for them, the appointing authorities shall advertise the vacancies after getting a clearance certificate from the Employment Exchange.
- While advertising the reserved vacancies, it has to be made clear that while the vacancies are reserved for SCs or STs, SC candidates would also be eligible for consideration in the event of non-availability of suitable candidates belonging to the ST or vice versa. It has been expected that the recently completed recruitment to some of the post of junior lectureship by Orissa Public Service Commission (OPSC) has been done on this basis, as some SC candidates recruited in the posts reserved for the in event of non-availability of suitable candidates.
- If suitable candidates are not available form these scheduled groups even after the issue of separate advertisement and exchange of vacancies; such vacancies shall be de-reserved. But the vacancies de-reserved may be carried forward to the subsequent three years of recruitment subject to the stipulation of not exceeding 50 per cent. The excess over 50 per cent shall be carried forward to the subsequent years of recruitment. This shows Orissa government's maturity and awareness about the consequence of preferences and did not wait for the

[31] G. K. Srichandan, Op. Cit., Appendix 1(3), pp. 433-438.

Supreme Court's judgment and direction in the case of *Indra Sawhney vs. Union of India.*

- In case of promotional appointments, the percentage of preference shall be equal to the percentage of SC and ST employees as on 1st April 1975 in the lower grades from which promotion is made subject to a maximum of 15.08 and 23.11 per cent respectively. If candidates from the SC and the ST obtain on the basis of merit with due regard to seniority on the same basis as others, less number vacancies than that reserved for them, the difference shall be made up by selecting candidates of these communities who are in the zone of consideration irrespective of merit but who are considered fit for promotion. The result is that general candidates with many years of experience are being denied promotion. The contention on preference thus hinges, on the one hand, on the constitutional obligation to extend reservation and fill the stipulated quota and, on the other hand, the question of natural justice in regard to those who have worked for so many years in the organisation and are denied the promotion they deserve. In this context, Marc Galanter says that it is promotion rather than initial recruitment through preferences that have been the focus of the most controversial and the most adamant resistance from administrators and from other employees.[32]

Now there are 80 Employment Exchanges/Bureau functioning in the State under Directorate of Employment, which normally undertake registration of eligible candidates for possible placement in public sector. The registration of job seekers has declined due to shrinking of job opportunities in the organised sector. Meanwhile, registration in Employment Exchange is not mandatory for availing job opportunities as per the decisions. There were about 2.09 lakh job seekers who registered their name with the Employment Exchanges during 1998 that declined to 1.31 lakh during 2001. But during 2002, the number of registered job seekers increases to 1.41 lakh showing an increase of 7.9 per cent. Out of 1.41 lakh, 18.2 per cent were women and 26.4 per cent belong to SC, ST, OBC, socially and educationally backward classes (SEBC) and physically handicapped (PH). Orissa Economic Survey

[32] Marc Galanter, Op. Cit., p. 101.

suggests that during the year 2002, 2601 placements were made including 615 women, 393 SC, 338 ST and 21 PH candidates against 2239 vacancies notified during the same year.

Besides, number of self-employment and wage employment programmes has been launched both in rural and urban areas to benefit particularly economic backward and socially vulnerable target groups. These programmes are Swarnajayanti Gram Swarojgar Yojana (SGSY), Sampoorna Gramina Rojgar Yojana (SGRY), Prime Minister's Rojgar Yojana (PMRY) etc. These programmes were initiated during earlier plans and are continuing during Tenth Five-Year plan period. The aims and objectives of these programmes were to provide employment to educated unemployment youth having requisite educational qualifications.

Table 3

Actual Representation

Group	1976		1977		1986	
	SC	ST	SC	ST	SC	ST
A	0.4	1.1	0.65	0.41	1.41	0.88
B	1.6	1.2	1.03	0.51	2.87	1.56
C	6.6	22.3	7.90	6.15	8.65	5.62
D	14.7	7.7	17.08	8.12	21.29	12.02

Source: Marc Galanter (1984), *Competing Equalities: Law and the Backward Classes in India*, New Delhi: Oxford University Press (Table-6), p. 92; G. K. Srichandan (1993), *Tribal Development and Welfare Legislation in Orissa*, Delhi: Pratibha Prakashan, p. 136; Report of National Commission for Scheduled Castes and Scheduled Tribes (1987), *28th Report, 1986-1987*, New Delhi: Government of India, pp. 520-521.

N.B: Reservation quota for all groups is same. The quotas for SCs and STs were 16 and 24 and now there is the reservation quota of 15 and 23.

The implementation of preferential treatment policies in Orissa has produced representation of STs in services that would otherwise be lacking. Nonetheless a very large number of reserved seats have gone unfilled. The data have been presented in table 3. As far as STs are concerned, they represented 1.1, 1.2, 22.3 and 7.7 per cent in groups A, B, C and D in 1976. By examining the available data, as on 1st April 1977, their representation also

became worse and they represented only 0.41, 0.51, 6.15 and 8.12 per cent of reservation. The 28th report of National Commission for Scheduled Castes and Scheduled Tribes (1986-1987) indicates the same story. Their representation was 0.88, 1.56, 5.62 and 12.02 per cent in groups A, B, C and D respectively by 1st January 1986 against their reservation of 23 per cent in Orissa. The data sheet prepared by SCSTRTI, Bhubaneswar, Orissa shows that the ST represented only 1.95 and 2.91 per cent in Indian Administrative Service (IAS) and Indian Police Service (IPS) respectively as on 1st August 2000.

It is apparent from the table that representation of STs in all categories of posts is well under the prescribed percentage of reservation. The representation in groups A and B posts is very low. In groups C and D posts also, where the minimum standard prescribed is rather on the lower side, the present level of representation is far from adequate. Similarly, the representation of STs in the judicial services is highly negligible. National Commission for Scheduled Castes and Scheduled Tribes shows that there was not a single judge from tribal communities in Orissa High Court by the end of February 1998. The representation of STs in government services is much lower than indicated by the announced level and the scope of preferences in Orissa. The tribal communities of Orissa in government services are unevenly distributed with relatively higher percentage in lower ranking positions. They have made gains in public employment through preferences but not enough to close the gap between them and the general population. The STs, thus, fall short of the required stipulation both in respect of the aggregate and the different groups of services.

Reservation is one of the mechanisms of preferential treatment, as a social policy of the State, enshrined in the constitution to ensure the participation of the traditionally neglected section of the society and not an end in itself. It is a part of a comprehensive package, comprises a series of legislation, ameliorative programmes and preferential schemes, explicitly designed to socially and politically empower the weaker sections of the society as well as to increase economic opportunities for them. While constitutional safeguards such as, preferences in education, public employment and politics are important; experience has shown that unless the economic status of tribals is drastically improved, such safeguards by themselves will not radically change the situation in Orissa. It has also been realised that the economic development of tribals will help them to use preferential treatment policies in a more meaningful way. Thus, the next section of this chapter will look at different welfare

measures and policies, which have been adopted by the Government of Orissa for the economic development of tribal communities.

Tribal Welfare Measures in Orissa

The welfare of tribal communities has been a matter of concern for the Government of Orissa. The State government is committed to protect and promote the interest of tribal communities. As stated elsewhere, preferential treatment/reservation policy is one of the many positive humanitarian approaches to the development and welfare of STs. Over the years, numerous outreaching policies and programmes such as anti-exploitative, protective, economics, social, cultural and welfare measures of the State accompanied preferential treatment policy of Orissa. All these measures are of two types: (i) overall planning at the micro-level, and (ii) specific tribal development schemes for the welfare of tribal communities at the macro-level.

Large scale industralisation, agricultural development, communication, education and their welfare measures at the national level belong to the first category, while specific projects for the welfare of tribal communities belong to the second category. The various developmental initiatives taken for all round development of the tribals include adaptation of TSP, ITDAs, Cooperative and LAMPS societies, small farmers development projects, Modified Area Development Approach (MADA), Dispersed Tribal Development Programme (DTDP), Orissa Tribal Empowerment and Livelihood Programme (OTELP), Micro-projects for the development of PTGs etc. Besides, International Fund for Agricultural Development (IFAD) assisted Orissa tribal Development Project (OTDP) for all round development of Kashipur block of Rayagada district, anti-poverty programmes that have a bearing upon the economic development of STs and Scheduled Areas of the State have been taken up. Through all these welfare measures, government tries to eradicate all forms of exploitation from tribal societies to ensure better income through just price for tribal products and to facilitate adoption of modern ways of life and avail new economic opportunities.

Tribal Sub-Plan (TSP)

The TSP strategy was brought into effect with the commencement of the Fifth Five-Year Plan in 1974-75 in Orissa with the framework of State Plan. All blocks with the tribal

population of 50 per cent or more are defined as Scheduled Areas and constitute a TSP. The twin objectives behind TSP were to bridge the gap in the level of development between tribal and non-tribal communities and to improve the quality of their life. In order to achieve these objectives, elimination of all forms of exploitation of tribals' particularly inland money landing malpractice in the exchange of agricultural and forest produce was given high priority. The TSP envisaged total physical and financial efforts for integrated development of tribal areas. At present, 21 ITDAs, 17 Micro-Projects for the PTGs, 46 MADA pockets and 14 Cluster pockets have been brought under the TSP strategy to deliver services for the development of STs in Orissa.[33]

The TSP approach to development envisages an integrated development of tribal areas and as such every programme irrespective of sources of funding tries to achieve the general objective of bringing the area at far with the rest of the State. The TSP receives funds from State Plan, central and centrally sponsored scheme (CCSP) and special central assistance (SCA), made available by Ministry of Social Justice and Empowerment, Government of India. As a result, the amount of Rs. 795.51 crore was released during 2002-2003, out of which 723.44 crore was from the State plan and the balance amount of Rs. 71.07 crore was central share under CCSP scheme.

The flow of funds to TSP during 2003-2004 was of the order of Rs.944.23 crore, of which the flow from State plan was Rs. 832.42 crore and the amount of Rs. 11.81 crore was financed under the banner of CCSP scheme. This pattern shows the steady increasing of the allocation of funds to TSP over the years.[34] It was targeted to cover 70,000 ST families under TSP during 2003-2004 against the coverage of about 63,100 ST families during 2002-2003. Besides, 33,941 habitations/Bastis have been identified in TSP area to supply safe drinking water out of the total 80,387 habitations/Bastis in the State. By the end of Eight Five Year Plan, 1992-1997, 26,560 habitations/Bastis have been fully covered, 1,870 habitations/Bastis have been partially covered and 3,304 habitations/Bastis are uninhabited.[35]

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[33] Directorate of Economics and Statistics, Planning and Coordination Department, Op. Cit., p. 20/3.
[34] Ministry of Tribal Affairs (2003), *Annual Report, 2002-2003,* New Delhi: Government of India, (Annexure-VI), p. 123; Ministry of Tribal Affairs (2004), *Annual Report, 2003*-2004, New Delhi: Government of India, (Annexure-VII), p. 130; Directorate of Economics and Statistics, Planning and Coordination Department, Op. Cit., p. 20/3.
[35] Planning Commission (2002), Op. Cit.,, pp. 462-463.

Integrated Tribal Development Agencies (ITDAs)

There are 21 ITDAs in the State, covering 118 blocks with more than 50 per cent tribal population in 12 districts, to function as a nodal agency for plan formulation, programme implementation and operationalisation of the TSP. The aim and objective of ITDAs is to minimise the gap between tribals and non-tribals, to improve socio-economic condition of tribals and to strengthen infrastructure in tribal areas through various schemes that aim at income generating, asset creation, administrative and legal protection of tribals from exploitation. During 2002-2003, a sum of Rs. 64.95 crore was received as SCA infavour of ITDAs for multifaceted development of these areas. An allocation of Rs. 58.46 crore was made for the scheme in the Annual Plan 2003-2004.

Micro Project for Development of Primitive Tribal Groups (PTGs)

Looking at the backwardness of vulnerable communities, planners realised that these communities under TSP approach require special care and holistic attention for their development and introduced micro projects for them. The PTGs residing in micro projects get all subsidies in the individual family beneficiary oriented schemes funded out of SCA provided by MTA. The gamut of development activities under these projects covers various sectors like, agriculture, horticulture, soil conservation, health, education, animal husbandry, communication, provision of drinking water etc. At present, 17 micro projects covering parts of 20 blocks in 12 districts are functioning in the State for all round development of 13 PTGs with a population of 59,710.[36] They are: (i) one micro project each for Juang, Banda, Lodha, Hill Kharia and Mankidia, Didayi, Saura and Paudi Bhuyan; (ii) two micro projects each for Dangaria Kandha and Kutia Kandha and Lanjia Saura. In tune of this, an amount of Rs. 2.00 crore out of SCA has been spent on 11,281 ST beneficiaries in 2002-2003 as against 7.71 crore spent on 10,437 beneficiaries during 2001-2002 under these micro projects. A sum of Rs. 2.00 crore was allocated for the scheme in the Annual Plan 2003-2004.

[36] S. N. Rath (2001), "Welfare of the Scheduled Tribes and Their Development: The Orissa Case", *Journal of Rural Development,* vol. 20, no. 1, January-March, p. 80; Directorate of Economics and Statistics, Planning and Coordination Department, Op. Cit., p. 20/4; Planning Commission, Op. Cit., p. 446; N. K. Behura and N. Panigrahi (20020, "Marginalisation of the Vulnerable Tribal Communities in the State of Orissa through the process of Sponsored Development", *The Journal of the Anthropological Survey of India*, vol. 51, no. 2, March, (table 1), p. 64.

Besides, under the banner of MADA, an amount of Rs. 3.04 crore has been spent in assisting 1,505 tribal beneficiaries during 2002-2003, while Rs. 2.70 crore was spent on 303 beneficiaries during 2001-2002. A sum of Rs. 6.01 crore was allocated for this scheme in the Annual Plan 2003-2004 for the development of tribals who are staying out side the ITDA areas. Under Cluster approach, an amount of Rs. 21.00 lakh has been spent for assisting 166 ST beneficiaries in 2002-2003, while an equal amount was spent for 839 ST beneficiaries during 2001-2002. An amount of Rs. 50.00 lakh was allocated under Cluster approach in the Annual Plan 2003-2004 to implement various community and individual oriented schemes. Orissa Economic Survey (2003-2004) shows that an amount of Rs. 2.90 crore was spent on different anti-poverty programmes such as, (SGSY), Jawahar Gram Samridhi Yojana (JGSY), Indira Awas Yojana (IAY), Employment Assurance Scheme etc. under DTDP, which benefited 1,565 ST beneficiaries in 2002-2003. A sum of Rs. 2.50 crore was allocated in the Annual Plan 2003-2004 under this scheme to develop the tribal families living out side project areas of ITDA, Micro Project, MADA and Cluster approach, which implemented through SC and ST Development Finance Cooperation Limited.

Similarly, an amount of Rs. 98.65 crore has been received so far since 2000-2001 under the banner of Grants-in-aid under Article 275 (1) of the constitution of India. With the sanctioned funds, 309 roads and bridges, 68 educational institutions and hostel buildings, 24 village electrification projects, 230 irrigation projects, 21 medical buildings and 17 drinking water supply projects have been taken up. Out of these, 219 projects have been completed by the end of 2002-2003. A sum of Rs. 25.70 crore was provided in the Annual Plan 2003-2004 under this scheme for creation of infrastructure in the TSP area. Annual Report of MTA (2003-2004) shows that there is steady decreasing in the amount released to Orissa under Article 275 (1) of the constitution since last three years (Annexure-VIII) that suffers from financial limitations for the necessary development of the TSP area.

After the close of the special project for the development of tribals of Kashipur block of Rayagada district, Government of Orissa has proposed to take up OTELP to be jointly funded by International Fund for Agricultural Development (IFAD)-DFID-WFP in partnership with the State government. This programme is proposed to be implemented in 30 backward tribal development blocks in seven districts of the State such as Kandhamal, Kalahandi, Gajapati, Rayagada, Koraput, Malkangiri and Nawarangpur over a period of ten

years in three phases. The basic aims and objectives of this project are land and water management, forestry management and agricultural and horticulture development on watershed basis with active involvement and participation of the self-help groups (SHGs), users group and others. The total estimated cost of this programme is about Rs. 430.00 crore which includes IFAD loan of about 95.00 crore and DFID grant of Rs. 190.00 crore. A provision of Rs. 21.47 crore were made for the programme during 2003-2004.

Government of Orissa has also followed the Maharashtra Model of Single Line Demand.[37] It envisages demarcation of equi-ST population proportionate funds out of total State Plan outlay for TSP by Planning and Coordination Department, which in turn shall allocate such funds among the line departments after deciding inter-sectoral priorities and schemes tailored to the basic needs of tribals. The Orissa SC and ST Development Finance Corporation Limited is functioning as catalytic, promoter and guarantor for implementation of various economic development programmes for the benefit of SCs and STs. The Tribal Development Cooperative Corporation of Orissa Limited (TDCCOL) is functioning since 4th October 1967 with a broader objective to procure minor forest produce and surplus agriculture produce collected by tribals at fair and reasonable prices.

Number of academic /research institutions are working for the development of STs and SCs in Orissa. For instance, Academy of Tribal Dialects and Culture (ATDC) has been functioning at Bhubaneswar since 1979 with the broad objective of preserving and promoting tribal art and dialects, preparing grammar books and primers, publication of books on tribal languages and dialects, organising tribal exhibitions and seminars. Similarly, SCSTRTI is functioning since 1952 at Bhubaneswar with the broad objective of research activities, identification of PTGs, preparation of Action Plan for the socio-economic development of SCs and STs, organisation of various training programmes, preparation and publication of various Evaluation Reports and the journal 'Adivasi'.

The implementation of various developmental schemes is the real basis for the success or otherwise of any strategy. Monitoring and evaluation are the tools to assess the proper implementation of plans and programmes. Therefore, there are two high level committees for

[37] Planning Commission, Op. Cit., pp. 452-453.

monitoring and evaluation of all developmental programmes. One is under the chairmanship of Minister tribal welfare and another is under the chairmanship of the Chief Secretary to review the programmes at State level. It reviews the flow of funds, its utilisation, measures taken to save tribals from exploitation, inter-departmental coordination, removal of bottlenecks and other related matters. At the highest level, there is a committee under the chairmanship of the Chief Minister to oversee, monitor and review tribal development programmes. District level monitoring mechanisms for tribal development programmes in Orissa are project level committees for ITDA/MADA/Cluster and Micro Projects, which have been constituted with officials and non-officials for periodic review of programmes. At district level, a District Review Committee on Tribal Development has been formed under the chairmanship of the collector.

Government of Orissa has enacted number of legislative measures for the development and welfare of STs. G. K. Srichandan deals with these legislations both before and after the commencement of the Indian constitution.[38] The aims and objectives of these legislations are to protect and promote tribal interests in Orissa. Some of the important legislations are: The Orissa Scheduled Area Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1965; The Orissa Scheduled Area Moneylender's Regulation Act, 1967; The Orissa Debt Relief Act, 1980; The Bonded Labour System Abolition Act, 1976; The Orissa Land Reform Act, 1980 etc.

To check the massive scale of land transfer from tribals to non-tribals, The Orissa Scheduled Area Transfer of Immovable Property (by STs) Regulation, 1956, was passed and that has been amended with effect from 4th September 2002. This Act provides protection to STs inhabiting Scheduled Areas against alienation of land. By the end of March 2003, 26,903 land alienation cases were instituted, out of which 26,900 cases were disposed. The Orissa Scheduled Areas Money Lender's Regulation Act, 1976 aims at controlling and regulating money lending operation in Scheduled Areas. The Orissa Debt Relief Act, 1980, provides relief to ST debtors by making the loan contracted by small farmers, rural artisans and agricultural labourers before the commencement of the Act as deemed to have been fully discharged. The Bonded Labour System Abolition Act, 1976, aims at liberating and

[38] G. K. Srichandan (1993), Op. Cit., Appendix-I (1), pp. 424-429.

rehabilitating bonded labourers among the STs by the Government of Orissa. As per the provision of the Act, liberated bonded labourers are socio-economically rehabilitated with employment opportunities including self-employment so that they do not relapse into bondage. By the end of February 2001, 19,167 numbers of STs have been released, out of which 18,411 have been rehabilitated. The Orissa Land Reforms Act, 1960 (section 22 and 23) apply to ST population living out side the Scheduled Areas and protect them from land alienation. No tribal land can be transferred to non-tribals without the written permission of the Revenue officer. As a result of these protective measures, SCSTRTI shows that 38,730.27 acres of land have been restored by the end of December 1999.

Over all, all these anti-exploitative, protective, economic, social, cultural and welfare measures attempted to focus on the socio-economic development that will help them to utilise protective discrimination policy more effectively. These also aim to bring them at far with other sections of the society and to protect them from exploitation and injustice. The ruthless exploitation of the feudal days or colonial period has been sustainable reduced if not completely annihilated. Though it did not deliver the desired result, preferential treatment policies have helped the tribal communities of Orissa to improve their socio-economic condition remarkably. Thus, we certainly agree with the Kisan tribal old man, where he says: "In old days we were doing very hard work but remained most of the days starved. In a family it was difficult to find four annas even. But at present in every family people get a square meal and one can get either one hundred or two hundred rupees easily. The same fields are there, the same amount of works we are doing now but we do not know due to which miracle our fortunes were transformed so quickly."[39]

Conclusion

It has been observed that numerous plans and programmes have been implemented during different plan periods to improve the social and economic advancement of tribals in Orissa. There are five parties in tribal development: government, both Centre and State that are bound by constitutional provisions; political parties who have not been fulfilled their promises and instead themselves exploit the tribals; 'mainstream' civil society, which is

[39] U. C. Mohanty (1989), "An Analysis of the Improved Economic Life of the Tribals of Orissa and the way towards Integration" in B. C. Ray (ed.), *Tribals of Orissa: The Changing Socio-Economic Profile*, New Delhi: Gian Publishing House, p. 125.

indifferent to the tribals (in their mind tribals are periphery); the bureaucracy, which is apathetic; and the tribal groups themselves- some want to be left alone, some are unconcerned, some are mute, some are stoic and some are sullen. Preferential treatment policies in Orissa give substantial benefits to members of the tribal communities. The potential beneficiaries of welfare are not just passive 'target': they think, choose and respond to policies.

Despite tardy and often even dishonest implementation for over five decades, the policy of preference has worked reasonably well. It, in fact, claims some significant achievements not only for STs but also for the whole nation. Though the preferential treatment policies in Orissa have brought a great deal of change in the living condition of tribals but the goal of catching up with modern world is still distant. So SCSTRTI claims: "Assessment of the progress and evaluation of different developmental programmes in the area has depicted that the desired goals have not been achieved to an appreciable extent."[40]

When considering the tribal question, without going into various floating notions like, museum pieces, assimilation, integration, one may adopt a pragmatic approach. Whenever one travels in tribal areas, one visualises the aspirations related to economic, social and cultural progress. Reserved political positions have already been occupied in the Parliament and State Legislatures but that still have long way to go. Preferences in services and educational institutions complement electoral reservation. Though Orissa's disadvantaged tribal groups have historically shown low literacy rates, yet the State, in its mechanical replication of all central government schemes to raise literacy levels, has neglected the needs of this group. Furthermore, why, notwithstanding the strategies, particularly the TSP strategy, they have not been able to travel further on the road to socio-economic progress in steps with non-tribals. In spite of so many protective provisions, Acts and regulations, STs are facing socio-economic disabilities and exploitation in Orissa. Within this framework, next chapter will look at the reasons of failure of preferential treatment policies in Orissa.

[40] SCSTRTI (1996), *Development Handbook for Banda*, Bhubaneswar: Government of Orissa, p. 167.

Chapter Four

Utilisation of Policies of Preferential Treatment by STs in Orissa: An Analysis of Socio-Economic Constraints

Chapter Four

Utilisation of Preferential Treatment Policies by STs in Orissa: An Analysis of Socio-Economic Constraints

Alienation, deprivation and inequality are inherent in the strategy of Indian development. In this process, the question that looms large before analysts, administrators, politicians, NGOs and tribals themselves is not only what is to be done but how it is to be done and by whom? The three questions what, how and by whom are extremely important. While there may be information and knowledge on what is to be done flowing from the analysis made by different studies but 'how and by whom' still remain difficult issues.

Though the welfare and the development already reached to its own height on a unilateral plain, mostly in the line of the problems of tribals (external aspects such as social, economic etc.) leaving least emphasis on the problems with the tribals (internal aspects like psychological, philosophical, religious, ideological etc.). A holistic diagnosis of tribal problems in the context of preferential treatment, however, remained unexplored.

On the eve of independence, tribal problems have been perceived that they are savages, socio-economically backward, illiterate in terms of formal education and live on the fringe of the Indian culture mainly composed of majority of people subscribing to Hindu caste groups. Hence, the problem was spelled out as what should be the place of tribals in the framework of the Indian nation and how they should be developed to a level with the rest of the people socially, economically, culturally and politically. Anthropologists, administrators and policy makers viewed these problems from three different angles and three distinct lines of thought such as isolation, assimilation and integration emerged.

However, this chapter tries to look at these problems in the context of preferential treatment policies in Orissa in a quite different angle. Though preferences have been provided for STs, the filling up these seats, especially in services and higher education, is not routine and mechanical in Orissa. This chapter deals with the problems of utilisation of preferential policies by STs in Orissa. It tries to look at the whole debate on problems of STs in Orissa at two different contexts.

Problems of utilisation of Preferential Policies in Orissa

The whole debate on the problems of STs in Orissa can be divided into two parts such as larger systemic problems and problems related to implementation, within which the issue must be dealt with. Both affect the ability of STs to make use of preferential treatment policies in Orissa.

Long term Systematic Problems

(i) Problem of Isolation

The policy of isolation by the British government was largely affected by their deliberate efforts not to develop communication in tribal areas, which consequently remained cut off from the rest of the population. The British government realised that administration in far-flanged interior tribal areas would be difficult. It was further realised that isolation would protect the tribals against hostility and exploitation. Even this was the main reason of demanding autonomy in the Constituent Assembly by establishing Autonomous District Councils. The isolationist view of British policy reflects the compartmentalist approach to the problem of development of tribal areas and the tribal people prevalent amongst administration, which found it easy to conceptualise clear distinction between different groups within the society. This policy of British towards the tribals has been described by Jawaharlal Nehru as "anthropological zoo."[1]

This criteria of British government to identify different groups has left tribal communities of Orissa in a situation of backwardness. There are a number of tribal villages without communication facility. For instance, a village called Mudulipada of Malkangiri district, where the Banda tribe used to live, failed to have any kind of communication facility and even the nature of modern civilisation is beyond their perception. In this context, it has to be built up consensus that the impact of British rule on the tribals was harmful[2] in Orissa. Due to the policy of isolation, tribes of Orissa did not come up to acknowledge the impact of modernisation process, which contributed to the under-utilisation of preferences granted to them.

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[1] Alistair McMillan (2005), *Standing At The Margins: Representation and Electoral Reservation in India*, Delhi: Oxford University Press, p. 113.

[2] This position was taken by J. H. Hutton, the 1931 census commissioner-the man who is responsible for drawing up the criteria for specification of both SCs and STs and also a prominent proponent of change in the administration of tribal areas, Ibid., p. 118.

(ii) Problem of Assimilation

It was soon realised that keeping the tribes and tribal areas segregated was not feasible and desirable and hence they immediately started with assimilation policy in order to bring them into the national mainstream. It has to be acknowledged that problems of tribals are solved not from inside or based on their own life and culture but by changing them or assimilating them into a 'mainstream' society. The protagonists of this theory argue that in due course, tribals must gradually be 'assimilated' with the rest of the society and development implies their becoming like other non-tribals and acquiring the culture, tradition and language of non-tribals living in their areas.

Vidyarthi and Rai (1985) observed that in India, the tribal people have been exposed to different Hindu and other communities and situations have different degrees of culture contact leading to assimilation in different parts. Some tribals have gradually accepted the Hindu way of life and others have converted to Christianity. For instance, there was an age-old process of culture assimilation in Orissa, as it has been mentioned in the second chapter, especially among the tribes like Binjhal, Bhuiyan, Gond, Kandha etc. This helps us to explain the reason of percolating developmental facilities to certain pockets.

A part from this, there are a number of tribes in Orissa such as, Bhumia, Banda, Koya etc. who conceive the idea of their different language and cultural identity and fear of imposing dominant culture and values. Criticising the assimilationist policy of the Congress, Verrier Elwin says: "It seems to be the aim of the Congress politicians to bring the aboriginals within the Hindu fold and then to treat them as if they had no special claims.....The company of vegetarians and teetotalers would like to force their own bourgeois and Puritan doctrine on the free will people of the forests."[3]

G. S. Ghure, an anthropologist, is critical of measures to protect the economic and cultural values of tribals, which, he suggests, certainly go against the interests of the general community, and may actually be to the detriment of tribes themselves.[4] This attitude towards the tribes of Orissa has greatly contributed to the non-utilisation of preferences to the desirable extent.

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[3] Ibid., p. 114.
[4] Ibid., p. 120.

(iii) Problem of Integration

The then Prime Minister Jawaharlal Nehru took initiative in accepting the approach of integration by advocating "*panchasheel.*" Under the leadership of Nehru, the emphasis switched from a general assertion of cultural assimilation to the promotion of economic development whilst maintaining cultural pluralism of tribal communities. The integration approach does not pre-suppose assimilation and is fully compatible with heterogeneous culture of the country.

This policy makes available to tribals the benefit of modern advanced society and yet retains their separate identity. The desired integration of tribal groups in the national domestic structure of India must be brought about without suddenly uprooting them from their traditional cultural moorings. Nehru gave utmost importance to tribal culture. As he observed: "I am not at all sure which way of living is better, ours or theirs. But in some ways, I am quite certain theirs is better. A great deal of things could be learnt from their culture especially in the frontier areas. They are people who sing and dance and try to enjoy life: not people who sit in stock exchanges and shout at each other and call that civilisation."[5]

The elements of policy of integration provided in tribal *panchsheel* are taken as the best-intended approach to tribal development and integration. But the integration of tribes from the region with the so-called mainstream, as Xaxa (2005a) observes, has been extremely week and tenuous.

(iv) Educational Problem

Inequality in educational opportunities is not only a 'gender' or 'SCs' problem in India. The presence of STs, who are historically deprived both socially and educationally, makes the situation quite complex. They are almost a generation behind. In the colonial period, they did not make use of the educational opportunities that colonialism provided. The low educational achievements of STs that we encounter today are totally inconsonant with the fact that this group was recently debarred from traditional knowledge or learning. It is,

[5] L. P. Vidyarthi and B. K. Rai (1985), *The Tribal Culture of India*, New Delhi: Concept Publishing Company, p. 411. Similarly, the first President of India, Dr. Rajendra Prasad also advocated for the preservation of tribal culture, retaining as much of their traditions as tribals think fit, while opportunities for advancement must also be extended to them without any discrimination, see P. Gisbert (1978), *Tribal India: A Synthetic View of Primitive Man*, Jaipur: Rawat Publications, p. 262.

therefore, not surprising that in India today the State, entirely dominated by the upper caste, does not care enough about the literacy of these groups and these groups themselves have not developed a powerful drive to force the State to provide better educational services.

Needless to emphasise that poor economic condition of tribal societies enable them to show the lack of interest in education. Several evaluators have noted that most of the tribal people in Orissa are living in an abject poverty under subsistence economy and it is not easy for most of them to send their children to schools. The scholarship paid to ST students is totally inadequate to meet the basic minimum requirement of students. This compels the student to make frequent demand on their parents and sometimes, parents do not feel reluctant to call their children back to home. Even the disbursement of the scholarship is irregular and creates delay and inconvenience.

Empirical studies indicate that one of the major reasons contributing to the low literacy level of tribals in Orissa is the unsuitable scheduling of the school timing, which clashes with the work schedule of the economic activities of tribal families in which even the potential school going children participate. Thus, Elwin very appropriately sums up the situation that: "For a tribal family, to send its grown up girl or boy to school, is essentially a matter of economics; and entails dislocation in the traditional pattern of division of labour....many parents cannot just afford to send their children to school."[6] Supporting this position, the National Sample Survey, 42nd Round (table 8) claims that the drop out rate among the tribals is mainly for participating in household economic activity and for other economic reasons. There are various difficulties at home that prevent them from devoting enough time for study or they are forced to help their parents in agricultural and household works, leaving them little time for studies. This leads to the poor performance of the tribal children compared to non-tribal children in Orissa.

It is noteworthy to mention that, as Planning Commission Report (2002) points out, most of the educational programmes for tribals in Orissa aimed at quantitative expansion, sometimes at the cost of erosion of qualitative aspects, which in turn has inhibited dissemination and growth of literacy in tribal areas. This notion of education in Orissa is quite

[6] Quoted in Nadeem Hasnain (1983), *Tribal India Today*, New Delhi: Harnam Publications, p. 105.

contradictory to the dominated principle adopted at the World Education Forum (WEF) held at Dakar in Senegal, in April 2000. While underlying the importance of quality, relevance and effectiveness of education, it states: "Education for all has to be about quality, not just filling in the classrooms."[7]

Bhopal documents also demands for quality education for tribals. Quality education in Orissa is still a privilege for a few. Good education, instead of being available to all children from every stratum of society, is available only to a small minority, which is usually selected not on the basis of talent but on the basis of its capacity to pay fees. The rich and poor are segregated, the former attending the better type of private schools, which charges fee while the latter forced by circumstances to attend free government or local authority schools of poor quality in Orissa. In other words, the children of the masses are compel to receive sub-standard education, while the economic privileged parents are able to buy good education for their children in Orissa.

The crucial problem is the language of instruction in which elementary education is to be provided. By going through the deliberations in the Constituent Assembly and Indian Parliament, it becomes clear that neither the Constituent Assembly nor the Indian Parliament debated the language question of the country as a whole. What has been debated is whether English or Hindi would be the national official language and sometimes regional languages and what role Sanskrit should play in the scheme of languages.

In short, the idea of the Constituent Assembly at large was to evolve a common language to preserve the unity and integrity as well as to develop a common culture of the country. Without bothering the languages of marginal tribes, Nehru's recommendation for the use and protection of tribal languages fell on deaf ears.[8]

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[7] Quoted in Nitya Rao (2000), "Education: Quality with Quantity", *Economic and Political Weekly*, vol. XXXV, no. 48, November 25, p. 4181.

[8] J. L. Nehru's position was very clear on tribal languages, when he lucidly spelt out: "It is absolutely clear to me that the Government must encourage the tribal languages. It is not enough to allow them to prevail. They must be given all possible support and conditions in which they flourished must be safeguarded. We must go out of our way to achieve this", quoted in K Mohapatra (2000), "The Ethno-linguistic Identity of the Tribal of Orissa" in Kishore C. Padhy (ed.), *The Challenges of Tribal Development: Essays in Honour of Dr. N. Patnaik*, New Delhi: Swarup and Sons, p. 169.

If we examine the section on language (part XVII of the constitution), certain provisions like Articles 347, 350, 350(4) and 350 (B) have been dealt with minority languages. But the manners in which these Articles are framed make them ineffective in protecting these languages. Thus, Article 347 reads: 'On a demand being made in that behalf of the president may, if he is satisfied that a substantial proportion of the population of a State desire the use of any language spoken by them to be recognised through that State or any part thereof for such purpose as he may specify'. As of now 22 languages are included in the Eight Schedule of the constitution, but the languages of the eight per cent tribals found no place. This is due to the pretext that those languages are spoken by a small number of people and have no scripts. This is factually incorrect.

For instance, over 3.5 million persons speak Santal, spread over a wide area in Bihar, Orissa, West Bengal, Tripura and Assam, and has a well developed script, known as '*Ol Chiki*' and yet not been recognised. While Sindhi spoken by less than two million people and without a linguistic territory and Sanskrit spoken by only a few hundreds, have received official recognition. Similarly, Kuvi language spoken by over one million people in Orissa has still to get State recognition. Thus, in spite of the fact that the Indian constitution in 1956 through Article 350-A recognised the need to provide primary education to linguistic minorities in their mother tongue, millions of tribals are unable to avail of education in their mother tongue.

The tribal languages appear to have given the tribal membership a readily available means through which they could invest in the continuing vitality of the tribal life style and its cultural and social uniqueness. In Orissa, the tribal children speak their dialect at home with parents and friends and have to learn alphabets of State language in which they are situated. The monolingual tribals face cognitive and communicative problems, where the institutions are in the major regional language and this is what T. K. Oommen has described as "teaching through an alien language".[9]

Virginius Xaxa also supports this view by stating that language is one of the most serious handicaps before tribes to get the benefits of the preferential treatment policy as

[9] Quoted in Jaganath Pathy (1989), "Indian State and the Tribal Question" in J. P. Singh and N. N. Vyas (eds.), *Tribal Development: Past Efforts and New Challenges*, Udaipur: Himanshu Publications, p. 25.

compared to even the Scheduled group such as SCs.[10] The poor response of tribal children to formal education and their higher rate of attrition especially in the first few years of schooling relate to the language problem. As D. P. Patnayak claims, "where multiple languages and cultures co-exist, the notion of one dominant language as the medium of instruction leaves thousands illiterates in their mother tongue and foster low achievement levels in the dominant language itself."[11] Therefore, it is felt that the pronounce lapse is the medium of instruction is invariable Oriya in Orissa, even the tribal people did not understand it.

Several studies have also noted that schools with non-tribal teachers have little meaning and usefulness for the rural and tribal areas. For instance, a survey of 100 primary schools in the tribal belt of Ganjam and Koraput districts of Orissa during 1981-1983 shows 93 primary schools were not operating at all. Only seven schools run by tribal teachers under the shade of trees in the villages situated a top hills were functioning.[12] The tribal teachers in general are more sensitive towards tribal children, though those from the same community extend themselves more. They are more likely to bring with them the cultural empathy necessary to understand tribal pupils to entice them to schools and make them stay. The real problem seems to be the lack of cultural empathy, which is often misunderstood by non-tribals simply as different language in Orissa.

In any community, the teacher acts as a friend, philosopher and guide to the educational development process. He will be so, if he has command over language and value system of the concerned community. Unfortunately most of the teachers employed for imparting education to the tribal children lack the language, skill and training to teach tribal

[10] Virginius Xaxa argues that SCs had been the integral part to the dominant community whether in a village or in a town, the only difference being that untouchables were unjustly segregated from the community and subjected to all forms of disabilities and discrimination. The SCs were extended reservations because they suffered certain disabilities arising from life of segregation from the dominant community. The STs, on the other hand, were given reservations not because they were segregated from the dominant community but because they lived in isolation from the dominant community. Though SCs divided on the basis of castes, they share language, culture and tradition of the dominant community and constitute a part of the dominant nationality of the region. On the contrary, tribes are invariably seen as outsiders, once who not only do not speak their language but also do not share their customs, traditions and values. In short, SCs have, therefore, had a greater exposure to the larger society as compared to STs, Virginius Xaxa (2001), "Protective Discrimination: Why Scheduled Tribes Lag Behind Scheduled Castes", *Economic and Political Weekly*, vol. XXXVI, no. 21, July21, pp. 2768-2769.

[11] D. P. Patnayak (1981), *Multilingualism and Mother Tongue Education*, New Delhi: Oxford University Press, p. 43.

[12] Neeti Mohanty (2000), "Traditional and Modern Educational Institutions" in Kishore C. Padhy (ed.), Op. Cit., p. 195.

children and to mobilise towards education. Mishra (1970) mentions that "surprisingly, there are some teachers, teaching for many years in the schools, specially in tribal dominated areas, who have never felt (the need to learn) the tribal language."[13] Therefore, it is not at all surprising to find an overwhelming number of children languishing sometimes more than one year in class-I compared to the bare tickle in higher classes in Orissa.

In remote villages, schools exist name shake only. Empirical studies show that teachers are very irregular in the schools located in tribal areas as compared to general schools. The parents and guidance due to their illiteracy and ignorance felt helpless. Planning Commission Report (2002) finds that sometimes when they complain to the authority, action is rarely taken against the teachers due to close bureaucratic and political networks of the teachers in Orissa. This not only creates problems for the poor parents and children but also vindictive attitude of those unprincipled teachers sometimes stand on the way of poor and meritorious students to flourish their educational career further.

When it comes to higher education, STs in Orissa suffer from what Weisskopf calls as "cultural capital"[14] deprivation. This is evidenced by low level of education among family members, lower level of participation in edifying cultural activities and in general, a home environment less conducive to learning. Most critically, ST students typically lack the most important source of "cultural capital" in Orissa, that is, good command of the English language. On the contrary, though many upper caste families enjoy low-level socio-economic status but they are likely to be much richer than tribal families in cultural capital. The general entry student not only enjoy the more conducive environment to educational success but also having obtained a secondary education at schools with better non-academic facilities as well as better academic environment. This helps to explain why STs perform poorly than general entry students in Orissa.

Several reports like Planning Commission (2002), National Commission for Scheduled Castes and Scheduled Tribes (1996-1997 & 1997-1998), Orissa Economic Survey

[13] Dinabandhu Mishra (1970), "Adivasi Siksakhetrare Odisara Sikshaka O Semanakara Samasya (Oriya) (The problem of Teachers in the Education of Tribals in Orissa)", *Sikshaloka*, no. 2, 5th year, September, p. 8.
[14] Thomas E Weisskopf (2004), "Impact of Reservation on Admissions to Higher Education In India", *Economic and Political Weekly*, vol. XXXIX, no. 39, September 25, p. 4344.

(2003-2004), East India Human Development Report (2004) and number of studies such as B. B. Mohanty (2003), Sailabala Debi (1996) etc. demonstrate wide gender disparity in ST literacy in Orissa. This is also supported by the fact that many parents still do not send their daughters to school. This is because the educational investment in girls are likely to be seen by the tribal parents as lower than the boys because of their mere limited opportunities in the labour market and near certainty that they will marry out of the family and devote their future time and earnings to their husband's family. It is also observed that girls from the concerned community perform worse than that of the boys. This is because the parents are expected to invest in their sons more than their daughters especially when resources are low. East India Human Development Report (2004), a survey conducted by National Council of Applied Economic Research, claims that social reasons are responsible for the high rate of dropping out of girls in Orissa. For instance, when a girl attains puberty, parents become concerned about her chastity and she is restricted to the house. Inter-regional educational disparities are also striking due to uneven economic development and productive variations as well as the presence of missionary activities in coastal areas.[15]

Like other parts of India, preferences in education in Orissa operate through market principle. So, it depends on the parents to send their children to school. It also requires awareness about the need of education on the part of the parents. Sometimes, the parents show lack of interest in formal education. This is because of the way in which the present educational system in Orissa has been structured and operated. It has designed in an urban middle class oriented that has imposed on the entire State both in terms of structure and content. As the tribal communities of Orissa are conservative in nature, their culture, tradition and value system clash with modern culture and values that are the production of the present educational system. The higher educational system creates tensions and adjustment problems due to differences in outlook. If the adjustment problems are serious within the family, it would lead to alienate and consequent separation of the educated from their families. This demonstrates their apathy towards modern educational system.

In spite of differences, isolations, problems and tribal attitudes of apathy towards literacy and education due to their above mentioned reasons, several studies show the

[15] Sthobir Khora (2005), "Continuity Low Literacy: The Case of Orissa", *Economic and Political Weekly*, vol. XL, no. 10, March 5, p. 928.

existence and continuation of regular tribal training or educational institutions in tribal areas of Orissa. Due to the impact of preferential treatment policies in Orissa, there is an increasing desire and awareness of the importance and need of education. Consequently, these values have been internalised by tribal communities in Orissa. As Patnayak rightly puts it: "There is no wonder that the tribal people are not keen to take advantage of education which appears them to be calculated move to destroy their social fabric."[16] Therefore, it is not due to their disinterest, low level of awareness and poverty but the bureaucratic apathy, poor quality, lack of relevance as well as problems of delivery such as lack of infrastructure, teacher absenteeism and so on, all children and adults do not receive it in Orissa.

(v) Lack of Awareness

Preferential treatment policy in Orissa functions in a capitalist system. Welfare measures and preferences are provided under the Indian constitution, whether it may be in education, service or politics, but those need to be used. Therefore, the utilisation of these policies and programmes depends upon the level of awareness of the tribal societies of Orissa. Though the systematic study has not been done so far, some studies attempt to focus on their level of awareness of various welfare measures and policies.[17]

Behura and Panigrahi(2004) attempt to know the level of knowledge of the tribals of Orissa on Indian constitution, reservations in Parliament and State Assembly, educational institutions and employment. They found that 79.59 per cent of their sample of Panchayati Raj Institution (PRI) members knows about Indian constitution, but the provisions are beyond their perception. They are well aware about reservations in Parliament, State Assembly and employment, but they are not aware of other privileges available to STs under the constitution. It has also been found that more or less 95.9 per cent of members have little knowledge about the implementation of tribal development programmes. This at certain level

[16] D. P. Patnayak, Op. Cit., p. 88. For the interest from the part of the parents to educate their children in Orissa, see P. K. Kar (1999), "Social Transformation and the Tribes of Orissa" in V. K. Pant and B. S. Bisht (eds.), *Backward Communities: Identity, Development and Transformation*, New Delhi: Gyan Publishing House, p. 256.

[17] N. K. Behura and N. Panigrahi (2004), "Status of Panchayati Raj Institutions in the Scheduled Area of Orissa: An Empirical Study", *Man in India*, vol. 84, nos. 3&4, July-December, pp. 179-196; Ramanath Nayak (2004), *Tribal Planning Process: People's Participation in Tribal Sub-Plan*, New Delhi: Gagan Deep Publications, pp. 118-141.

shows that the members do not have specific knowledge about the functioning of specific department and/or agencies for tribal development.

The study done by Nayak (2004) reveals more or less the same story. His study delineates that the tribal people are aware about the welfare schemes such as, JRY, IAY, training and rural youth for self-employment (TRYSM), public distribution system (PDS), SGSY, provision of stipend and scholarship etc. but their knowledge about the implementation of these schemes is highly questionable. Similarly, the tribal society of Orissa is illiterate and ignorant about the provisions of the land laws and other protective measures. For instance, drinking of wine is so much a part of their social and religious life that the Government of Orissa while introducing prohibition had excluded the districts with a large tribal population out of its purview. But, it has been observed that sometimes police impose fine on tribals for preparing and drinking wine even during their cultural festivals in the name of maintaining law and order situation of the State. This partially delineates the reason of their apathy towards modern State institutions. This indicates that the awareness level of tribals in Orissa about various laws and policies pertaining to their protection and tribal development is vary low. Consequently, the bureaucratic process controls the implementation of tribal welfare programmes. This low level of awareness marks out one of the major reasons of non-utilisation of preferential treatment policies to the desirable extent.

(vi) Development linking Displacement

Since 1950s, when India entered into the phase of planned development, thousands of rural poor people have been displaced as a direct result of large-scale development projects in Orissa. Most of these were tribal people with relatively little political or economic power. These developmental projects involve the displacement of some people who are called upon to sacrifice for the greater interest of the nation. On the other hand, it appears that the pains of development have to be borne out quite unequally by the poor tribals. In other word, the tribal community is forced to bear the massive burden of development, they are sacrificed at the alter of development that robs them out of their homes, traditional survival mechanisms, of the lands, forests and eco-system of which they had been the custodians for centuries.

The expectation that the establishment of development projects in tribal areas would help in improving the economic condition of tribals has proved to be illusory. Major factories

located in tribal areas of Orissa are far from providing employment opportunities to the tribal communities. Once development occurs, the migrant labourers take up skilled jobs. The displaced tribal people get nothing. One such case is that of National Aluminum Company Limited (NALCO) at Damanjodi in Koraput district of Orissa. This is clear from an interview with Narong Pujari, a tribal woman delegate from Koraput district, who spoke vociferously about their present status of existence as a result of development. She says: "Give us back our forest or we have no alternative but beggary left to us. The coming up of the Nalco factory in Damanjodi has not helped us in any way. The promise of job has not been kept. The houses at Indiravasi colony are in no condition to be lived in. We have lost our lands, our forests and our whole life supporting system and have to work in such demeaning jobs as being prostitutes for the workers who have migrated all the way from Kerala to this area. Our men migrate in search of better opportunities. Few come back to their families, leaving them in the hands of destiny. The wives keep waiting."[18]

Several studies reveal that backward communities and more particularly, tribal people have been most affected in this process since they live in resource rich region. Statistical figure of Planning Commission (2002) indicates that more than 40 per cent of the displaced families in development projects in Orissa are the tribals. D. K. Behura (1996) shows that the installation of Rourkela steel plant in Orissa resulted the displacement of 32 tribal villages. In consequence of heavy protest against their displacement, the concerned authorities accepted the full responsibility of rehabilitation of the affected villages. Three rehabilitation colonies were started and some facilities were provided to the tribals to compensate their loss. The displaced tribals were given the assurance for employment in the project concerned. But through a series of events it was seen that the condition of the tribal workers started deterioration leading to family disorganisation.[19] Further, he says that the large-scale industrialisation at Rourkela is geared to the general economic development of the country without much of conscious effort to benefit the local tribal communities. It is, thus, a matter of deep concern that the fruits of development could not be percolated to the tribals and poverty-stricken people, despite our planned efforts.

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[18] Quoted in Neeta Mishra and Arundhati Roy Choudhary (1993), "Voices of the Indigenous Peoples", *Seminar*, no. 412, December, p. 50.

[19] D. K. Behura (1996), "Plight of the Tribal Workers of Rourkela Steel Plant in Orissa", *Man in India*, vol. 76, no. 3, September, pp. 239-251.

Similarly, the hydroelectric project taken up in 1954 at Machhkund displaced quite a large number of tribals mainly to Gadaba, Kandha and Paraja communities. Around 2,938 families were displaced by the project of which 51 per cent were the tribals. The Balimela hydroelectric project affected 1,611 families out of which 1,113 families belonged mainly to Kandha, Gadaba, Didayi and Banda tribes. The Upper Kolab multi purpose project, which began in 1976-1977 to harness the water potential of river Kolab affected fully or partially 13,095 families in which 7,092 families are the tribals.[20]

Rehabilitation nowhere covers the whole of the displaced lot. During 1951–1991, for instance, Hydroelectric multipurpose projects have displaced around 3,25,000 people of which only 90,000 oustees (27.69 per cent) have been rehabilitated. Similarly, due to industrial projects, out of 71,794 displaced people in Orissa only 27,300 (38.05 per cent) oustees have been rehabilitated.[21] Whenever rehabilitation takes place, compensation is given either land for land basis or money for land. The officials, however, fail to recognise that the tribals' life supporting system i. e., common property resources, is to be compensated for and forests are to be complemented.

The attitude of the project ends with the payment of compensation for the acquired for the land. The oustees also have to pay a considerable amount of money as bribes to government officials to fix the fair compensation and to expedite the inadequate payment they are entitled to. For example, in case of two units of NALCO in Orissa (one in Damonjodi of Koraput and another in Anugul of undivided Dhenkanal district), the people who were deprived of their land at Damonjodi received an average of Rs. 2,500/- per acre while in Anugul it was paid around Rs. 25,000/- per acre.[22] Compensation was no doubt paid, but money does not last long. Due to their illiteracy and low level of awareness, the tribals fitter away the amount in drinking and celebrating tribal rituals and soon become destitute.

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[20] Bibhuti Bhusan Mohanty (1997), "State and Tribal Relationship in Orissa", *Indian Anthropologist*, vol. 27, no. 1, p. 10.

[21] N. K. Behura and N. Pnigrahi (2002), "Marginalisation of the Vulnerable Tribal Communities in the State of Orissa through the Process of Sponsored Development", *The Journal of the Anthropological Survey of India*, vol. 51, no. 2, March, p. 54.

[22] Walter Fernandies and S. Anthony Raj (1992), *Development, Displacement and Rehabilitation in the Tribal Areas of Orissa*, New Delhi: Indian Social Institute, p. 125.

In the case of India's development models, displacement caused by large projects has actually resulted in a transfer of resources from the weaker sections of the society to more privileged ones. Mega dams, in particular, create victims of development, mainly tribals who never share the gains of development. This is what Xaxa says "the legitimization of domination of Indian State."[23] He says that in the name of development and extending political reservations to tribals, the State legitimises its systematic control over their land and resources. So the 'temples of modern India' projected by Jawaharlal Nehru, become 'the temples of doom' for the forced uprooted people. Meanwhile, Neeta Mishra and Arundhati Roy Choudhary's study (1993) shows that the tribals do not express their desire to live in isolation. They want to be a part development but wish to refine 'development.'

(vii) Poverty

Despite large number of development interventions and poverty alleviation programmes launched for the economic development of tribals, poverty is widespread among them in India in general and Orissa in particular. An analysis of poverty among the social groups shows that the incidence of poverty is high among STs in both rural and urban areas. Tribal communities because of their different social integration with the mainstream have contributed to the poverty pool of the State in Orissa.

The Government of Orissa has conducted a survey of the rural households under the Panchayati Raj Department. Based on household census, the State government has fixed up the maximum annual income of a family at Rs. 11,000/- to determine the household's living below the poverty line. According to this survey, about 79.10 per cent rural families in Orissa lived under poverty. In the sample survey conducted by Government of India under Planning Commission, in 1999-2000, 47.15 per cent of the rural persons were below the poverty line. The rural and urban proportion was 48.01 per cent and 42.83 per cent respectively.[24] Planning Commission (2002) has noted that the percentage of poor was high as 62 to 79 per cent between the SC and the ST group in rural and urban areas as against the general poverty level

[23] Virginius Xaxa (2005), "Electoral Reservation for Scheduled Tribes: The Legitimization of Domination" in Stephanie Tawa Lama-Rewal (ed.), *Electoral Reservations, Political Representation and Social Change in India*, New Delhi: Manohar Publishers and Distributors, pp. 119-135. For similar argument, also see N. K. Behura and N. Panigrahi (2002), Op. Cit., p. 54; Bibhuti Bhusan Mohanty (1997), Op. Cit., p. 10.

[24] Cited in Satya Prakash Dash (2004), "State Administration: Development, Finance and Crime", *The Indian Journal of Political Science*, vol. LXV, no. 3, July-September, p. 438.

of 51 to 55 per cent of the State. The incidence of poverty among the ST population was nearly double than the non-ST groups in the same year, which more or less continued up to 1993.

The tribal communities of Orissa are very backward because of their traditional bound nature, ignorance, illiteracy, lack of awareness, dwelling in the inaccessible areas etc., which resulted in living very poor conditions. They have dispersed in all districts with different levels of socio-economic development with large concentration of tribal people in undivided Koraput, Bolangir and Kalahandi districts. This partly claims the inter-regional disparity in the State of Orissa. It has been observed that the districts suffering from high poverty are: Kandhamal (93.03 per cent), Nawarangpur (99.66 per cent), Malkangiri (91.96 per cent), Mayurbhanj (90.77 per cent) and Gajapati (91.81 per cent), where all the districts have common feature of having tribal population more than 50 per cent of the district population. Due to the heavy persistence of poverty in Orissa, starvation death, eating mango-carnal, selling of children etc. often hit the headlines in the media. This condition of the tribals largely contributes to the under-utilisation of the preferential treatment policies in Orissa.

(viii) Economic Plight

Like other parts of India, the tribal communities of Orissa also faced the economic problems. Economic condition of the tribes has direct relationship with education and their level of education helps them to use the preferential policies more effectively in Orissa.

The non-tribes economically exploit the tribes of Orissa. As maximum number of tribes depend on agriculture, the agricultural and forest products, whatever are collected by the tribals and procured by the non-tribals at a very cheap rate. Shashi (1994) narrates that the Lanjia Saura of Ganjam and Koraput districts pledge most of their produce and fruit trees to the Dom middlemen during the lean months against advances for meeting day-to-day expenses and for procuring sacrificial animals to propitiate ancestors and gods. Similarly, the Kutia and Dangaria Kandhas sell their produce at a much cheaper rate to Dom middlemen against outstanding advances. As a result, they fail to acquire sufficient necessaries of life in return of the products they sell. Their deteriorating economic condition is also due to their practice of shifting cultivation.

The income from the primitive agricultural technique is quite inadequate to fulfill their social obligations and rituals. Again their lack of adaptability to the changing ecological environment and national forest policy for harnessing the natural resources and industrial programmes, bring before them fresh economic problems which, by their traditional and conservative outlook, they are not able to solve.

(ix) Cultural Problems

Culture plays a significant role in the tribal societie of Orissa. The tribes are conservative in nature and they make an endeavor to preserve their traditional cultural ethos. With the introduction of modern educational system, designed more in an urban middle class oriented, tribal culture, tradition and value system clash with modern cultures and values. Therefore, cultural problem is turned out to be the major reason of their low level of literacy and that debars them from utilising the preferential policies to the desirable extent.

N. Patnaik discusses the problems of the tribal communities of Orissa at two levels. Politically in tribal South Orissa, on the one hand, land alienation, debt bondage, money lending with high interest rates and selling of commodities with high rate has caused the tribals unrest there. On the other side, the tribal communities in the Northern Orissa are more concern to assert revivalism of their cultural ethos.[25] Tribals are generally advancing towards integration with the rest of the society but at the same time, they are rapidly loosing their traditional socio-cultural characteristics. To put it differently, Hasnain records that the absence of culture friendly approach to tribal development[26] partially explains the failure of preferential policies in Orissa.

(x) Health Problem

Health condition of the tribal society of Orissa affects their education and economic status. They have been suffering from many chronic diseases like skin diseases, diarrhea, dysentery, cholera, tapeworm etc. Turning to health services, it has been observed that in a large number of tribal pockets, there are dispensaries without doctor. Besides, even if there are doctors and health care facilities, the tribes of Orissa do not prefer the modern health care

[25] N. Patnaik (1972), *Tribe and Their Development: A Study of Two Tribal Development Blocks in Orissa*, Hyderabad: National Institute of Community Development, pp. 5 and 110.
[26] Nadeem Hasnain, Op. Cit., p. 114.

system. This is precisely due to the lack of health education among the tribal people. Reference to the tribes of Orissa, National Council of Applied Economic Research (2004) inferred that better health care facilities have been provided in hilly and tribal regions than in the coastal and plain regions. However, the wide gap between sanctioned posts and paramedical staff in position in Kalahandi and Koraput suggest that, in the absence of the requisite number of paramedical officers, health programmes are perhaps not being effectively implemented in these regions.

These are long-term historic and systematic problems, which have shaped the ability of STs to utilise the preferential policies granted to them. Now the questions come to our mind, have the STs of Orissa overcome these problems? Have they emerged out of isolation, marginalisation and exclusion? In the light of the above discussion, the answer is certainly 'no'. This is because STs of Orissa are increasingly suffering from the problem of isolation, assimilation, integration, economic, culture etc. Large numbers of tribals have been displaced as a result of large-scale development projects. They have been suffering from the chronic of poverty.

Problems of Implementation

(i) Employment Problem

Since 1980 to the present, the quota has been fully met in respect of the ST reservation in central services, more particularly, in the Indian Administrative Service (IAS), the highest level of recruitment for the civil service in the country.[27] This is also true in case of Orissa Administrative Service (OAS). But at the other levels, however, as seen from chapter three (table 3), the representation of STs in Orissa in group A and B posts, most of which are scientific, technical, managerial and administrative, is low. This is generally attributed to the non-availability of the qualified candidates for such posts. The low percentage of STs, even in group C and D posts, typically reflect clerical, office, production and other miscellaneous non-managerial jobs, although attributed to the non-availability of STs in Orissa, cannot in anyway be justified.

[27] Harish C. Jain and C. S. Venkat Ratnam (1994), "Affirmative Action in Employment for the Scheduled Castes and the Scheduled Tribes in India", *International Journal of Manpower*, vol. 15, no. 7, December, p. 13.

If non-availability of candidates is the reason, the numbers for STs on the live registers of Employment Exchanges should not have risen the way they did. One possible explanation could be that those who register may get employment through sources other than Employment Exchange and do not bother to de-register. Ironically, when employment comes to address the reserved categories, it is misconceived as a matter of compromising on merit. But, there is no such thing as 'pure merit' in selecting or hiring people. In different situation, we look variously for 'qualified' or 'very qualified' or even 'best qualified' candidates. Among the STs there are candidates who are meritorious, competitive and skilled.

Indifference or apathy on the part of the appointing authorities, insufficient advertisement of vacancies, sheers expense of application etc. all contribute to the under-utilisation of preferential treatment policies in Orissa. It has been observed that maximum number of posts is supported by application fees, which the tribals could not able to pay. Consequently, despite their greater interest, the post goes unfulfilled.

Though economic development of STs was one of the major aims of preferences, the utilisation of these policies has not been linked to economic difficulties and seen in terms of status and position in the society. It is clear from the words of Jadjivan Ram, where he claims: "If today Scheduled Castes and Scheduled Tribes are anxious to get proper representation in Government service is not that it presents a solution for their economic difficulties but it adds to their prestige and gives them status in society".[28] Consequently, this kind of interpretation of preferential treatment policies may enable the appointing authority to exhibit indifference attitude towards the vulnerable tribal communities.

(ii) Lack of Political Empowerment

Like other problems, the tribal society of Orissa is also politically exploited. The political representation of tribes has not grown into an autonomous force in Orissa. This can be attributed to their lack of unity and continuing condition of abject poverty, which places them in a dependant position, have allowed the non-tribals to lead the former. Alistair McMillan's study shows that this view is also supported by the colonial policy of political preference. In tribal areas of Southern Orissa, it was deemed that due to their excitable and

[28] Quoted in Marc Galanter (1984), *Competing Equalities: Law and the Backward Classes in India*, Delhi: Oxford University Press, p. 86.

backward condition, there was no capable member of primitive tribes to represent the tribals.[29] The system of tribal representation that emerged under the British rule was concerned more with enabling spokespeople for tribal interests to enter the legislatures than with addressing the substantive issues of tribal rights and development. However, the present debate on tribal representation turned out to be different from the colonial period. This is because the tribals have already achieved the quota of preference in the political sphere and getting numerically represented.

Mohanty (1990) and Sengupta (2001) claim that even though tribals constitute the largest single social group among the MLAs in Orissa, they have hardly functioned concertedly even as a pressure group. This is because they are fragmented along lines of political party. For instance, in 2000 and 2004 State Assembly elections, out of 34 reserved seats for STs in Orissa, 13 and 12 from BJP, 9 and 7 from BJD, 8 and 10 from INC, 1 and 3 from JMM, 3 and one candidates were elected from independence party. The CPM was able to get one ST reserved seat in 2004 Assembly election. Though JMM claims to represent only the tribals but their representation to this party is even worse. At the same time, their representation to the Parliament is not significantly different from the State Legislature.[30] Xaxa (2001) asserts that the affiliation of tribals to different political parties and factional alliances amount to their political castration rendering them a highly factionalised social collectivity incapable of serious bargaining with the power that be.

The fundamental asymmetry in the decision-making process is aggressively articulated through the ideologies of individualism, modernisation and nation building.[31] Their customary holistic and anticipatory conception of nature, generic and corporate character of land, community oriented values and collective identities, self-management systems, cognitive heritage, unique socio-cultural linguistic framework and consensual decision-making process are derecognised and castigated resulting in a silent and subtle form of ethnocide. So, Mahajan (1998b) rightly claims that eventually the welfare of STs would be possible only when the House collectively directed its attention to the problems. However, Pai's UP based

[29] Alistair McMillan, Op. Cit., p. 117.
[30] For details, see Information and Public Relations Department (2004), *Orissa Reference Annual 2004*, Cuttack: Orissa Government Press, pp. 423-430 and 371-375.
[31] Jaganath Pathy (1999), "Tribe, Region and Nation in the Context of the Indian State", *Sociological Bulletin*, vol. 48, nos. 1&2, March-September, pp. 98-119.

study bears the testimony that if there is no formation of 'social capital' among the dalit leaders, they cannot be empowered, even if reservation is provided to them.[32]

Political exploitation is done in Orissa by the political parties through their treatment of the tribals and ethnic groups as vote bank deposits. When the election time comes out, the politics of hunger and deprivation takes centre stage in Orissa. For lakhs of illiterate, poverty stricken people living in the State's interiors, elections are just a political rituals divorced from developmental issues such as the availability of roads, clean drinking water, medical facilities etc. Politicians visit their locality only to canvass votes. The tribals of Orissa have, thus, developed some kind of cynicism towards governments both at the Centre and in the State. The bureaucracy, known for its sloth and negotiable integrity, has ensured that development remains a pipe dream. The majority of the tribal feels that it is the lacks of political will that is responsible for the poor state of affairs. Reckoning to their deteriorating living condition, it is observed that the tribes of Orissa vote for money, liquor or on the advice of somebody whom they depend because of the false promises of political parties. Sometimes, their political decisions are determined by the socio-economically dominant groups.

It is very difficult to draw any clear-cut idea about the quality of representation of the reserved seats. It is, however, widely believed that reserved seats legislators are less articulate, less assertive and less independent than their fellows. They are less active and less influential parliamentarians than those elected to general seats. Xaxa (2005a), in his study of reservation for STs, analyses this problem at two levels: structural and psychological. The structural obstacle includes, lack of formal education and unfamiliarity with the structure, rules and regulations of the political institutions work against people benefiting from reservations. The psychological problem accounts that their dominant groups refuse to give any proper credence to the opinion of the STs in Orissa. In short, Xaxa claims that two factors prevent the tribals from assuming their new responsibilities: (i) vested interests that do not allow them to discharge their duties; and, (ii) their own ignorance of the system and powers assigned to them as most of them are first generation entrants to politics.

[32] Sudha Pai (2004), "Social Capital, Panchayats and Grassroots Democracy: The Politics of Dalit Assertion in Two Districts of Uttar Pradesh" in Dwiyapayan Bhattacharyya, Niroja Gopal Jayal, Bishnu N. Mohapatra and Sudha Pai (eds.), *Interrogating Social Capital: The Indian Experience*, New Delhi: Sage Publications, p. 59.

Due to reservations, even though tribal communities of Orissa have made some gains but not so much in making substantive contribution to the decision-making process. Turning to the village level, as majority of STs of Orissa live below the poverty line, it is too early to predict their future political behaviour. They have been listening to all types of rhetoric from various politicians for too long and have rather too patience in comparison to people residing other parts of the country. The big question, however, remains unanswered: how long they will follow the similar behaviour?

(iii) Lack of Accountability

Absence of any specific provision of legislation regarding the administration of the affairs of STs in the constitution is one of the major shortcomings. The legislative powers of the Parliament and State Legislatures are defined under Articles 245, 246 and 248. None of the three-list i. e., Union list, State list and Concurrent list includes in the tribal affairs exclusively. Therefore, the State Legislature of Orissa has no power to make any laws in respect of the tribals. Only the Parliament in exercise of its residual powers under Article 248(1) read with entry 57 in the list of the Seventh Schedule can legislate on the affairs of STs. There is lack of any effective State mechanisms to monitor and minimise the gap between the planned welfare programmes and the aspiration and the felt needs of these vulnerable tribal communities of Orissa. At present, there is no provision to assign the responsibility for the failure to achieve the targets set by the Union and the State governments.[33]

(iv) Land Alienation

The allotment of land to STs is only a means and not to an end in itself. It is, therefore, necessary to ensure that the land assigned to them does not pass on to the hands of others. A problem relating to land of the tribals is its alienation to others. The tribal society of Orissa loses its control over land due to different developmental projects. The study of Mohanty (1997) shows that at present, Koraput district has 18 large schemes occupying 50,000 acres of land (or 7.42 per cent of the total areas) depriving 10 per cent of the tribals of their livelihood.

[33] R. C. Verma (1995), *Indian Tribes through the Ages*, New Delhi: Publication Division, Ministry of Information and Broadcasting, Government of India, p. 174.

Correspondingly, Pattnaik noted that there are substantial cases of land transfers from the tribals to non-tribals in Koraput district.[34]

The survey conducted in Sunabeda, a locality of high tribal concentration in Koraput district, by Tribal and Harijan Research-cum-Training Institute reported that non-tribes purchased 145.41 acres of land from the tribals from January 1961 to February 1968.[35] Data sheet on tribals reveals that a total of 84,1916.50 acres of tribal land was alienated in Orissa by the end of December 1999, with the highest in Koraput district (28901.55 acres) followed by Kandhamal district (15864.55 acres). The lowest alienation of tribal land was recorded in Balasore district (only 41.76 acres).

In spite of efforts made by the Government of Orissa to protect the rights of tribals in land, illegal alienation of tribal land to non-tribal is still taking place. This is because of the legislative and executive measures undertaken to protect land owned by tribals from alienation have not been adequately framed and effectively implemented in Orissa. Orissa Land Reform Act, 1960, amended in 1973, for instance, prohibits the transfer of land from tribal to non-tribals. But such transfer can be made with the prior permission of the competent authority. The rich non-tribals do not find any difficulty to get such permission. Another important lacunae of this Act is that it does not check the transfer of land from the tribals to another tribal person. This provision has contributed to the progressive alienation of land in the following way. In many cases, the moneylenders manage to get the land of the indebted tribal transferred to another tribal, who being either in his service or under obligation to him permits the use of land, by the moneylender. In the course of time, the moneylender claims and often gets occupancy rights over the land. It has been observed that this provision of the Act came to the limelight in 1999-2000, when some civil society organisations took bold steps to restore the alienated land to the tribals in Malkangiri district of Orissa.

Similarly, there is no legislation relating to the allotment of land to SCs and STs in Orissa.[36] The Government of Orissa has, however, issued a set of instructions for the

[34] N. Pattnaik (1972), Op. Cit., p. 13.
[35] Cited in Bibhuti Bhusan Mohanty (1997), Op., Cit., p. 7.
[36] B. B. Mohanty (2001), "Land Distribution Among Scheduled Castes and Scheduled Tribes", *Economic and Political Weekly*, vol. XXXVI, no. 40, October 6, (table 1), p. 3860.

settlement and lease of waste and encroached lands in which the SCs and the STs have given the first and second priority. It is greatly disheartening that when we compare with the State of Karnataka. In Karnataka, under Mysore Land Grant Rules, 1969, 50 per cent of the available land for allotment is reserved for SCs and STs. If the land is less than 10 acres, the entire land is reserved for SCs and STs. In Orissa, the landless persons are required to file application before the local Tahasildar for the allotment of waste and encroached land. Sometimes, this process also claims some amount of money. The tribals often complain that *pattas* are not issued to them even after several years of allotment of land. Meanwhile in the absence of ownership rights they are not able to get loans from the government or from co-operative societies.

In States like Orissa, where the tribals are backward in many counts, land alienation is widespread. Mohanty's study (1997) shows that there are a number of villages in tribal Orissa, where all the tribals are landless. For instance, a Keralite, who operates a business farm in Thiruvananthapuram, owns the entire land in a village in Koraput district and the management of land is left to non-tribal middleman. Simultaneously, another study of Mohanty (2001) points out that while the operated area belonging to SCs has increased marginally from 7.9 to 8.6 per cent in Orissa over the past ten years, the areas of STs decreased noticeably.

The tribal societies of Orissa consider land as a safe investment for borrowing and lending money. Taking the innocence and ignorance as advantage, the non-tribal people squeezed out the land from tribals, who are the real 'son of the soil'. Bagchi's study (1999) reveals that tribals are being cheated and alienated from their land in the Southern Orissa district of Rayagada mostly through *benami* (illegal) transaction. Repayment of small loans, marriage of their daughters, different social festivals and rituals or sometimes the lure of a good sum promised to neighbourers seem to be the reasons behind the sale of land for little amount. Thus, this analysis clearly suggests that tribals are not willing to sale their lands unless they are forced by the demanding circumstances. In short, inadequate legislation and poor implementation, ignorance and apathetic attitudes of tribals are the main cause of land alienation in Orissa.

(v) Forest Policy and Tribal Unrest

B. K. Roy Burman treated the tribals as 'children of the forest'.[37] They should have freedom to use the forest, in whatever manner they like, to such an extent that they belong to the forests and the forests belong to them. As a result, traditionally the tribals were using forest in their own ways. Over the years, various forest policies enunciated from time to time have always tried to restrict the rights and privileges of tribals who are mainly forest dwellers and dependent on forest in a variety of ways. Prasad (2005) noted that the nature of programme implemented and the lack of rights on forests and non-agricultural land led to the crisis of livelihood which was faced by the tribal people since the colonial time got accentuated after the independence.[38]

In case of the tribal people of India, Guha shows that first the colonial British state (Forest Policy, 1894) and then independent India (Forest Policy, 1952) have laid bare vast tracts of forest and turned them into agricultural land, impoverishing and subordinating the tribals and simultaneously creating ecological disaster.[39] He is also able to show that wrong-headed forest policies have stripped forests of their trees and people of their livelihood. He contended that affirmation of state control violated the tribal notion of property, where in forests and forest products belonged to the community, every member of which had a prescriptive right to harvest what they needed for subsistence.

In Orissa, the story is even worse. The Orissa Forest Act of 1972 converted the earlier 'reserved lands' and 'protected lands' into 'reserved forests' and 'protected forests'. The ownership and management of the 'reserved forests' are now vested with Orissa Forest Department. No rights and concessions are allowed in reserved forests. Although some concessions are allowed in protected forests, it is dependent upon the mercy of forest officials. Free grazing is allowed in the protected forests only on the payment of prescribed fees. Even the tribals are not allowed to collect firewood from the 'reserved forests'. Large extent of

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[37] Quoted in Buddhadeba Chaudhary (1997), "Forest and Tribals" in Georg Pfeffer and Deepak Kumar Behera (eds.), *Contemporary Society: Tribal Studies, Vol. I: Structure and Process*, New Delhi: Concept Publishing Company, p. 239.

[38] Archana Prasad (2005), "Tribal Livelihood and Globalisation: The potential of Non-Timber Forest Produce Development in Central India", *NMML Monograph-11*, New Delhi: Nehru Memorial Museum and Library, p. 1.

[39] Ramachandra Guha (1994), "Fighting for the Forest: State Forestry and Social Change in Tribal India" in Oliver Mendelsohn and Upendra Baxi (eds.), *The Rights of Subordinated Peoples*, Delhi: Oxford University Press, pp. 21-34.

forestland, which is under the possession and cultivation of tribals are still treated as encroachments and not to regularise post 1980 encroachments to discourage further encroachment. This has also been repeated in the recent Tribal Rights on Forest Bill, 2005. The existing laws relating to forestland still act as obstacles to make the policy decisions a particular proposition. In Orissa, the forest boundaries run very close to tribal habitations. This lead to the conflict between the tribals and forest department. The tribal are constantly harassed by the petty officials of the forest departments on the pretext that the tribals encroach upon forest land and steal timber and forest produce illegally. So, it is safe to comment that 'the forest policy which is meant for the protection of development of the forests has been successful in protecting the forests resource from forest dwellers, but not from the unscrupulous businessmen.'

Several studies have noted that forests happen to be the main source of getting medicine plants of the tribal societies of Orissa.[40] The different Forest Acts restricting the use of forest resources are adversely affecting the health and treatment in tribal communities. Thus, the forest rules cut across tribal life in every respect providing enough opportunity to the forest officials to exercise their absolute and arbitrary power over the local tribals in Orissa.

(vi) Indebtedness and bonded labour

One of the major problems faced by most of the tribes in Orissa is the problem of indebtedness. The study of Nayak (2004) indicates that due to ignorance and illiteracy, the tribal communities of Orissa do not apply for loan in advance and go to approach the concerned authority whenever they feel the necessity. As getting loan from the cooperative societies and bank is complex and bureaucratic process, they do not get loan in time. Eventually, they depend upon the unscrupulous moneylenders. Taking the advantage of their simplicity and ignorance, the immigrants of non-tribals to tribal areas, especially the Telugu Komities, the Oriya Sundis and the Doms exploite the tribals through unscrupulous trade and

[40] For details, see M. K. Mishra and S. S. Dash (1997), "Medicinal Plants used by Tribal of Koraput District, Orissa" in P. M. Mohapatra and P. C. Mohapatra (eds.), *Forest Management in Tribal Areas: Forest Policies and Peoples Participation*, New Delhi: Concept Publishing Company, pp. 160-182; Kamala Kumari Patnaik (2000), "Folk Medicines and Plants used by Tribal of Phulbani and Koraput Districts of Orissa and their Future" in Klaus Seeland and Franz Schmithusen (eds.), *Man in the Forest: Local Knowledge and Sustainable Management of Forests and Natural Resources in Tribal Communities in India*, New Delhi: D. K. Printworld (P) Ltd, pp. 331-334.

money lending system in the Koraput district of Orissa.[41] Consequently, one of the worst forms of exploitation to which the tribal people are exposed is through traditional money lending.

Studies from various tribal areas bear the testimony to the fact that in most cases indebtedness leads to land alienation and bonded labour, locally called *'goti'*. It has been observed that *goti* has become almost 'way of life' among the Bhumia tribe of Malkangiri district in Orissa. According to a survey, conducted by National Council of Applied Economic Research (2004), the major reasons of becoming *goti* include: repayment of parental debts, treatment of illness, marriage purposes, meeting food scarcity and crop failures, payment of loans from another creditor, purchasing land, cattle etc. Although there is legislation in the State of Orissa called *The Orissa Debt Relief Act, 1980*, the exploitative money lending practices along with bonded labour system continue to exist even today in the tribal areas of Orissa.

(vii) Gap between Policy Formulation and Implementation

Even after more than five decades implementation of preferential policies, there is a widening gap between the policy formulation and its implementation. As far as the formulation of policies and programmes is concerned, Vidyut Joshi allegedly says that the non-tribals are the policy makers, executive of concerned department etc. and the tribals, who are the real beneficiaries of these policies, are out of the scene.[42] He further says that they shape the welfare policies and programmes in such a manner that the programme would benefit more to them rather than to tribals.

Turning to implementation, due to bureaucratic apathy, even the formulated policies and programmes are not being implemented adequately. For instance, all the eligible students, who are continuing their post-matric education in recognised universities are entitled to get the benefits of centrally sponsored scheme of Post-Matric Scholarship. It has been observed that more than ten SC and ST students of Jawaharlal Nehru University had applied for the above-mentioned facility during the academic year 2004-2005. The SC and ST Development

[41] N. Patnaik (1972), Op. Cit., p. 12.
[42] Vidyut Joshi (1997), "Genesis of Tribal Problem" in Ghanashyam Shah (ed.), *Social Transformation in India: Essays in Honour of Prof. I. P. Desai, Vol II*, Jaipur: Rawat Publications, p. 464.

Department, Orissa, singled out only two students as the real beneficiaries of this scheme. However, the rest have gone missing from the list, even though they followed proper channel and fulfilled all the criteria. This sorry state of affairs is happening time and again in Orissa. But nobody has made an attempt to identify this problem. Whether it is Ministry of Social Justice and Empowerment or Ministry of Tribal Affairs, they just rely on the Annual Reports submitted by SC and the ST Development Department, Orissa. Besides, there are number of studies substantiate to the fact that the allocated amounts for tribal development are not utilised in Orissa[43] due to lack of coordination between various departments and want of seriousness and sincerity. In short, the very will to give priority to the implementation of preferential policies and programmes in Orissa is missing.

(viii) Liberalisation and the Tribes

Liberalisation process poses potential threat to the tribals in the context of preferential treatment policies. It pertains to accentuation of problems of tribal land alienation, dislocation, unemployment, immiserisation and cultural invasion in tribal areas. Due to libaralisation process, the subsequent withdrawal of the state and the decline in the government and the public employment, the employment rate of STs under preferential treatment policies has declined quite significantly. So, National Commission for Scheduled Castes and Scheduled Tribes blames: "On the one hand the quota of reservation is not being fulfilled and on the other hand, the existing privileges and concessions available to SC/ST employees are being withdrawn by the Government."[44]

The UPA government, led by the Congress party, has made a significant step for preferences in private sectors and call for the national dialogue on this issue. However, the stand of the UPA government remains questionable. The Common Minimum Programme on the one hand, promised to undertake necessary steps to incorporate preferences in private sectors and on the other hand, it is reluctant to bring any legislation on this issue. The message is loud and clear. Without any legislation, no private sector enterprise is known to follow

[43] Satya Prakash Dash, Op. Cit., (table 7), pp. 445-446; Meenakshi Hooja (2004), *Issues and Strategies for Tribal Development*, Jaipur: Rawat Publications, p. 54.

[44] National Commission for Scheduled Castes and Scheduled Tribes (1996), *Third Report, vol. I, 1994-1995 & 1995-1996*, New Delhi: Government of India Press, p. II.

them. However, the existing literature claims for the legislative measures to incorporate preferential treatment policies in private sectors.[45]

These are the short-term problems that are facing by tribal communities of Orissa, which have been contributed to a large extent in shaping the ability of STs to make use of preferences granted to them.

Conclusion

To conclude this chapter, in the long run, education and jobs help to weaken the stigmatising association of STs with ignorance and incompetence, but in the short run, they experience rejection in offices, hostels and other set ups into which they are introduced by preferential treatment in Orissa. Reservation of preferences may magnify hostility to this group, but rejection of them obviously exists independence of compensatory programmes.

It is clear from the above analysis that not a particular problem is solely responsible for the failure of the implementation of preferential treatment policies in Orissa rather a combination of all. The problems like, isolation, assimilation, integration, education, employment, political, economic, cultural, lack of awareness, lack of accountability, gap between the formulation and implementation of welfare policies and programmes etc. contribute to the under-utilisation of preferential policies by STs in Orissa.

Education plays a significant role in the utilisation of preferences by tribal communities of Orissa. The poor socio-economic condition of tribals, lack of political and administrative commitment to provide adequate primary and secondary education in remote tribal belts has resulted in a disappointing situation. This problem is also accompanied by political and employment problems. The depressing performance of tribal representatives in the State Legislature usually transcends party affiliation and regional considerations. The bureaucratic apathy towards the tribals of Orissa has resulted their low representation in public employment. In short, the long-term historic and systemic problems as well as

[45] Prakash Louis (2004), "Affirmative Action in Private Sector," *Economic and Political Weekly*, vol.xxxixno.33 July 3, p. 3692; S. K. Thorat (2004), "On Reservation Policy for the Private Sector," *Economic and Political Weekly*, vol. XXXIX, no. 25, June 19, pp. 2560-2563; Sukhadeo Thorat (2005), "Why Reservation in Private Sector is Necessary," *Seminar*, no. 549, May, pp. 30-35.

problems related to implementation have shaped the ability of STs of Orissa to utilise preferential treatment policies granted to them. This is the sorry state of affairs even after more than five decades implementation of preferential treatment policies in Orissa.

Conclusion

Conclusion:
Tasks Ahead

Though STs are not a part of the caste based Hindu social order, they remain at the lower echelons of socio-economic hierarchy. Because of their different language, socio-cultural practices and association with the forest, they are considered inferior to dominant non-tribal population in Orissa. The STs are socially and economically deprived, discriminated, subjugated, exploited and historically isolated in Orissa. In this context, Indian constitution opened a new chapter in the history of democracy by focusing on protective justice for the deprived.

Returning to the question of the State and the tribal relationship in Orissa, an important aspect is how do tribals view their predicaments? In popular notion, the relationship between the State and the tribal is treated as cooperative in which policies of the State are viewed as if it were conducted for the welfare of tribals. The State and the tribal relationship is perceived by tribals not through the prism of policies and programmes of generally well meaning governments at the center and in the State, but through the behaviour and action patterns of numberless minions spread over the sprawling tribal areas in the State like patwari, forest guard, police constable, excise peon, village level workers etc. The latter personify the State to the tribals. But their actions are parasitic and sometimes illegal. In consequence, for them, the State stands for exploitation, as discussed in the fourth chapter and should, for that reason, be shunned. But in the era of liberalisation, privatisation and globalisation in relation to preferential policies, should tribals oppose or support the State, however, remains a subject of further deliberation.

The history of tribes, especially from the time of colonial annexation to the present day, has been, in essence, the gruesome story of their enslavement, exploitation, expropriation and extermination. The preferential policies in Orissa are increasingly being witnessed for the protection and welfare of vulnerable tribal communities against this kind of discrimination and subjugation. After more than five decades implementation in Orissa, the preferential treatment policy has reached a stage, where both critics and supporters are unhappy about it. Its supporters are unhappy that this policy has not made any significant gains in the social and economic conditions of STs, who still continue to be socially isolated, illiterate and poor. Its

critics complain that preferences have resulted in ignoring merit and equity and that efficiency in public service has suffered. The discussion on impact of preferences takes interesting turns suggesting several things at the same time.

In this context, the policy of preferences does not involve merely the State sponsored policies but it also envisages their effective implementation. Simultaneously, the policies for the welfare of tribes are evaluated in terms of amount of money spent. This is quite contradictory to the Nehruvian model of tribal development, where he projected that the result should be judged by the quality of human character that is evolved rather than money spent. Despite all claims, the post-colonial context of preferences and welfare policies in Orissa failed to generate a qualitatively human scenario.

Preferential treatment *per se* is not an adequate instrument to bring equality in Indian hierarchical society. Mere policies, promises and pious hopes cannot build an egalitarian society. What is needed is the political will to translate perspectives into practice. Preferences may be provided on the basis of group membership but eventually they target the individual within the community. Once reserved positions are filled, particularly in higher education, those in the reserved categories can benefit from a more individualised approach to their continued process.[1] In the absence of a programme that is aimed at improving the life conditions of the group, it would be exceedingly difficult to make a success of policies that target the individual. There is the need for more comprehensive policies than mere paper preference if equality has to become a reality. The Mandal Commission also suggested that a number of steps should be taken in order to bring about a radical change in the existing production relations.

What we need is a comprehensive policy, which will enable the overall growth of an individual by providing at least the basic requirements. So, Pai observes that: "It is not that disadvantaged groups do not have abilities or potential to make use of preferential treatment, but they lack the minimum requirements to do so, which in fact should be provided to all

[1] Marc Galanter (1984), *Competing Equalities: Law and the Backward Classes in India*, Delhi: Oxford University Press, p. 544. Also see, D. L. Sheth (2004), "Caste, Ethnicity and Exclusion in South Asia: The Role of Affirmative Action Policies in Building Inclusive Societies", *Occasional Paper*, Human Development Report, New Delhi: UNDP, p. 49.

citizens."[2] This will require a political will to implement radical measures such as agrarian reforms with focus on rural maydays, income generating schemes, rural industrialisation, intensive education and the like because preference without all round economic development will remain a palliative. To put it differently, it is a project of 'capacity building' among tribal communities of Orissa. The real challenge for the State, therefore, is to make tribes competitive through raising their standards so as to let them be at far with the traditionally successful upper classes.

A large number of developmental programmes have been formulated and implemented by the Government of Orissa for the development of tribal areas after independence. But tribal areas appear to have achieved little success and the extent of achievement also differs from region to region. This may be owing to differences in socio-economic and cultural attitudes of tribes, differences in attainment of the level of development and differences in the availability of infrastructural facilities needed for successful implementation of the programmes. This may also be owing to inappropriate and inefficient development programmes offered to them.

Development programmes meant for the tribal development are uniformly planned. The tribal societies in Orissa are not homogeneous culturally, socially, linguistically, politically and economically. It is crucial to emphasise on the recognition of cultural pluralism of tribes and therefore the extreme caution, which should be exercised in any attempt to generalise about them. Simultaneously, it has to be acknowledged that aspirations and expectations of target groups may be quite different from those of key actors- policy makers, planners and administrators- who determine policies and playing an important role in translating policies into action through a sound mechanism of social welfare administration.

The first priority in planning and implementation of development interventions in tribal communities, therefore, should be focussed on identification of actual felt needs of tribals of different types living in different parts of Orissa. Uniformity in the frames of plans being divorced from the needs of particular tribal community has resulted in the failure. What

[2] Sudha Pai (2004), "Affirmative Action, Group Rights and Democracy: Caste Conflict in Andhra Pradesh", Paper presented at the Seminar on *Indian Democracy and Cultural Nationalism: Critical Perspectives*, Centre for Political Studies, School of Social Sciences, Jawaharlal Nehru University, New Delhi, March 17-18, p. 18.

is required is not a separate plan, but one based on comprehensive of differing needs. The benefit should reach one and all, not to a selected few. Further, differentiation in tribal societies should be checked and any unholy nexus between tribal leaders, better off tribals or administrative officers should not be allowed to develop.

Inspite of various protective, promotive and developmental measures initiated by the Government of Orissa for the social and economic upliftment of STs, target groups are not able to overcome the age-old deprivation of backwardness. This is because the developmental efforts have been failed to recognise the core of cultural values of tribal societies of Orissa. Any development approach, which is capable of tackling traditional knowledge and culture of the target community, ultimately proves to be successful and generation of information on cultural parameters is a prerequisite condition in the process of sponsored development. Their traditions and customs are to be respected, preserved and incorporated while formulating various developmental programmes.

Success of any project or scheme largely depends on commitment of the concerned personnel. Sincere implementation and commitment are the prerequisite for the success of preferential policies. Coordination should be established among various working staffs of the tribal development in Orissa. Simultaneously, the participation of the people or beneficiaries in the formulation and implementation of development programmes makes a difference. In identifying goals, prescribing objectives, formulating plans, designing action strategies, implementing projects and evaluating performance, the role of beneficiaries is utmost important. The Elwin Committee also underlines the importance of participation and involvement of tribal beneficiaries in the implementation of developmental programmes. The entire gamut of success or failure of development plans and programmes meant for the tribal development in Orissa, therefore, hinges upon the participation and involvement of beneficiaries. So, bringing necessary development in economic condition of tribes will help to a great extent for the successful utilisation of preferential policies in Orissa.

Today, tribal people are not merely talking in terms of economic development, but see it through political idiom, which, in other words, provides them the opportunity for taking decisions by themselves and for themselves. No doubt, some seats are reserved in politics for tribals in Orissa, but it has a long way to go. They have not been able to take decision in their

favour due to their party affiliation. Electoral reservation in Orissa has been greatly success in the direction of raising political aspirations of communities through political empowerment. The tribal representatives of Orissa should, therefore, realise the true meaning of electoral reservation for them and should not be at the mercy hands of political parties. They must generate 'social capital' among themselves irrespective of their party affiliation to protect their rights over land, forests and other resources, or in making a substantive contribution to the decision making process.

It has been observed that low level of literacy persists in tribal societies of Orissa. Education has still to perform the role of dissolving entrusted debris of birth-sanctioned superiority and birth based discrimination, deprivation and exploitation. The meaningful and effective implementation of preferences in Orissa depends upon the educational development of tribal communities. The Government of Orissa should take necessary steps to raise the literacy level of tribes. Language as a medium should not be mixed with language as a subject. Language as a subject can be thought at different levels drawing students from different levels and classes into single level. It requires will to instruct education in tribal languages in Orissa. There is an imperative need for introduction of bilingual education. Mother tongue should be the medium of instruction at primary school level in Orissa. At the same time, teachers are to be trained and acquainted with tribal languages. Unless and until the educational status of tribal societies of Orissa is improved, they will continue to be lived in discrimination, deprivation and exploitation and it also results the under-utilisation of preferential policies in Orissa.

Turning to preferences in services, the Government of Orissa should also take necessary steps to fulfill the prescribed preference. Although Orissa is concerned about 'capacity building' among tribes by introducing coaching centres in Bhubaneswar for different competitive examinations, but its concern for accommodation for the interested candidates is highly questionable. The Government of Orissa should pay attention to that problem. Now a days, applications are required to submit through online and they are supported by certain amount of fees. The urgent need of the hour is to give relaxation to prescribed fee and advertisement in all newspapers should be made available to ST candidates both in rural and urban areas. In case of sufficient number of eligible candidates are not available, relaxation may be given to achieve the stipulated percentage of preference. Once

the appointment formality is completed, the State government can introduce some efficiency building measures for tribal candidates to come up to the prescribed eligible criteria. If no candidates are available, the posts are to be re-advertised rather than de-reserved.

The true implementation of developmental programmes and the meaningful and effective utilisation of preferential policies depend upon the level of awareness of tribes in Orissa. It has been observed that tribal communities of Orissa are witnessed low level of awareness. So, it is imperative for the Government of Orissa to launch some awareness programmes in relation to preferential treatment policies and welfare measures meant for the necessary development of tribal communities of Orissa.

To conclude, the twin objective of 'social justice' and reshaping the 'egalitarian social order' have become imperative to evolve a sound administrative structure in Orissa for translating policy decisions to concrete social action. The recommendations put forward in this chapter would help the policy makers, planners and administrators to ensure better implementation of preferential treatment policies as well as social welfare and development programmes in Orissa. It also helps to a great extent for further restructuring welfare and developmental programmes in changing circumstances in Orissa. Although the government is making all efforts to ensure better implementation of preferential treatment and developmental policies and programmes in the State of Orissa, if the above placed suggestions are followed, better results can be achieved in respect of development of tribal communities of the State.

Annexure

Annexure

List of Scheduled Tribes of Orissa

1. Bagat, **Bhakta**
2. Baiga
3. Banjara, Banjari,
4. Bathudi, **Bathuri**
5. Bhottada, Dhotada, **Bhotra, Bhatra, Bhattara, Bhotora,Bhatara**
6. Bhuiya, Bhuyan
7. Bhumia
8. Bhumij, **Teli Bhumij, Haladipokhria Bhumij, Haldi Pokhria Bhumij, Desi Bhumij, Desia Bhumij, Tamaria Bhumij**
9. Bhunjia
10. Binjhal, **Binjhwar**
11. Binjhia, Binjhoa
12. Birhor
13. Bondo Poraja, **Bonda Paroja, Banda Paroja**
14. Chenchu
15. Dal
16. Desua Bhumij
17. Dharua, **Dhuruba, Dhurva**
18. Didayi, **Didai Paroja, Didai**
19. Gadaba, **Bondo Gadaba, Gutob Gadaba, Kapu Gadaba, Ollar Gadaba, Parenga Gadaba, Sano Gadaba,**
20. Gandia
21. Ghara
22. Gond, Gondo, **Raj Gond, Maria Gond, Dhur Gond**
23. Ho
24. Holva
25. Jatapu
26. Juang
27. Kandha Gauda
28. Kawar, **Kanwar**
29. Kharia, Kharian, **Berga, Dhelki Kharia, Dudh Kharia, Erenga Kharia, Munda Kharia, Oraon Kharia, Khadia, Pahari Kharia**
30. Kharwar
31. Khond, Kond, Kandha, Nanguli Kandha, Sitha Kendha, Kondh, Kui, buda Kondh, Bura Kandha, Desia Kandha, Dungaria Kondha, Kutia Kandha, Kandha Gauda, Muli Kondh, Malua Kondh, Pengo Kandha, Raja Kondh, Raj Khomd
32. Kisan, Nagesar, Nagesia
33. Kol
34. Kolah Laharas, Kol Loharas
35. Kolha
36. Koli, Malhar
37. Kondadora
38. Kora, **Khara, Khayara**
39. Korua
40. Kotia
41. Koya, **Gumba Koya, Koitur Koya, Kamar Koya, Musara Koya**

42. Kulis

43. Lodha, **Nodh, Nodha, Lodh**

44. Madia

45. Mahali

46. Mankidi

47. Mankirdia, **Mankria, Mankidi**

48. Matya, **Matia**

49. Mirdhas, **Kuda, Koda**

50. Munda, Munda Lohara, Munda Mahalis, **Nagabanshi Munda, Oriya Munda**

51. Mundari

52. Omanatya, **Omanatyo, Amanatya**

53. Oraon, **Dhangar, Uran**

54. Parenga

55. Paroja, **Parja, Bodo Paroja, Barong Jhodia Paroja, Chhelia Paroja, Jhodia Paroja, Konda Paroja, Paraja, Ponga Paroja, Sodia Paroja, Sano Paroja, Solia Paroja**

56. Pentia

57. Rajuar

58. Santal

59. Saora, Savara, Saura, Sahara, **Arsi Saora, Based Saora, Bhima Saora, Bhimma Saora, Chumura Saora, Jara Savara, Jadu Saora, Jati Saora, Juari Saora, Kampu Saora, Kampa Saura, Kapo Saora, Kalapithia Saora, Kirat Saora, Lanjia Saora, Lamba Lanjia Saora, Luara Saora, Luar Saora, Laria Savar, Malia Saora, Malla Saora, Uriya Saora, Raika Saora, Sudda Saora, Sarda Saora, Tankala Saora, Patro Saora, Vesu Saora**

60. Shabar, Lodha

61. Sounti

62. Tharua, **Tharua Bindhani.**

Source: Ministry of Tribal Affairs (2004), *Annual Report, 2003-2004,* New Delhi: Government of India, pp. 101-102.

N.B: The modifications are indicated in bold letters.

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