

CONSTITUENT ASSEMBLY

OF

INDIA

**EXCLUDED AND PARTIALLY EXCLUDED AREAS
(OTHER THAN ASSAM) SUB-COMMITTEE**

Volume I (Report)



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EXCLUDED AND PARTIALLY EXCLUDED AREAS (OTHER THAN ASSAM) SUB-COMMITTEE

Sub-Committee

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2. Shri Jaipal Singh.
3. Shri Devendra Nath Samanta.
4. Shri Phul Bhanu Shah.
5. The Hon'ble Shri Jagjivan Ram.
6. The Hon'ble Dr. Profulla Chandra Ghosh.
7. Shri Raj Krishna Bose.

Co-opted Members:

8. Shri Khetramani Panda—Phulbani Area.
9. Shri Sadasiv Tripathi—Orissa P. E. Areas.
10. Shri Kodanda Ramiah—Madras P. E. Areas.
11. Shri Sneha Kumar Chakma—Chittagong Hill Tracts.
12. Shri Damber Singh Gurung—Darjeeling District.

Secretary:

13. Mr. R. K. Ramadhyan, I.C.S.

**EXCLUDED AND PARTIALLY EXCLUDED AREAS (OTHER THAN ASSAM)
SUB-COMMITTEE.**

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From

THE CHAIRMAN, EXCLUDED & PARTIALLY EXCLUDED AREAS (OTHER THAN ASSAM) SUB-COMMITTEE.

To

THE CHAIRMAN, ADVISORY COMMITTEE ON FUNDAMENTAL RIGHTS, etc.

SIR,

I have the honour to submit herewith the Report of my Sub-Committee for the Excluded and Partially Excluded Areas of Provinces other than Assam. We have visited the Provinces of Madras, Bombay, Bengal, Central Provinces and Orissa, and in regard to these Provinces our recommendations may be taken as final. We have yet to visit Bihar and the United Provinces and to examine certain witnesses from the Punjab. In respect of these Provinces, the Report may kindly be treated as provisional. Our final Report is expected to be ready by the end of September.

I have the honour to be,
Sir,

Your most obedient servant,
A. V. THAKKAR,

Chairman.

*Excluded & Partially Excluded Areas
(other than Assam) Sub-Committee.*

NEW DELHI;
The 18th August 1947.

INTERIM REPORT

OF

THE EXCLUDED AND PARTIALLY EXCLUDED AREAS (OTHER THAN ASSAM) SUB-COMMITTEE OF THE ADVISORY COMMITTEE (CONSTITUENT ASSEMBLY OF INDIA).

Introductory.—Appendix A shows the excluded and partially excluded areas for which we are required to submit a scheme of administration. Appendix B contains certain statistical information and the thirteenth schedule to the Government of India (Provincial Legislative Assemblies) Order, 1936, which shows the different tribes classed as backward, and among these tribes are to be found the inhabitants of the excluded and partially excluded areas. In determining the areas to be classified as excluded or partially excluded, the Secretary of State for India issued instructions that exclusion must be based upon strict necessity and must be as limited as possible in scope consistently with the needs of the aboriginal population. As regards partial exclusion, he considered that *prima facie* any areas containing a preponderance of aborigines or very backward people which was of sufficient size to make possible the application to it of special legislation and which was susceptible, without inconvenience, of special administrative treatment should be partially excluded. The Government of India in making recommendations for partial exclusion kept in view the possibility of obtaining convenient blocks of territory with readily recognisable boundaries susceptible of special administrative treatment without inconvenience. Thus, the excluded and partially excluded areas are well defined areas populated either predominantly or to a considerable extent by aboriginals. The excluded and partially excluded areas, however, do not by any means cover the entire population of tribal origin, and in many cases represent only a comparatively small proportion of the aboriginal population, the rest of them being scattered over non-excluded areas. As an example, in the C.P., out of 299 millions of tribals of all religions, only 8.8 lakhs live in the partially excluded areas. With the exception of the Mandla District, which is a partially excluded area and contains 60.5 per cent of tribals, Betul and Chhindwara districts which include partially excluded areas and contain 38.4 and 38.3 respectively of tribals, the tribals are scattered all over the province and comprise almost a fifth of the population in some districts. This kind of intermingling is prominently noticeable in Bombay and Bengal and to some extent in other provinces also. In Bengal notably, the tribal population of the excluded areas is but a small fraction of the total tribal population of the province. A common feature of the partially excluded areas is that they are generally located in the out of the way and hilly tracts, and it is in these areas that concentrations of aboriginal population may be found. In the non-excluded areas although small blocks of them can be distinguished, notably in the Madras Presidency, elsewhere, they are interspersed with the rest of the population and are sometimes hardly distinguishable from the general population. Although our terms of reference strictly require us to report on the excluded areas, the total population of tribals in the non-excluded portions of British India not including Assam comes to about 5.5 millions, and we consider therefore that our recommendations should not altogether leave out of consideration such a large population who in many respects are in a very backward condition. We have felt it therefore necessary to recommend that the whole tribal population should be treated as a minority community for the welfare of whom certain special measures are necessary. Bearing this in mind, we proceed to discuss the general features of the tribal population in the different provinces.

2. The Excluded Areas.—The excluded areas are few in number and consist of the islands of the Laccadive group on the West Coast of Madras, the Chittagong Hill Tracts in Bengal and the Waziris of Spiti and Lahoul in the Punjab. Of these tracts, the West Coast Islands and the Waziris of the Punjab are isolated from the rest of the province on account of their geographical position and the impossibility of communicating with them during a part of the year. The West Coast islands are cut off from the mainland for several months during the monsoon. Similarly, the Punjab Waziris are isolated during the winter when snow blocks the passes. Inaccessibility of these areas is largely responsible for their exclusion as well as for the backward condition of their inhabitants. The position in these areas is briefly given below:—

(a) **Madras.**—The islands may be considered to fall in three divisions, the Amindivi islands opposite the South Canara coast, the Laccadives attached to Malabar and Minicoy, the southernmost of them, also attached to Malabar. The total area is about 10 square miles and the population, all Muslim, 18,855. The Minicoy islanders are of Sinhalese origin while the inhabitants of the others are akin to the Mapillah of Malabar. The economy of the islands is based on the coconut palm and the produce (coir production is a whole family job) is exchanged for rice and other necessities. The administration is carried on largely by customary laws and special regulations. An amin, or monegar (Amindivi) with powers to try petty criminal and civil cases is the official immediately in contact with the islanders and the amin is in fact selected from the islanders. In the Minicoy island, literacy is said to be cent per cent.; in the others, it is negligible. There is no appreciable intercourse between the islands of the three groups and their geographical position necessitates separate treatment. While they are located in a strategic position, we understand that the islands are not suitable for naval stations as they are coral islands and there is difficulty in getting fresh water. Hitherto, they have been administered practically in the manner in which relations were started with them in the days of John Company. Rs. 2 lakhs are spent, partly by way of doles including gifts of combs and mirrors, on the visits of the Collector or other official to the islands, but no attempt seems to have been made to increase intercourse between the islands and the mainland.

(b) **Punjab.**—The excluded area consists of Spiti and Lahoul with an area of 2,931 and 1,764 square miles respectively. Spiti has a population of only 8,700 and Lahoul about 9,000 (1941). The people are of Tibetan origin and Buddhists. The main difficulty about the areas is the difficulty of communication as the passes leading to them are blocked by snow in the winter.

The Provincial Government have now come to the conclusion that Lahoul need no longer be considered as excluded area and should be brought under the general system of administration.

The cultivation of *kuth* has brought some economic prosperity to this area and many Lahouliis have taken to trade also. Spiti is still economically in a backward condition and the schools there are not flourishing. Spiti has still very little of the contact with the plains which Lahoul has. Several agrarian laws have not been applied to Spiti particularly though the most important enactments are now in force without modification.

(c) **Bengal.**—The Chittagong Hill Tracts on the other hand, are not inhabited by a population of Burmese and tribal extraction. They

cover an area of about 5,000 square miles and contain a total population of 247,053, mostly Buddhists. In 1941, there were 9,895 literates including 622 females among the tribes out of a population of 288,892. There are 154 schools and a High School at Rangamati. There is a good deal of contact with the plains people in the western portion of the tract, but the eastern portion towards the Lushai Hills and the Burmese border is more primitive.

Jhuming cultivation is practised almost universally and it would appear that there are considerable difficulties in the way of terraced or wet cultivation on account of the friable nature of the hill sides and the difficulty of irrigation. Some settled cultivation also exists and it may happen that a family does both kinds of cultivation. Both plough rent and *jhum* tax are levied. Pressure on the land is increasing and the tribes are greatly apprehensive of encroachment by outsiders.

Weaving and tapestry is a common household occupation but cannot be said to be a cottage industry though it has potentialities in that direction. The district is deficit to the extent of about Rs. 2 lakhs.

The special feature of the Chittagong Hill Tracts are the Chiefs, the Chakma Raja, the Bohmong and Mong Raja. The tract is divided into three circles representing the jurisdiction of the Chief. The Chakma circle is the largest and is 2,499 square miles; the Bohmong and Mong circles are 1,935 and 704 square miles respectively. The Chief have certain magisterial and appellate powers and out of the *jhum* tax of Rs. 6 per family. Rs. 2-8-0 goes to the Chief, Rs. 2-4-0 to the headman and Rs. 1-4-0 to the Government. On the ground that they are really tributary powers, the Chiefs are claiming the status of Indian States and desire that three States corresponding to the circles should be set up. It is claimed that before the *jhum* tax was imposed there was a capitation or family tax and that the right to levy this tax was a symbol of sovereignty. In 1928, a report on the position of the chiefs was submitted by Mr. Mills who recommended that the chiefs should be relieved of the collection of *jhum* tax and should also be relieved of their magisterial duties, the powers of Honorary Magistrates being conferred on them if they were proved fit. His idea was that "they were the leaders of their people and in that lay their value" and they should therefore be consulted in all important matters of the administration. Their position and future is a matter of some importance and needs careful examination by the Provincial Government. We do not feel that we can express a carefully considered opinion.

Now that Bengal is to be partitioned, the future administration of the Hill Tracts appears to lie with Assam. The Lushai Hills form in part the hinterland of this district and though communications to the east are not easy, they are not more difficult than with Chittagong. The Karnafuli provides a waterway to Demagiri which is connected with Lungleh in the Lushai Hills. The *Chakma*, *Magh* and *Mro* of these Hills have probably their tribal origin in common with the Lushais and in any case the province of Assam is the home of many different tribes. It is obvious that the Hill Tracts should not go to East Bengal in view of its predominantly non-Muslim population. The people themselves are strongly averse to inclusion in Bengal. They desired that the area should be set up as an autonomous district.

3. Partially Excluded Areas.—The main feature of the Partially Excluded Areas is that they are not altogether excluded from the scope

of the Provincial Ministries like the excluded areas nor is the expenditure on them outside the scope of the legislature. In fact the administration of the areas notably of the C. P. and Bombay has not been appreciably different from the rest of the province and the Provincial Governments were in greater or less degree opposed to their exclusion. It is in the Agency Tracts of Madras and Orissa and in the Santal Parganas that a different system prevails. A brief account of the areas of each province follows :—

(a) **Madras.**—The partially excluded areas consist of the East Godavari Agency, the Polavaram taluq of West Godavari Agency. The total area is 6,792 square miles and the total population 493,006 of which about 278,000 are tribal, and 54,000 are classed as backward making a total percentage of 67.6. The tribes inhabiting these tracts are Koya, Koya Dora, Hill Reddy, Dombo, Kondh and others. The tribes are pretty backward on the whole and do podu (shifting cultivation) largely. Except manual labour they have no non-agricultural occupations worth mentioning. There are special agency rules and save for certain sections the Civil Procedure Code does not apply. Crime is scarce and the aboriginals are simple and truthful. The mechanism of justice therefore needs to be a simple one.

There are no local self-governing bodies and tribal panchayats do not seem to be fit for work other than the decision of petty disputes. The toddy palm plays a large part in the life of aboriginals. They have suffered in the past through exploitation by moneylenders and landlords and incidents like the Rampa rebellion have occurred in the areas. Licensing of moneylenders, as agreed by the Collector of West Godavari, is probably a definite need of these parts in addition to the prevention of acquisition of land by non-aborigines.

Yaws and malaria are very common in these parts.

(b) **Bombay.**—The partially excluded areas which are to be found in the districts of West Khandesh, East Khandesh, Nasik, Thana, Broach and Panch Mahals cover an area of 6,697 square miles and contain a population of 1,125,471 of which 663,628 or 58.9 per cent. are tribals. The tribes are largely Bhil, Varli, Kokna, Thakur and Katkari. In 1935, the Government of Bombay were not in favour of exclusion of any area except the Mewasi Chiefs Estates and the Akrani Mahal in the West Khandesh District on the ground that the administration of these areas was all along carried on in the same manner as the other tracts and that there were local self-governing institutions in the areas. The Akrani Mahal in the Satpura Hills is an almost purely Bhil area and probably the one with the least contact with the plains.

In 1937, the Government of Bombay appointed Mr. D. Symington to conduct a special enquiry into the conditions prevailing in the aboriginal areas. Mr. Symington pointed out that the local boards were largely or even exclusively run by non-Bhil elected members and opined that it was not a mere question of providing seats for the hill tribes but that these people were not sufficiently educated and advanced either to use their votes sensibly or to produce from among themselves enough representatives capable of looking after their interests intelligently on local boards: "They are not only illiterate but also ignorant of everything outside their daily run. They are contemptuous of education which they regard as

a degrading and senseless waste of time. They have more faith in witch-doctors than in pharmacopoeia. They live near the border line of starvation. They are inveterate drunkards. It was not surprising that they take no interest in the local boards elections or local board administration." He also expressed the opinion that the salvation of the aboriginal lay in protecting him from exploitation by the moneylenders who were gradually depriving him of his land, and stopping the drink habit. Giving evidence before us, he reiterated the view that elections would be completely useless so far as these people were concerned.

Among the Thadvi Bhils (Muslims) there is a Sub-Judge. Among the half dozen graduates from the Bhils there is Mr. Natwadkar, the M.L.A. from West Khandesh and there is a lady from the Panch Mahals. The demand for education is however becoming very keen.

In the Warli areas of the Thana District visited by us practically all the land had been taken up by non-tribals and the tribals were reduced to the condition of landless serfs. The Bombay Government have in fact now found it necessary to pass special legislation to prevent alienation of land. On account of the acquisition of all the land by a few people, the land system in this tract has been virtually transformed from a ryotwari system to a system similar to the malguzari system of the Central Provinces.

(c) Central Provinces & Berar.—The partially excluded areas, of which Mandla District is the largest unit, contain only 833,143 tribals out of a total tribal population of nearly 3 millions. The Gond (including Maria and Pardhan) is the main tribe in the C.P. and the Korku in the Melghat are prominent in Berar. Although backward and adhering largely to their own customs and ways in the areas where they are still most numerous, the tribes have in appreciable degree assimilated the life of the rest of the population and tribal institutions are either weak or practically non-existent. Mostly the tribes have taken to settled cultivation and there is little bewart or dahia in the province. Of handicrafts and cottage industries, however, there is next to nothing and this is the great weakness of the aboriginal economy. The aboriginal is given to drink but opinion in favour of temperance or prohibition seems to be gaining ground.

The partially excluded areas are, with hardly any exception, administered in the same manner as the other districts. The C. P. Land Alienation Act of 1916 is the only notable legislation enacted specially for the protection of the aboriginals and restricts the transfer of agricultural land from aboriginal to non-aboriginal classes. In 1940, when the C. P. Tenancy Act was amended to confer rights of alienation on certain classes of tenants, the application of the amending Act to the partially excluded areas was made subject to certain modifications designed to secure that unscrupulous landlords would not manipulate to their own advantage the complicated provisions of the Act.

A special enquiry into the problems of the aboriginals was ordered by the C. P. Government and a report was submitted by Mr. W. V. Grigson in 1942. Among the points made by Mr. Grigson were the weakness of the tribal representatives in the local boards and the need for provisions to prevent the application of legislation to aboriginal areas except after special consideration. Mr. Grigson was also examined by us as a witness and expressed himself in favour of a system of indirect election for the aboriginals. Opinion of a number of C.P. witnesses was not in favour

of reserved representation for the aboriginals in proportion to their population. Some witnesses preferred nomination out of a panel submitted by the District Officers. At present there are three tribal members in the Legislature although only one seat is reserved.

The Provincial Government have now created a special Department and inaugurated a scheme of development of the aboriginal areas in which multipurpose co-operative societies play a prominent part. Opinion in the C.P. (as in Bombay) was strongly in favour of boarding schools with free meals as the only way of making schooling acceptable to the aboriginals.

(d) Orissa.—This province contains a partially excluded area of nearly 20,000 sq. miles, i.e., almost two-thirds of the province is partially excluded. The partially excluded area includes the portions of the Madras Agency Tracts transferred to Orissa, the Khondmals of the former Angul District and the Sambalpur District which was formerly in the C.P. The total tribal population of the province is 1,721,006 of which 1,560,104 are found in the partially excluded areas. The tribes inhabiting this province are among the most backward in the whole of India. The Bonda, Porja, Gadaba, Kondh and Savara are among the most important of them. In 1939 the Orissa Government appointed a special committee to make recommendations for the partially excluded areas (Thakkar Committee) which found that some tracts were too backward to administer even local boards. Although they have representatives in the legislature, four of the five reserved seats are filled in by nomination and some of the nominated members have to be non-tribals. The percentage of literacy in the Agency Tracts is about one per cent. A Backward Classes Welfare Department has recently been set up. The Thakkar Committee made a number of important recommendations which could not be given effect to during the war and are now being taken up.

Apart from the Khondmals which are now attached to the Ganjam Agency, the Angul Sub-division which is a partially excluded area has only 13,308 tribals who form 8 per cent. of its population. The Thakkar Committee recommended the administration of this area as a regular district and pointed out that the Angul Laws Regulation is no longer suited to the advanced condition of the people. Even in 1935, it was stated by the Orissa Government that the area was so advanced that it should be possible within a few years to place it on a level with the normal districts (para. 49, Recommendations of Provincial Governments and the Government of India, Indian Reprint).

The District of Sambalpur was made a partially excluded area largely on account of the special system of that district, viz. the distinct system of revenue and village administration. The district was formerly part of the C.P. and the C.P. Revenue Laws and type of village administration were in force. The aboriginal population of the district is 252,095 and constitutes 19.6 per cent, but most of these tribals seem to have assimilated the customs and culture of the surrounding Hindu population. The administration of the district though differing from the rest of Orissa was not radically different from the administration of the C.P. plains districts until 1921. Three of the Zamindaris of Sambalpur had been declared scheduled districts under the Act of 1874, but with the exception of the Insolvency Act of 1920 all other legislation was applied to the district. The Thakkar Committee recommended (para 397) that the district should cease to be a partially excluded area and should

be treated as a normally administered area. The Committee however considered (para. 402) that some sort of protection was still needed for the aboriginals of that district and recommended certain special measures for the protection of the land of the aboriginals (para. 403). The tribes in this district consist mainly of Gond (102,765), Kondh, Kharia and Savara. They are concentrated largely in the Sadar Sub-division of the district. Literacy among them is not up to the level of the Scheduled Castes of the District and amounts to only about 2 per cent. They however take part in elections and in the Sambalpur Sadar constituency there is a reserved seat for the backward tribes. This is the only one of the five tribal seats in the province which is filled by election.

The question of representation for the Orissa tribes presents somewhat of a problem. Local officials had serious doubts as to the possibility of finding suitable representatives from among them, at any rate in proportion to their population. The Provincial Government have similar hesitations. In their factual memorandum (p. 28) they have recommended that local bodies should be partly elected and partly nominated. For the Provincial Legislature, "a specific number of seats should be reserved for aboriginal members in general constituencies; but the aboriginal members should be elected to these seats by a system of indirect or group election."

(e) Bengal.—The partially excluded areas of Bengal consist of the District of Darjeeling and certain police station areas in the Mymensingh district which border on the Garo Hills of Assam.

The Darjeeling District is shown to contain 141,301 tribes out of a total population of 376,369 in 1941. The tribal population of the district seems to consist largely of labour employed in the tea gardens and some Lepcha and Bhotia. Actually, the latter are only about 20,000 in number. The prominent community in Darjeeling is the Gurkha or Nepalese community which numbers about 2½ lakhs. A good many are employed in the tea gardens and the local police force also contains a high proportion of them. The Gurkha are not regarded as a backward tribe and the thirteenth schedule to the Govt. of India (Legislative Assemblies) Order does not include Gurkha. They feel however neglected so far as other ranks of Government service are concerned and in the trade and business of the place, the Marwari has the upper hand. On the other hand, the small community of Lepcha (12,000) finds itself dominated by the Gurkha and one of the complaints is that their land (the Lepcha claim to be the original inhabitants) has been gradually taken away from them by Nepalese immigrants.

The partial exclusion of Darjeeling was recommended by the Govt. of Bengal not because it was considered as a backward area but because it was felt that safeguards were necessary in the interests of the hill people. The fact that Darjeeling was the summer capital of the Government of Bengal and the existence of European tea-planters may have played some little part. The 1941 census shows that even among the tribals (mostly tea garden coolies) there was 16,450 literates out of a total population of 141,301 and 2,571 of these were women.

The local bodies (Municipality and District Board) are not wholly elected bodies and the Deputy Commissioner is the President of the Municipality. Undoubtedly the land of the hill tribes needs to be pro-

tected from the maw of money lenders but there is little case otherwise for continuing partial exclusion or special administration.

The Gurkha League desires that there should be an elected Advisory Council in the District so that the interests of the Gurkhas in representation in the services, in the land and industry of the district may be protected. They have also sponsored a movement for union with Assam where there is a strong Gurkha element.

As regards the partially excluded portion of the Mymensingh District, there are about 49,000 Garo in all but according to the census, some of the *thanas* contain very few tribes. The provincial Govt. were opposed to its partial exclusion in 1935. They pointed out that no special measures had been hitherto necessary to protect the tribe and had no indication at any time that the existing administrative system had worked inequitably for them. It would appear that the partial exclusion of this area was consequential upon the exclusion of the Garo Hills District in Assam. The Guro of this area are keenly desirous of being united with the Garo of Assam under a common administration, and in view of the division of Bengal there is a good case for rectification of the boundary, i.e. to include the Garo area in the Garo Hills Districts of Assam. The majority of the population of the partially excluded area (5.94 lakhs) consists however of non-tribals and it will be necessary therefore, to draw a fresh boundary.

(f) Bihar.—The Partially Excluded Areas of this province extend over the enormous area of 32,458 sq. miles comprising the whole of Chota Nagpur division and the Santhal Parganas District. The total population of the area is 9,750,846 and nearly 4.5 million of these are tribal people consisting of Santhal, Oraon, Munda, Ho, Bhumij and other lesser tribes of the Kolarian family. Although the general level of literacy and development in this area is lower than that of the non-aboriginal population, the tribes people here are rapidly advancing and quite a number of people in the learned professions may be found among the Munda and Oraon. Local self-governing institutions exist, and there is no question that the area would be able to take part intelligently in the administration of the province. The main feature of this area may be summarized in the words of the Provincial Government in recommending partial exclusion: "The Special Tenancy Laws in Chota Nagpur, the Santhal Parganas, *Sambalpur and *Angul are the bulwark of the backward peoples. The legislatures of the future would have the power to amend, modify or even repeal those laws and the only safeguard against legislative action detrimental to the interests of backward peoples is the power of the Governor to refuse assent.The importance of these special Tenancy Laws to the aboriginals cannot be overstressed. The history of the Santhal Parganas and Chota Nagpur was one of continuous exploitation and dispossession of the aboriginals punctuated by disorder and even rebellion until special and adequate protection was given. In the fringe areas, such as Manbhum, where the non-aboriginals are in a majority, the aboriginal element would probably have been driven from the land long ago but for the protection given by tenancy laws.The fate of the aboriginal where he has been unprotected has usually been to lose his land....". In the Santhal Parganas, legislation since 1855 has been mainly by means of special regulations framed by

* Now in Orissa.

the Governor-General-in-Council. The main function of these regulations was to regulate inter alia the agrarian law, the constitution of courts and their procedure, moneylending and the village police. Except in the most important cases the jurisdiction of the High Court was excluded and judicial procedure simplified. In the Kolhanpir of the Singhbhum District also, the Civil Procedure Code was replaced by simplified rules but generally speaking, the laws of the rest of the province operate in Chota Nagpur. For a detailed account, the Factual Memorandum of the Provincial Government may be referred to (pp. 97-98, Excluded and Partially Excluded Areas—1). Since 1937, section 92(2) of the Government of India Act has been made use of to frame some special regulations notably for the Santhal Parganas.

The population of Chota Nagpur and the Santhal Parganas is rather mixed and except in the Ranchi District, the Singhbhum District and the Santhal Parganas, the tribal population are in a minority. In their Factual Memorandum, the Bihar Government have pointed out that a comparison between the figures of 1941 and 1931 census shows that there is room for doubting the accuracy of the figures of the 1941 census. Recently an agitation has been started for the formation of a separate Chota Nagpur Province on the ground that this land is the land of the aboriginal residents who are distinct from the inhabitants of the plains in many ways. Taken as a whole, the tribals form only 45.6 per cent of the total population of the Partially Excluded Areas and in Chota Nagpur they constitute 44.2 per cent of the population. Only in Ranchi (70 per cent), Singhbhum (58.4 per cent) and Santal Parganas (50.6 per cent), are they in anything like a majority. The creation of a separate province is a matter outside the scope of our enquiry and we do not find that this is in fact necessary for the satisfactory administration of the tribals.

(g) **United Provinces.**—The partially excluded areas are the Pargana inhabited by the Jaunsari tribes in the north and the portion of the Mirzapur District below the Kaimur Range inhabited by mixed tribes of Chota Nagpur and Central Ind. a. The area is 483 sq. miles in the Dehra Dun District and 1,768 sq. miles in the Mirzapur District. The total population of both areas is about 200,000.

The Jaunsar Bawar Pargana forms the watershed between the Jumna and the Tons. The country is hilly and offers little land for cultivation. It appears that most of the cultivable land is held by Brahmins and Rajputs and that the Koltas (Scheduled Caste) are debarred from possession of land according to the village Wazibul-arz and occupy practically the position of serfs. Though the great majority of the people are Hindus, polyandry and special systems of divorce are in vogue since ancient times. Although the area is under the criminal jurisdiction of the High Court a simplified system of criminal, civil and revenue administration is followed and except in Chakrata Cantonment, regular police are not employed. For civil law, the Commissioner, Meerut, acts as a High Court. The Excise and Opium Acts have not been extended to the area and opium cultivation is permitted. There is great illiteracy in the area and the administration will have to be suited to the lift of the inhabitants. In Khat Haripur Bias at the foot of the hills however conditions are different and approximate to those in the plains. The Khat Haripur Bias Tenants Protection Regulation of 1940 has afforded some protection to the tenants. The Provincial Government are of the view

that this Khat should be included in the Dehra Dun Tahsil. Though the area is enfranchised and is included in the Dehra Dun rural constituency, it is considered incapable of sending representatives to the legislature.

As regards the Mirzapur District, the excluded area consists of four parganas of which only the Agori and Bijaigarh parganas have a concentration of aboriginals. The population consists of a number of tribes having affinities to the tribes in the neighbouring provinces from which they have come. There is no strong tribal life left among them. Their occupations are said to be those usually followed by the Scheduled Castes and in their religious and social customs they are similar to low-caste Hindus.

The land revenue system of this area is different from the rest of the Province and is based on a plough tax. The non-agricultural classes are gradually acquiring land from the aboriginal. The Tahsildars of the tract who exercise magisterial functions are Munsifs also. Except in relation to suits of succession and divorce, the Court of the Commissioner is the highest court of appeal in civil suits. The area is under the jurisdiction of the District Board of Mirzapur.

The Provincial Government are of the view that there is no justification for this area being treated differently from the rest of the province and that normal administration should be extended to it immediately.

4. Political Experience.—The people of the excluded areas have no experience of local self-governing institutions of the modern or statutory type and are of course not represented in the legislature. The management of a Local Board is perhaps likely to be a much bigger undertaking for the people of these areas than the mere election of a representative to the legislature and the establishment of such bodies needs perhaps a period of official guidance and control, particularly in areas like the Madras islands. The partially excluded areas on the other hand are all included in electoral constituencies of the provincial legislatures and with the exception of the Agency tracts of Madras and Orissa,* the Santal Parganas and Jaunsar Bawar, are covered by local boards also. There are certain reserved constituencies, viz., Bihar 7, Orissa 5, Madras 1, Bombay 1 and C. P. 1. In Orissa, four of the five members are selected by nomination. Unlike Assam, no reservation of seats had been made for tribals of the plains or non-excluded areas and these vote along with general voters. In Bombay, C. P. and Chota Nagpur, the tribals though reported to be apathetic and showed aside by non-tribals, have known, at least nominally, such bodies as local boards. Nevertheless it is likely to take some time before there is sufficient interest in these bodies and probably interest in local self-government will have to be built up from the village stage. Although as shown by Mr. Grigson in his report, the tribals cast their vote as copiously as others, they have yet to learn to utilise its powers to their own advantage.

5. Effects of Exclusion.—Although exclusion or partial exclusion has been in force for a number of years now, the benefits which the areas have derived from it are not particularly noticeable. In the case of the excluded areas, the sole responsibility for the administration has lain upon

* In the Koraput District there is a District Board with the Collector as President.

the Governor and the revenues earmarked for these areas have been outside the vote of the provincial legislature. No definite programme for the development of the excluded areas with a view to removing the disability of exclusion has been followed. The introduction of *kuth* cultivation in Lahaul has brought it some economic prosperity but the West Coast islands are probably no better off than they were ten or twelve years ago, and in the Chittagong Hill Tracts no great impetus to enlightenment is perceptible. On the other hand, in the partially excluded areas also little improvement is as yet visible although in Bombay an inquiry into the conditions of the aboriginals was started as early as 1937. A Backward Class Department and Board have also been functioning in Bombay. Other provinces have since taken the cue and welfare work now seems to be forging ahead but it is perhaps the general interest in the backward classes which is responsible rather than the system of partial exclusion as such. The remarks of the Orissa Government are of interest: "The system of partial exclusion has also been a most unsatisfactory constitutional device. In matters of administration of the partially excluded areas, the Ministers tender advice to the Governor, with whom the ultimate responsibility for the good Government of these areas rests. He may accept or reject such advice. The system suffers from a fundamental defect; the responsibility is shared between the Governor, and the Ministry answerable to the people of this country or their elected representatives." No less responsible is perhaps the fact that the representatives of the partially excluded areas have not been capable of bringing sufficient pressure and influence to bear on the Ministry. Further, some of the partially excluded areas which constitute small pockets in large districts and constituencies could apparently be lost sight of and their interests subordinated to those of the larger areas in which they were contained. Some of the C.P. excluded areas situated in the Chhindwara and Bilaspur districts may be particularly noticed in this connection. They constitute comparatively small islands of partial exclusion which have little voice in a large constituency. The greatest weakness of the scheme of partial exclusion is perhaps the fact that it left areas weakly or only nominally represented in the legislature without any special financial provisions. Whatever the reasons may be, the conclusion to be drawn from the state of affairs noticed by us is that partial exclusion or exclusion has been of very little practical value. There has been neither educational nor economic development on any appreciable scale. The object of special administration has thus not been achieved, and it is clear that if the hill tribes are to be brought up to the level of the rest of the population the strongest measures are now necessary.

6. **Attitude of the General Public.**—One thing which we noticed in the course of our visits to the different Provinces was a considerable awakening of the public conscience in the matter of the welfare of the tribal people. The inquiries instituted in some of the Provinces have doubtless contributed to this quickening. Non-official organisations are beginning to take interest in the welfare of the tribes and the work of the Servants of India Society stands out prominently among these. The recent rising of the Warlis in Bombay Presidency has drawn attention, in a rather forcible way perhaps, to their problems. Whatever the reasons, it seems now clear that there is a general tendency to take up the question of development of the tribes people as a serious matter, but whether this by itself is sufficient to ensure the future well-being of the tribes is more than questionable. Most of the Provinces are far

from being happily placed in the matter of funds, and the development of areas inhabited by tribes which are situated generally in hilly country is a matter which calls for a good deal of expenditure for which there are many competitors. The emergence of educated people among the tribes is as yet inadequate for the maintenance of interest in their problems.

7. Potentialities of the Tribes.—The views of people of different points of view regarding the future administration of the hill tracts and of the tribes people themselves was found to be remarkably uniform. To begin with, there was hardly anybody who did not believe that the tribals are capable of being brought to the level of the rest of the population by means of education and contact. Wherever facilities for education and contact have been available, the tribes people have showed that their intelligence can be developed and environmental difficulties overcome. It is true that as yet there is a great deal of apathy in certain areas. Mr. Symington's report in particular points out that the Bhils take little interest in the local boards or in education and their addiction to drink is likely to keep them in their present backward state. In the partially excluded areas of Orissa, we came across tribals who had not been anywhere beyond a few miles of their village or seen a motor car or a railway train. By and large however we found that there is a considerable demand for education and advancement among the tribal peoples and have no doubt that within a short time they can be brought up to a satisfactory level, if development plans are vigorously pursued.

8. General Conclusions.—To sum up: Both exclusion and partial exclusion have not yielded much tangible result in taking the aboriginal areas towards removal of that condition or towards economic and educational betterment. Representation of partially excluded areas in the legislature and in local bodies has been weak and ineffective and is likely to continue to be so for some time to come. Education shows definite signs of being sought after more and more but the poor economic condition of the aboriginal and the difficulty of finding suitable teachers present problems which must be overcome before illiteracy can be properly tackled. The great need of the aboriginal is protection from expropriation from his agricultural land and virtual serfdom under the money-lender.

There are certain tracts like Sambalpur and Angul in the Orissa province which need no longer be treated differently from the regularly administered districts. On the other hand areas like the Madras and the Orissa Agency tracts still need a simplified type of administration which does not expose them to the complicated machinery of ordinary law courts. Differences in social customs and practices among the tribes also need to be kept in mind.

9. Representation in Legislatures.—We have pointed out at the very outset that the tribals who live in the non-excluded areas form part of our problem and cannot be left out of account. In considering representation in the Legislatures we would urge that the tribes should be treated as a whole as a minority and not separately. In this regard, we would refer to a certain difference of opinion which exists among the parties interested. In Bombay the view of the Ministers and others dealing with the problem was unreservedly in favour of providing representation for the tribes as a whole by reservation of seats in a joint electorate. In Madras also a similar view found favour. In the Central Provinces,

however, different views were expressed not only in respect of the method of election but also about reservation, both by officials and by Ministers. Certain district officials suggested that there should be nomination out of a panel submitted by district officials. Mr. Grigson favoured a scheme of indirect elections by means of group panchayats. The general feeling among these officials was that election was not likely in the present circumstances to produce suitable representatives. Some point was given to this by the reply of Mr. Wadiwa, a Gond pleader, who gave evidence before us, that he could not stand for election on account of the expense involved. The Ministers on the contrary seemed to have no objection to elections but were strongly opposed to reservation of seats in proportion to their population. Mr. Grigson also did not appear to favour reservation though he was of the view that if reservation was made for the scheduled castes there was no justification for not protecting the aboriginal similarly: "But once we start with reservation there is the possibility of it becoming permanent." The Ministers considered that increased representation would be provided by their scheme of demarcating constituencies without the evil of creating a separatist mentality. "These tahsil areas will be delimited so that particular communities in particular areas will get an effective voice. Just as particular wards in a municipality return only a particular class or community of persons—some wards in Nagpur Municipality return only Muslim members—an Ahir ward or tahsil will return only an Ahir, a Gond tahsil will return only a Gond and so on. In this way we want to give all the sections of our people thorough and complete representation without whetting their communal appetite". As regards the other tribals who are not found in compact areas, it is asserted that they are generally dispersed in the province and not easily distinguishable from the other people. In Orissa reservation of "a specific number of seats" in general constituencies is recommended but it is considered necessary that aboriginal members should be elected to these seats by a suitable system of indirect or group election. The remarks of the Orissa Government in connection with the system of partial exclusion are relevant: "The inadequacy of representation of the aboriginal people of these areas in the legislature has also contributed to their neglect. They are not vocal nor have they any press for propoganda. They have been represented in the Assembly by five members, four nominated by the Governor and one elected from Sambalpur. As a result of this insufficient representation, the problems of these areas do not receive the attention to which their size and importance entitle them". We have given serious thought to the question and come to the conclusion that the tribals should have reserved seats in a joint electorate based on adult franchise. We do not consider the scheme of the C. P. Government adequate as it provides no safeguards for the large numbers of tribals who live in the non-excluded areas and who without reservation would have no chance of being represented in the Legislature. The case of the tribals is not essentially different from that of the Scheduled Castes and they are in fact more backward in education and in their economic condition than the Scheduled Castes. Representation in proportion to their numbers in the legislatures, even if some of them are not vocal or able to argue their case will emphasize the importance and urgency of their problems. And it is to the interest of the country to see that these original inhabi-

tants of the Indian soil are brought up to the level of the rest so that they can contribute in due measure to the progress of the country rather than be a drag on the rest. We do not consider that the method of indirect election or nomination should be resorted to. The aborigines have to take part in direct election some time and the sooner their training for this starts the better.

Having regard to the circumstances of the Madras island and the Punjab Excluded Areas, we recommend special representation as follows:—

Laccadive Group	1
Lalaul and Spiti	1
Amindivi Group,	1
Minicoy	1

It seems clear to us that these areas cannot be included in other constituencies, nor would they be suitably represented if so included.

10. Legislation.—(a) Areas to be Scheduled.—The provisions for partially excluded and excluded areas in the 1935 Constitution are designed to prevent the application of unsuitable legislation, to permit the making of special rules and regulations required for any different system of administration needed in the aboriginal areas, and for the provision of funds at the discretion of the Governor for the totally excluded areas. Although in most of the Provinces, there has been a good deal of assimilation of the tribal people to the people of the plains, yet the social system of the tribes is different from that of the plains people in a number of the partially excluded areas. In the excluded areas, of course as already pointed out, there are people like Tibetans, the Chakma, Mro and Mogh of the Chittagong Hill Tracts, the islanders of the Laccadive Islands and so on. In the partially excluded areas, the tribes of Orissa and Chhota Nagpur and even the Gonds of the C.P. and the Bhils of Bombay who have assimilated the life of the plains to a greater extent than others have different social customs. The law of inheritance and the systems of marriage and divorce are different from those of other communities. It is possible of course for the legislatures to bear these features in mind and pass different laws just as different laws have been passed for Hindus and Muslims but there are other subjects as well in which the tribes will have to be treated on a different footing. In places like the Agency Tracts, for example, the population is as yet too primitive to be able to understand or make use of the complicated procedure and law of the civil, criminal and revenue courts. We have mentioned earlier the features peculiar to the Santal Parganas and the Jaunsar Bawar Pargana. Even in the more advanced tracts of the Central Provinces of Bombay, the tribal is at a serious disadvantage on account of his poverty and ignorance and the procrastination of courts and officials and is easily victimized. This is of course true of all poor and simple rural folk, but it is clear that in the case of the aboriginal, it applies to a community found predominantly in certain areas and not to individuals. Thus a simplified system of dispensation of justice will be necessary in certain areas. There is again the question of land legislation. The land is the only thing left to the

aboriginal who does not follow non-agricultural professions to any appreciable extent as yet. In the Chota Nagpur Division different kinds of tenure have been recognized for the tribals and in any case, even where the tenure is simple and common to other areas, grant of the power of alienation to the tribals is certain to result in his gradual expropriation. We are thus led to the conclusion that it is necessary to provide that in certain areas laws of the provincial legislature which are likely to be based largely on the needs of the majority of the populations should not apply automatically, if not generally, at least in certain specified subjects. A general provision of this kind is of course a matter of convenience and would eliminate the need for the legislature to provide special clauses or saving clauses. It would also enable special consideration if the legislation is to be applied to the area. This of course involves notification of areas and we recommend provision for the purpose. We propose that the areas should be known as "Scheduled Areas" in future.

11. (b) Application to Scheduled Areas.—The next question which arises is whether any special mechanism is to be provided or whether the matter should be left to the legislature without any additional safeguard to apply legislation. The Government of Orissa have apparently thought it sufficient if the laws are specially extended by the Provincial Government and other Governments may hold similar views. The fact that non-tribals will be in a majority in all the legislatures and the fears which the tribals entertain that their interests and special customs and circumstances may be ignored must in this context be taken into account. Doubtless they would like to feel that they themselves have a voice in the decision and that a decision is not taken by persons unacquainted or imperfectly acquainted with their special circumstances and not genuinely interested in their welfare. The feeling which prevails in this matter has been expressed thus: "Speaking purely hypothetically, it should not be possible for the member representing Chittagong to be able to oblige his constituents by getting some radical changes made to the detriment of the hill tribes, which is of local advantage to them." (Lt.-Col. Hyde, D.C. Chittagong Hill Tracts) and "Ministers may find that owing to political pressure from organised pressure groups, that it is impossible for them to give the protection which they desire to give". (Grigson, aboriginal Tribes Enquiry Officer, C.P. & Berar.)

The present system under which the Governor in his discretion applies the legislation is not likely to appeal as this principle will be regarded as undemocratic, even though the governor in future may be an elected functionary. An alternative mechanism is therefore necessary. We have considered the question in all its aspects and come to the conclusion that in respect of certain subjects, laws passed by the Provincial Legislature should not be applied to the Scheduled Areas if the Tribes Advisory Council does not consider them suitable for those areas. We have also provided that in other subjects the Provincial Government should have the power to withhold or modify legislation on the advice of the Tribes Advisory Council. (Para 15):

12. (c) **Special Subjects.**—It has been stated above that in certain subjects legislation should not apply if considered unsuitable by the Tribes Advisory Council. We consider such a definition desirable to prevent any unnecessary complication of legislative procedure or delaying of legislation. In most of the areas ordinary legislation is applicable and the policy has been and should be to apply legislation normally unless there is any special reason to the contrary. As a matter of general concern restriction seems necessary only in certain matters and we recommend that all legislation relating to (1) social matters (2) occupation of land including tenancy laws, allotment of land and setting apart of land for village purposes, and (3) village management including the establishment of village panchayats should be dealt with in this manner.

13. **Criminal and Civil Courts.**—We have noticed that there are areas where the regular machinery for the disposal of criminal and civil cases is not in operation and an "Agency" system is in force. The civil procedure has in particular been substituted by a simplified procedure. We have no doubt that simplified procedure should be possible for the disposal of petty criminal and civil cases and recommended accordingly that except where the regular procedure is already in force, a simplified system should continue to be enforced. We are not however in a position to say whether the exact procedure followed at present needs modification or not.

14. **Reservation in Federal Legislature.**—We have recommended reservation of seats in the Provincial Legislature. We recommend reservation in the Federal Legislature also on the basis of population in each province. On the scale contemplated in the draft Union Constitution, this would be 5 for Bihar, 3 for C. P., and 2 each for Bombay and Orissa.

15. **Provincial Tribes Advisory Council.**—Most of the Provincial Governments have found it necessary to set up advisory bodies for the proper administration of the tribal areas. In our view, it is necessary that there should be a body which will keep the Provincial Government constantly in touch with the needs of the aboriginal tracts (Scheduled Areas) in particular and the tribal for such a council requires little explanation. Whatever legal machinery is set up, it is no fancy to suggest that its actual translation into practice may not be in accord with its spirit, and besides the legal machinery itself may be found defective in practice. For a number of years clearly, the development of the aboriginals will require the most meticulous care. There are many ways in which the aboriginals' interests may be neglected, and it is known that regardless of certain prohibitory rules they are subjected to harassment at the hands of subordinate government officials and contractors. In spite of the abolition of begar, for instance, there are still a good many cases of it in fairly serious form coming to notice from time to time. The working of provincial legislation or the machinery of administration in whole or in part needs constant scrutiny and regulation. The reclamation of the tribal is not likely to be an easy matter since it is seen from experience that even where provision for local bodies exists the aboriginal requires special encouragement to take active part in it. We have also pointed out that the representation of the aboriginal in the legislature is likely to be weak for some time to come. To exercise special supervisory functions therefore and to

bring to the attention of the Provincial Government from time to time the financial and other needs of the aboriginal areas, the working of development schemes, the suggestion of plans, or legislative or administrative machinery, it is necessary to provide by statute for the establishment of a Tribes Advisory Council in which the tribal element is strongly represented. There may be no objection to the advisory council being made use of for supervision of the interests of other backward classes as well. We are of the view that the establishment of an Advisory Council for the next ten years at least is necessary in the Provinces of Madras, Bombay, West Bengal, Bihar, C.P. & Berar and Orissa, and we recommend that statutory provision be made accordingly. We have referred earlier (Para 11) to the part that the Tribes Advisory Council will play in respect of Legislation.

16. Central Commission.—We have indicated above that unless the attention of the Government is concentrated with special emphasis on the problems of the aboriginals and the needs of the Scheduled Areas, there is little likelihood of any development. We do not intend any reflections on Provincial Governments if we remark that they may fail to take adequate interest. The provincial finances may also need to be strengthened by subventions from the Central fisc and we have in fact recommended that the Federation should come to the aid of the provinces to the extent necessary. We are of the view therefore that the Federal Government should take direct interest in the development of the tribes. We consider that it should be possible for the Federal Government to institute at any time a special Commission to enquire into the progress of plans of development and also into the conditions of the Scheduled Areas and tribals in general. In any case, such a commission should be instituted on the expiry of ten years from the commencement of the new Constitution. We have no doubt that the provinces would welcome such a commission and we recommend that provision for its appointment should be made in the Union Constitution.

17. Central Subventions.—The development of the Scheduled Areas is likely to involve heavy expenditure on account of the nature of the country and other practical difficulties. It is obvious that in the hilly tracts the construction and maintenance of roads will require a good deal of money. Most of these tracts are devoid of any attraction for officials who thus need to be specially compensated. The provision of schools, medical facilities and water supply which are dire needs will doubtless make a heavy demand on the budget. While we are clearly of the view that to the maximum possible extent the funds required for the welfare and development of these areas should be found in the provinces themselves, we feel that unless the Central Government provides the necessary assistance, some of the Provincial Governments at any rate may find it impossible to carry out schemes of improvement. We recommend therefore that for all schemes of development approved by it the Central Government should contribute, in whole or in part, funds for the implementation of the development schemes. The Central Government should also be in a position to require the Provincial Governments to draw up schemes for the Scheduled Areas. We have recommended statutory provision to this effect.

18. Provincial Funds.—The main anxiety of the Scheduled Areas will centre round the attitude of the legislature in the provision of funds. These areas as already pointed out will be weakly represented and, being deficit areas, may be dealt with on the principle of he who pays more gets more. In the absence of a keen demand it is even possible that there is a diversion of revenues to the more vociferous areas. We have remarked earlier that one of the weaknesses of the system of partial exclusion is the lack of financial safeguards. There is very clearly a necessity for making the required provisions to remove this weakness. It has been suggested to us that funds for the development of the Scheduled Areas should be provided by the fixation of a statutory percentage of the provincial revenues. It may be easy to provide by statute that such and such a proportion of the Provincial revenues should be spent upon the Scheduled Areas, but there is first of all the difficulty of determining the ratio. The needs of the Scheduled Areas are great in comparison with the population and in some cases even with the extent of the tract. Secondly if a rigid statutory ratio is fixed, it may in practice be found that it is not possible to adhere to it. The framing of a budget has to take into account many factors and rigid statutory ratio is likely to cause difficulties to the Provincial Governments, apart from being perhaps ineffective in providing the real needs of the hill tracts. If a low ratio is fixed it is practically certain that the Provincial Governments will not exceed that. If a high ratio is fixed, the Provincial Government may be unable to meet it and in any case the working out of an acceptable ratio itself seems impracticable in the circumstances without a careful examination of the needs of all the different tracts. We feel consequently that no direct statutory safeguard of this nature is possible. The other possibility is that the Governor in his discretion should set apart funds and that these funds should be outside the vote of the legislature. We feel that such a provision is likely to be repugnant to the provincial legislature.

We recommend however that the revenues derived from and the expenses incurred on the Scheduled Areas from the provincial budget should be shown separately so as to prevent the needs of these areas being over-looked through incorporation in the general items. Such a separate statement will of course afford a better opportunity for scrutiny and criticism.

19. Governor's Responsibility.—In connection with financial safeguards the view was expressed that the formulation of a plan of improvement affords sufficient guarantee for the expenditure of funds. We are of the view that in the provisions corresponding to the Instrument of Instructions the Governor should be required to see that a suitable scheme of development is drawn up and implemented as far as possible (See para 17).

20. Tribal Minister.—Connected with the formulation of development schemes and the provision of adequate expenditure for the hill tracts is the need for the appointment of a separate Minister to give effect to the plans and to look after the interests of the aboriginals. The tribal population in the C.P., Orissa and Bihar forms a considerable proportion of the total population and on this ground alone the tribals have a case for representation in the Provincial Government. In the C.P., the tribal population is nearly 18

per cent. In Orissa, almost a fifth of the population is tribal, and in Bihar there are over 5 millions of them constituting about 14 per cent. Partly in order to provide representation for the tribals and in any case to see that adequate attention is paid to their administration we are of the view that there should be a separate Minister for the tribal areas and tribes in C.P., Orissa and Bihar and that this should be provided by statute. The Minister should be a tribal himself unless a suitable person cannot be found. We may add that the Government of Orissa have recognised that there should be a separate portfolio for the welfare of the backward classes under the new constitution.

21. Services.—It has been pointed out that the tribals constitute an appreciable proportion of the population particularly in some Provinces. On this account, the policy of recruitment of a due proportion of aboriginals having regard to reasonable efficiency, into the Government services is justified and necessary and must be followed. Apart from this, however, it is necessary that there should be an adequate number of tribals in the services so that the constant complaints of mishandling by non-tribal Officials, particularly, of such servants as forest guards, constables or excise peons and clerks can be minimized. Moreover, it is only by adequate representation in the Government and local bodies' services that the tribal can gain the necessary confidence and status.

We do not consider that a separate service of tribal people is necessary or desirable for the Scheduled Areas, and we recommend that they should be recruited to a general cadre. This will enable them to come into contact with non-tribes people and we also consider that there is no objection to the posting of selected non-tribal officials to the Scheduled Areas. In fact, in the evidence before us, opinion has been practically uniform that there is no necessity for a special cadre of officials for the hill tracts and what is really required is selection of sympathetic officials for working in the hills. We would draw attention here to the importance of providing suitable accommodation and facilities for medical attention to officials serving in the scheduled areas. Malaria and other diseases constitute the scourge of these hill tracts and unless special attention is paid to the health of the staff it is unlikely that development schemes will make much headway. The provision of facilities for recreation and adequate compensatory allowances for officials posted to these areas should be kept in mind. Any tendency to treat these posts as penal posts or posts for the safe deposit of incompetents must be strongly deprecated.

22. Tribal Panchayats.—We have recommended that simplified rules should be continued where they are in force in the Scheduled Areas for the trial of civil and criminal cases. Wherever trial institutions are still fairly vigorous, we would recommend that they should be utilised to try petty civil disputes and criminal cases. The establishment of the more advanced type of village panchayat is recommended wherever possible.

23. Shifting Cultivation.—Shifting cultivation or podu is practised mostly in the Koraput and Ganjam agency tracts of Orissa and in the similar agency tracts of Madras. In the Central Provinces it is prohibited by law and is not

practised to any appreciable extent except in the Baiga Chak where it is permitted and in the Zamindaris. We have nothing to add to the recommendations of the Orissa Partially Excluded Areas Inquiry Committee. This method of cultivation should be eliminated, as soon as possible.

24. Prohibition.—We invite the attention of Provincial Governments to the recommendations made by Mr. Symington (Bombay) and the Orissa Partially Excluded Areas Committee. Temperance propoganda should be taken up as part of the welfare work. A feeling has been growing among aboriginals, particularly in the tracts of Bombay and the Central Provinces that prohibition is to their advantage, and this feeling should be fostered among all the tribals.

25. Land.—The importance of protection for the land of the tribals has been emphasised earlier. All tenancy legislation which has been passed hitherto with a view to protecting the aboriginal has tended to prohibit the alienation of the tribals land to non-tribals. Alienation of any kind, even to other tribals, may have to be prohibited or severely restricted in different stages of advancement are concerned. We find however that Provincial Governments are generally alive to this question and that protective laws exist. We assume that these will continue to apply and as we have made special provision to see that land laws are not altered to the disadvantage of the tribal in future, we do not consider additional restrictions necessary. As regards the allotment of new land for cultivation or residence however, we are of the view that the interests of the tribal need to be safeguarded in view of the increasing pressure on land everywhere. We have provided accordingly that the allotment of vacant land, belonging to the State in Scheduled Areas should not be made except in accordance with special regulations made by the Government on the advice of the Tribes Advisory Council.

26. Money-Lenders.—Connected with the protection of the land is the need for prevention of exploitation by money-lenders. We consider it necessary that in the Scheduled Areas money-lenders should not be permitted at all and that at any rate they should be allowed to operate under licence and stringent control only.

27. The Scheduled Areas.—It has been pointed out that areas like Sambalpur, Angul and Darjeeling need no longer be treated as partially excluded areas. The U. P. Government are of the view that the Khat Haripur Bias should be detached from the Hill Sub-division. They have also recommended the removal of the Dudhi Partially Excluded Areas. The population of the partially excluded areas in the United Provinces is small and the Jaunsar Bawar pargana is not inhabited by people who are in an ethnic sense tribals. We have not recommended a Tribes Advisory Council for U. P. and we do not consider it necessary to schedule either of these areas. Similarly we do not consider it necessary to schedule the Spiti area of the Punjab. In all these tracts, it will be open to the Provincial Government to apply the provisions of Part II of the law proposed by us. In Bombay, we consider that certain areas in the West Khandesh District and the partially excluded areas of the Broach and Panch Mahals District should henceforth be administered without any special provisions. The O. P. areas are retained as they are and in Chota Nagpur we are provisionally of the view that only the

three districts which have a majority of tribals should be scheduled. The schedule proposed is shown as Appendix D.

On the other hand, there may be other areas which the Provincial Governments may like to bring under special administration. This can be done by the Provincial Government in their discretion. For the protection of the land of tribes like the Lepcha in Darjeeling the Provincial Government could make the appropriate provision of the chapter relating to the Scheduled Areas applicable to the area concerned.

28. **Draft Provisions.**—We enclose a draft of provisions contemplated by us in roughly legal form (Appendix C.).

(Sd.) A. V. THAKKAR,
Chairman.

(Sd.) D. N. SAMANTA.
(Sd.) THAKUR PHUL BHANU SHAH.
(Sd.) RAJ KRUSHNA BŌSE,
(Sd.) JAIPAL SINGH.
(Sd.) P. C. GHOSH.

APPENDIX A.

Part I—Excluded Areas.

MADRAS

The Laccadive Islands (including Minicoy) and the Amindivi Islands.

BENGAL

The Chittagong Hill Tracts.

THE PUNJAB.

Spiti and Lahoul in the Kangra District.

Part II—Partially Excluded areas.

MADRAS

The East Godavari Agency and so much of the Vizagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

BOMBAY

In the West Khandesh District, the Shahada, Nandurbar and Taloda Taluks, the Navapur Petha and the Akrani Mahal, and the villages belonging to the following Mehwasli Chiefs' namely, (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walvi of Gaohali, (5) the Wassawa of Chikhli, and (6) the Parvi of Navalpur.

The Satpura Hills reserved forest areas of the East Khandesh District.
The Kalvan Taluk and Peint Peth of the Nasik District.

The Dhahanu and Shahapur Taluks and the Mokhada and Umbergaon Pethas of the Thana District.

The Dohad Taluk and the Jhalod Mahal of the Broach and Panch Mahalas District.

BENGAL

The Darjeeling District.

The Dewanganj, Sribardi, Nalitabori, Haluaghat, Durgapur and Kalmakanda police stations of the Mymensingh District.

THE UNITED PROVINCES

The Jaunsar-Bawar Pargana of the Dehra Dun District.

The portion of the Mirzapur District south of the Kaimur Range.

BIHAR

The Chota Nagpur Division.

The Santal Parganas District.

THE CENTRAL PROVINCES AND BERAR

In the Chanda District, the Ahiri Zamindari in the Sironcha Tahsil, and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindaris in the Garchiroli Tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partabgarh (Pagara), Almod and Sonpur jagirs of the Chhindwara District, and the portion of the Pachmarhi jagir in the Chhindwara District.

The Mandla District.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District.

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District.

The Baihar Tahsil of the Balaghat District.

The Melghat Taluk of the Amraoti District.

The Bhainsdehi Tahsil of the Betul District.

ORISSA

The District of Angul.

The District of Sambalpur.

The areas transferred from the Central Provinces under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

The Ganjam Agency Tracts.

The areas transferred to Orissa under the provisions of the aforesaid Order from the Vizagapatam Agency in the Presidency of Madras.

APPENDIX B.

I

Statement showing the total Population and Tribal Population of Provinces.

Name of Province	Total Population	Tribal Population	Percentage
Madras	49,341,810	562,029	1.1
Bombay	20,849,840	1,614,298	7.7
Bengal	60,306,525	1,889,389	3.1
United Provinces	55,020,617	289,422	.53
Punjab	28,418,819	...	...
Bihar	36,340,151	5,055,647	13.9
G. P. and Berar	16,818,584	2,937,364	17.5
Assam	10,204,733	2,484,996	24.4
N. W. F. P.	3,038,067	...	...
Orissa	8,728,544	1,721,006	19.7
Sind	4,535,008	36,819	.81
Ajmer-Merwara	583,693	91,472	15.6
Andaman and Nicobars	33,768	11,076	32.8
Baluchistan	501,631	3	...
Coorg	168,726	19,723	11.7
Delhi	917,939	...	...

Source : 1941 Census Table

**EXCLUDED AND PARTIALLY EXCLUDED AREAS
POPULATION (PROVINCIAL TOTALS).**

	Areas in Sq. Miles.	Total Population.	Aboriginal or Backward Class.	Percentage.
Madras	Excluded Areas— 9·62 Sq. Miles + 201½ acres.	18,357	18,335	99·9
	Partially Excluded Areas— 6,792·31	493,026	333,372*	67·6
Bombay	Excluded Areas— Nil.			
	Partially Excluded Areas— 6,697†	1,125,471	663,528	59·9
Bengal	Excluded Areas— 5,007	247,053	233,392	94·5
	Partially Excluded Areas— 2,518	977,665	190,112	19·4
United Provinces	Excluded Areas— Nil.			
	Partially Excluded Areas— 2,250	202,000	143,600	71·1
Punjab	Excluded Areas— 4,695	11,700	11,700 (Tibetans).	100
	Partially Excluded Areas— Nil.			
Bihar	Excluded Areas— Nil.			
	Partially Excluded Areas— 32,592	9,750,846	4,451,109	45·6
Central Provinces and Berar.	Excluded Areas— Nil.			
	Partially Excluded Areas— 19,856	1,467,681	829,918	36·6
Orissa	Excluded Areas— Nil.			
	Partially Excluded Areas— 19,831	2,939,416	1,560,104	53·07
GRAND TOTAL	100,248	17,233,205	8,435,190	48·95

*Includes 72,809 Backward Class.

†Does not include the area of "Satpura Hills Reserved Forest".

III.
STATEMENT SHOWING TOTAL POPULATION AND TRIBAL
POPULATION BY DISTRICTS.

Province or District.	Total Population.	Tribal Population.	Percentage.
MADRAS PROVINCE.			
British Territory	49,341,810	582,029	1.14
Vizagapatam	3,945,944	286,923	7.46
Agency	421,437	140,721	63.55
Plains	3,524,507	146,202	4.03
Godavari East	2,161,863	101,532	4.70
Agency	271,569	97,200	35.79
Plains	1,890,294	4,332	.23
Godavari West	1,380,088	1,999	.14
Kistna	1,444,294	345	.02
Guntur	2,277,283	2,246	.10
Nellore	1,617,026	15	...
Cuddapah	1,056,507	10	...
Kurnool	1,146,250	5,878	.51
Bellary	1,051,235	548	...
Anantapur	1,171,419	4	...
Madras	777,481	2	...
Chingleput	1,823,955	39	...
Chittoor	1,632,395	...	...
North Arcot	2,577,540	...	...
Salem	2,869,226	6	...
Coimbatore	2,809,648	12,440	.44
South Arcot	2,608,753	...	...
Tanjore	2,563,375	213	...
Trichinopoly	2,194,091	24	...
Madura	2,446,601	6	...
Ramnad	1,979,643	...	...
Tinnevelley	2,244,543	161	...
Nilgiris	209,709	62,951	30.02
Malabar	3,029,425	34,306	.87
South Kanara	1,523,516	52,312	3.43
BOMBAY PROVINCE.			
Province of Bombay Proper	20,849,840	1,614,298	7.74
Bombay City	1,489,883	4,606	.31
Northern Division	5,276,593	874,103	16.56
Ahmedabad	1,373,171	8,730	.64
Ahmedabad City	591,267	5,744	.97
Broach & Panch Mahals	924,527	268,617	29.06
Kaira	914,957	5,161	.57
Surat	881,058	320,575	36.37
Thana	932,733	257,130	27.57
Bombay Suburban	251,147	18,890	5.53
Central Division	8,197,393	687,828	8.15
Ahmednagar	1,142,229	41,146	3.60
East Khandesh	1,327,722	61,054	4.60
West Khandesh	912,214	357,719	39.21
Nasik	1,113,901	167,280	15.02
Poona	1,359,403	36,835	2.71
Satara	1,327,249	11,014	.08
Sholapur	1,014,670	2,780	.21
Southern Division	5,885,971	67,761	1.15
Belgaum	1,225,428	1,674	.14
Bijapur	975,982	1,008	.10
Dharwar	1,210,016	1,414	.12
Kanara	441,157	197	.04
Kolaba	668,922	62,170	9.29
Ratnagiri	1,373,466	1,298	.09

Province or District.	Total Population.	Total Population.	Percentage.
BENGAL PROVINCE.			
British Territory	60,306,525	1,889,389	3.13
<i>Burdwan Division</i>	10,287,369	706,729	6.87
Burdwan	1,890,732	151,355	8.0
Birbhum	1,048,317	74,084	7.07
Bankura	1,289,640	154,246	11.96
Midnapur	3,190,647	253,625	7.95
Hooghly	1,377,729	69,500	5.04
Howrah	1,490,304	3,919	.26
<i>Presidency Division</i>	12,817,087	99,235	.77
24 Parganas	3,536,386	51,085	1.44
Calcutta	2,108,891	1,688	.08
Nadia	1,759,846	12,671	.72
Murshidabad	1,640,530	26,138	1.59
Jessore	1,828,216	4,978	.27
Khulna	1,943,218	2,675	.14
<i>Rajshahi Division</i>	12,040,465	776,729	6.44
Rajshahi	1,571,750	67,298	4.28
Dinajpur	1,926,833	182,892	9.49
Jalpaiguri	1,089,513	279,296	25.63
Darjeeling	376,369	141,301	37.54
Rangpur	2,877,847	18,200	.63
Bogra	1,260,463	14,387	1.14
Pabna	1,705,072	6,906	.45
Malda	1,232,618	66,449	5.39
<i>Dacca Division</i>	16,683,714	65,398	.39
Dacca	4,222,143	4,029	.10
Mymensingh	6,023,758	59,722	.99
Faridpur	2,888,803	1,363	.05
Bakarganj	3,549,010	284	.01
<i>Chittagong Division</i>	8,477,890	241,298	2.85
Tippera	3,860,139	1,524	.04
Noakhali	2,217,402	34	..
Chittagong	2,153,296	6,348	.29
Chittagong Hill Tracts	247,053	233,392	94.47
UNITED PROVINCES.			
British Territory	55,020,617	289,422	.53
<i>Agra Province</i>	40,906,147	289,244	.71
<i>Meerut Division</i>	5,716,451	70	..
Dehra Dun	266,244	..	..
Saharanpur	1,179,643	..	..
Muzaffarnagar	1,058,759	..	..
Meerut	1,896,582	..	..
Bulandshahr	1,317,223	70	..
<i>Agra Division</i>	5,326,768	79	..
Aligarh	1,372,641	1	..
Muttra	806,992	..	..
Agra	1,289,774	..	..
Etah	984,760	78	.01
<i>Rohilkhand Division</i>	6,195,996	57	..
Bareilly	1,176,197	28	..
Bijnor	910,223	11	..
Budaun	1,162,322	..	..
Moradabad	1,473,151	17	..
Shahjahanpur	983,385	1	..
Pilibhit	490,718	..	..
<i>Allahabad Division</i>	6,014,813	19,139	.32
Farrukhabad	955,377	47	..

Province or District.	Total Population.	Tribal Population.	Percentage.
Etawah	883,264	143	.02
Cawnpore	1,556,247	1,083	.70
Fatehpur	806,944	241	.03
Allahabad	1,812,981	17,625	.97
<i>Jhansi Division</i>	2,553,492	26,439	1.04
Jhansi	773,002	12,494	1.06
Jalaun	482,384	6,361	1.31
Hamirpur	575,538	7,584	1.32
Banda	722,568	...	...
<i>Benares Division</i>	5,545,257	141,661	2.55
Benares	1,218,629	21,152	1.74
Mirzapur	899,929	43,383	4.82
Jaunpur	1,387,439	3,353	.24
Ghazipur	985,380	21,641	2.20
Ballia	1,053,880	52,132	4.95
<i>Gorakhpur Division</i>	7,972,108	101,746	1.28
Gorakhpur	3,963,574	99,076	2.50
Basti	2,185,641	83	...
Azamgarh	1,822,893	2,587	.14
<i>Kumaon Division</i>	1,681,262	53	...
Nainital	291,861	...	...
Almora	687,286	...	...
Garhwal	802,115	53	.01
OUDEH PROVINCE.	14,114,470	178	...
<i>Lucknow Division</i>	6,530,932	7	...
Lucknow	949,728	7	...
Unao	959,542	...	...
Rae Bareli	1,064,804	...	...
Sitapur	1,293,554	...	...
Hardoi	1,239,279	...	...
Kheri	1,024,025	...	...
<i>Fyzabad Division</i>	7,583,538	171	...
Fyzabad	1,319,425	157	.01
Gonda	1,719,644	...	...
Bahraich	1,240,569	...	...
Sultanpur	1,100,368	14	...
Partabgarh	1,041,024	...	...
Bara Banki	1,162,508	...	...
BIHAR PROVINCE			
British Territory	36,340,151	5,055,647	13.91
<i>Patna Division</i>	7,265,950	300,004	4.12
Patna	2,162,008	12,722	.59
Gaya	2,775,361	258,032	9.33
Shahabad	2,328,581	29,250	1.26
<i>Tirhut Division</i>	11,959,827	31,378	.35
Saran	2,860,537	18,314	.64
Champaran	2,397,569	20,086	.83
Muzaffarpur	3,244,651	1,996	.05
Darbhanga	3,457,070	982	.03
<i>Bhagalpur Division</i>	9,698,025	1,393,041	14.45
Monghyr	2,564,544	53,421	2.08
Bhagalpur	2,408,879	104,879	4.35
Purnea	2,390,105	104,856	4.38
Santal Parganas	2,234,497	1,129,885	50.56
<i>Chota Nagpur Division</i>	7,516,349	3,321,224	44.19
Hazaribagh	1,751,339	478,253	27.31
Ranchi	1,675,413	1,173,142	70.02
Palamau	912,734	323,106	35.40
Manbhum	2,032,146	678,126	33.37
Singhbhum	1,144,717	668,597	58.41

Province or District.	Total Population.	Tribal Population.	Percentage.
CENTRAL PROVINCES AND BERAR.			
British Territory	16,113,584	2,937,364	17.47
CENTRAL PROVINCES.	13,208,718	2,663,959	20.16
<i>Jubbulpore Division</i>	3,691,112	789,365	21.39
Saugor	939,088	82,107	8.74
Jubbulpore	910,603	166,958	18.33
Mandla	504,580	304,099	60.27
Hoshangabad	823,585	123,621	15.01
Nimar	513,276	112,570	21.93
<i>Nagpur Division</i>	3,924,985	854,939	21.78
Betul	438,342	168,229	38.38
Chhindwara	1,034,040	395,781	38.28
Wardha	519,330	51,848	9.98
Nagpur	1,059,989	66,471	6.27
Chanda	1,873,284	172,610	19.77
<i>Chattisgarh Division</i>	5,592,621	1,019,665	18.23
Bhandara	963,225	115,173	11.96
Balaghat	634,350	138,693	21.86
Raipur	1,516,686	273,260	17.01
Bilaspur	1,549,609	287,680	18.56
Drug	928,851	104,859	20.91
BERAR PROVINCE	3,604,866	273,405	7.56
Amraoti	988,524	63,210	6.39
Akola	907,742	30,456	3.36
Buldana	820,862	19,849	2.42
Yectmal	887,738	159,890	18.01
ASSAM PROVINCE.			
British Territory	10,204,733	2,484,996	24.35
<i>Surma Valley and Hill Division</i>	4,218,875	683,546	16.20
Cachar	641,181	178,264	27.80
Sylhet	3,116,602	69,907	2.24
Khasi & Jaintia Hills (British)	118,665	103,567	87.43
Naga Hills	189,641	184,766	97.43
Lushai Hills	152,786	147,042	96.24
<i>Assam Valley Division</i>	5,919,228	1,757,664	29.74
Goalpara	1,014,285	237,993	23.46
Kamrup	1,264,200	197,926	15.66
Darrang	736,791	260,748	35.39
Nowgong	710,800	166,525	23.43
Sibsagar	1,074,741	360,768	33.57
Lakhimpur	894,842	335,230	37.46
Garo Hills	223,569	198,474	88.78
Sadiya Frontier Tracts	60,118	39,974	66.49
Balipara Frontier Tracts	6,512	3,812	58.54
ORISSA PROVINCE.			
British Territory	8,728,544	1,721,006	19.72
Cuttack	2,431,427	55,280	2.27
Balasore	1,039,430	29,757	2.89
Puri	1,101,939	29,555	2.68
Sambalpur	1,182,622	232,095	19.71
Ganjam	1,855,264	433,687	23.38
Plains	1,392,188	59,658	4.29
Agency	463,076	374,029	80.77
Koraput	1,127,862	940,632	83.40

Province or District.	Total Population	Tribal Population.	Percentage.
SIND PROVINCE.			
British Territory	4,535,008	26,819	.81
Dadu	389,380	154	.31
Hyderabad	758,748	769	.10
Karachi	713,900	884	.12
Larkana	511,208	...	...
Nawabshah	584,178	1,326	.23
Sukkur	692,556	51	.01
Thar Parkar	581,004	[33,635	5.79
Upper Sind Frontier	304,034	...	...
AJMER-MERWARA	[583,693	91,472	15.67
ANDAMANS & NICOBARS	33,768	11,076	32.80
Andamans	21,316	...	...
Nicobars	12,452	11,076	88.95
Coorg			
	168,726	19,723	11.69

Schedule 18 to Government of India (Provincial Legislative Assemblies).
Order, 1936.

Backward Tribes.

PART I

MADRAS

1. Bagata.
2. Bottadas—Bodo Bhottada, Muria Bhottada and Sano Bhottada.
3. Bhumias—Bhuri Bhumia and Bodo Bhumia.
4. Bissoy—Barangi Jodia, Bennangi Daduva, Frangi, Hollar, Jhoria, Kollai, Konde, Paranga, Penga-Jodia, Sodo Jodia and Takora.
5. Dhakkada.
6. Domb—Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Mirgani Dombs, Oriya Dombs, Ponaka Dombs, Telaga and Ummia.
7. Gadabas—Boda Gadaba, Cerlam Gadaba, Franji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Paranga Gadaba.
8. Ghasis—Boda Ghasis and San Ghasis.
9. Gondi—Modya Gond and Rejo Gond.
10. Goundus—Bato, Bhirithya, Dudhokouria, Hato, Jatako and Joria.
11. Kosalya Goudus—Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya, Goudus and Pullosoriya Goudus.
12. Magatha Goudus—Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha.
13. Serithi Goudus.
14. Holva.
15. Jadapus.
16. Jatapus.
17. Kammaras.
18. Khattis—Khatti, Kommaro and Lohara.
19. Kodu.
20. Kommar.
21. Konda Dhoras.
22. Konda Kapus.
23. Kondareddis.
24. Kondhs—Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs, Tikiria Kondhs and Yenity Kondhs.
25. Kotia—Bartikar, Benthoriya, Dhulia or Dulia, Holva Paiko, Putiay, Sanrona and Sidho Paiko.
26. Koya or Gound with its sub-castes, Raja or Rasha Koyas, Lingadhari Koyas, Koyas (ordinary) and Kottu Koyas.

27. Madigas.
28. Malas or Agency Matas or Valmikies.
29. Malis—Worchia Malis, Paiko Malis and Pedda Malis.
30. Maune.
31. Manna Dhora.
32. Mukha, Dhora-Nooka Dhora.
33. Muli or Muliya.
34. Muria.
35. Ojulus or Metta Komsalies.
36. Omanaito.
37. Paigarapu.
38. Palasi.
39. Palli.
40. Pentias.
41. Porjas—Bodo, Bonda, Daruva, Didua, Jodia, Mundili, Pengu Pydi and Saliya.
42. Reddi or Dhoras.
43. Relli or Sachandi.
44. Ronas.
45. Savaras—Kapu Savaras, Khutto Savaras and Maliya Savaras.

PART II.

Bombay.

- | | | |
|--------------------|--------------------------|------------------|
| 1. Barda. | 9. Gond. | |
| 2. Bavacha. | 10. Kathodi, or Katkari. | 16. Patelia. |
| 3. Bhil | 11. Konkana. | 17. Pomla. |
| 4. Chodhra. | 12. Koli Mahadeb. | 18. Powara |
| 5. Dhanka | 13. Mavchi. | 19. Rathawa. |
| 6. Dhodia. | 14. Naikda or Nayak. | 20. Tadvi Bhill. |
| 7. Dubla. | 15. Pardhi, including | 21. Thakur. |
| 8. Gamit or Gamta. | Advichincher or | 22. Valvai. |
| | Phanse Pardhi. | 23. Varli. |
| | | 24. Vasava. |

PART III.

Bihar.

A person shall be deemed to be a member of a backward tribe if and only if—

(a) he is resident in the Province and belongs to any of the following tribes :—

- | | | |
|-----------------|----------------|---------------------|
| 1. Asur. | 12. Gond. | 23. Kora. |
| 2. Banjara. | 13. Gorait. | 24. Korwa. |
| 3. Bathudi. | 14. Ho. | 25. Mahli. |
| 4. Bentkar. | 15. Jaung. | 26. Mal Pah aria. |
| 5. Binghia. | 16. Karmali. | 27. Munda. |
| 6. Birhor. | 17. Kharia. | 28. Orson. |
| 7. Birjia. | 18. Kharwar. | 29. Parhiya. |
| 8. Chero. | 19. Khetsauri. | 30. Santal. |
| 9. Chik Baraik. | 20. Khond. | 31. Sauria Paharia. |
| 10. Gadaba. | 21. Kisan. | 32. Savar. |
| 11. Ghatwar. | 22. Koli. | 33. Tharu. |

(b) he is resident in any of the following districts or police stations, that is to say the districts of Ranchi, Singhbhum, Hazaribagh and the Santal Parganas and the Police Stations of Arsha, Balarampur, Jhalda, Jaipur, Baghmundi, Chandil, Ichagarh, Barahabhum, Patamada, Banduan and Manbazar in the district of Manbhum and belongs to any of the following tribes :—

- | | | |
|------------|------------|------------|
| 1. Bauri. | 4. Bhumij. | 7. Rajwar. |
| 2. Bhogta. | 5. Ghasi. | 8. Turi. |
| 3. Bhuiya. | 6. Pan. | |

(c) he is resident in the Dhanbad Sub-Division or any of the following police stations in the Manbhum district that is to say, Purulia, Hura, Pancha Ragunathpur Santuri, Nituria, Para, Chas, Chandan-Kiari and Kashipur, and belongs to the Bhumij tribe.

PART IV.

Central Provinces.

- | | | |
|--------------------|---------------|-------------------------|
| 1. Gond. | 13. Baiga. | 25. Kol. |
| 2. Kavar. | 14. Kolam. | 26. Nagasia. |
| 3. Maria. | 15. Bhil. | 27. Sawara. |
| 4. Muria. | 16. Bhuinhar. | 28. Korwa. |
| 5. Halba. | 17. Dhanwar. | 29. Majhwar. |
| 6. Pardhan. | 18. Bhasina. | 30. Kharia. |
| 7. Oraon. | 19. Parja. | 31. Saunta. |
| 8. Binjhar. | 20. Kamar. | 32. Kondh. |
| 9. Andh. | 21. Bhumija. | 33. Nihal. |
| 10. Bharia-Bhumia. | 22. Nagarchi. | 34. Birhaul (or Biror). |
| 11. Koti. | 23. Ojha. | 35. Rautia. |
| 12. Bhattra. | 24. Korku. | 36. Pando. |

PART V.

Orissa.

A person shall be deemed to be a member of backward tribe if and only if—

(a) he is resident in the Province and belongs to any of the following tribes :—

- | | | |
|-----------------|--------------------|--------------|
| 1. Bagata. | 8. Konda-Dora. | 15. Munda. |
| 2. Banjari. | 9. Koya. | 16. Banjara. |
| 3. Chenchu. | 10. Paroja. | 17. Bingja. |
| 4. Gadaba. | 11. Saora (Savar). | 18. Kisan. |
| 5. Gond. | 12. Oraon. | 19. Koli. |
| 6. Jatapu. | 13. Santal. | 20. Kora. |
| 7. Khond (Kond) | 14. Kharia. | |

(b) he is resident in any of the following areas, that is to say, the Koraput and Khondmals Districts and the Ganjam Agency and belongs to either of the following tribes :—

1. Dom or Dombu.
2. Pan or Pano.

(c) he is resident in the Sambalpur district and belongs to any of the following tribes :—

- | | |
|------------|-----------------|
| 1. Bauri. | 4. Ghasi. |
| 2. Bhuiya. | 5. Turi. |
| 3. Bhumij. | 6. Pan or Pano. |

3
APPENDIX C

Statutory Recommendations

PART I

A. The Provincial Government may at any time by notification apply the provisions of Part II of this Chapter or of any of its sections to such areas as may be specified in the notification, being areas inhabited by any of the tribes named in Schedule A (and hereinafter referred to as "the tribes").

B. (1) The number of representatives of the tribes in the Provincial Legislature shall not be less in proportion to the total number of representatives than the population of the tribes in the province bears to its total population.

(2) In the Federal Legislature (House of the People) there shall be such number of representatives of the tribes of each Province as may be in accordance with the total population of the tribes in that Province on the scale prescribed in Section.

C. The election of the representatives of the tribes to the Provincial Legislature shall be by universal adult franchise.

PART II

D. As from the commencement of this Constitution the provisions of this Part shall apply to the areas specified in Schedule B to this Chapter (and hereinafter referred to as "the Scheduled Areas").

E. (1) The Provincial Government may, if so advised by the Tribes Advisory Council, by notification direct that any law passed by the Legislature shall not apply to a Scheduled Area or shall apply with such modifications as it may prescribe :

Provided that the Provincial Government shall, if so advised by the Tribes Advisory Council, direct that any law passed by the Provincial Legislature in respect of the following subjects, that is to say, (i) all social matters including inheritance of property ; (ii) occupation of land (not being forest reserved under the provisions of the Indian Forest Act or other law applicable) including tenancy laws, allotment of land, reservation of land for any purpose ; (iii) village management, including the establishment of village panchayats, shall not apply to a Scheduled Area or shall apply with such modifications as it may prescribe with the concurrence of the said Council.

(2) The Provincial Government may, in consultation with the Tribes Advisory Council, make special regulations for a Scheduled Area on any matter not provided for by a law in force in the Area.

F. Vacant land in a Scheduled Area which is the property of the State shall not be allotted to a non-tribal except in accordance with rules made by the Provincial Government in consultation with the Tribes Advisory Council.

G. (1) The Provincial Government may, and if so advised by the Tribes Advisory Council shall, direct that no person shall carry on business in a Scheduled Area as a moneylender except under and in accordance with the conditions of a licence issued by it or by an officer authorised by it in this behalf.

(2) Any contravention of an order issued by the Provincial Government under Sub-section (1) of this Section shall be an offence.

H. The revenue and expenditure pertaining to a Scheduled Area which is credited to or met from the funds of the Provincial Government shall be shown separately in the annual financial statement of the Provincial Government.

I. There shall be paid out of the revenues of the Federation such capital and recurring sums as may be necessary to enable the Provincial Government to meet the cost of such schemes of development as may be undertaken with the approval of the Federal Government for the purpose of raising the level of administration of the Scheduled Areas and all round development of the tribes to that of the rest of the province.

J. (1) There shall be established as soon as may be after the commencement of this Constitution in the Provinces of Madras, Bombay, West Bengal, Bihar, C. P. and Berar and Orissa, a Tribes Advisory Council to perform such functions as may be prescribed in this Constitution and to advise the Provincial Government from time to time on all matters pertaining to the administration and welfare of the tribes and of the Scheduled Areas.

(2) The Tribes Advisory Council shall consist of not less than ten and not more than twenty five members of whom three-fourths shall be elected representatives of the tribes in the Provincial Legislature (Lower House).

(3) The Provincial Government may make rules prescribing or regulating as the case may be :—

(a) the number of members of the Council, the mode of appointment of the members and of the Chairman or other office-bearers ;

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

(c) relations with officials and local bodies ;

(d) all other incidental matters.

K. (1) The Federal Government may, at any time, and shall after the expiry of ten years from the commencement of this Constitution, institute a Commission to report on the administration of the tribes and the Scheduled Areas in general.

(2) The Federal Government may at any time require the Provincial Government to draw up and execute such schemes as it considers essential for the welfare of the tribes.

L. In the Provinces of Bihar, the Central Provinces and Berar and Orissa there shall be a separate Minister for Tribal Welfare :

Provided that the Minister may hold charge simultaneously of welfare work pertaining to Scheduled Castes or other backward classes or any other work.

M. Notwithstanding anything in the Criminal Procedure Code 1898, or the Civil Procedure Code (Act V of 1908), the Provincial Government may make special regulations for a Scheduled Area for the trial of offences other than those punishable with imprisonment for five years or more or with death or transportation for life and of disputes other than those arising out of special laws respectively and may empower headmen or panchayat: to try such cases.

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APPENDIX D.
Schedule 'A'

PART I

MADRAS

1. Bagata.
2. Bottadas—Bodo Bhottada, Muria Bhottada and Sano Bhottada.
3. Bhumias—Bhuri Bhumia and Bodo Bhumia.
4. Bissoy—Bharangi Jodia, Bennangi Daduva, Frangi, Hollar, Jhoria, Kollai, Konde, Paranga, Penga Jodia, Sodo Jodia and Takora.
5. Dhakkada.
6. Domb—Andhiya Dombs, Audiniya Dombs, Chonel Dombs, Christian Dombs, Miigam Dombs, Oriya Dombs, Ponaka Dombs, Telaga and Ummia.
7. Gadabas—Boda Gadaba, Cerlam Gadaba, Fanji Gadaba, Jodia Gadaba, Olaro Gadaba, Pangi Gadaba and Paranga Gadaba.
8. Ghasis—Boda Ghasis and San Ghasis.
9. Gondi—Modya Gond and Rajo Gond.
10. Goundus—Bato, Bhirithya, Dudhokouria, Hato, Jatako and Joria.
11. Kosalya Goudus—Bosothoriya Goudus, Chitti Goudus, Dangayath Goudus, Doddu Kamariya, Dudu Kamaro, Ladiya, Goudus and Pullosoriay Goudus.
12. Magatha Goudus—Bernia Goudu, Boodo Magatha, Dongayath Goudu, Ladya Goudu, Ponna Magatha and Sana Magatha.
13. Serithi Goudus.
14. Holva.
15. Jadapus.
16. Jataus.
17. Kammaras.
18. Khattis—Khatti, Kommaro and Lohara.
19. Kodu.
20. Kommar.
21. Konda Dhoras.
22. Konda Kapus.
23. Kondareddis.
24. Kondhs—Desaya Kondhs, Dongria Kondhs, Kuttiya Kondhs Tikiria, Kondhs and Yenity Kondhs.
25. Kotia—Bartikar, Bentho Oriya, Dhulia or Dulia, Holva Paiko, Putiyay, Sanrona and Sidho Paiko.
26. Koya or Gound with its sub-sects, Raja of Rasha Koyas, Lingadhari Koyas, Koyas (ordinary) and Kottu Koyas.
27. Madigas.
28. Malas or Agency Malas or Velmikies.
29. Malis—Worchia Malis, Paiko Malis and Pedda Malis.

30. Maune.
31. Manna Dhora.
32. Mukha Dhora—Nooka Dhora.
33. Muli or Muliya.
34. Muria.
35. Ojulus or Metta Komsalies.
36. Omanaito.
37. Paigarapu.
38. Palasi.
39. Pali.
40. Pentias.
41. Porjas—Bodo, Bonda, Daruva, Didua, Jodia, Mundili, Pengu Pydi and Saliya.
42. Reddi or Dhoras.
43. Relli or Sachandi.
44. Ronas.
45. Savaras—Kapu Savaras, Khutto Savaras and Maliya Savaras.
46. The inhabitants of the Laccadive, Minicoy and Amindivi Islands.

PART II

BOMBAY

- | | | |
|--------------------|---|-----------------|
| 1. Barda. | 9. Gond. | 16. Patelia. |
| 2. Bavacha. | 10. Kathodi or Katkari. | 17. Pomla. |
| 3. Bhil. | 11. Konkna. | 18. Powara. |
| 4. Chodhra. | 12. Koli Mahadeb. | 19. Rathawa. |
| 5. Dhanka. | 13. Mavchi. | 20. Tadvi Bhil. |
| 6. Dhodia. | 14. Naikda or Nayak. | 21. Thakur. |
| 7. Dublia. | 15. Pardhi including Advichincher or Phanse Pardhi. | 22. Valvai. |
| 8. Gamit or Gamta. | | 23. Varli. |
| | | 24. Vasava. |

PART III

BIHAR

(a) A resident of the province belonging to any of the following tribes :—

- | | | |
|-----------------|---------------|---------------------|
| 1. Asur. | 12. Gond. | 23. Kora. |
| 2. Bajra. | 13. Gorait. | 24. Korwa. |
| 3. Bathudi. | 14. Ho. | 25. Mahli. |
| 4. Bentkar. | 15. Juang. | 26. Mal Paharia. |
| 5. Binjhia. | 16. Karmali. | 27. Munda. |
| 6. Birhor. | 17. Kharlia. | 28. Oraon. |
| 7. Birjia. | 18. Kharwar. | 29. Parhiya. |
| 8. Chero. | 19. Khetauri. | 30. Santal. |
| 9. Chik Baraik. | 20. Khond. | 31. Sauria Paharia. |
| 10. Gadaba. | 21. Kisan. | 32. Savar. |
| 11. Ghatwar. | 22. Koli. | 33. Tharu. |

(b) a resident in any of the following districts or police stations, that is to say, the districts of Ranchi, Singhbhum, Hazaribagh and the Santal Parganas, and the police stations of Arsha, Balarampur, Jhalda, Jaipur, Baghmundi, Chandil, Ichagarh, Barahabhum, Patamda Banduan and Manbazar in the district of Manbhum, belonging to any of the following tribes:—

- | | | |
|------------|------------|------------|
| 1. Bauri. | 4. Bhumij. | 7. Rajwar. |
| 2. Bhagta. | 5. Ghasi. | 8. Turi. |
| 3. Bhuiya. | 6. Pan. | |

(c) a resident in the Dhanbad Sub-Division or any of the following police stations in the Manbhum District, that is to say, Purulia, Hura, Pancha, Raghunathpur, Santuri, Nituria, Para, Chas, Chandan-Kiari and Khasipur, belonging to the Bhumij tribe.

PART IV

CENTRAL PROVINCES

- | | | |
|--------------------|---------------|-------------------------|
| 1. Gond. | 13. Baiga. | 25. Kol. |
| 2. Kavar. | 14. Kolan. | 26. Nagasia. |
| 3. Maria. | 15. Bhil. | 27. Sawara. |
| 4. Muria. | 16. Bhuinhar. | 28. Korwa. |
| 5. Halba. | 17. Dhanwar. | 29. Majhwar. |
| 6. Pardhan. | 18. Bhaina. | 30. Kharia. |
| 7. Oraon. | 19. Parja. | 31. Saunta. |
| 8. Bimjhar. | 20. Kamar. | 32. Kondh. |
| 9. Andh. | 21. Bhunjia. | 33. Nihal. |
| 10. Bharia-Bhumia. | 22. Nagarchi. | 34. Birhaul (or Birhor) |
| 11. Koti. | 23. Ojha. | 35. Rautia. |
| 12. Bhatta. | 24. Korku. | 36. Pando. |

PART V

ORISSA

(a) A resident of the province belonging to any of the following tribes:—

- | | | |
|------------------|--------------------|--------------|
| 1. Bagata. | 8. Konda-Dora. | 15. Munda. |
| 2. Banjari. | 9. Koya. | 16. Banjara. |
| 3. Chenohu. | 10. Paroja. | 17. Binjhia. |
| 4. Gadaba. | 11. Saora (Savar). | 18. Kisan. |
| 5. Gond. | 12. Oraon. | 19. Koli. |
| 6. Jatapu. | 13. Santal. | 20. Kora. |
| 7. Khand (Kond). | 14. Kharia. | |

(b) a resident of any of the following areas, that is to say, the Koraput and Khondmals Districts and the Ganjam Agency belonging to either of the following tribes:—

1. Dom or Dombo.
2. Pan or Pano.

(c) a resident of the Sambalpur District belonging to any of the following tribes:—

- | | |
|------------|-----------------|
| 1. Bauri. | 4. Ghasi. |
| 2. Bhuiya. | 5. Turi. |
| 3. Bhumij. | 6. Pan or Pano. |

PART VI.

BENGAL

- | | |
|------------|--|
| 1. Botia. | 7. Mro. |
| 2. Chakma. | 8. Oraon. |
| 3. Kuki. | 9. Santal. |
| 4. Lepcha. | 10. Tippera. |
| 5. Munda. | 11. Any other tribe notified by the Provincial Govt. |
| 6. Magh. | |

PART VII

UNITED PROVINCES

- | | |
|-------------|---|
| 1. Bhuinya. | 6. Kol. |
| 2. Baiswar. | 7. Ojha. |
| 3. Baiga. | 8. Any other tribe notified by the Provincial Govt. |
| 4. Gond. | |
| 5. Kharwar. | |

SCHEDULE B

MADRAS

The Laccadive Islands (including Minicoy) and the Amindivi Islands.

The East Godavari Agency and so much of the Vizagapatam Agency as is not transferred to Orissa under the provisions of the Government of India (Constitution of Orissa) Order, 1936.

BENGAL

The Chittagong Hill Tracts.

BOMBAY

In the West Khandesh District:—The Navapur Petha, the Akrani Mahal and the villages belonging to the following Mehwassi Chiefs: (1) the Parvi of Kathi, (2) the Parvi of Nal, (3) the Parvi of Singpur, (4) the Walvi of Gachali, (5) the Wassawa of Chikhli and (6) the Parvi of Navalpur.

In the East Khandesh District:—The Satpura Hills Reserved Forest Areas.

In the Nasik District:—The Kalvan Taluk and Peint Peth.

In the Thana District:—The Dahanu and Shabpur Talukas and Mokhala and Umbergaon Pethas.

BIHAR

The Ranchi and Singbhum districts and the Latehar Sub-division of the Palamau district of the Chota Nagpur Division.

The Santal Paraganas District, excluding the Godda and Deogarh sub-divisions.

THE CENTRAL PROVINCES AND BERAR

In the Chanda District, the Ahiri Zamindari in the Sironcha Tahsil and the Dhanora, Dudmala, Gewardha, Jharapapra, Khutgaon, Kotgal, Muramgaon, Palasgarh, Rangi, Sirsundi, Sonsari, Chandala, Gilgaon, Pai-Muranda and Potegaon Zamindaris in the Garchiroli Tahsil.

The Harrai, Gorakghat, Gorpani, Batkagarh, Bardagarh, Partagarh (Pagara), Almod and Sonpur Jagirs of the Chhindwara District, and the portion of the Pachmarhi jagir in the Chhindwara District.

The Mandla District.

The Pendra, Kenda, Matin, Lapha, Uprora, Chhuri and Korba Zamindaris of the Bilaspur District.

The Aundhi, Koracha, Panabaras and Ambagarh Chauki Zamindaris of the Drug District.

The Baibar Tahsil of the Balaghat District.

The Melghat Taluk of the Amraoti District.

The Bhainsdehi Tahsil of the Betul District.

ORISSA

The Ganjam Agency Tracts including Khondmals.

The Koraput District.

MINUTE OF DISSENT
Scheduled Areas

I regret I must submit a minute of dissent in regard to the "Scheduled Areas" for the Chhota Nagpur Plateau. I cannot agree to the elimination of the Districts of Manbhum, Hazaribagh and Palamau which, even according to the unreliable 1941 Census, contain 678,126, 478,253 and 323,106 Adibasis respectively, that is, a total of 1,479,485 Adibasis for the three Districts. I cannot see how I can agree to the demolition of the economic, geographical and ethnic unity and entity of the Chhota Nagpur Division. It is not right that we should give an ex parte verdict and change the status quo of these three Districts.

The 19th. August 1947

JAIPAL SINGH.

**INTERIM REPORT OF THE EXCLUDED AND PARTIALLY EXCLUDED
AREAS (OTHER THAN ASSAM) SUB-COMMITTEE**

Summary of Recommendations

1. Tribes who live in the non-excluded areas are part of the problem and the tribes as a whole should be treated as a minority. Tribals should have reserved seats in a joint electorate based on adult franchise in proportion to their population. One representative each is recommended for the Laccadive, Amindivi and Minicoy islands respectively in the Madras Legislature and one for the Lahaul and Spiti Waziris in the East Punjab Legislature. [Para 9 and Sections A and B (1) of Appendix C].

2. It will be necessary to provide for the exclusion of unsuitable legislation in such matters as land, village management and social customs in certain areas inhabited predominantly or to an appreciable extent by tribals. These areas will be known as Scheduled Areas. (Para 10).

3. Legislation in such matters as land and social customs should not be applied to Scheduled Areas if the Tribes Advisory Council advises to the contrary. (Paras 11 and 12 and Section E of Appendix C).

4. Simplified procedure should be continued for the disposal of petty criminal and civil cases. (Para 13 and Section M).

5. Seats should be reserved in the Federal Legislature on the basis of the tribal population of the province. A Tribal Advisory Council should be set up with a minimum of ten and a maximum of 25 members in Madras, Bombay, Bengal, Bihar, C. P. and Orissa. (Para 15 and Section J of Appendix C).

6. There should be provision for the Federal Government to institute a special commission to enquire into the progress of plans of development and also into the conditions of the Scheduled Areas and tribals in general. [Para 16 and Section K (1) of Appendix C].

7. It will be necessary for the Central Government to come to the assistance of Provincial Governments for the execution of schemes of development by providing the necessary funds. The Central Government should also be in a position to require the Provincial Governments to draw up schemes for the Scheduled Areas. (Para 17 and Sections I and K (2) of Appendix C).

8. The revenues derived from and the expenses incurred on the Scheduled Areas from the provincial budget should be shown separately in the annual financial statement of the province. (Para. 18 and Section H of Appendix C).

9. It should be the Governor's responsibility to see that schemes of development are drawn up and implemented. (Para 19).

10. There should be a separate Minister for Tribal Welfare in C. P., Orissa and Bihar, and provision for this should be contained in the statute. (Para 20 and Section L of Appendix C).

11. There should be a due proportion of aboriginals recruited into the various Government Services. A separate service is not recommended but

non-tribal officials posted to the Scheduled Areas should be selected with care. (Para 21).

12. Tribal panchayats should be encouraged wherever possible. (Para. 22).

13. Shifting cultivation should be discouraged. (Para 23).

14. Temperance propaganda should be carried on as part of tribal welfare work. (Para 24).

15. The alienation of land belonging to tribals to non-tribals should be prohibited. Allotment of new land in Scheduled Areas should not be made to non-aboriginals except in exceptional cases. (Para 25 and Section F of Appendix C).

16. There should be provision for control of money-lenders by a system of licensing. (Para 26 and Section G of Appendix C).

Sambalpur, Angul and Darjeeling and certain areas in Bombay need not be treated as Scheduled Areas. In Bihar the three districts of Ranchi, Singhbhum, and Santal Parganas only where the tribes are in a majority are included in the Schedule provisionally. The U. P. and Punjab areas are not included. (Para 27 and Schedule B of Appendix C).

FINAL REPORT

To

The Chairman,

Advisory Committee on Minorities etc.

Dear Sir,

This is our final report written after our visit to Bihar and the United Provinces. It relates to the partially excluded areas of these provinces and the excluded areas of the Punjab in respect of all of which the recommendations contained in our interim report were provisional. Certain general recommendations have also been added.

2. With reference to Bihar we confirm the constitutional proposals already made by us in toto.

Bihar

We consider it necessary in addition to refer to certain matters connected with the administration of this, the largest compact block of territory comprising any excluded area in India, which came to our notice during our tour. To begin with, the Christian section of the tribals, though small in number (see statement appended), is educationally and economically far in advance of the non-Christian tribals. The demand for education among the non-Christians is said to be negligible and this presumably is the result of their economic backwardness which makes it necessary that children should assist their parents in earning their livelihood. There are however allegations that the Christian teachers and educational officials encourage only Christian children, and as a good number of the schools are run by Christian Missions, the non-Christians lack facilities for education. The Christians again appear to be much better organised and vocal and they are found to take prominent part in local and political organisations. The other striking feature of this area is the feeling common among educated tribals and shared by non-tribals in considerable measure that Chota Nagpur has little share in the administration commensurate with its area, population and industrial importance and is being neglected by the Government which is made up of elements interested mostly in the rest of Bihar. Certain non-aboriginal witnesses have expressed their views of the neglect of Chota Nagpur in no uncertain terms and suggested that the ameliorative measures claimed by the Government are purely defensive action prompted by the separation movement. Even when the Government is supposed to be resident at Ranchi, it is given as concrete proof of their lack of interest that they are mostly absent on tour in areas other than Chota Nagpur in which they are interested. Dr. Sinha has also stated that the present Government has yet to do something "to capture the imagination of the people" and that under the present practice "the Hon'ble Ministers stay for a very short period at Ranchi—at their own will and convenience—and do not usually visit so much the aboriginal areas as they do those of the other three divisions of Bihar". We have referred to these statements not because we are in agreement with them or with a view to adjudicating on them but purely as indicative of the local atmosphere. Dr Sinha has referred to the absence of the aboriginal element in the Ministry and has recommended reconstitution.

The extreme expression of the discontent prevalent in Chota Nagpur is the separatist movement which demands the formation of a new province of Jharkhand out of the partially excluded area. This movement is sponsored at present by the Adibasi Mahasabha containing a very large advanced or Christian element but in Singhbhum and in the Santal Parganas also, a good proportion of non-Christians seem to have been affected by it. To borrow Dr. Sinha's words it is "capturing the imagination" of the tribals. Unmistakably also the movement is gaining sympathy among the non-aboriginals; and even if it be partly due to mere local ambition, the virtual exclusion of tribal elements from the Cabinet has undoubtedly contributed much to it. We have already held in our interim report that the question of the formation of a separate province is not for us to tackle but we would invite the attention of the Provincial and Central Governments to the separation movement, which seems to be gaining strength, as a symptom of the discontent which is simmering in varying intensity among all sections of the Chota Nagpur population. At the same time we have noticed that the Cabinet of the Bihar Government and such an eminent public man as Dr. S. Sinha oppose the separation movement on the grounds very well shown in the brochure of Dr. Sinha. We have also received a number of telegrams from these areas saying that they thoroughly disapprove of the separatist movement.

We are inclined to the view which seems to be shared by Dr. Sinha also, that there should be adequate association of the people of the partially excluded areas, particularly the tribals, in the different branches of the administration including the Cabinet and that there can be neither satisfaction nor adequate progress until this is done. In short, the problem of administration in this tract must be dealt with not only by economic and educational improvements but also by remedies which recognise its political and psychological aspects; and we would lay the maximum emphasis on the urgency of action in both these directions.

United Provinces

3. As regards the partially excluded areas of the United Provinces, viz. the Jaunsar-Bawar Pargana in the Dehra Dun District and the area comprising the Dudhi Tahsil and part of the Robertsganj Tahsil of the Mirzapur District, we find that both of these comparatively small areas are suffering from serious neglect. Although a committee was set up as early as 1939 to enquire into the administration of the Jaunsar-Bawar Pargana and a report was submitted by it in 1941, it is a matter for regret that no action has yet been possible although the report was ultimately made only by the official members of the Committee. We understand that another committee has been appointed recently this year to go into the matter by the Provincial Government and hope that speedy action will be taken on its report. The main matters which require attention in this area are as follows:—

(1) the fixation and collection of land revenue and distribution of "rights timber" through the agency of the Sayanas as well as the position of the Sayana in the village panchayat which gives rise to a great deal of oppression.

(2) survey and resettlement of the area and removal of restrictions on the possession of land and reclamation of waste land by Koltas (local depressed castes of Hindus).

(3) the elimination of social evils like polyandry and venereal disease.

In the partially excluded area of the Mirzapur District which is inhabited by a majority of tribals we find that the administration is of a pretty primitive character. The figures given in the U. P. Government's factual memorandum for the Dudhi Government Estate which are shown below indicate that the revenue from it is not utilised to the extent of even two-fifths of the administration of the area:—

	Income	Expenditure
1944-45	1,64,430	83,421
1945-46	2,96,002	88,002
1946-47	2,34,797	89,854
Total	6,95,229	2,61,277 i. e. 37 per cent. of the income.

We would draw particular attention to the statement of witnesses that a very large percentage of the population of this area is suffering from venereal disease. In the Dudhi Estate the U. P. Government have themselves noted that there is a passage of land from the hands of the aboriginals to the non-aboriginals. It would appear that the rules of the Dudhi Estate are ineffective in preventing this since land can be surrendered to the Supurdar who re-allots the same to another person, most probably a non-aboriginal. Such a transfer unfortunately does not require the approval of the S. D. O. or the Collector. It does not appear that suitable steps have been taken to put a stop to this. Among other complaints are the working of the monopoly given to Messrs. Gladstone Wyllie and Co., Ltd., for the collection and sale of lac which is terminable in the year 1952. The working of this monopoly under which only about one-seventh, or if we allow for overhead and working charges, not more than one-fourth, of the price realised by the company for the sale of the lac is obtained by the aboriginal cultivator tends to keep the aboriginal in a miserable condition. It does not appear to us that the Government have any comprehensive or fully considered programme for this area as yet.

The population of this tract is very small ($\frac{1}{3}$ per cent.) in comparison with the total population of the United Provinces. We would not on that account recommend for its future administration the proposals which we have recommended for some of the backward tracts of other provinces, but we are equally definite that special provisions for its development are essential, as without them it is certain that due attention will not be paid to its needs. Similarly although the inhabitants of the Jaunsar-Bawar Area, as pointed out in our interim report, are not tribals by race and we do not recommend inclusion in the schedule of our Interim Report, special

provisions are necessary for this area also. We recommend therefore constitutional provisions for both of these tracts—as follows:—

(1) there should be an advisory committee consisting of tribals or backward people to the extent of not less than two-thirds of its membership to advise the Government on the development of the area;

(2) the estimated revenue and expenditure (including development schemes) pertaining to the area should be shown separately in the provincial budget;

(3) although general administration of the type in force in other districts may be applied to the tract, the trial of petty civil and criminal cases should be permissible under special regulations;

(4) there should be provision in the Constitution prohibiting the transfer of land from aboriginals to non-aboriginals except with the sanction of an authorised officer;

(5) the powers of Supurdars in the Dudhi area of Mirzapur District to allot waste lands and accept surrender of land should be withdrawn and in Jaunser-Bawar the system of Sayanas should be abolished and the Sayanas replaced by Government employees;

(6) the U. P. Government should report to the Central Government annually or as may be required by the Central Government regarding the administration of this area and abide by its directive;

(7) there shall be one seat reserved in the Provincial Assembly for a tribal from the area of the Mirzapur District which is now partially excluded.

4. East Punjab.—The disturbed conditions in the East Punjab have prevented the appearance of witnesses from Spiti and Lahoul before us and it is equally not possible for us to visit the area. It is unlikely that settled conditions will prevail in the Punjab before the passage are blocked and we do not propose therefore to postpone our recommendations which will now be based on the factual memorandum sent by the Provincial Government.

We consider that constitutional provisions should be made as follows:—

(a) An Advisory Committee of which at least 2/3 shall be local residents shall be set up to advise the Provincial Government regarding the administration of Lahoul and Spiti.

(b) The Provincial Government may declare any law passed by the Federal or Provincial Legislature as not applicable to the tracts or applicable with specified modifications.

(c) The Provincial Government may make special regulations for the administration of criminal and civil law and the protection of rights of local Tibetan inhabitants in land.

(d) The Provincial Government shall report to the Central Government annually or as may be required by the Central Government regarding the administration of this area and abide by its directive.

(e) We confirm the recommendation made in paragraph 9 of the Interim Report that there should be a representative for Lahoul and Spiti in the Provincial Legislature.

5. A Central Department.—After surveying the position in all the provinces, we have been forced to the conclusion that unless there is a separate department of the Federal Government prescribed by Statute to supervise

and which the development of the scheduled areas and the tribals in the different provinces and to furnish such advice and guidance as may be needed, the pace of progress of the tribes will not be sufficiently swift. The Central Government have already recognised the need for a Directorate of Anthropological Survey and we recommend that provision for a Central Department of Tribal Welfare should be made in the Constitution.

6. **Recruitment to Armed Forces.**—We are also of the view that special attention should be paid to the recruitment of the tribes to the armed forces of India. The tribes people can in our opinion furnish valuable material for this purpose as experience in the last war goes to show.

7. **Village and Tribal Headmen.**—During the course of our enquiry many complaints of oppression and mishandling of the tribes people by the hereditary chiefs or heads of villages like the Mustadars Bissois and Paros and Muthadars of South Orissa, the Parganaits and Pradhans of the Santal Parganas and the Mankis and Mundaṣ of Singhbhum have reached us. We are of the view that a general review of the powers and functions of such village or tribal heads should be undertaken by Provincial Governments with a view to removing the grievances of the tribal villagers, the abolition of powers which are exercised in an oppressive manner and the general reform of these ancient systems.

8. **Non-official welfare organisations.**—We recommend that the Provincial Governments should utilise the services of approved non-official organisations which are at present doing welfare work in the provinces for the tribals or which may hereafter come into existence by giving them grants-in-aid with a view to supplementing the volume of development work.

9. **Officials to learn tribal languages.**—We have found that officials posted to aboriginal areas rarely know the local language. This obviously does not conduce to satisfactory administration and we are of the view that it should be made compulsory for officials posted to the aboriginal areas to obtain a working knowledge of the language within a reasonable period. Proficiency in these languages or dialects should be encouraged by the grant of suitable awards.

Yours truly,

A. V. THAKKAR,
Chairman, E. & P. E. Areas (other than
Assam) Sub-Committee.

Members—

RAJKRUSHNA BOSE,
PHUL BHAN SHAH,
(Subject to Minute of Dissent).
JAIPAL SINGH,

The percentage of Tribal population on to the total population in 6 Districts of Bihar and of the Christian population to that of the Tribal population.

Name of District	Total population	Tribal population	Percentage	Christian Tribal population	Percentage
1. Santhal Parganas . . .	22,34,500	11,29,885	50.5	23,205	2.05
2. Hazaribagh	17,51,300	4,78,253	27.8	2,593	0.54
3. Ranchi	16,75,400	11,73,142	70.0	2,85,200	24.31
4. Palamau	9,12,700	3,23,106	35.4	10,786	3.34
5. Manbhum	20,32,100	6,78,126	33.3	1,354	0.19
6. Singhbhum	11,44,700	6,66,597	58.4	17,775	2.65
Total	97,50,700	44,51,109	45.65	3,40,913	7.66

MINUTE OF DISSENT.

I submitted a dissenting minute against the provisional report which had included recommendations for those tribal areas also which had then not been visited. After the visit of the Sub-Committee to these areas, I am more than confirmed in my opinion that all the six districts of the Chhota Nagpur Plateau, namely, Manbhum, Singhbhum, Palamau, Hazaribagh, Ranchi and the Santhal Parganas, should remain "Scheduled Areas". All the witnesses were emphatic that the Chhota Nagpur Division as a whole should be scheduled and no district or territory should be excluded from the scheduled status. Even Dr. Sachchidananda Sinha, whose Memorandum has received such attention from the other members of the Sub-Committee, has admitted that for administrative reasons all the six districts should be scheduled. I have other reasons also for the same insistence but the most vital one is the necessity of protecting 1,479,485 Adibasis of the districts of Manbhum, Hazaribagh and Palamau with the veto of the Tribes Advisory Council. This 1941 Census figure is large enough to justify the claim that 15 lakhs of Adibasis should not be exposed to the dangers of General Administration.

Partially Excluded Areas in Mirzapur District.—The tribal tract in Mirzapur district should be transferred to the Scheduled Area of the Chota Nagpur Plateau. Administratively as well as geographically, the Bihar Government would be in a better position to manage this far-off corner of the United Provinces.

Chittagong Hill Tracts.—The Indian Government must claim back the Chittagong Hill Tracts. The Radcliffe Award must be altered in regard to them.

Sept. 25th, 1947.

JAIPAL SINGH.

NOTE BY CHAIRMAN

on

Minute of Dissent by Shri Jaipal Singh

I do not think that any witnesses whom the Committee examined were explained our proposal that was under contemplation by the Committee about "Scheduling" of certain areas in some provinces. "Scheduling" has a certain special meaning which was not explained to nor known by witnesses at all, not even to Dr. Sachchidanand Sinha. Therefore they could not distinguish between "Schedule and non-schedule" areas in which Tribes reside. Therefore the statement that, all the witnesses were emphatic that the Chhota Nagpur Division as a whole should be scheduled and that no District or territory should be excluded from the "Scheduled States" is incorrect, at any rate, very highly exaggerated.

The Tribal people in Manbhum District form only 33·8 per cent. of the total population. In Hazaribagh 27·8 is the similar percentage. The Latehar Sub-Division of the Palamau District has been recommended by the Sub-Committee as "Schedule". But in the Sadar Sub-Division the percentage is only 26·0. Moreover there are very small compact areas in the two districts mentioned above and in the Sadar Sub-Division of Palamau District which have a Tribal population of more than 40 per cent. of the total population, the tribal people have assimilated themselves with the rest of the population so as to be indistinguishable in those areas. It is not therefore necessary to "schedule" the districts of Manbhum and Hazaribagh and the Sadar Sub-Division of Palamau District for the small percentage of the Tribal people who are dispersed among the rest of the population, and thus to brand these 2½ districts as backward.

As has already been shown in the body of the report the area of Dudhi Tahsil and parts of Robertsganj are too small to be made a Scheduled Area. It is a very fantastic proposal to detach this area from the United Provinces and to tag it on to Bihar Province. It requires no argument to say that this proposal can form no part of this Committee's proposal.

Chittagong Hill Tracts is a purely 97 per cent. Buddhistic or non-Muslim area and this Committee would have been too glad, had it formed a part of West Bengal but as the Boundary Commission gave its decision to the contrary and it was accepted by both the Dominions of India and Pakistan. The Committee has been very sorry to know this decision but the award of the Boundary Commission is unalterable.

Delhi, 25-9-1947.

A. V. THAKKAR,
Chairman.

MINUTE OF DISSSENT

The Sub-Committee submitted a provisional report prior to visiting Bihar. While submitting that report I raised a question to the effect that all districts of Chotanagpur Division and Santhal Pargana should be included as Scheduled Areas. During Bihar tour evidence adduced before the Sub-Committee strongly confirmed my contention that the aforesaid areas deserve to be included as Scheduled Areas. The evidence including that of Dr. Sachchidananda Sinha strongly support this contention. Inclusion of the aforesaid tracts as scheduled Areas is strongly warranted. The 13th October, 1947.

D. N. SAMANTA.

Joint Report of the Excluded and Partially Excluded Areas (other than Assam) Sub-Committee and the North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee of the Advisory Committee

In accordance with the ruling of the Chairman, Advisory Committee, we have held a joint meeting of our two sub-committees. Separate reports have already been submitted by us which in the case of the Assam Sub-Committee contains final recommendations, and in the case of the other Sub-Committee is final for the Provinces of Madras, Bombay, Bengal, the Central Provinces and Orissa, and is provisional for Bihar, the United Provinces and the Punjab which have yet to be visited or in respect of which witnesses are yet to be examined. The report of the latter Sub-Committee contains however the framework of the proposals likely to be adopted finally. Although that report is not final for all Provinces, this joint report is being submitted so that the recommendations could be taken into consideration by the Advisory Committee, if this is necessary, before the final report is available towards the end of September. We would further point out that the position of the excluded and partially excluded areas has undergone a change with the coming into operation of the Indian Independence Act and the adapted Constitution of 1935. Under the Indian Independence Act so much of the provisions of the Government of India Act, 1935 as requires a Governor to act in his discretion or exercise his individual judgment ceases to have effect from the 15th of August. The partially excluded areas are represented in the legislatures, however inadequately, but in the case of the excluded areas the change implies that they are brought under the jurisdiction of the Ministry without representation in the legislature. Taking into account the past history of these tracts, the needs and susceptibilities, of the people and other factors, it appears desirable that the Provincial Governments should at least be aware of our recommendations as soon as possible so that their policy may be guided thereby even if other steps are not found necessary in the Constituent Assembly for their implementation at an early date. We recommend that Provincial Governments should be advised to take such action as the establishment of District Councils and Tribal Advisory Councils as may be possible immediately to give effect to the policy recommended by us and to make such statutory regulations for this purpose as may be necessary.

2. Coming to the actual recommendations made by the two Sub-Committees, we are of the view that although certain features are common to all these areas, yet the circumstances of the Assam Hill Districts are so different that radically different proposals have to be made for the areas of this Province. The distinguishing feature of the Assam Hills and Frontier Tracts is the fact that they are divided into fairly large districts inhabited by single tribes or fairly homogenous groups of tribes with highly democratic and mutually exclusive tribal organisation and with very little of the plains leaven which is so common a feature of the corresponding areas, particularly the partially excluded areas of other Provinces. The Assam Hill Districts contain, as a rule, upwards of 90 per cent. of tribal population whereas, unless we isolate small areas, this is generally not the case in the other Provinces. The tribal population in the other Provinces has moreover assimilated to a considerable extent the life and ways of the plains people and tribal organisations have in many places completely disintegrated. Another feature is that some of the areas in Assam like the Khasi Hills or the Lushai Hills, show greater potentialities for quick progress than tribes in the other Provinces. They may also be distinguished by their greater eagerness for reform in which they have a dominant

share than the apathy shown by the tribals of some other Provinces. Having been excluded totally from ministerial jurisdiction and secluded also from the rest of the Province by the Inner Line system, a parallel to which is not to be found in any other part of India, the excluded areas have been mostly anthropological specimens; and these circumstances together with the policy of officials who have hitherto been in charge of the tracts have produced an atmosphere which is not to be found elsewhere. It is in these conditions that proposals have been made for the establishment of special local councils which in their separate hill domains will carry on the administration of tribal law and control the utilisation of the village land and forest. As regards the features common to tribal areas in other Provinces, the Assam hillman is as much in need of protection for his land as his brother in other Provinces. He shares the backwardness of his tract and in some parts the degree of illiteracy and lack of facilities for education, medical aid and communications. Provision is necessary for the development of the hill tracts in all these matters and we have found it necessary to recommend constitutional safeguards of various kinds.

3. The differences between Assam and other areas as well as certain common features have been indicated above. While in Assam the Hill Districts present features of their own and the Assam Sub-Committee have confined their recommendations on the whole to these tracts, it has not been possible for the other Sub-Committee to deal with the problems of the tribes in exactly the same manner. The special features of the hills have been mentioned and they distinguish almost to the same degree the tribesmen in the hill and the tribesmen in the plains of Assam as they do the regular plains inhabitants. The total population censused as tribal in the plains of Assam is about 1.5 million out of which possibly some 50 per cent. consists of tea-garden labour, drawn in part from other provinces. This portion of the plains tribals is of course a population which has assimilated in high degree the life of the plains. The stable population of plains tribals is more or less in the same position. As regards other Provinces, the degree of assimilation is on the whole greater whether the tribesman is found in the hills or in the more accessible parts although some of the small tribes in the Agency Tracts of Orissa and Madras have hardly come into contact with the plains. In any case their outlook is totally different. From the very manner in which partially excluded areas have been formed it has not been possible to include large numbers of tribals who are scattered about in the Provinces irrespective of whether their condition was advanced or otherwise. It has been necessary therefore to treat all persons of tribal origin as a single minority and not separately as in the case of Assam. In this method of treatment therefore the recommendations for other Provinces differ radically from the proposals for Assam. The excluded and partially excluded areas however contain considerable concentrations of tribes people and generally they are in hilly and comparatively inaccessible areas with no communications and facilities for the development of the population. Land for them also is a vital factor and protection of the tribals' land is an essential need. The financial requirements of the Scheduled Areas are considerable, and the Centre will have to come to the assistance of certain Provinces at any rate. Thus the essential features of the proposals for the tribals of Provinces other than Assam are proportionate representation for the tribals as a whole in the Legislature, the scheduling of certain areas as in need of special attention and in which the protector of land and the social organisation of the tribals is an indispensable need. To facilitate the proper administration of the tribes, a Tribes

Advisory Council with statutory functions is recommended for the Provinces of Madras, Bombay, the Central Provinces, Bihar, West Bengal and Orissa, and the application of provincial legislation to the Scheduled Areas is linked up with this Advisory Council.

4. The common proposals for Assam and other Provinces is that of provision of funds by the Centre and a separate financial statement in the budget for the Hill Districts (Assam) and the Scheduled Areas (other Provinces). The inclusion of provisions for the control of moneylenders is another common feature.

5. We have attached copies of the Appendices* to the separate reports which indicate the legal provisions necessary and a summary† of the recommendations of both the Sub-Committees.

6. We recommended that the plains tribals of Assam§ should be recognised as a minority and should be entitled to all the privileges of a minority including representation in the legislatures in proportion to population and in the services; and that their land should be protected.

7. Subject therefore to the special provisions for the representation of the Hill Districts of Assam, all tribals should be recognised as a minority for the purposes of representation in the legislatures and in the services.

A. V. THAKKAR, *Chairman*,
Excluded & Partially Excluded Areas
(Other than Assam) Sub-Committee.

G. N. BARDOLOI, *Chairman*.
N. E. F. (Assam) Tribal & Excluded Areas
Sub-Committee.

Dated New Delhi, the 25th August 1947.

*For the relevant Appendices of the Report of the Excluded and Partially Excluded Areas (other than Assam) Sub-Committee, See pages 33-34.

†See page 63.

§This means that Tea-garden labour and ex tea-garden labour which consists of tribals from provinces other than Assam are excluded.

Appendix A to Part I of North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee Report.

A. (1) The areas included in schedule A to this part shall be autonomous districts.

(2) An autonomous district may be divided into autonomous regions.

(3) Subject to the provisions of Section P the Government of Assam may from time to time notify any area not included in the said schedule as an autonomous district or as included in an autonomous district and the provisions of this Part shall thereupon apply to such area as if it was included in the said schedule.

(4) Except in pursuance of a resolution passed by the District Council of an autonomous district in this behalf the Government of Assam shall not notify any district specified or deemed to be specified in the schedule or part of such district, as ceasing to be an autonomous district or a part thereof.

B. (1) There shall be a District Council for each of the areas specified in schedule A. The Council shall have not less than twenty nor more than forty members, of whom not less than three-fourths shall be elected by universal adult franchise.

NOTE.—If adult franchise is not universally adopted this provision will have to be altered.

(2) The constituencies for the elections to the District Council shall be so constituted if practicable that the different tribals or non-tribals, if any, inhabiting the area shall elect a representative from among their own tribe or group;

Provided that no constituency shall be formed with a total population of less than 500.

(3) If there are different tribes inhabiting distinct areas within an autonomous district, there shall be a separate Regional Council for each such area or group of areas that may so desire.

(4) The District Council in an autonomous district with Regional Councils shall have such powers as may be delegated by the Regional Councils in addition to the powers conferred by this constitution.

(5) The District or the Regional Council may frame rules regarding (a) the conduct of future elections, the composition of the Council, the office bearers who may be appointed, the manner of their election and other incidental matters, (b) the conduct of business, (c) the appointment of staff, (d) the formation and functioning of subordinate local councils or boards, (e) generally all matters pertaining to the administration of subjects entrusted to it or falling within its powers:

Provided that the Deputy Commissioner or the Sub-divisional officer as the case may be of the Mikir and the North Cachar Hills shall be the Chairman ex-officio of the District Council and shall have powers for a period of six years after the constitution of the Council, subject to the control of the Government of Assam, to annul or modify any resolution or decision of the District Council or to issue such instructions as he may consider appropriate.

C. (1) The Regional Council, or if there is no Regional Council, the District Council, shall have power to make laws for the area under its jurisdiction regarding (a) allotment, occupation or use for agricultural, residential or other non-agricultural purposes, or setting apart for grazing, cultivation, residential or other purposes ancillary to the life of the village or town, of land other than land classed as reserved forest under the Assam

Forest Regulation, 1891 or other law on the subject applicable to the district:

Provided that land required by the Government of Assam for public purposes shall be allotted free of cost if vacant, or if occupied, on payment of due compensation in accordance with the law relating to the acquisition of land; (b) the management of any forest which is not a reserve forest; (c) the use of canal or water courses for the purposes of agriculture; (d) controlling, prohibiting or permitting the practice of jhum or other forms of shifting cultivation; (e) the establishment of village or town committees and councils and their powers; (f) all other matters relating to village or town management, sanitation, watch and ward.

(2) The Regional Council or if there is no Regional Council, the District Council shall also have powers to make laws regulating (a) the appointment or succession of chiefs or headmen; (b) inheritance of property; (c) marriage and all other social customs.

D. (1) Save as provided in Section F the Regional Council, or if there is no Regional Council, the District Council, or a court constituted by it in this behalf shall have all the powers of a final court of appeal in respect of cases or suits between parties, all of whom belong to hill tribes, in its jurisdiction.

(2) The Regional Council, or if there is no Regional Council the District Council may set up village Councils or Courts for the hearing and disposal of disputes or cases other than cases triable under the provisions of Section F, or cases arising out of laws passed by it in the exercise of its powers, and may also appoint such officials as may be necessary for the administration of its laws.

E. The District Council of an autonomous district shall have the powers to establish or manage primary schools, dispensaries, markets, cattle pounds, ferriers, fisheries, roads and waterways and in particular may prescribe the language and manner in which primary education shall be imparted.

F. (1) For the trial of acts which constitute offences punishable with imprisonment for five years or more or with death, or transportation for life under the Indian Penal Code or other law applicable to the district or of suits arising out of special laws or in which one or more of the parties are non-tribals, the Government of Assam may confer such powers under the Criminal Procedure Code or Civil Procedure Code as the case may be on the Regional Council the District Council or Courts constituted by them or an officer appointed by the Government of Assam as it deems appropriate and such courts shall try the offences or suits in accordance with the Code of Criminal Procedure or Civil Procedure as the case may be.

(2) The Government of Assam may withdraw or modify powers conferred on the Regional Council or District Council or any court or officer under this section.

(3) Save as provided in this section the Criminal Procedure Code and the Civil Procedure Code shall not apply to the autonomous district.

NOTE.—“Special Laws”—Laws of the type of the law of contract, company law or insurance etc. are contemplated.

G. (1) There shall be constituted a District or Regional Fund into which shall be credited all moneys received by the District Council or Regional Council as the case may be in the course of its administration or in the discharge of its responsibilities.

(2) Rules approved by the Comptroller of Assam shall be made for the management of the Fund by the District or Regional Council and management of the Fund shall be subject to these rules.

H. (1) A Regional Council, or if there is no Regional Council the District Council shall have the following powers of taxation:

(a) subject to the general principles of assessment approved in this behalf for the rest of Assam, land revenue (b) poll tax or house tax.

(2) The District Council shall have powers to impose the following taxes, that is to say (a) a tax on professions, trades or calling, (b) a tax on animals, vehicles, (c) toll tax (d) market dues (e) ferry dues (f) cesses for the maintenance of schools, dispensaries or roads.

(3) A Regional Council or District Council may make rules for the imposition and recovery of the taxes within its financial powers.

I. (1) The Government of Assam shall not grant any licence or lease to prospect for or extract minerals within an autonomous district save in consultation with the District Council.

(2) Such share of the royalties accruing from licences or leases for minerals as may be agreed upon shall be made over to the District Council. In default of agreement such share as may be determined by the Governor in his discretion shall be paid.

J. (1) The District Council may for the purpose of regulating the profession of moneylending, or trading by non-tribals in a manner detrimental to the interests of the tribals make rules applicable to the district or any portion of it: (a) prescribing that except the holder of a licence issued by the Council in this behalf no person shall carry on moneylending, (b) prescribing the maximum rate of interest which may be levied by a moneylender, (c) providing for the maintenance of accounts and for their inspection by its officials, (d) prescribing that no non-tribal shall carry on wholesale or retail business in any commodity except under a licence issued by the District Council in this behalf:

Provided that no such rules may be made unless the District Council approves of the rules by a majority of not less than three fourths of its members:

Provided further that a licence shall not be refused to moneylenders and dealers carrying on business at the time of making of the rules.

K. (1) The number of members representing an autonomous district in the Provincial Legislature shall bear at least the same proportion to the population of the district as the total number of members in that Legislature bears to the total population of Assam.

(2) The total number of representatives allotted to the autonomous districts which may at any time be specified in Schedule A in accordance with Sub-section (1) of this Section shall not be taken into account in reckoning the total number of representatives to be allotted to the rest of the Province under the provisions of Section of the Provincial Constitution.

(3) No constituencies shall be formed for the purpose of election to the Provincial Legislature which include portions of other autonomous districts or other areas, nor shall any non-tribal be eligible for election except in the constituency which includes the Cantonment and Municipality of Shillong.

L. (1) Legislation passed by the provincial legislature in respect of (a) any of the subjects specified in section C or (b) prohibiting or restricting the consumption of any non-distilled alcoholic liquor, shall not apply to an autonomous district.

(2) A Regional Council of an autonomous district or if there is no Regional Council, the District Council may apply any such law to the area under its jurisdiction, with or without modification.

M. The revenue and expenditure pertaining to an autonomous district which is credited to or met from the funds of the Government of Assam shall be shown separately in the annual financial statement of the Province of Assam.

N. There shall be paid out of the revenues of the Federation to the Government of Assam such capital and recurring sums as may be necessary to enable that Government—(a) to meet the average excess of expenditure over the revenue during the three years immediately preceding the commencement of this constitution in respect of the administration of the areas specified in Schedule A; and (b) to meet the cost of such schemes of development as may be undertaken by the Government with the approval of the Federal Government for the purpose of raising the level of administration of the aforesaid areas to that of the rest of the province.

O. (1) The Governor of Assam may at any time institute a commission specifically to examine and report on any matter relating to the administration or, generally at such intervals as he may prescribe, on the administration of the autonomous districts generally and in particular on (a) the provision of educational and medical facilities and communications (b) the need for any new or special legislation and (c) the administration of the District or Regional Councils and the laws or rules made by them.

(2) The report of such a commission with the recommendations of the Governor shall be placed before the provincial legislature by the Minister concerned with an explanatory memorandum regarding the action taken or proposed to be taken on it.

(3) The Governor may appoint a special Minister for the Autonomous Districts.

P. (1) The Government of Assam may, with the approval of the Federal Government, by notification make the foregoing provisions or any of them applicable to any area specified in Schedule B to this Part, or to a part thereof; and may also, with the approval of the Federal Government, exclude any such area or part thereof from the said Schedule.

(2) Till a notification is issued under this section, the administration of any area specified in Schedule B or of any part thereof shall be carried on by the Union Government through the Government of Assam as its agent.

Q. (1) The Governor of Assam in his discretion may, if he is satisfied that any act or resolution of a Regional or District Council is likely to endanger the safety of India, annul or suspend such act or resolution and take such steps as he may consider necessary (including dissolution of the Council and the taking over of its administration) to prevent the commission or continuation of such act or giving effect to such resolution.

(2) The Governor shall place the matter before the legislature as soon as possible and the legislature may confirm or set aside the declaration of the Governor.

R. The Governor of Assam may on the recommendation of a commission set up by him under section N order the dissolution of a Regional or District Council and direct either that fresh election should take place immediately, or with the approval of the legislature of the province, place the administration of the area directly under himself or the commission or other body considered suitable by him, during the interim period or for a

period not exceeding twelve months:

Provided that such action shall not be taken without affording an opportunity to the District or Regional Council to be heard by the provincial legislature and shall not be taken if the provincial legislature is opposed to it.

Transitional Provisions:

Governor to carry on administration as under the 1935 Act till a Council is set up, he should take action to constitute the first District Council or Regional Councils and frame provisional rules in consultation with existing tribal Councils or other representative organisations, for the conduct of the elections, prescribe who shall be the office bearers etc. The term of the first Council to be one year.

GOPINATH BARDOLOI, (Chairman).

J. J. M. NICHOLS ROY.

RUP NATH BRAHMA.

A. V. THAKKAR.

Schedule A.

The Khasi and Jaintia Hills District excluding the town of Shillong.

The Garo Hills District.

The Lushai Hills District.

The Naga Hills District.

The North Cachar Sub-division of the Cachar District.

The Mikir Hills portion of Nowgong and Sibsagar District excepting the mouzas of Barpathar and Sarupathar.

Schedule B.

The Sadiya and Balipara Frontier Tracts.

The Tirap Frontier Tract (excluding the Lakhimpur Frontier Tract).

The Naga Tribal Area.

SUMMARY OF RECOMMENDATIONS OF THE ASSAM SUB-COMMITTEE.

District Councils should be set up in the Hill Districts (see Section B of Appendix A) with powers of legislation over occupation or use of land other than land comprising reserved forest under the Assam Forest Regulation of 1891 or other law applicable. This is subject to the proviso that no payment would be required for the occupation of vacant land by the Provincial Government for public purposes and private land required for public purposes by the Provincial Government will be acquired for it on payment of compensation. [Paragraph 9—Section C(1) Appendix A.]

2. Reserved forests will be managed by the Provincial Government in questions of actual management including the appointment of forest staff and the granting of contracts and leases, the susceptibilities and the legitimate desires and needs of the Hill People should be taken into account. (Para. 10).

3. On account of its disastrous effects upon the forest, rainfall and other climatic features, jhuming should be discouraged and stopped wherever possible but the initiative for this should come from the tribes themselves and the control of jhuming should be left to the local councils. (Para. 11 and Section C Appendix A).

4. All social law and custom is left to be controlled or regulated by the tribes [Para. 12 and Section C (2) of Appendix A]. All criminal offences except those punishable with death, transportation or imprisonment for five years and upwards should be left to be dealt with in accordance with local practice and the Code of Criminal Procedure will not apply to such cases. As regards the serious offences punishable with imprisonment of five years or more they should be tried henceforth regularly under the Criminal Procedure Code. To try such cases, powers should be conferred by the Provincial Government wherever suitable upon tribal councils or courts set up by the district councils themselves.

All ordinary civil suits should be disposed of by tribal courts and local councils may have full powers to deal with them including appeal and revision.

Where non-tribals are involved, civil or criminal cases should be tried under the regular law and the Provincial Government should make suitable arrangements for the expeditious disposal of such cases by employing circuit magistrates or judges. (Para. 12—Section D & F. of Appendix A).

5. The District Councils should have powers of management over primary schools, dispensaries and other institutions which normally come under the scope of local self-governing institutions in the plains. They should have full control over primary education. As regards secondary school education, there should be some integration with the general system of the province and it is left open to the Provincial Government to entrust local councils with responsibility for secondary schools wherever they find this suitable. (Paragraph 13 and Section E of Appendix A).

For the Mikir and North Cachar Hills the District or Sub Divisional Officer, as the case may be, should be ex-officio President of the local council with powers, subject to the control of the Government of Assam, to modify or annul resolutions or decisions of the local councils and to issue such instructions as may be necessary. [Paragraph 13 and Section B(5) of Appendix A].

6. Certain taxes and financial powers should be allocated to the councils. They should have all the powers which local bodies in regulation districts enjoy and in addition they should have powers to impose house tax or poll tax, land revenue and levies arising out of the powers of management of village forest. [Section H of Appendix A and Para. 14(a)].

Statutory provision for a fixed proportion of provincial funds to be spent on the hill districts is not considered practicable. A separate financial statement for each hill district showing the revenue derived from the district and the expenditure proposed on it is recommended. The framing of a suitable programme of development should be enjoined either by statute or by Instrument of Instructions. [Section M of Appendix A and para. 14(b)].

It is quite clear that the urgent requirements of the hill districts by way of expenditure on development schemes are beyond the resources of the Provincial Government. The development of the hill districts should be as much the concern of the Federal Government as the Provincial Government. Financial assistance should be provided by the Federation to meet the deficit in the ordinary administration on the basis of the average deficit during the past three years and the cost of development schemes should also be borne by the Central Exchequer. [Section N of Appendix A and para. 14(c)].

The claims of the hill district councils for assistance from general provincial revenues to the extent that they are unable to raise the necessary finances within their own powers is recognised. [Paragraph 16(d)].

7. If local councils decide by a majority of three-fourths of their members to license moneylenders or traders they should have powers to require moneylenders and professional dealers from outside to take out licences. (Paragraph 15 and Section J of Appendix A).

8. The management of mineral resources should be centralised in the hands of the Provincial Government but the right of the district councils to a fair share of the revenues is recognised. No licence or lease shall be given by the Provincial Government except in consultation with the local Council. If there is no agreement between the Provincial Government and the district council regarding the share of the revenue, the Governor will decide the matter in his discretion. (Paragraph 16 and Section I of Appendix A).

9. Provincial legislation which deals with the subjects in which the hill councils have legislative powers will not apply to the hill districts. Legislation prohibiting the consumption of non-distilled liquors like Zu will also not apply; the district council may however apply the legislation. (Paragraph 17 and Section L of Appendix A).

10. It is necessary to provide for the creation of regional councils for the different tribes inhabiting an autonomous district if they so desire. Regional councils have powers limited to their customary law and the management of lands and villages and courts. Regional councils may delegate their powers to the district councils. [Para. 18 and Section B(4) of Appendix A].

11. The Governor is empowered to set aside any act or resolution of the council if the safety of the country is prejudiced and to take such action as may be necessary including dissolution of the local councils subject to the approval of the legislature. The Governor is also given powers to dissolve the council if gross mismanagement is reported by a commission. (Paragraph 19 and Section Q and R of Appendix A).

12. The Central Government should continue to administer the Frontier Tracts and Tribal Area with the Government of Assam as its agent until administration has been satisfactorily established over a sufficiently wide area. Areas over which administration has been satisfactorily established may be taken over by the Provincial Government with the approval of the Federal Government. [Section P of Appendix A and para. 20(a)].

The pace of extending administration should be greatly accelerated and separate officers appointed for the Lohit Valley, the Siang Valley and the Naga Tribal Area. [Para. 20(a)].

The Lakhimpur Frontier Tract should be attached to the regular administration of the district. The case of the portion of the Lakhimpur Frontier Tract recently included in the Tirap Frontier Tract should be examined by the Provincial Government with a view to a decision whether it could immediately be brought under provincial administration. A similar examination of the position in the plains portions of the Sadiya Frontier Tract is recommended. The portion of the Balipara Frontier Tract around Charduar should also be subject to a similar examination. [Para. 20(b)].

Posa payment should be continued. [Para. 20(c)].

13. The excluded areas other than the Frontier Tracts should be enfranchised immediately and restrictions on the franchise in the Garo and Mikir Hills should be removed and adult franchise introduced. [Para. 21(a) and Section B(1) of Appendix A].

Weightage is not considered necessary but the hill districts should be represented in the provincial legislature in proportion not less than what is due on their population even if this involves a certain weightage in rounding off. The total number of representatives for the hills thus arrived at [See para. 21(b)] should not be taken into account in determining the number of representatives to the provincial legislature from the rest of Assam. [Para. 21(b) and Section K of Appendix A].

The total population of the hill districts justifies a seat for the hill tribes in the Federal Legislature on the scale proposed in Section 11(c) of the Draft Union Constitution. [Para. 21(c)].

Joint electorate is recommended but constituencies are confined to the autonomous districts. Reservation of seats, in view of this restriction, is not necessary. [Para. 21(d) and Section K(8) of Appendix A].

Non-tribals should not be eligible for election from hill constituencies except in the constituency which includes the Municipality and Cantonment of Shillong. [Para. 21(e) and Section K(8) of Appendix A].

14. Representation for the hills in the Ministry should be guaranteed by statutory provision if possible or at least by a suitable instruction in the Instrument of Instructions or corresponding provision. [Paragraph 22—See also Section O(3) of Appendix A].

15. Non-tribal officials should not be barred from serving in the hills but they should be selected with care if posted to the hills. The appointment of a due proportion of hill people in the services should be particularly kept in mind and provided for in rules or executive instructions of the Provincial Government. (Paragraph 23).

16. A commission may be appointed at any time or permanently to enable the Government to watch the progress of development plans or to

examine any particular aspects of the administration. [Paragraph 24 and Section O(i) of Appendix A].

17. Plains tribals number 1.6 million. Their case for special representation and safeguards should be considered by the Minorities Sub-Committee. (Para. 25).

18. The question of altering boundaries so as to bring the people of the same tribe under a common administration should be considered by the Provincial Government. The Barpathar and Sarupathar Mouzas included in the Mikir Hills should be included in the regularly administered areas henceforth. (Paragraph 26).

19. Non-tribal residents may be provided with representation in the local councils if they are sufficiently numerous. For this purpose non-tribal constituencies may be formed if justified and if the population is not below 500. [Paragraph 27 and Section B(2) of Appendix A].

20. Provincial councils should be set up by the Governor of Assam after consulting such local organisations as exist. These provisional councils which will be for one year will have powers to frame their own constitution and rules for the future. (Paragraph 29 and Transitional Provisions of Appendix A also).

SCHEDULE 13 TO GOVERNMENT OF INDIA (PROVINCIAL LEGISLATIVE ASSEMBLIES) ORDER, 1936**Backward Tribes****Part V****ASSAM**

The following Tribes and Communities :—

- | | |
|--------------------------|---|
| 1. Kachari. | 9. Deori. |
| 2. Boro or Boro-Kachari. | 10. Abor. |
| 3. Rabha. | 11. Miahmi. |
| 4. Miri. | 12. Dafia. |
| 5. Lalung. | 13. Singpho. |
| 6. Mikir. | 14. Khampati. |
| 7. Garo. | 15. Any Naga or Kuki tribe. |
| 8. Hajong. | 16. Any other tribe or community for the time being designated by the Governor in his discretion. |

**GENERAL SUMMARY
OF**

The Reports of the Excluded & Partially Excluded Areas (other than Assam) Sub-Committee and the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee [including the Final Report of the E. & P. E. Areas (other than Assam) Sub-Committee].

I

In provinces other than Assam, with the exception of the Laccadive-Islands of Madras and the Spiti and Lahoul area of the Punjab, there are no excluded areas. In both of these excluded areas the population is not ethnically tribal. In the Laccadive Islands the islanders are Muslims of the same stock as the Moppillaahs of Malabar. In Minicoy they are believed to be of Sinhalese origin. In Spiti and Lahoul the inhabitants are of Tibetan origin. In the remaining partially excluded areas of provinces other than Assam the principal tribes to be found are Santal, Gond, Bhil, Munda, Oraon, Kondh, Ho and Savara. Many minor tribes like Korku, Pardhan, Kol, Bhumij, Warli also inhabit the areas. The total population* of all the tribes, excluding Assam, is about 18½ millions of which approximately 8 millions inhabit the partially excluded areas. With the exception of certain small tribes like the Bonda Porja and the Kutia Kondh of Orissa, all the remaining tribes have experienced varying degrees of sophistication and come into contact with people of the plains and advanced tracts. Although the tribals living in the non-excluded areas are often hard to distinguish from the plains people among whom they live, they are generally in a backward condition which is sometimes worse than the condition of the scheduled castes. It is not possible therefore to leave them out of consideration on the ground that only the tribes in the partially excluded areas need attention. All the tribes of provinces other than Assam, whether living in the plains or in the partially excluded tracts, should, as one whole be treated as a minority. As regards Assam, conditions in the hill districts of which the Naga Hills, the Lushai Hills and the North Cachar Hills have been excluded are on a totally different footing and the atmosphere, particularly in these excluded areas, is one which is not to be found elsewhere. These areas must therefore be treated separately from the rest. As regards plains tribals the total number of whom, excluding Sylhet, comes to approximately 1.5 million according to census figures, about seven lakhs are tea-garden labour from various parts of the country [not included in the schedule B to the Government of India (Legislative Assemblies Order) 1936] are not to be taken into account as tribes of Assam. The tribal population of the excluded and partially excluded areas comes to about 8½ lakhs. In Assam there are in addition the frontier tracts and tribal areas in which conditions of settled administration prevail only to a very small extent and large areas cannot be said to be under regular administration at all. Even now, in the northern frontier tracts, Tibetan tax-collectors make inroads and, in the Naga tribal area, head-hunting goes on. The administration of these areas still involves contact with foreign States and problems of defence.

2. The areas inhabited by the tribes, whether in Assam or elsewhere, are difficult of access, highly malarial and infested also in some cases by other diseases like yaws and venereal disease and lacking in such civilizing facilities as roads, schools, dispensaries and water supply. The tribes themselves are for the most part extremely simple people who can be and

*Including Assam, the total population of the tribes in the provinces is 15.9 millions.

are exploited with ease by plainfolk resulting in the passage of land formerly cultivated by them to money-lenders and other erstwhile non-agriculturists. While a good number of superstitious and even harmful practices are prevalent among them the tribes have their own customs and way of life with institutions like tribal and village panchayats or councils which are very effective in smoothing village administration. The sudden disruption of the tribals' customs and ways by exposure to the impact of a more complicated and sophisticated manner of life is capable of doing great harm. Considering past experience and the strong temptation to take advantage of the tribals' simplicity and weaknesses it is essential to provide statutory safeguards for the protection of the land which is the mainstay of the aboriginal's economic life and for his customs and institutions which, apart from being his own, contain elements of value. In making provisions however allowance could be made for the fact that in the non-excluded areas the tribals have assimilated themselves in considerable degree to the life of the people with whom they live and the special provisions concerning legislation in particular are therefore proposed largely for the schedule areas (provinces other than Assam; see page 33 of this volume) and the autonomous districts [(Assam) Para. 13 of Report and Section A of Appendix A on p. 19 of Report].

3. Although in the case of the autonomous districts of Assam a distinction has been made, the proposals in the main contemplate that tribals should be treated as a minority in the matter of representation in the legislatures and recruitment to the various services of the Central and Provincial Governments. In the case of the tribals of provinces other than Assam reserved representation in the provincial and Federal Legislatures (House of the People) in proportion to the total tribal population of the Province is recommended by joint electorate. In the case of Assam similar reservation of representation for the plains tribals (excluding tea-garden labour) is recommended. In the case of the hill districts, in view of their small and exclusive populations it is recommended that representation should be provided in proportion to the population but in such a way that all fractions of a lakh are taken as one lakh even though this might involve a small weightage. In the Federal Legislature (House of the People) the autonomous hill districts should have a representative. The plains tribals should have representation in the House of the People also on the basis of their population. In all cases election by adult franchise is recommended and indirect election or nomination should not be resorted to. There should be special representation as follows:-

Laccadive Group—1.

Amindivi Group—1.

Minicoy Island—1.

Lahoul & Spiti—1.

(para. 9 of Interim Report of Other Than Assam Sub-Committee and para. 21 of Assam Sub-Committee Report; see also para. 6 of Joint Report).

Non-tribals will not be eligible for elections from hill constituencies to the provincial legislature except the constituency which includes the municipality of Shillong. [Para. 21(e) and Sec. K(3) of App. A of Assam Report]. Constituencies may not be so made as to extend outside the boundaries of autonomous districts. [Para. 21(d) and Sec. K(3) of App. A, Assam Report].

4. There should be a department under the Federal Government in order to supervise and watch the development of the tribals in the different provinces and to furnish such advice and guidance as may be needed. (Para. 5 of Final Report of Other Than Assam Sub-Committee).

5. The areas inhabited by the tribes are hilly and difficult country, to develop which is likely to be beyond the resources of some Provincial Governments. The Federation should therefore provide the necessary funds for the execution of approved schemes of development. [Para. 17 of Interim Report and Sec. I & K(2) of App. C of Other Than Assam Sub-Committee, also para. 14(c) and Sec. N of App. A of Assam Sub-Committee Report]. In the case of Assam, the Federation should also meet the average deficit of the autonomous districts during the three years preceding the commencement of the Constitution. [Para. 14(c) and Sec. N of App. A of Assam Report].

6. The Central Government should also be in a position to require the Provincial Governments to draw up and execute schemes for the scheduled areas. [Para. 17 of Interim Report and Sec. I & K(2) of App. C of Other Than Assam Sub-Committee.]

7. The Federal Government should institute a special commission after ten years to enquire into the progress of the scheduled areas and the tribes. [Para. 16 and Sec. K(1) of App. C of Other Than Assam Sub-Committee Report].

8. In provinces other than Assam, excepting the U. P. and the Punjab, a Tribes Advisory Council containing, to the extent of three-fourths of its membership, elected members of the provincial legislatures is recommended. The Council shall have not less than ten or more than twenty-five members. (Para. 15 and Sec. J of App. C of Other Than Assam Sub-Committee Report). For U. P. and the Punjab an advisory committee containing representatives of the tribal or backward class concerned to the extent of two-thirds is recommended. (Paras. 3 & 4 of Final Report; see also para. 18 of this Summary for details of U. P. Committees). For Assam there is provision for the Governor to appoint either a permanent or an *ad hoc* commission to report or keep the Government in touch with the administration of the autonomous districts. [Para. 24 & Sec. O(1) of App. A of Assam Sub-Committee Report].

9. The hill districts of Assam are to be designated as autonomous districts and special district councils should be set up for each of them. The district councils will have powers of legislation over (a) occupation or use of land other than land comprising reserved forest, (b) the management of forest other than reserved forest, (c) the use of canals and water courses for the purposes of agriculture, (d) control of jhum cultivation, (e) establishment of village and town committees and (f) village management in general. Reserved forests will be managed by the Provincial Government. (Paras. 9 to 13 of Assam Sub-Committee Report).

The district council will have powers of management of all institutions which normally come under the scope of local self-government in the plains and will have full control over primary education. (Para. 13 and Sec. E of App. A of Assam Sub-Committee Report).

The district council will also have powers to make its own rules and regulations regarding its own constitution. [Sec. B(5) of App. A of Assam Sub-Committee Report].

The district council will have powers to make laws affecting (a) appointment and succession of Chiefs, (b) inheritance of property councils. (Para. 18 & Sec. B(3) of App. A of Assam Sub-Committee Report).

District councils and regional councils can set up courts with full powers to deal with all civil suits other than those arising out of special laws and offences punishable under the Penal Code with imprisonment of less than five years in accordance with local or tribal custom except where non-tribals are involved. (Para. 12 & Sec. D & F. of App. A of Assam Sub-Committee Report).

Where there are different tribes in a district and they wish to manage their own affairs regional councils may be set up. Regional councils have powers limited to their customary law and the management of land, villages and courts. Regional councils may delegate their powers to district councils. (Para. 18 & Sec. B(3) of App. A of Assam Sub-Committee Report).

The district and regional councils (Assam Hill Districts) will have powers to levy land revenue, house tax or poll tax and other taxes levied by local self-governing institutions in the plains. [Para. 14(a) & Sec. H of App. A of Assam Sub-Committee Report]. They should be assisted by provincial grants where necessary. [Para. 14(d) of Assam Report].

The District or Sub-divisional officer, as the case may be, will be ex-officio President of the district council of the Mikir and North Cachar Hills.

10. The district council shall be an elected body with not less than 20 or more than 40 members of whom not less than three-fourths shall be elected by universal adult franchise. Separate constituencies to be formed for separate tribes, with a population of not less than 500. Non-tribal residents of autonomous districts, if their population is not below 500, may be formed into a separate constituency for election to the district council. [Para. 27 and Sec. B(1) & (2) of App. A of Assam Report].

11. In matters relating to land (provinces other than Assam), social customs and village management, if the Tribes Advisory Council advises that any law passed by the provincial legislature should not be applied to a scheduled area the Provincial Government shall direct accordingly. The Provincial Government shall have powers to direct that any other legislation shall not apply to the scheduled areas on the advice of the Council. (Paras. 9 & 10 and Sec. E of App. C of Other Than Assam Sub-Committee Report).

In the case of Assam legislation on these matters is left to the district council and provincial laws will not apply unless the district council applies them with or without modifications. Legislation prohibiting the consumption of non-distilled liquors will also not apply unless the district council applies it. (Para. 17 & Sec. L of App. A of Assam Sub-Committee Report).

12. If the Tribes Advisory Council so advises, moneylenders in scheduled areas should not be permitted to carry on business except under licence. (Para. 26 & Sec. G of App. C of Other Than Assam Sub-Committee Interim Report).

In Assam the district council should have powers to take action to license moneylenders and non-tribal traders if the rules are approved by a majority of three-fourths of their members; this is to prevent the practice of these professions by non-tribals in a manner detrimental to the interests of tribals. (Para. 15 and Sec. J of App. A of Assam Sub-Committee Report).

13. Allotment of waste land in a scheduled area should not be made to non-aboriginals except in accordance with rules made by the Provincial Government in consultation with the Tribes Advisory Council. (Para. 25 and Sec. F of App. C of Other Than Assam Sub-Committee Report).

14. Mineral resources in the autonomous districts of Assam will be managed by the Provincial Government but the district councils will be entitled to a share of the revenue. Licences or leases shall not be given out except in consultation with the district council. (Para. 16 and Sec. I of App. A of Assam Report).

15. The Governor of Assam should be empowered to set aside any act or resolution of a district council if the safety of the country is prejudiced; he should also have powers to dissolve a council if gross mismanagement is reported by the commission. (Para. 19 and Sec. Q & R of App. A of Assam Sub-Committee Report).

In provinces other than Assam the Governor should have the special responsibility to see that schemes of development are drawn up and implemented. This should be enjoined on him by instructions. (Para. 18 of Other Than Assam Report).

16. The Central Government should continue to administer the frontier tracts and tribal area with the Government of Assam as its agent until administration has been satisfactorily established over a sufficiently wide area. Areas over which administration has been satisfactorily established may be taken over with the approval of the Federal Government. [Sec. P of App. A and Para. 20(a) of Assam Sub-Committee Report].

Provincial Governments (other than Assam) should have powers to make special regulations for the trial of petty criminal and civil cases in scheduled areas, with a view to simplify procedure. (Sec. M of App. A of Other Than Assam Report).

17. The estimated revenue and expenditure pertaining to a scheduled area or an autonomous district should be shown separately in the provincial budget. (Para. 18 & Sec. H of App. C of Other Than Assam Sub-Committee Report and para. 14(b) and Sec. M of App. A of Assam Sub-Committee Report].

18. There shall be a separate Minister for tribal welfare in the C. P., Orissa and Bihar. (Para. 20 & Sec. L of App. C of Other Than Assam Sub-Committee Report). In Assam representation for the hill people in the Ministry should be guaranteed by statutory provision if possible or at least by a suitable instruction in the Instrument of Instructions. [Para. 22; see also Sec. O(8) of App. A of Assam Sub-Committee Report].

19. For the partially excluded areas of the U. P. an advisory committee consisting of tribals or backward people to the extent of two-thirds of its membership, provision to prevent the transfer of land from the aboriginals to non-aboriginals, (except with special permission) for regulations for the trial of petty civil and criminal cases by simple procedure, is recommended. The revenue and expenditure of the area should be shown separately in the provincial budget and there should be a seat reserved in the provincial assembly for a tribal from the partially excluded area of the Mirzapur District. There should also be provision for the Federal Government to call for reports from the Provincial Government regarding the administration of the areas.

Parallel provisions are recommended for Spiti & Lahoul (E. Punjab) which should have one seat in the provincial legislature. (Paras. 3 & 4 of Final Report of Other Than Assam Sub-Committee).

II

OTHER RECOMMENDATIONS

20. Tribal panchayats should be encouraged wherever possible. (Para. 22 of Interim Report of Other Than Assam Sub-Committee) Shifting cultivation should be discouraged. (Para. 23 of Interim Report of Other Than Assam Sub-Committee & para. 11 of Assam Sub-Committee Report). Temperance propaganda should be carried on as part of tribal welfare work. (Para. 24 of Other Than Assam Sub-Committee Report).

21. Tribals should be recruited in due proportion to all Government services. Non-tribals posted to tribal areas should be selected with care. (Para. 25 of Assam Report and para. 21 of Other Than Assam Report).

Special attention should be paid to the recruitment of tribes to the Armed Forces of India. (Para. 6 of Final Report of Other Than Assam Sub-Committee).

22. The abolition of the powers of Supurdars (Dudhi area of Mirzapur District, U. P.) to accept surrender and make a reallocation of land is recommended. The system of Sayanas in Jaunsar Bawar (U. P.) should be abolished and revenue collected through officials.

23. A general review of the powers and functions of ancient systems of village or tribal headmen should be undertaken with a view to removing the grievances of tribals and the abolition of oppressive powers and general reform. (Para. 7 of Final Report of Other Than Assam Sub-Committee).

24. Provincial Governments should utilise the services of approved non-official organisations doing welfare work among the tribals, with a view to adding to the volume of development work, by giving them grants-in-aid. (Para. 8 of Final Report of Other Than Assam Sub-Committee).

25. It should be made compulsory for officials posted to aboriginal tracts to obtain a working knowledge of the local language within a reasonable period.

26. Posa payments to the frontier tribes should be continued. (Para. 20(c) of Assam Sub-Committee Report).

The pace of extending administration in the frontier tracts should be greatly accelerated and additional officers appointed where necessary. [Para. 20(a) of Assam Sub-Committee Report].

The Provincial Government should undertake an examination of the position in the frontier tracts with a view to taking a decision whether any portion could be taken immediately by it under provincial administration. [Para. 20(b) of Assam Sub-Committee Report].

NOTE.—The contents of Appendix A of the Assam Report (p 19) and of Appendix C (p. 33) of this volume must be studied for a full picture of the constitutional provisions recommended. See also pages 30—32 for Schedule of tribes.