

Recommendations for High Level Committee on Status of Tribal in India



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Committee on Status of Tribal in India**

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Its really difficult for us to thank all who have contributed to these consultations. However we can not stop expressing our sincere thanks to Prof. Virginius Xaxa, Chairperson, HLC, Dr. K.K. Mishra, Dr. Joseph Bara, Member, HLC for their presence and significant contribution to zonal consultations. We thank all activists, community members and colleagues who have contributed to the process.

Editing, Design and Printing by:
New Concept Information Systems Pvt. Ltd.
Email: communication@newconceptinfosys.com

Background – Tribal people in India

India has a high concentration of indigenous/tribal people. As per Census 2011, tribal constitute 8.6 percent of the total population of the country. It was 8.2 percent according to Census 2001. As many as 705 groups are identified as tribal across 30 states. The number was 461 before 1990. Among them, 75 groups have been identified as Particularly Vulnerable Tribal Groups (PVTGs) from 17 states. The first list of tribal was prepared in 1931 on the basis of primitiveness. In 1935 the list was prepared looking into backwardness and during 1950 and 1956 both primitiveness and backwardness were taken into consideration for enlisting tribal communities in the country. A large concentration of tribal communities is found in the central provinces of India, the middle belt and the north-eastern states. About 92 percent of the tribal people in India live in rural areas. Almost all of them live in areas which are dry, forested or hilly. Most of them depend on agriculture and minor forest produce to sustain their life.

During British rule, the policy of isolation and non-interference was adopted. Administratively, tribal belts were classified as excluded or partially excluded areas. None of the legislative acts applied to these areas, unless specifically directed by the Governor, who, in consultation with the Governor General had to make regulations for peace and good governance of these areas. As a result of this approach, the traditional tribal system of governance remained largely uninterrupted. But at the same time, it was the colonial regime which systematically introduced the concept of individual property ownership of land and other natural resources. Indian Forest Act of 1878 established absolute proprietary rights of the State over forest land and Land Acquisition Act came in operation in 1894. These Acts served the principle of the Eminent Domain giving supreme authority to the State to control and own all the property within the country's territory.

In independent India, excluded and partially excluded areas were transformed into sixth and fifth schedule areas respectively. The main difference was that the executive powers of the state automatically extended to the schedule areas, unless directed by the Governor. After independence Nehruvian Panchsheel, stressed the need to recognise tribal rights over land and forests and allow them to develop along the lines of their own genius. In reality, however, tribal communities have been systematically alienated from their traditional rights over natural resources like land, forests, water and commons, which has eroded the very basis of their existence.

Constitutional Provisions for Scheduled Tribes

The Constitution of India, Article 366 (25) defines Schedule Tribes as “such tribes or tribal communities or part of our groups within such tribes or tribal communities

as are deemed under Article 342 to the Schedule Tribes (ST) for the purposes of this Constitution". In Article 342, procedure to be followed for specification of Scheduled Tribes is prescribed. However, it does not contain the criterion for the specification of any community as Schedule Tribe. A well-established criterion being followed is based on certain attributes such as

- **Geographical isolation** – They live in cloister, exclusive remote and hills and forest areas.
- **Backwardness** – Livelihood based on primitive agriculture, low cost closed economy based on low level of technology which leads to their poverty. They have a low level of literacy and health.
- **Distinctive culture, language and religion** – They have developed their own distinctive culture, language and religion, community-wise.
- **Shyness of contact** – They have marginal degree of contact with other cultures and people.

Besides the above, the Constitution has following provisions for Schedule Tribes in the country.

- Article 15(4): State could make special provision for tribal advancement (can't be challenged in courts)
- Article 19(5): Creates exceptions for tribal areas under "Fundamental Right of free movement and residence (to safeguard encroachment and their fragile habitat)
- Article 164: Offers a separate Tribal Ministry in the states of MP, Chhattisgarh, Odisha and Jharkhand (having substantial tribal population)
- Articles 330, 332 and 334 : Regarding reservation in legislative bodies
- Article 335: Claims of SC/ST members will be considered while making appointments to services and posts regarding the affairs of the Union or State
- Article 338: Special Officer (appointed through the President)
- 338 A : National Commission for Scheduled Tribes
- Article 339 (1): Provision for that appointment of a Commission to set up the administration of Scheduled Areas and also the welfare of the Scheduled Tribes
- Article 371(A, B, C): Special measures and provisions within the state of Maharashtra and Gujarat (371), Nagaland (371 A), Assam (371 B) and Manipur (371 C)
- Provisions within the 5th and 6th Schedule towards the Constitution

Besides these specific provisions there are more constitutional provisions which in their liberal interpretation help the cause of tribal e.g. provisions regarding outlawing untouchability, minority rights, human trafficking etc.

The Government of India has set up many committees, commissions and independent bodies to look into the status of tribal in the country and suggest for their betterment from time to time. Several constitutional bodies have worked on

Five fundamental principles (Nehruvian Panchsheel) of tribal development followed in the country:

- (1) People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
- (2) Tribal rights in land and forests should be respected.
- (3) We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid introducing too many outsiders into tribal territory.
- (4) We should not over-administer these areas or overwhelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to, their own social and cultural institutions.
- (5) We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved."

tribal issues very extensively starting from identification of tribes in different states to their socio-economic and cultural status. But despite government commitment to tribal development and reports produced by different constitutional bodies, changes in the life of tribal are very insignificant compared to other communities. Hence, UPA Government at the Centre has proposed one more High Level Committee (HLC) to look into their socio-economic, health and education status.

High Level Committee to prepare a report on the socio-economic, health and educational status of the tribal communities in India

Keeping the present status of the tribal community and government commitment to improve their socio-economic status there have been various policy, programmatic and legislative interventions from time to time. As a step forward, the Government of India has decided to constitute a HLC to prepare a position paper on the present socio-economic, health and education status of STs and suggest the way forward. The HLC shall suggest policy initiatives as well as effective outcome-oriented measures to improve development indicators and strengthen public service delivery to STs and other tribal populations. This Committee has been set up vide notification no. 560/51/c/15/2012-ES2 dt. 14th August 2013.

Committee composition

The High Level Committee has been constituted taking the following members having experience and expertise of working with tribal and having strong academic background on tribal issues.

1. Prof. Virginius Xaxa	Chairman
2. Dr. Usha Ramanathan	Member
3. Dr. Joseph Bara	Member
4. Dr. K.K. Mishra	Member
5. Dr. Abhay Bang	Member
6. Ms. Sunila Basant	Member
7. Secretary, MOTA	Member Secretary

Terms of reference of the HLC (as per Government order)

- The HLC will prepare a report on the overall socio-economic, health and education status of the tribal communities of India. The HLC will finalise and present its report within nine months from the date of this notification
- More specifically, the HLC will
 - a) Obtain relevant information from departments/agencies of the central and state government and also conduct an intensive survey of the literature to identify published data, articles and research on relative socio-economic, health and educational status of Schedule Tribes in India at the state, regional and district level to address, *inter alia* the following questions.
 - (i) In which States, regions, districts and blocks do tribal communities of India mostly live? What changes have been visible in the wake of involuntary displacement and enforced migration?
 - (ii) What is the geographical pattern of their economic activity, i.e. what do they mostly do for a living in various States, regions and districts? In view of rapid urbanisation of the country and consequent shrinking of their original habitats, what are the newer avenues of employment and livelihood available to them?
 - (iii) What is their asset base and income levels relative to other groups across various States and regions? Have there been changes in the patterns of ownership and productivity of immovable assets of STs? What role does public policy and the legal framework play in facilitating/inhibiting such changes?
 - (iv) What is the level of their socio-economic development in terms of relevant indicators such as literacy rate, dropout rate, MMR, IMR etc.? How does this compare with other communities in various States and the causes of disparity, if any?
 - (v) What is their relative share of public and private sector employment? Does it vary across States and what is the pattern of such variation? Is the share in employment in proportion to their population in various States? If not, what are the reasons for their under-representation? What are the steps taken by States/UTs for capacity building and improving employability of STs? Does this take into account their cultural diversity?

- (vi) Do the tribal communities have adequate access to education and health services, municipal infrastructure, bank credit, and other services provided by government/ public sector entities? How does this compare to access enjoyed by other communities in various States? What is the level of social infrastructure (schools, health centres, ICDS centres etc.) located in areas of tribal concentration in comparison to the general level of such infrastructure in various States? What are the causes of disparity, if any?
 - (vii) Are there adequate systems and structures for implementation of protective legislations such as the Prevention of Atrocities Act, Panchayats (Extension to Scheduled Areas) Act, Forest Rights Act and Food Security Ordinance, etc.? What steps are needed for more effective implementation of these legislations?
- b) Consolidate, collate and analyse the above information/literature to identify areas of intervention by government to address relevant issues relating to the socio-economic, health and educational status of the tribal communities.

The HLC will be provided all possible assistance by all Ministries/Departments and other bodies under the government to ensure timely collection of data and information to facilitate their task. All pertinent reports available with the Government on tribal and related issues including the reports of Bhuria Committee, Mungerkar Committee and of the National Commission of Scheduled Tribes will be made available to HLC. All existing data (including RGI and NSSO data) and data collected by above mentioned Committees will also be made available to HLC. The HLC will be located under the aegis of the Ministry of Tribal Affairs and will be covered within the definition and explanation of HLCs as given in Cabinet Secretariat O.M. No.1/16/1/2000-Cab, dated 15.4.2002.

Consultations by AJAM and ActionAid

AJAM (Adivasi Janjati Adhikar Manch) is a national level platform of groups and individuals working with tribal and Particularly Vulnerable Tribal Groups (PVTGs) in different locations. It has its presence in 14 states with five federations, 18 NGOs, 40 CBOs and 29 tribal communities. AJAM aims for a society which nurtures and sustains the identity and culture of the vulnerable tribal community in order that they enjoy full citizenship. ActionAid, being an internationally known support organisation, facilitates formation and strengthening of AJAM in the country. ActionAid is working for the indigenous/tribal people to ensure their access and control over all forms of natural resources. After HLC invited public opinion and suggestions on tribal issues from people and groups working in the country, both AJAM and ActionAid felt the need to organise zonal level consultations to involve people from all communities

and draw their opinions and suggestions for the Committee. Three zonal level consultations were organised in three different locations.

1. East Zone Consultation at Ranchi on 28th and 29th November 2013
2. South Zone Consultation at Chennai on 7th and 8th December 2013
3. West Zone Consultation at Udaipur on 9th and 10th December 2013

Around 100 people representing 68 tribal communities from 14 States participated and contributed to draw recommendations for HLC in all three consultations. The presence of four HLC members including Chairperson in different consultations helped people to understand the Committee's purpose and encouraged them to participate effectively in the discussion. These consultations were organised with support from Natural Resource Knowledge Activists Hub - a unit of ActionAid that works on natural resources rights. The Hub has an advisory body - 'Think Tank' to provide guidance and perspective on tribal development and natural resources. Four 'Think Tank' members participated in these consultations and contributed to the discussion. Besides, intellectuals and academics from Tata Institute of Social Sciences (TISS), Campaign for Survival and Dignity (CSD) and Indian Confederation of Indigenous & Tribal People (ICITP) have also shared their thoughts to draw recommendations for HLC.

East Zone Consultation

The first Consultation was held at Ranchi for East Zone consisting of four states - West Bengal, Chhattisgarh, Jharkhand and Odisha. This was organised in collaboration with Junjal Bachao Andolan – Jharkhand on 28th and 29th November 2013. Prof. Xaxa, Member of NAC and Chairperson, HLC was present in this Consultation as Chief Guest. He explained the purpose and composition of HLC and appreciated, ActionAid, AJAM and other tribal group's initiatives to organise such Consultations. Dr. Joseph Bara, Member of HLC was briefly present and expressed that every issue that affects tribal will be taken into consideration, including individual written recommendations.

The major issues that emerged from the Eastern Zone Consultation were around mining related displacement of PVTGs, trafficking of women and girls, oppression by CRPF especially on tribal women, village schools being occupied by para-military forces, violation of PESA and FRA, acute poverty conditions of PVTGs like Mankidia, Khadia and Paudi Bhuiyan and high prevalence of malnutrition and starvation deaths among these communities.

Tribal in India are different. They live differently, eat differently and practice different culture and religion in different forms. Since the Eastern Zone is rich in natural resources including forests, minerals and mines, tribal face exploitation and harassment from government and corporate bodies targeting to extract those resources for their profit.

There is continuous tussle between naxals and security forces in every tribal village. As a result the tribal are getting sandwiched between these forces. The plight of women under such circumstances increases to a level where they do not feel secure to move in the forest. Low rate of literacy followed by migration to urban areas make the women and girls more vulnerable. Tribal livelihood is at stake due to depletion of natural resource base. Forceful displacement from their homeland destroys their traditional governance system. People in power and government fail to understand their need-based economy and introduce privatisation and globalisation. These were the major points discussed and debated in the Consultation.

Representatives from Niyamgiri Surakshya Samity, Adim Susar Manch, Lodha Sabar Kalyan Samiti, Odisha Junjal Manch, Jungal Bachao Andolan and Adivasi Samata Manch participated.

Among others who contributed to the discussion were Mr Sanjay Basu Malik, Mr Gladson Dungdung, Ms Dayamani Barla, Mr Balai Chandra Nayak and many others representing West Bengal, Chhattisgarh, Odisha and Jharkhand.

South Zone Consultation

The second Consultation was held in Chennai for South Zone, on 7th and 8th December 2013 in collaboration with SIAF (South India Adivasi Forum). Around 30 members representing different tribal communities of Tamil Nadu, Karnataka, Kerala and Andhra Pradesh were present in this Consultation. Prof. Kamal Kanta Mishra, Member of HLC explained the purpose of this Committee and its terms of reference to all participants.

Prof Mishra initiated his discussion with tracing the history of systemic exclusion of tribes. The idea of exclusion started systematically from British period. From 1935, tribes were excluded from the mainstream. That was the main reason why tribal settlements were announced as excluded areas like fifth and sixth schedule areas. However, even after Independence, tribes are still living in excluded areas. Tribal are also part of the nation. Why this exclusion? But the government justifies it in the name of tribal protection. In the manner it is done for Red Indians in US. Tribal affairs website defines tribes as isolated population. It is misconception and deliberate exclusion from the society.

Issues of the tribal in southern states are different from other central and eastern states. Tribal in southern states – Kerala, Tamil Nadu, Karnataka and Andhra Pradesh face different forms of discrimination. There is no schedule area in any southern states except Andhra Pradesh. PVTGs like Errula tribes face many forms of exploitation

in their day-to-day life. They are deprived from natural resources and livelihood. The status and condition of women and girls is more deplorable than tribal men. Some tribal like Irulas, who depend on the sea coast, are increasingly losing their access to sea and its resources, due to interference of big trawlers and climate related challenges like frequent high tides.

Hunger, dignity and lack of governance are important issues of tribal in these States. Availability, accessibility and affordability of food and other essentials are very important but not in place. The law and order situation in tribal areas is totally disturbed and out of control. In AP, 460 tribal have been killed by Maoists and police during the last few years. There was discussion and debate on each issue in the Consultation.

Narikoprava is a nomadic community having rampant child practices. More than seventy percent girls marry between 14 to 18 years. Infant Mortality Rate (IMR) is very high compared to other communities in the country. They were considered as De Notified Tribes (DNT) till recently and now they have been identified as Most Backward Community. Hence they are now deprived of benefits they were getting earlier as DNT. There is a demand from this community to revert their status and give special attention for their development.

Among others who contributed to this zonal discussion were Ms Esther Mariaselvam, ActionAid; Ms Vidya Das; Mr Selviraj from Campaign for Survival & Dignity; Mr Askok, Gomathi, Babu and team from SGA; Mr. Subbarao, DNT Forum; Mr. Apparao, TISS, Hyderabad; Ms Vijayalakshmi and Mr Rajendran, ITWWS; and many activists working on tribal issues.

West Zone Consultation

The West Zone Consultation on tribal issues for HLC was held on 9th and 10th December 2013 at Udaipur, Rajasthan in collaboration with ICITP. Around 28 members from Maharashtra, Gujarat, Rajasthan and Madhya Pradesh were present in this Consultation. It was locally organised and facilitated by Astha and ICITP representatives. Dr. Joseph Bara, Member HLC explained the purpose to all members. Among others who participated in this Consultation were Dr. Belaram Ghogra, ICITP; Santaram Pandere, well-known tribal activist; Pratibha Sindhe from Maharashtra; Vinayak Pawar from Mumbai ActionAid; Paulomee Mistry from DISHA Gujarat; Bhamar Singh, Astha; and representatives from Bhasa that works on tribal culture in Gujarat.

Tribal people in western zone states face different issues and problems. The status of Bhil-Thakar-Pardhi tribes from Marathwada region of Maharashtra is very shocking. The population migrates to other states to work in brick kilns and construction sites.

They stay away from their house for more than eight months every year. As result most of them are not registered in the Census. They are deprived and neglected in socio-economic & political development process. The health condition of people is very critical due to lack of proper health services. Malnutrition is the cause of death of community members, particularly women and children.

Lack of education, absence of minimum health care and food insecurity are major problems tribal in this zone face even after 65 years of Independence. The natural resources are depleting. Increased land grabbing by corporates creates havoc for the tribal without any alternative livelihood option. Implementation of policies like FRA, MGNREGS and RTI never helps people to sustain their life.

All members present in this Consultation had vivid discussion on each issue that the tribal people are facing and came out with suggestions and recommendations for the HLC.

Consolidated findings of all consultations

Members in all three Consultations had very extensive discussion and shared views on socio-economic, health and education status of tribal and major issues and challenges they face at present. All findings that emerged from the three Consultations have been consolidated theme-wise and presented as follows.

Livelihoods

The government in pre and post Independent India has failed to understand the tribal economy and livelihood system. Tribal people strongly believe in 'need based' natural resource base economy. They use and reuse natural resources for their sustainability. But the government on the other hand imposes exploitative '**greed based**' development approach. It tries to use and exploit natural resources. As a result there is always a contradiction between government approach to so called development and tribal approach of sustainable livelihood system. Tribal economy is the best development model.

The Forest Department, formed in 1862, began a history of conservation and use of timber and other forest produce. The Forest Act of 1864 curtailed, for the first time, the collection of forest produce by forest dwellers. Suddenly, traditional livelihood practices were being restrained. In 1875, the government increased its control over forests and divided them into reserved forests, protected forests, and village forests.

The first forest policy, in 1894, took this a step further. This and other legislation indicated, strongly, that cultivation and not forests was a priority, and that forest management was a commercial activity only. Colonial industries thrived, and the adivasis were eased out of the picture. Forest produce was collected on a massive scale without considering impact, The Forest Act of 1927 followed the same direction and forests went from social management by adivasi villagers to state management. Laws were stringently applied to poverty stricken, displaced adivasi groups while large corporations and private interests blatantly flouted them. This is a trend that continues today.

In this process of large-scale displacement, adivasi groups migrated in search of food and employment and some became bonded labourers, and coolies. Even though post-independence acts and regulations have championed adivasi development, our mindset has remained anti-adivasi and they continue to be discriminated against, in both the public and private sectors.

The Forest Policy of 1988 recommends the participation of adivasi forest dwelling communities in forest management. In spite of this and other legislation, forest officials continue to see forests as commercial revenue rather than the livelihood and religio-cultural platform of adivasis. A positive step was taken by the government of Tamil Nadu in 2003; its order no. 79 states unequivocally that minor forest produce can be collected by adivasis, free of cost as a basic right. Forest Department officers are directed to implement the order. The scheme is already in effect in many parts of Tamil Nadu. It implicitly states that the Large Scale Adivasi Multipurpose Society (LAMPS), which was set up to help adivasis, has been a failure. Right to collect Non Timber Forest Produce (NTFP) has been given in many states to tribal but that gives no benefit to them.

There is a lot of talk these days about intellectual property rights and the adivasis are always being short-changed and cheated. Their knowledge is being hijacked by people like ethno-botanists who record and document it and thus make it their own property. This is an important omission in the national biodiversity bill which totally ignores the enormous contribution of adivasi knowledge systems. For example, a drug company is receiving huge profits for a contraceptive drug made from a plant base used by the Onge tribe of Little Andaman. The Onge have got nothing out of this, and they are going extinct; while the drug company is flourishing.

Recommendations

- Government/policy makers must understand the tribal economy before planning any intervention. Tribal economy is the best development model and needs to be replicated anywhere in the country

- Implement the Forest Rights Act 2006 in its true spirit and ensure community claim on community land, forest and natural resources
- Protection of bio-diversity rich mountains and forests (moratorium of mining in biodiversity rich forest/zones)
- Promote community ownership of resources for protection of forests and land. Indigenous community be paid for the protection of forest 'carbon sink' and water sources
- Ensure community control and improve their skill for marketing of Minor Forest Produce (MFP)/NTFP as one of the major and sustainable source of livelihood and economy for produce like mahua, sal, tamarind, charo seed and different tubers and all other forest produces
- Through appropriate orientation and training, these skills need to be upgraded as per the changing requirement of the community
- Handlooms and traditional handicrafts have been on the verge of extinction. However, with liberalisation, today there is a great demand for those both in national and international markets. Thus, the traditional knowledge system has to be revised through organising forums where people having expertise in these different traditional skills are invited
- Handicrafts, rural and community-based industries, and subsistence economy and traditional activities of the people concerned, such as fishing, collection of MFP, shall be recognised as important in the maintenance of their cultures and development. The government shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.
- Ensure proper budgetary allocations and full utilisation of resources under the Tribal Sub Plan (TSP)
- Use of renewable energy like solar and hydro through indigenous techniques
- Promote use of traditional transportation system for possible distance coverage (non-motorised pollution free transport)
- Control influx of outsiders to tribal and forest areas to protect the local environment
- Ensure provisions for tribal people to deal with emergencies/disasters created due to environmental degradation like recurring drought of forest produce, sand casting, floods and ailments like infections and vector borne diseases
- Facilitate support price for minor millets and lentils produced in the tribal belt to encourage continuation of such crops in production and reduce dependency on 'so called mainstream' food items
- Deal strongly with corporates and middlemen control over forest produce, especially medicinal fruits, seeds, tubers and roots. Otherwise this deprives the tribal from direct income generation and promotes overharvesting of the produce. The corporates make their entry and harvest medicinal plants for

commercial purposes and devastate the entire area, depriving tribal of their share and destroying their sustained way of nurturing such plants

- The NTFP declaration of the state needs to be revisited and focus should be on assuring space for marketing of products at the rates fixed by the tribal. Often the NTFP price is decided by the state government and not the community. This poses a big loss to the collectors, especially tribal women
- Strengthen utilisation of conventional energy source through women-friendly technology
- Promote community-friendly technology to utilise energy produced by using the sun, wind or biodegradable products
- Promote sustainable small-scale livelihood-oriented bio-energy initiatives which can provide improved access to sustainable and affordable energy services, enhance livelihoods for rural people and increase their resilience to the effects of climate change, without negative impact on food production and the environment
- Indigenous technology and knowledge (ITK) need to be recognised protected and promoted
- Reward communities for protecting and practicing indigenous technology
- Revisit tribal community food basket and promote activities to sustain it
- Ensure role of traditional farmers and seed savers in the decision-making system, enabling environment for production and promotion of location-specific seed and related technology and ensure sustainable agriculture
- A ban on all genetically modified seeds and other hazardous technologies in tribal areas
- Tribal women's legal rights over traditional seeds & plants must be protected and recognised for its protection and multiplication on their Special Model Seed Farms under supervision of NGOs and experts committed to the community
- Jatropha plantations to be banned in tribal regions. During the second half of 2007, hundreds of tribal families, living for generations in the forests of Rajasthan & Chhattisgarh, were displaced from their cultivable land and jatropha was forcibly planted on their lands. Similarly eucalyptus plantation is done for paper industry
- Cash crops like tea plantation, coffee, rubber, cashew, palm oil, and cotton to be banned from the tribal areas as they have nothing to do with tribal sustainable livelihoods. Rather, they promote starvation for communities
- Traditional agricultural practices are an appropriate methodology to be adopted to identify and document the practices followed by the farmers. This includes methods, techniques and tools used for identification of traditional knowledge, crop production, soil management, water management, weed control, insect-pest control, weather forecast, agricultural engineering and animal husbandry
- Study the migration pattern and maintain migration register at tribal wadi/village through NGO working in the area

- Continuous employment under MGNREGA and MEGS to develop and sustain bio-diversity
- Develop, monitor & frequently review of Tribal Family Progress Register
- Promote agriculture based alternative livelihoods for all tribal families.

Social/Community Governance

Context

There are legislative provisions to ensure tribal people have their own governance system, as stated in the Nehruvian 'Panchsheel'. Both the fifth and sixth schedules provide adequate space for the community to take measures for their own development and ensure traditional governance/self-governance. However, the ground situation is totally different. Non-compliance of PESA (rules not formulated in most states), multiple displacement of tribal especially the Most Vulnerable Tribes (MVTs) from homeland, rapid depletion of resources critical to their survival, loss of land and forests due to rapid industrialisation like mining, and large scale denial of community rights (village forest) continues across the country.

Recommendations

- Implementation of Scheduled Area provisions (PESA) in true spirit
- De-scheduling of schedule area due to decline of tribal population to be abolished. Declare all tribal populated areas as scheduled areas
- The Gram Sabha (village council) at the appropriate level should be the final authority for acquisition of land in the scheduled areas for development projects
- Every Gram Sabha, especially women, should be made competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and customary mode of dispute resolution of the community
- Capacitate tribal people to have planning and decision-making space in their local, social system as part of democratic governance
- Empower the Gram Sabha to prevent alienation of land in the scheduled areas and take appropriate action to restore any unlawfully alienated land of an ST
- Strict adherence must be enforced to the letter and spirit of the laws existing at Central and State levels prohibiting the sale and transfer of tribal land to non-tribal persons under cover of land acquisition for developmental projects
- Participatory planning, monitoring and evaluation to be undertaken through Gram Sabha based on local knowledge and resources
- Ensure complete transparency and accountability in all projects to be implemented in tribal areas

- Assured democratic space to voice dissent on issues directly affecting the community
- Sensitisation of community
- Alternative livelihoods to be promoted
- Employment opportunity with traditional skills
- Tribal villages must have provision for basic state entitlements – schools, health centres, etc.
- Avenues of growth (to express talent and livelihoods) to be opened up at the village level for women and youth.

Education

Low level of literacy continues in the tribal community in the rural areas. In certain communities it is extremely low and the community suffers from exploitation because of lack of education and awareness. The situation of women and girl child is worse. The female literacy rate among STs, according to the 2001 Census is 34.76 percent. This was significantly less than the female literacy rate of the general population.

Everywhere, the drop-out rate is high and attendance low. Reasons for this include the lack of schools, and distance from adivasi settlements. Children are often required to participate in the day's hunting and gathering and thus cannot be spared. Some adivasis like the Narikuravars have their own language, unrepresented in the local schools; others have been cut off from their traditional language because of arbitrary map lines drawn in keeping with geographical features rather than community needs. The syllabus in adivasi schools is totally unrelated to their lives and attitudes; as always, it is created without any consultation with adivasi leaders or organisations. Social torture by higher caste children and teachers is also a major deterrent to attendance. Adivasi children are regularly and openly ridiculed by the so-called caregivers at schools.

With the current heightened awareness among adivasis of the value of education, this is the time a new and attractive model of school could be offered. It would cost the state nothing, and dramatically increase attendance, interest and effectiveness. An expert committee of adivasi leaders, teachers and school administrators, could create a syllabus and curriculum which emphasised the traditional skills and talents of that particular group. Courses could include various types of vocational training such as organic farming, forest use and conservation, and herbal medicines. These special schools if well-conceived and managed, could turn out professionals of great value to the country. The specialised programme could also be open and available to non-adivasi students interested in a more hands-on, skill-based education.

Official literacy statistics continue to be blatantly false and create a sense of some complacency in a truly dismal reality. But the discrepancy between the government

literacy statistics for adivasi and non-adviasi communities is startling and merits very serious consideration and action. The fact that the literacy rate of this small group (1.05% of the state's population) remains so much lower than that of the other communities shows the continuing lack of commitment to adivasi empowerment in pragmatic terms. Politicians and officials seem to be too busy making fiery speeches about empowerment and capacity building, to undertake the urgently needed planning and work which will bring these sad percentages higher. In the end, it is only education that will convert skills into power. Until the adivasis are able to document their own knowledge, exploitation will continue.

Recommendations

- Admission is almost hundred percent in tribal areas but retention is still a question. High drop-out after 5th standard is observed in all schools located in tribal villages
- Lack of teachers, teacher's absence and proxy teachers system in primary schools located in tribal villages are common
- MDM helps children come to schools regularly but children are engaged in collection of fuel wood and help in cooking rather than reading in tribal schools
- School campuses are used for security camps to house CRPF personnel in all tribal areas. This diverts their attention towards CRPF and their arms and ammunition. This is a complete violation of policy not to locate any security camp within one km of any school
- Language used for learning in schools not suitable for tribal children. Teachers are not familiar with tribal language
- High drop-out after matriculation leads to migration of young girls to cities like Delhi to work as maids and young boys to work in the construction sector
- Government has no faith in its own education system and this never brings changes in tribal education status
- Community language to be given priority in the specific tribal area to deal with enrollment and drop-outs
- Develop curriculum in all tribal languages till Standard/Class 7
- Education to be oriented on skill training for promoting sustainable livelihood at local level and relevant to the community
- Education to protect and promote tribal culture and identity
- Strengthen facilities of Ashramshala schools
- Special attention for girls' education by making school environment free from any form of violence against girls
- Appointment of lady tribal teacher in Ashramshala for girls
- Teaching and learning materials should be child-interactive, problem solving and more importantly child-centred

- Special training programmes for teachers appointed in tribal areas to understand their culture, respect the community and motivate them for school education
- Continuous awareness campaign at family level for enrolling and continuing children in the Anganwadi and school
- Establish “Bal Ananad Jeevan Shala” (Tribal Farmers’ Community School-Hostel) through NGOs for the children from Seasonal Migrated Families
- Vocational training programme for tribal youths

Health

Indigenous community is known to practice herbal medicine and naturopathy since time immemorial. But today this is being taken over by the rich urbanised society as the best treatment option and tribal people are being systematically deprived from these sources due to corporatisation of herbal resources and medicinal plants.

The majorities of adivasis are malnourished; know little about sanitation and have limited or no access to hospitals. Consequently many become chronically ill. The social stigma attached to adivasis often result in medical services never reaching their communities. Adivasi traditions and culture also cause many to seek spiritual rather than medical assistance. Common ailments facing adivasis include skin diseases, uterus problems, TB and kidney deficiencies. Alcohol is a major contributing factor to a variety of illnesses. Sudden change in their dietary habit due to poor food products distributed through Public Distribution System affect the young generation particularly adolescent girls.

Recommendations

- Protect and promote traditional herbal medicines through the community ownership
- Ensure ownership of community over their own herbal treatment practices
- Train traditional healers with improved technology to ensure better healthcare in remote villages
- Provide special attention to specific tribes for sickle cell disease
- Institutional rehabilitation of physically and mentally challenged tribal children
- Regular mobile health services for remotely located PVTG/MVTs who are on the verge of extinction
- Sickle cell is an acute problem in scheduled areas particularly Bhil belt from Rajasthan Maharashtra, Gujarat and Madhya Pradesh. Separate hospitals and preventive institutes should be established at village level and regional level.
- Anganwadi for every tribal habitat.
- Special training for tribal girls as Ashatai, Anganwadi Karyakarti and assistant
- Ensure adequate and nutritious food by encouraging kitchen gardens under special guardianship of officer

- Regular health check-up and monitoring for education to arrest malnutrition and child marriages.

Other Overall Recommendations

- Ensure all NT and DNT communities are included in census with dignity
- For social, economic and educational development one independent authority should be established at national and state level.
- Due to historical injustice specially by police department, Indian Criminal Penal Code should be revised.
- Like SC/ST Atrocity Act there should be an act for NT/DNT or included in this Act.

Tribal people in this country still have faith in the government despite continuous negligence and injustice. HLC on tribal issues is definitely a welcome step by the government to review and revisit tribal status and reframe the laws related to their growth. People in each Consultation have expressed their hopes and aspirations and expect that the members will take note of their views while framing the report. The presence of HLC's Chairperson and members in different zonal consultations has added value and encouraged discussion. We sincerely hope that points raised by members in all meetings will be taken up with serious attention.

List of participants and organisations that participated in three Consultations

West Zone Consultation on High Level Committee, Udaipur			
Sl. No	Name of Organisation	State	Total Participants
1	Lokparyay	Maharashtra	33
2	ActionAid, Mumbai	Maharashtra	
3	Deshai Linkada	Gujarat	
4	Bhusha Research and Publication Centre	Gujarat	
5	Jan Chetna Sansthan	Rajasthan	
6	Gulam Dasta Gir Eklvya Sangathan	Gujarat	
7	ActionAid	Odisha	
8	Prayas Sasthan, Devgarh	Rajasthan	
9	SETU	Gujarat	
10	Adiwasi Ekta Manch Mandal	Madhya Pradesh	
11	DISHA	Gujarat	
12	Lok Sangharsh Morcha & Lok Samanway Prtisthan	Maharashtra & Gujarat	
13	Goan Gan Rajay Abhijan	Rajasthan	
14	ICITP	Rajasthan	
15	Astha	Rajasthan	
16	Prayatna Samiti	Rajasthan	

East Zone Consultation on High Level Committee, Ranchi			
Sl. No	Name of Organisation	State	Total Participants
1	Odisha Jungle Manch	Odisha (Mayurbhanj)	48
2	Odisha Jungle Manch	Odisha (Kalahandi)	
3	Anwesana	Odisha (Mayurbhanj)	
4	Lodha Sabar Kalyan Samiti	West Bengal (West Medinapur)	
5	TISS (Prof. Xaxa)	Guwahati	
6	Jharkhand Jungle Bachao Andolan	Jharkhand	
7	TCDR	Jharkhand	
8	PANCHU	Odisha (Rayagada)	
9	ActionAid	Odisha (Bhubaneswar)	
South Zone Consultation of High Level Committee, Chennai			
Sl. No	Name of Organisation	State	Total Participants
1	ActionAid (Chennai)	Tamil Nadu	35
2	Nari Kula Van Team	Tamil Nadu	
3	NHRDNT	Tamil Nadu	
4	ActionAid (NRKA Hub)	Odisha	
5	Adivasi Solidarity Council (ASC)	Tamil Nadu	
6	TISS (Hyderabad)	Andhra Pradesh	
7	ITWWS	Tamil Nadu	
8	SGA	Karnataka	
9	Koraga A.Sangathan	Karnataka	
10	PADERV VSPDP	Karnataka	
11	Korara Foundation	Kerala	
12	VTMS	Kerala	
13	Aragamee	Odisha	





Adivasi Janjati Adhikar Mancha (AJAM) is a national level forum for Particularly Vulnerable Tribal Groups (PVTGs/PTGs) and other tribal from more than 14 states involving five federations, 18 NGOs, 40 CBOs and 29 tribal communities. AJAM aims for a society which nurtures and sustains the identity and culture of the tribal in order that they enjoy full citizenship.

actionaid

R7, Hauz Khas Enclave
New Delhi – 110016

Ph: +91 - 11- 4064 0500, 4064 0531
+91 - 674- 2548 503, 2548 224, 2544 279

AJAM
At/Po - Mendhasala
District - Khurda, Odisha - 752054
Mobile - 9438626848/9338089822

www.actionaid.org/india,
www.actionaid.org/india/hindi

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