

NAC Concept Paper

TRIBAL WELFARE AND DEVELOPMENT (DRAFT PAPER)

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TRIBAL WELFARE AND DEVELOPMENT *

I. PREAMBLE

The ST population accounts for 8.6 per cent of the total population in the country. The condition of tribal people have no doubt improved over the years but their situation vis-a-vis the rest of the population in the country has worsened on all counts of development.

The constitution has devoted more than 20 articles on the redressal and upliftment of the underprivileged following the policy of positive discrimination and affirmative action, particularly with reference to the Scheduled Tribes. Recognising the special needs of STs, the Constitution of India made certain special safeguards to protect these communities from all the possible exploitation and thus ensure social justice. While Article 14 confers equal rights and opportunities to all, Article 15 prohibits discrimination against any citizen on the grounds of sex, religion, race, caste etc; Article 15 (4) enjoins upon the State to make special provisions for the advancement of any socially and educationally backward classes; Article 16 (4) empowers the State to make provisions for reservation in appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State; Article 46 enjoins upon the State to promote with special care the educational and economic interests of the weaker sections of the people and, in particular, the STs and promises to protect them from social injustice and all forms of exploitation. Further, while Article 275 (1) promises grant-in-aid for promoting the welfare of STs and for raising the level of administration of the Scheduled Areas, Articles 330, 332 and 335 stipulate reservation of seats for STs in the Lok Sabha and in the State Legislative Assemblies and in services. Finally, the Constitution also empowers the State to appoint a Commission to investigate the conditions of the socially and educationally backward classes (Article 340) and to specify those Tribes or Tribal Communities deemed to be as STs (Article 342).

The Fifth Schedule to the Constitution lays down certain prescriptions about the Scheduled Areas as well as the Scheduled Tribes in States other than Assam, Meghalaya, Tripura and Mizoram by ensuring submission of Annual Reports by the Governors to the President of India regarding the Administration of the Scheduled Areas and setting up of Tribal Advisory Councils to advise on matters pertaining to the welfare and advancement of the STs (Article 244(1)). Likewise, the Sixth Schedule to the Constitution also refers to the administration of Tribal Areas in the states of Assam, Meghalaya, Tripura and Mizoram by designating certain tribal areas as Autonomous Districts and Autonomous Regions and also by constituting District Councils and Regional Councils (Article 244(2)). To ensure effective participation of the tribals in the process of planning and decision-making, the 73rd and 74th Amendments of the Constitution are extended to the Scheduled Areas through the Panchayats (Extension to the Scheduled Areas) Act, 1996.

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II REVIEW OF POLICIES AND PROGRAMMES

High priority to the welfare and development of STs has been given right from the beginning of the first five-year plan. The First Plan (1951-56) clearly laid down the principle stating that 'the general development programmes should be so designed to cater adequately to the backward classes and special provisions should be used for securing additional and more intensified development for STs'. Unfortunately, the same could not take place. The Second Plan (1956-61), which laid emphasis on economic development, gave a special focus on reducing economic inequalities in the society. Further, development programmes for STs have been planned for, based on respect and understanding of their culture and traditions and with an appreciation of their social, psychological and economic problems. In fact, the same was planned in tune with 'Panchasheel' – the philosophy of tribal development as enunciated by the first Prime Minister of the Country, Pandit Jawaharlal Nehru. An important landmark during the Second Plan was the opening of 43 Special Multi-purpose Tribal Blocks, later termed as Tribal Development Blocks (TDBs). The Third Plan (1961-66) continued with the very same principle of advocating reduction in inequalities through various policies and programmes to provide equality of opportunity to STs. The Fourth Plan (1969-74) proclaimed that the 'basic goal was to realise a rapid increase in the standard of living of the people through measures which also promote 'equality and social justice'. An important step in this direction was setting up of six pilot projects in Andhra Pradesh, Bihar, Madhya Pradesh and Orissa in 1971-72 with a separate Tribal Development Agency for each project. The Fifth Plan (1974-78) marked a shift in approach as reflected in the launching of the Tribal Sub-Plan (TSP) for the direct benefit of the development of tribals. The Tribal Sub-Plan has a two pronged strategy, namely i) promotion of development activities to raise the level of living standards of Scheduled Tribes and ii) protection of their interest through legal and administrative support. The TSP stipulated that funds of the centre and the states should be quantified on the population proportion basis with budgetary mechanisms to ensure accountability, non-divertability and utilisation for the welfare and development of STs.

The Sixth Plan (1980-85) sought to ensure a higher degree of devolution of funds so that at least 50 per cent of tribal families could be provided assistance to cross the poverty line. In the Seventh Plan (1985-90), there was substantial increase in the flow of funds for the development of STs resulting in the expansion of infrastructural facilities and enlargement of coverage. Emphasis was laid on the educational development of STs. For the economic development of STs, two national-level institutions were set up viz. (i) Tribal Cooperative Marketing Development Federation (TRIFED) in 1987 as an apex body for State Tribal Development Cooperative Corporations, and (ii) National Scheduled Castes and Scheduled Tribes Finance and Development Corporation (NSFDC) in 1989. The former was assigned to provide remunerative prices for the forest and agriculture produce of tribal, while the latter was intended to provide credit support for employment generation. In the Eighth Plan (1992-97), efforts were intensified to bridge the gap between the levels of development of STs and the other sections of the society. The Plan not only emphasized elimination of exploitation, but also paid attention to the special problems of suppression of rights, land alienation, non-payment of minimum wages and restrictions on the right to collect minor forest produce etc. However, attention on priority basis, was continued to be paid on the socio-economic upliftment of STs.

The Ninth Plan (1997-2002) aimed to empower STs by creating an enabling environment conducive for them to exercise their rights freely, enjoy their privileges and lead a life of self-confidence and dignity, on par with the rest of society. This process essentially encompassed three vital components, viz. i) Social Empowerment; ii) Economic Empowerment; and iii) Social justice. To this effect, while ST-related line Ministries/Departments implemented general development policies and programmes, the nodal Ministry of Tribal Affairs implemented certain ST-specific innovative programmes.

The Tenth Plan approach to the tribal development focuses on tackling the unresolved issues and problems on a time bound basis, besides providing adequate space and opportunity for the tribals to empower themselves with the strength of their own potentials.

The Consultation Paper on pace of socio-economic change under the constitution brought out by National Commission to Review the Working of the Constitution (May, 2001) points out that despite manifest, avowed and determined concern of the Constitution for the uplift and welfare of the Scheduled Castes, Scheduled Tribes and Backward Classes, the objectives have not been achieved. Whatever has been done in this regard has been done hesitatingly, half-heartedly and as a measure of concession forgetting that this relates to their Constitutional rights and not concession to those

classes. Supported by relevant statistics the following observations were made, in the paper, in respect of the Scheduled Castes, Scheduled Tribes and backward classes:

1. The high number of cases registered under the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 shows that atrocities against Scheduled Castes and the Scheduled Tribes and untouchability continue unabated even today.
2. Representation of Scheduled Castes and Scheduled Tribes in Group 'B' & Group 'A' posts in Central Government itself continues to remain inadequate and Scheduled Tribes are not even adequately represented in Group 'C' and Group 'D' services.
3. Landlessness is increasing amongst the Scheduled Castes and the proportion of the Scheduled Caste agricultural labourers to the Scheduled Caste cultivators is increasing which indicates that the Scheduled Caste cultivators after losing their land holdings are becoming agricultural labourers. The results are not very different for Scheduled Tribes also.
4. Some studies, the paper notes, have pointed out that allocation of funds for the development and welfare of the Scheduled Castes and Scheduled Tribes has shown a steadily declining trend since the late eighties.
5. Allocations for welfare of the Scheduled Castes, the Scheduled Tribes and Backward Classes do not match their developmental needs and priorities and implementation of schemes makes the matter worse.

The above review makes it clear that a lot needs to be done further for the development and welfare of the Tribals. The overall development of Tribals should include their empowerment – educational, social, economic and political while keeping in view their special identity – culturally, habitationally, traditionally and in terms of their age-old rights and privileges.

III MEASURES FOR FURTHER DEVELOPMENT OF TRIBALS

1.(a) In formulating programmes under Tribal Sub-Plan (TSP) the concept of planning from below may be followed. This involves ensuring actual participation of the beneficiaries.

(b) A separate budget mechanism for TSP may be adopted.

(c) The quantification for Tribal sub-plan should be at least in proportion to the tribal population covered under TSP.

2. The 73rd Amendment Act should be implemented in its true spirit in all the states having Scheduled Areas. The Gram Sabhas should be given the right to decision making on all resources within their villages.

3. The tribals are exploited by vested interests, moneylenders, landlords, shopkeepers, contractors and government officials. This is also recognised by the Fifth schedule to the constitution and it lists measures for regulating the money lenders activities in the scheduled areas. Most of the TSP States have enacted legislation in this regard. These provisions should be strictly implemented.

National ST Finance and Development Corporation and State level Finance and Development Corporations have been set up to provide lending facilities to tribals. However, coverage of ST families by these corporations has been grossly inadequate.

The working of the National and State level ST Finance and Development Corporation may have to be evaluated and measures undertaken so as to make these corporations perform better and thereby the tribals get benefited to a great extent.

4. Financial allocation to tribal welfare should be increased from the present low levels of allocation. The budget allocations under Plan and Non-Plan reflects the priority or lack of priority of the state in any sector. The poor flow of funds to tribal development, especially health and education are indicators of the lack of political will to allocate adequate funds to the tribal areas. Finances should be allocated not to maintenance of police, army and for purchase of weapons but for primary infrastructure and social security needs of the tribals.

5. A national debate on Scheduled Areas with involvement of tribal communities, scientists, academicians, NGO's and other civil society groups may be initiated. The Contemporary times may likely to witness many tribal movements, protests and campaigns as a result of conflicting interest groups like tribals, industries, government and consumers lobbying for stakes over the resources in these areas. There has to be some intense retrospection on the long term vision for the Scheduled areas over tribal rights, public sector and private sector issues, utilization of forest wealth, development projects, etc.

6. TRIBAL EDUCATION

Issues:

- i) High incidence of illiteracy especially among female population and primitive tribal groups.
- ii) Need for medium of instruction in tribal dialects.
- iii) Heavy drop out rate of nearly 80% in the primary education
- iv) Lack of commitment on the part of teachers.
- v) Need for participation of local community in educational activities
- vi) Lack of suitable infrastructure facilities.
- vii) Need for proper orientation of teachers and other administrators, about tribal life and culture.
- viii) Inadequate and untimely supply of textbooks and notebooks and inadequate provision of incentives.
- ix) Lack of proper medical aid and balanced diet to the tribal students.
- x) Lack of monitoring mechanism to motivate dropout tribal students for continuation of education
- xi) Lack of suitable self-employment opportunities to the educated youth and dropouts.

Strategies:

- a) The N.C.E.R.T. and S.C.E.R.T., Non-Governmental Organisations (N.G.O's) have to take up preparation and induction of bi-lingual text books in first two standards where-ever that particular dialect is the mother tongue of minimum 1 lakh population. N.C.E.R.T. should be made responsible for the introduction of text books in all the states and union territories of the country at least by the end of 10th plan period.
- b) As each region of tribal areas follow their own ritual and agricultural calendar, the concerned tribal research institutes have to prepare these calendars either region-wise or tribe-wise and furnish the same to the education department for taking necessary action.
- c) The National Institutes like N.C.E.R.T., N.E.P.A. and State Institutions like S.C.E.R.T., TRIs have to regularly organise orientation courses, workshops to the teachers in the tribal areas.

d) The concerned state governments should provide the necessary infrastructural facilities such as permanent buildings, play grounds, suitable audio-video aids including Television, Radio, Tape-recorders etc. At least a group of schools may be provided with these facilities which can be shared by 5 schools in the particular area.

e) The Medical officer in-charge of the Primary Health Centres or Mobile Medical Units have to visit each educational Institution, at least once in a fortnight for regular medical check-up of the students. The medical department may give suitable instructions to these primary health centres. The tribal welfare departments have to provide transportation facilities to the doctors to visit these schools wherever the P.H.Centres are not having the medical centres. Tribal welfare department should get the menu-cards for each residential institution including ashram schools in consultation with National Institute of Nutrition, while preparing the Menu-cards. Locally available food material and culinary habits of the local tribals have to be considered.

f) Teaching-aids have to be prepared based on local culture and environment. Local Tribal Folk dances, and Music-both Vocal and Instrumental, should be included in the curricular and co-curricular activities.

g) Progress cards are a must in the educational institutions. Below average students have to be identified and extra-coaching should be provided.

h) The concerned district authorities have to monitor the progress made in these directions.

i) Adult and non-formal education should be compulsorily introduced (gender-based) in tribal villages. The reading material should be prepared with tribal bias. The gaps in the Literacy levels between scheduled tribes and the general population should be bridged by the end of Tenth 5 year plan.

j) Each education institution has to send monthly progress reports indicating results of weekly/monthly tests, syllabus covered, health conditions of the inmates etc. These formats have to be formulated by the tribal welfare department and circulated to all institutions. Project officers/D.E.O's have to take special care of these educational institutions and send progress reports to the concerned heads of the departments.

k) N.G.O.'s have to be involved in the promotion of education and literacy among the Scheduled Tribes. Each N.G.O. should adopt minimum five educational institutions and render assistance like clothes, and medical aid for deserving students. They should act as surrogate parents in extending love and affection to the kids.

l) Expert teams may be constituted by involving educationists, experts, anthropologists and these teams should visit the institutions which are getting poor results in the common examinations. These teams have to suggest concerning authorities including governments, remedial action to be taken for improving the quality of education. Residential school Authorities/Tribal department have to constitute these teams immediately.

m) In order to promote literacy and education to boys and girls of P.Ts, they have to be provided additional incentives like 2 extra-pairs of clothes, school bag, chappals and to and fro-fares. The concerned I.T.D.A.'s must take up the responsibility and the Government of India, Ministry of Tribal Affairs have to provide the required funds to all the concerned states and Union Territories.

7. TRIBAL ECONOMY

Issues:

- i) The tribals living in the villages outside the TSP areas are not covered with any kind of developmental programmes inspite of their proximity to the scheduled areas.
- ii) The artisans and craftsmen belonging to tribal community are experiencing difficulties in collecting the raw material.

- iii) Inadequate awareness of availability of abundant medicinal plants and aromatic plants in situ (Tribal Areas)
- iv) Non-availability of appropriate and suitable technology for processing cottage and small scale industries to supplement income.
- v) Low-levels of agricultural yields due to non-adoption of improved agricultural methods
- vi) Poor marketing infrastructure reflecting in low-income levels to tribals.
- vii) Lack of knowledge in taking up alternative avenues of employment other than agriculture.
- viii) Continued dependency on moneylenders and middle-men for financial assistance.
- ix) Supply of poor quality of seeds, pesticides and raw materials to tribal beneficiaries.

Strategies:

a) Some adjoining tribal villages were not included in the ITDA areas as they are not fulfilling the criteria of more than 50% Scheduled Tribe population. As the tribals are living in the hamlets and not in the main villages, the criteria of taking revenue village as a basis for calculations of population has to be relaxed. At least in the Tenth five year plan, those hamlets and other villages with minimum 25% of the population may also be tagged on to T.S.P. villages (Tribal sub-plan villages) for promoting poverty alleviation programmes. The Ministry of Tribal Affairs have to issue suitable instructions to all the TSP states.

b) The tribal artisans wherever they are living in the district should be given permits by collecting reasonable amounts to enable them to bring raw-material so as to facilitate them to pursue their traditional occupations like crafts. The forests department has to issue these permits on the basis of the recommendations made by officials of tribal welfare department.

c) Scheduled areas are endowed with abundant medicinal and aromatic plants, an exhaustive inventory of these plants region-wise has to be prepared. The forest department and tribal welfare department in collaboration with Indian medicines and Ayurvedic department should organise awareness training courses in different parts of tribal areas. It should be made a statutory obligation on the part of the forest department to cover minimum 50% area earmarked for afforestation programme and take up generation of medicinal, aromatic and non-timber forest produce yielding P.E.S.

d) The industries and commerce departments at National and State levels, especially the small scale departments, Khadi and village industries centres have to device appropriate technologies to process important N.T.F.P. (Non-Timber Forest Produce) collected by the tribes. Processing and value addition to N.T.F.P. and agricultural produce will go a long way in improving the tribal economy.

8. TRIBAL ART, CULTURE AND TRADITION

Issues:

- i) Lack of proper documentation of culture of various tribal communities of India, including their art and craft.
- ii) Lack of appreciation and encouragement to traditional tribal dance, music etc., and commercialisation of arts and crafts.
- iii) Inadequate information and data base on tribal artisans and artists
- iv) Lack of awareness of culture and heritage of tribal communities by the planners, administrators, field functionaries and others.

Strategies

a) Government of India, Ministry of Tribal Affairs have to formulate National Policy on Tribal Culture, including arts and crafts in consultation with the Department of Culture, Ministry of Human Resources Development, in order to preserve and facilitate continuation of the rich cultural heritage of tribals.

b) Organise cultural melas and Festivals at State and National levels regularly; encourage tribal artists, and folk art performers by organising training classes in their respective areas of

specialisation by experts belonging to their communities and include local crafts and arts in the Vocational Training Centres established in Tribal areas.

c) The traditional costumes, some musical instruments and other equipment of lighting have to be supplied freely to the tribals who are experts in the tribal performing art. The tourism department should identify certain villages as 'tourist centres' to enable the foreign tourists to witness the performance.

d) The National and State level Sangeeta Nataka Academies should concentrate on these areas and document different folk dances performed by tribals of different states. They should also identify distinguished artists and the artists should be entrusted with the responsibility of teaching the younger generations. Experts have to be paid adequate monthly honorarium for their services.

e) The important folk dances should be included in the curriculum of the schools. Irrespective of the situation, a post of folk dance teacher preferably belonging to the tribals should be created in order to teach the students folk music, dance and art.

9. LOCAL SELF-GOVERNMENT OF TRIBAL AREAS

Issues:

- i) Lack of elected representatives of gram Panchayats situated in Tribal Areas/Scheduled Areas.
- ii) Inadequate financial resources and income to gram panchayats.
- iii) Delay in releasing of funds to gram panchayats by government
- iv) Proliferation of various Institutions at village level such as VTDA (Village Tribal v) Development Agency), VSS (Vana Samrakshana Samitis) and other committees of Janma Bhoomi in A.P.
- vi) Lack of co-ordination among various agencies at District, Mandal and Village level.
- vii) Interference of ITDA in functioning of Panchayat Raj Institutions at village level resulting in weakening of initiative of local elected members.
- viii) Various committees constituted under Janma Bhoomi in Andhra Pradesh are detrimental to the functioning of grama sabha, as per the provisions of the 73rd constitutional amendment.

Strategies

a) Elections have to be conducted immediately as per the provisions of amended panchayat raj act in the light of the 73rd constitution amendment. The concerned government has to take initiative and complete elections in stipulated time-period.

b) The provisions of the grama sabhas as per the constitutional amendment, and amended panchayat raj act have to be translated into local tribal dialects and should be made available to all the gram panchayats situated in scheduled areas.

c) All the grama sabha members including tribal women should be enlightened about the functions, responsibilities and powers of the New gram sabhas that are being constituted. Regular peripatetic training programmes have to be organised in every gram panchayat and all the members have to be informed about the powers, and responsibilities of the gramsabha. Charts, booklets, posters, have to be prepared in regional and as well as in tribal dialect, highlighting the important provisions of the acts, including powers of gram sabha and the reading material should be made available at all gram sabha- panchayats and tribal areas.

d) The relevant portions of New Panchayat Raj Act & Gram Sabha, should be included in the syllabi of the reading material of Adult-Literacy Centres, Functional Literacy/Non-formal Educational Centres.

e) Tribal women-folk have to be specially trained to take up the responsibilities as envisaged in the gram sabha. They should be also enlightened about various regulations pertaining to protective regulations.

f) The officials at the ITDA level and Mandal and village level should also be oriented about the new provisions, so as to facilitate them to take up all kinds of developmental activities with the consent of gram sabhas.

g) Government has to issue orders to all departments, not to take up any kind of work without the consent of the concerned gram sabha. All other Institutions at the village level should be brought under the control of gram sabha only in tribal areas.

IV IMPLEMENTATION OF NATIONAL COMMON MINIMUM PROGRAMME (NCMP)

1. NCMP Statement

a) The UPA will urge the states to make legislation for conferring ownership rights in respect of minor forest produce, including tendu patta, on all those people from the weaker sections who work in the forests.

b) Eviction of tribal communities and other forest-dwelling communities from forest areas will be discontinued. Cooperation of these communities will be sought for protecting forests and for undertaking social afforestation.

c) The UPA administration will take all measures to reconcile the objectives of economic growth and environmental conservation, particularly as far as tribal communities dependent on forests are concerned.

d) The rights of tribal communities over mineral resources, water sources, etc as laid down by law will be fully safeguarded.

Back Ground

Many tribal habitations are in the hilly and forest areas and they are dependent for majority of their activities on forests. Forests and tribals share a symbiotic relationship. Tribals continue to live in forest areas. Some of them survive only on the collection of minor forest produce. The tribals are using forest from time immemorial as their source of livelihood but with the enactment of the Forest Conservation Act 1980, their rights to collect MFPs and other forest produce has been restricted considerably. In view of this the National Forest Policy, 1988 stipulates that all agencies responsible for forest management should ensure that the tribal people are closely associated with the regeneration, plantation, development and harvesting of forests so as to provide them gainful employment. In spite of these special safeguards, tribals continue to struggle for their survival as they face formidable problems and displacement due to environmental restoration projects, lack of development in forest villages etc. The protection of rights of tribals in forests is vital to the amelioration of their condition.

There are several laws and amendments being enacted in the tribal areas which are working at cross purposes or have no linkage to the Fifth Schedule of the constitution. Whatever rules or legislations are made in these areas have to strictly fall within the ambit of the Fifth Schedule and not work toward diluting it. The PESA Act of 1996 clearly supports the Fifth Schedule and the rights of the Gram Sabhas in the Scheduled Areas. The Land Acquisition Act, the Mines and Minerals Development Act, the Forest Management Act, the Environment Protection Act and others are to be superseded by the Land Transfer Regulation Act or the Fifth Schedule.

As per the PESA Act, 1996 the Gram Sabha has the supreme authority to decide over the natural resources which includes NTFP. The monopoly restrictions over NTFP should be immediately removed while ensuring social protection through providing support price to tribals. Tribals should be allowed to collect, process, transport and market NTFP freely.

Action

- a) National Forest Policy 1988 should be implemented in letter and spirit.
- b) The PESA Act should be implemented strictly.
- c) The NCMP Statements should be implemented in a time bound manner.

The Ministry of Tribal Affairs and the Department of North Eastern Region to oversee the implementation of the above Policy and Act and the NCMP statements in coordination with the Ministry of Forests & Environment and the State Governments.

2. NCMP Statement

Landless families will be endowed with land through implementation of land ceiling and land redistribution legislation. No reversal of ceilings legislation will be permitted.

Back Ground

Landlessness is growing amongst the Scheduled Tribes and the proportion of the Scheduled Tribes agricultural labour to the Scheduled Tribes cultivators is increasing.

Action

- i) Take necessary steps to see that entire surplus land under land ceiling act is assigned to SCs, STs and other deserving weaker sections. Waste lands should be identified and assigned to the weaker sections. Time schedule should be stipulated and strictly implemented, as the possession of land by dalits and tribals will go a long way in their empowerment, dignity and self-respect.
- ii) Take steps to further strengthen the tenancy act and strengthen the rights of the tenants, so that they will not be displaced and removed from the land.
- iii) As the cost of cultivation has been increasing, enhance the subsidy on seeds, fertilizers, pesticides etc., to the dalit and tribal small and marginal farmers in order to arrest the trends of leasing the lands.
- iv) Horticulture programmes should be taken up on extensive scale in the fields belonging to weaker sections, tribals and dalits. The farmers should be given training in raising the horticulture plants before taking up such programmes.
- v) Each landless family of S.C.s and S.T.s should be assigned atleast one acre of land.
- vi) As Scheduled areas are endowed with abundant medicinal and aromatic plants, an exhaustive inventory of these plants region-wise has to be prepared. The Ministry of Tribal Affairs and the Ministry of Forests and Environment in collaboration with Indian Medicines and Ayurvedic Department should organise awareness training courses in different parts of tribal areas. It should be made a statutory obligation on the part of the Forest Department to cover minimum 50% area earmarked for afforestation programme and take up generation of medicinal, aromatic and non-timber forest produce.
- vii) In order to motivate tribal farmers to boost up agricultural productivity, series of peripatetic training camps have to be organised by I.T.D.A by involving agricultural experts. These camps should be organised mostly by the demonstration programmes only instead of theoretical classes.

The Ministry of Tribal Affairs and Department of North Eastern Region has to coordinate with the concerned Ministries of Govt. of India and State Governments to implement the above action points.

3. NCMP Statement

The UPA Government will launch a comprehensive national programme for minor irrigation of all lands owned by dalits and adivasis.

Back Ground

The Tribals primarily depend upon agriculture for their subsistence, which constitutes their mainstay. According to the 1991 Census, 42 per cent of the ST population are Main Workers. Of these, 54.5 per cent are cultivators and 32.7 per cent agricultural labourers. Thus, more than 87 per cent of the tribal main workers are dependent on agriculture. Further, while 42.9 per cent of the operational holdings of tribals belong to the category of marginal farmers with less than 1 hectare, 24.1 per cent are of small farmers category with 1 to 2 hectares; and only 2.2 per cent STs have

large operational holdings with more than 10 hectares. The tribals generally live in most inhospitable terrain and practise shifting cultivation on higher slopes and dry-land cultivation in plains and lower slopes where productivity and output are very low. Lack of proper irrigation facilities, decline in soil fertility, and risks and uncertainties involving damages caused by the wild animals, pests, cyclones, droughts etc. have further deteriorated the agricultural yield. The growing tribal population and the declining agricultural productivity have become a serious threat to the subsistence base of the tribal communities, endangering their self-supporting food security system.

Action

As agriculture continues to remain the primary economic occupation of tribals, as envisaged in the Tenth Plan it should be endeavoured to boost agricultural production in tribal areas through effective operationalisation of the National Water Policy and improve the extension of irrigation facilities. There should be special thrust on – i) watershed management, rain water harvesting and water savings practices in tribal areas; ii) promotion of micro-irrigation systems; iii) management of irrigation projects by the local tribal farmers; iv) involvement of Water Users' Associations; and v) mass education and public awareness amongst the rural and tribal population for effective water resource management. Also, efforts should be made to wean away 6 lakh families in a phased manner from the practice of Shifting Cultivation which has serious environmental impact. Towards this, the on-going scheme of Watershed Development Project in Shifting Cultivation Areas of the Ministry of Agriculture should be expanded to bring the entire area of shifting cultivation under the ambit of this programme.

The Ministry of Tribal Affairs should coordinate with the Planning Commission, the concerned Ministries and State Governments to implement the above measures.

4. NCMP Statement

The UPA is concerned with the growth of extremist violence and other forms of terrorist activity in different states. This is not merely a law-and-order problem, but a far deeper socio-economic issue which will be addressed more meaningfully than has been the case so far.

Back Ground

Extremism, terrorism and political disturbances in the tribal areas are a result of either exploitation or neglect of these areas and the degradation is further exploited by these militant groups. Hence, it is the first and primary duty of the state to address the actual socio-economic problems of the tribal people and not deal with it as an ad hoc law and order problem. Ruling the regions with armed forces as in the Sixth Schedule areas or pouring in squads of police battalions cannot solve the problem of violence or unrest in these areas. It is repeatedly emphasized that political will to provide justice to tribals, ensure rights over their lands and forest resources, stop taking up any projects that would displace tribals is a pre-requisite to putting an end to the violence and unrest in these areas.

Action

- a) Development of Tribal areas in all its entirety is to be accelerated.
- b) The States should initiate dialogue with the extremist groups who have certain ideologies as is being done by the Government of Andhra Pradesh.
- c) The Ministry of Home Affairs and the Ministry of Tribal Affairs and the Department of North Eastern Region should take the initiatives in this regard involving the concerned State Governments.

5. NCMP Statement

- a) The UPA government will immediately review the overall strategy and programmes for the development of tribal areas to plug loopholes and to work out more viable livelihood strategies.

b) In addition, more effective systems of relief and rehabilitation will be put in place for tribal and other groups displaced by development projects. Tribal people alienated from land will be rehabilitated.

Back Ground

Tribals displaced by development projects or industries in the post independence era have not been rehabilitated completely. Research shows that the number of displaced tribals till 1990 is about 85.39 lakhs (55.16% of total displaced) of whom 64.23% are yet to be rehabilitated. (source: Walter Fernandes, 1994). Although accurate figures of displacement vary it is clear that majority of those displaced have not been rehabilitated. Those displaced have been forced to migrate to new areas and most often have encroached on to forest lands and are, on record, considered illegal. It is a known fact that displacement has led to far reaching negative social and economic consequences, not to mention the simmering disturbance and extremism in most of the tribal pockets. Economic planning cannot ignore these consequences in the light of displacement.

Displacement or forced / voluntary eviction of the tribals from their land and their national habitats and subsequent rehabilitation has been a serious problem. Displacement take place mainly on account of development projects, which include large irrigation dams, hydro-electric project, open cast and underground coal mines, super thermal power plants and mineral based industrial units. In these project, tribals lose their land not only to the project authorities but even to non-tribal outsiders who converge into these areas and corner both land and the new economic opportunities. Inadequate rehabilitation of the displaced tribals will further compound their woes as they will become assetless, unemployed and be trapped in debt bondage and may even become destitutes.

Action

The following some of the issues indicated in the Report of the Working Group for Empowering the Scheduled Tribes during Tenth Plan of the Ministry of Tribal Affairs are quite valid:

i) State induced land alienation negates the very Fifth Schedule of the Constitution and also stands to question the control and ownership of land and natural resources which is so essential to tribal way of life. Alienation of land also leads to alienation of the surrounding livelihood resources which the tribals depend on. While setting up industries and other projects these connecting impacts have never been taken into account or compensated. This cannot be any longer ignored.

ii) While on the one side, tribals were alienated from their lands, there has not been any remarkable progress on health, education or infrastructure development. It has been a myth that industrialization would lead to a corresponding improvement in these sectors among the local tribals. It has only proved that they have been further marginalized from whatever rights and resources earlier enjoyed by them. There has been no attempt to improve the skills of the tribals to compete with the mainstream societies in taking up any responsible positions in the industries set up in their areas.

iii) All projects in tribal areas were considered 'public purpose' even for private mining industries. This is the biggest fallacy of our development paradigms in tribal areas.

iv) No displacement or resettlement of tribal villages for declaring any area as National Parks or Sanctuaries should be allowed. The laws and policies should be adapted to strengthen this co-existence and in maintaining the ecological balance.

v) There should not be any displacement of tribals for any project whether mining, energy or any other, in the Scheduled Areas, especially in the light of the New Economic Policy.

vi) The Land Acquisition Act should be amended in consonance with the PESA Act so that rights of the people are protected in Fifth Schedule Areas.

vii) No act of force should be used when there is conflict over resources and as per the recommendations of the 28th Report of the Scheduled Castes & Scheduled Tribes Commissioner, law should be passed prohibiting use of force in case of disputes over resources in the tribal areas.

viii) Government should not lease out forest lands to industries even through local institutions like Vana Samrakshana Samithis, particularly, in the Scheduled Areas (as attempted by the Government of A.P. under G.O. 112).

ix) Setting up of industries in Scheduled Areas at random and without assessing their impact on the tribal economy must stop forthwith.

x) The Government should identify potential industrial areas in advance, after due process in which the people and the institutions should be able to participate meaningfully, ensuring that community's decision prevails and is final.

xi) No agricultural land or land used for common purposes should be allowed to be transferred or purchased in any way for setting up an industry.

xii) In all industrial enterprises set up in the Scheduled Areas, other than small ventures referred to earlier, the community should be deemed to be the owner with 50% share in its favour by virtue of its allowing the industry to use the local resources and getting established. The share-holding of the company/persons making financial investment should be limited to not more than 25%.

xiii) The law should revert back to pre-independence procedures where the Governor, unless specified that law applies to Scheduled Areas shall not apply.

xiv) All States having Scheduled Areas should have integrated Tribal Welfare Agencies or their equivalents and 30% of the revenue from excise and any other form of income should be allocated to these agencies.

xv) A periodic and independent review of tribal administration at the national, state and district/ITDA levels should be taken up.

xvi) Officers posted in the tribal area (IAS, IPS, IFS) should have a strong understanding, orientation and empathy to tribal rights and culture.

xvii) The tenure of the officers should be fixed for at least a minimum period of 3 years so as to give consistency to the programmes/action initiated during their respective tenures.

xviii) Elections to Gram Panchayats should be immediately conducted in Scheduled Areas.

xix) Primary Education and Health should not be privatized or handed over to private institutions particularly in the tribal areas, as it is the primary responsibility of the State and a Fundamental Right of all citizens.

xx) Every tribal village should have a primary school and government cannot refuse to set up schools in any tribal village with atleast 30 households on grounds of lack of funds or any other.

xxi) The Plan allocation in Central and State Budgets for Tribal Welfare and especially for education and health shows very poor percentages. (This if increased even by two or three percent will be able to bring great changes to the prioritization of budget allocations).

xxii) Electricity should be provided in each and every village and hamlet especially in those village affected by major projects.

xxiii) The officers of the Tribal Affairs Department should be represented / be part of the policy formation process / protocols of all other Departments of the Government (State and Central).

xxiv) The first type of land alienation is alienation of land to non-tribals and plains-men which has historically been the major form of transfer of land from tribals. The State was means to play a pro-active role in ensuring that tribal lands are restored back from non-tribals in this kind of exploitation. Different state governments had framed different kinds of protective laws under this and the results have been varied. Andhra Pradesh has an exemplary land regulation called the Land Transfer Regulation Act of 1959, later amended in 1970. Despite such a strong legislation, there are a large number of pending cases where land has to be restored to the tribals. In order to effect this what is required are:

- a) A strong political will to dispose of the cases.
- b) Transparency and access to land records as the village level to tribal in the local languages, not only in English.
- c) Speedy disposal of cases where tribals are involved and oral evidence to be considered where records are absent.
- d) All pending land disputes should be settled immediately so that tribals do not face constant harassment from non-tribals, revenue and other departments.
- e) Regular updating of land records, proper and regular conduct of Jamabandhi, display of revenue details at the village level should be implemented.
- f) Where lands are resorted to tribals, the non-tribals get stay order from the courts. This should not be allowed as the lands are again in the enjoyment of non tribals.
- g) Tribals and NGO's should be allowed to participate in the process of survey of lands.
- h) Villages with majority tribal population adjoining scheduled areas should also be included in scheduled areas, specific pockets of majority tribal (ST) population which have been excluded from scheduled area should be scheduled.
- i) Sufficient staff should be posted in the revenue department for speedy settlement of cases.
- j) States which have specific pockets of tribal areas / population should demarcate these pockets as scheduled areas as under the Fifth Schedule of the Constitution.
- k) All States with Scheduled areas should have the prohibitory clause on transfer of lands from tribals.
- l) All tribal villages in forest areas should be settled immediately.

xxv) The second important type of land alienation and which is an increasing trend in this decade is State induced tribal land alienation. The case of Samatha against the State of A.P. is a classic example of how the State has been violating its own constitutional duty in the Fifth Schedule areas. In the name of economic development through industrialization, the State has been alienating tribal lands to private industries and development projects like mining, hydro-electric projects, tourism and other projects (even for schools where no tribal child is admitted). Research studies, NGO's local tribal revolts and campaigns have clearly brought out the evidence that these projects have far from resulted in any form of economic, social or political empowerment or progress to tribal communities affected by these projects. There are several serious and complex issues which need to be resolved in this connection.

xxvi) The Govt. of India should concentrate on ensuring the Constitutional safeguards for the under privileged sections of Indian society, like the Scheduled Tribes. Whatever economic changes are envisaged should fall within the framework of assisting these sections to attain equal opportunity and economic growth and not to privatize the tribal resources under the misguided rationale of national prosperity.

xxvii) At no cost should the Fifth and Sixth Schedule laws of the constitution be amended to open up the areas for control or ownership by private non-tribal individuals, industries or institutions.

While the above measures will contribute towards strategies for the development of Tribals, there is need for formulating a Comprehensive Rehabilitation Policy incorporating effective relief and rehabilitation systems. The Ministry of Tribal Affairs and the Department of North Eastern Region has to coordinate with the Planning Commission, the concerned Central Ministries and State Governments and oversee the implementation of the above recommendations.

Budget Provisions

A total outlay of Rs. 1,754 crore (which excludes Rs. 2,500 crore as SCA to TSP and Rs. 1,500 crore as GIA under Article 275(1), subject to changes) has been earmarked in the Central Budget of the Ministry of Tribal Affairs in the Tenth Plan. In preparation to the Tenth Plan, it is indicated that special efforts were also made to ensure the effective distribution of the otherwise limited resources through the application of Zero Based Budgeting (ZBB). This has brought down the number of the on-going schemes of the Ninth Plan from 25 to 14 (10 central Sector and 4 Centrally Sponsored Schemes) for empowering the Tribal in the Tenth Plan. In addition, tribal development programmes receive plan financial support from the state sector also.

Monitoring and Evaluation

Monitoring and Evaluation is needed to make the programmes and schemes effective to achieve the desired results. In respect of sectoral programmes and schemes of tribal development, policy planning, monitoring, evaluation as also their coordination is the responsibility of the concerned Central Government Ministries, State Governments and Union Territory Administrations and therefore these Ministries and Government departments should put in place effective mechanisms for this purpose. This is in addition to the one adopted by the Ministry of Tribal Affairs. Greater attention may also has to be paid to concurrent monitoring and evaluation through existing field functionaries on the principles of checks and balances.

References: 1. Report of the Working Group for Empowering the Scheduled Tribes during the Tenth Five Year Plan (2002-2007) – Ministry of Tribal Affairs, Govt. of India, New Delhi.
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