

Chapter - III

POLICIES, STRATEGIES AND APPROACHES FOR TRIBAL DEVELOPMENT

Many policies and strategies have been adopted for the development of tribal areas since the colonial period. Since the beginning of the First Five Year Plan, the Planning Commission, various Committees and Commissions and the Ministry of Tribal Affairs (since its inception in 1999)¹ have proposed and developed plans and policies from time to time to address the issues of the Constitutional safeguards, Acts and Regulations relating to protection of the interests of tribals in forests and trade, etc. As a result, several institutions have evolved in the States for implementation of such schemes and programmes. These are: Autonomous District Councils in the North East, Integrated Tribal Development Agencies (ITDA), Integrated Tribal Development Programmes (ITDP), Tribal Development (TD) Blocks and Tribal Research Institutes (TRIs).²

Concerted efforts were started by the Central and State Governments for the formulation of separate development strategies for the development of the scheduled castes and scheduled tribes during the Fifth Five Year Plan and subsequent plans³. It is now explicitly recognized that these attempts have had only marginal impacts on their socio-economic conditions in spite of various welfare measures and constitutional protection. Scheduled tribes continued to be the major vulnerable group in the Indian society and many welfare policies and

¹ www.tribal.nic.in

² Brunner, Hans-Peter (ed.), North East India: Local Economic Development and Global Markets, Sage Publications, 2010, p.90

³ Singh, Kamalash Prasad, Tribal Development in India: Programmes and Implementation, Uppal Publishing House, 1988, p.158

development programmes envisaged to reach the Millennium Development Goals still hold this community as the principal stakeholder.

Concept of Tribe

The term 'scheduled tribe' is primarily an administrative and constitutional concept. 'Tribal folk' is defined as people living in a particular place, who enter into marriage relationships among themselves, who have no specific skills in any work, traditionally or ethnically ruled by an adivasi leader who speak their own special language, and have their own beliefs, customs and traditions. Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342 of the Constitution. This Article says that only those communities who have been declared as such by the President through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes.⁴

The list of Scheduled Tribes is State/ UT specific and a community declared as a Scheduled Tribe in a State need not be so in another State. The essential characteristics, first laid down by the Lokur Committee, for a community to be identified as Scheduled Tribes are –

- (a) primitive traits;
- (b) distinctive culture;
- (c) shyness of contact with the community at large;
- (d) geographical isolation; and
- (e) backwardness – social and economic⁵

⁴ Rath, Govind Chandra, Tribal Development in India: The Contemporary Debate, Sage Publications, 2006, pp.16-22

⁵ Mann, Rann Singh (ed.), Tribes of India: Ongoing Challenges, MD Publications Limited, 1996, pp.1-16

Demography

The tribal population of the country, as per the 2011 census, is 10.43 crore, constituting 8.2% of the total population. The population of tribes had grown at the growth rate of 23.7% during the period 2001-2011. More than half the Scheduled Tribe population is concentrated in the States of Madhya Pradesh, Chhattisgarh, Maharashtra, Orissa, Jharkhand and Gujarat.⁶

Tribal communities live in about 15% of the country's areas, in various ecological and geo-climatic conditions ranging from plains and forests to hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. Some tribal communities have adopted a mainstream way of life⁷. At the other end of the spectrum, there are certain scheduled tribes (75 in number) known as Primitive Tribal Groups (PTGs), who are characterised by:-

- (a) a pre-agriculture level of technology;
- (b) a stagnant or declining population;
- (c) extremely low literacy; and
- (d) a subsistence level of economy⁸

Constitutional safeguards for tribes

The Constitution of India provides social, economic and political guarantees to disadvantaged sections of the people. Some provisions specific for the Scheduled Tribes are:

Social:

- Equality before Law (Article 14)

⁶ www.censusofindia.gov.in

⁷ *ibid*

⁸ Chaudhuri, Sarit Kumar, *Primitive Tribes in Contemporary India*, Vol.1, Mittal Publications, 2005, pp.1-10

- The State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes [Article 15 (4)]
- Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
- The State to make provisions for reservation in appointment, posts in favour of any backward class citizens, which in the opinion of the State, is not adequately represented in the services under the State [Article 16 (4)]
- The State to make provisions in matters of promotion to any class or classes of posts in the services in favour of the Scheduled Castes and the Scheduled Tribes (Article 16 (4A))
- A National Commission for Scheduled Tribes to investigate, monitor and evaluate all matters relating to the Constitutional safeguards provided for the Scheduled Tribes (Article 338 A)
- Appointment of a Commission to report on the administration of the Scheduled Areas and the Welfare of the Scheduled Tribes in the States (Article 339 (1))
- Appointment of a Commission to investigate the conditions of socially and educationally backward classes and the difficulties under which they labour and to make recommendations to remove such difficulties and to improve their conditions (Article 340)
- To specify the tribes or tribal communities to be Scheduled Tribes (Article 342)⁹

⁹ Thakur & Thakur (ed.) Tribal Law and Administration, Deep and Deep Publications, 2009, pp.4-10

ii) Economic:

- The State, to promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled Tribes, and protect them from social injustice and all forms of exploitation (Article 46)
- Grants-in-Aid to be made available from the Consolidated Fund of India each year for promoting the welfare of the Scheduled Tribes and Administration of Scheduled Areas [Article 275(1)]
- The claims of the members of the Scheduled Castes and the Scheduled Tribes in the appointments to services and posts in connection with the affairs of the Union or of a State to be taken into consideration consistent with the maintenance of efficiency of administration (Article 335).

iii) Political:

- Special provisions, spelt out in the Fifth Schedule, for the administration and control of Scheduled Areas and the Scheduled Tribes in any State (other than the States of Assam, Meghalaya, Tripura and Mizoram). Annual Reports are to be submitted by the Governors to the President of India regarding the administration of the Scheduled Areas. Tribes Advisory Councils are required to be set up specially in Fifth Schedule States to advise on such matters pertaining to the welfare and advancement of the Scheduled Tribes {Article 244 (1)}
- Special provisions spelt out in the Sixth Schedule for 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, Autonomous Councils and Regional Councils {Article 244(2)}¹⁰

¹⁰ *ibid.*

- Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People (Article 330)
- Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States (Article 332)
- Reservation of seats for the Scheduled Castes and the Scheduled Tribes in every Panchayat (Article 243D)
- Extension of the 73rd and 74th Amendments of the Constitution to the Scheduled Areas through the provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 to ensure effective participation of the tribals in the process of planning and decision making.¹¹

Scheduling of Tribes

The term “Scheduled Tribes” is defined in Article 366 (25) of the Constitution as “such tribes or tribal communities or parts of, or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution”. Article 342 prescribes the procedure to be followed in the matter of specification of Scheduled Tribes.¹²

Under Clause (1) of Article 342, the President may, with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, notify tribes or tribal communities or parts of these as Scheduled Tribes. This confers on the tribe, or part of it, a Constitutional status invoking the safeguards provided for in the Constitution, to these communities in their respective States/UTs. Clause (2) of the Article empowers the

¹¹ *ibid.* p.10

¹² Mann, Rann Singh (ed.), *Tribes of India: Ongoing Challenges*, MD Publications Limited, 1996, p.109

Parliament to pass a law to include in or exclude from the list of Scheduled Tribes, any tribe or tribal community or parts of these.¹³

Thus, the first specification of Scheduled Tribes in relation to a particular State/ Union Territory is by a notified order of the President, after consultation with the State Governments concerned. These orders can be modified subsequently only through an Act of Parliament. The above Article also provides for listing of Scheduled Tribes State/Union Territory wise and not on an all India basis.

Scheduled Areas

The Scheduled Tribes live in contiguous areas unlike other communities. It is, therefore, much simpler to have an area approach for development activities as well as regulatory provisions to protect their interests. In order to protect the interests of Scheduled Tribes with regard to land and other social issues, various provisions have been enshrined in the Fifth Schedule and the Sixth Schedule of the Constitution. The Fifth Schedule under Article 244 (1) of Constitution defines “Scheduled Areas’ as such areas as the President may by order declare to be Scheduled Areas after consultation with the Governor of that State.

The Sixth Schedule under Article 244 (2) of the Constitution relates to those areas in the States of Assam, Meghalaya, Tripura and Mizoram which are declared as “tribal areas” and provides for District or Regional Autonomous Councils for such areas. These councils have wide ranging legislative, judicial and executive powers. The criteria for declaring any area as a “Scheduled Area” under the Fifth Schedule are

- Preponderance of tribal population,

¹³ *ibid.*

- Compactness and reasonable size of the area,
- A viable administrative entity such as a district, block or taluk, and
- Economic backwardness of the area as compared to the neighbouring areas.¹⁴

The specification of “Scheduled Areas” in relation to a State is by a notified order of the President, after consultation with the State Government concerned. The same applies in the case of any alteration increase, decrease, incorporation of new areas, or rescinding any Orders relating to “Scheduled Areas”.

The States of Madhya Pradesh and Bihar were reorganised vide the Madhya Pradesh Reorganisation Act, 2000 and Bihar Reorganisation Act, 2000 respectively. Consequently, a portion of Scheduled Areas of the composite State of Madhya Pradesh stood transferred to the newly formed State of Chhattisgarh and the whole of such areas stood transferred to Jharkhand from the parent State of Bihar. In order to ensure that members of the Scheduled Tribes in the newly formed States continue to get the benefits available under the Fifth Schedule to the Constitution, it became necessary to amend the Scheduled Areas (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order 1977 (C.O.109) issued on 31 December, 1977 in so far as it related to the composite States of Bihar and Madhya Pradesh. The President has promulgated a new Constitutional Order specifying the Scheduled Areas in respect of the States of Chhattisgarh, Jharkhand and Madhya Pradesh on 20th February 2003.¹⁵

¹⁴ www.tribal.nic.in/Content/DefinitionofScheduledAreasProfiles.aspx

¹⁵ Paswan, Sanjay (*et.al*), Panchayat Raj in Scheduled Areas, A Critical Study, Concept Publishing Company, 2003, p.8

Scheduled Areas have certain distinct provisions meant to protect and benefit tribals: (a) The Governor of a State, which has Scheduled Areas, is empowered to make regulations in respect of the following:

i. Prohibit or restrict transfer of land from tribals;

ii. Regulate the business of money lending to the members of Scheduled Tribes. In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.

(b) The Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such exceptions and modifications as he may specify.

(c) The Governor of a State having Scheduled Areas therein, shall annually, or whenever so required by the President of India, make a report to the President regarding the administration of the Scheduled Areas in that State and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said area.

(d) Tribes Advisory Councils (TAC) shall be established in States having Scheduled Areas.

TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India. The TAC should consist of not more than twenty members of whom, as nearly as may be, three fourth should be from the representatives of Scheduled Tribes in the Legislative Assembly of the State. The role of TAC is to advise the

State Government on matters pertaining to the welfare and advancement of the Scheduled Tribes in the State, as may be referred to it by the Governor.¹⁶

The provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996, vide which the provisions of Panchayats, contained in Part IX of the Constitution, were extended to Scheduled Areas, contains special provisions for the benefit of Scheduled Tribes. The Sixth Schedule of the Constitution of India under Article 244 makes provisions for the administration of tribal areas through Autonomous District/ Regional Councils in the States of Assam, Meghalaya, Mizoram, and Tripura. The term, “tribal areas” generally means areas with a preponderance of tribal population. However, the Constitution of India recognizes the tribal areas within the States of Assam, Meghalaya, Tripura and Mizoram, as those areas are specified in Parts I, II, IIA & III of the table appended to paragraph 20 of the Sixth Schedule.¹⁷

In other words, areas where provisions of Sixth Schedule are applicable are known as “tribal areas.” In relation to these areas, Autonomous District Councils, each having not more than thirty members, have been set up. These Councils are elected bodies and have powers of legislation, administration of justice apart from executive, developmental and financial responsibilities. The State wise details of tribal areas are as under:

Part-I

1. The North Cachar Hills District
2. The Karbi-Anglong District

¹⁶ Pandey, Gaya, Developmental Anthropology, Concept Publishing Company, 2008, p.134

¹⁷ Laxmikanth, Governance in India, McGraw Hill, 2011, pp.9-10

3. The Bodo Land Territorial Area District

Part II

1. Khasi Hills District

2. Jaintia Hills District

3. The Garo Hills District

[Part IIA]

Tripura Tribal Areas District

Part III

1. The Chakma District

2. The Mara District

3. The Lai District

The District or Regional Councils are empowered to make rules with the approval of the Governor with regard to matters like establishment, construction or management of primary schools, dispensaries, markets, cattle ponds, ferries, fisheries, roads, road transport and water-ways in the district. The Autonomous Councils of the North Cachar Hills and Karbi Anglong have been granted additional powers to make laws with respect to other matters like secondary education, agriculture, social security and social insurance, public health and sanitation, minor irrigation etc. The Councils have also been conferred powers under the Civil Procedure Code and Criminal Procedure Code for trial of certain suits and offences, as

also the powers of a revenue authority for their area for collection of revenue and taxes and other powers for the regulation and management of natural resources.¹⁸

Tribal Development Strategy in India

Tribal development means upliftment of the tribal community which is at different stages of socio-economic and cultural realms of growth. It implies social and economic development of the tribal people through phased manner and time-bound integrated area development and other programmes suiting the genius and the economic situation of the people, ensuring progressive elimination of all forms of exploitation and ensuring a move towards the goal of equality and social justice.

It could be done by bringing about a positive change in the quality of life of the tribals through programs on health, education, employment, transport and communication, technical manpower etc. with a view to bring them on par with the people in the wider national society. While the problem of tribal development in India is primarily linked with the backwardness of tribal areas, poverty of the tribal people and the issue of integration of tribals with rest of the population, the concept of development in tribal situations pose a number of difficulties.

With the dawn of independence and adoption of the Constitution of free India, the British policy of isolation and non-interference was replaced by a policy of integration through development. The tribal population in India can be classified into four discernible divisions. (1) Tribals who confine themselves to original forest habitats and are still distinctive in their pattern of life. They may be termed as tribal communities. (2) Tribals who have more or less settled down in rural areas, taking to agriculture and other allied occupation. This category of

¹⁸ *ibid.*

people may be termed as semi- tribal communities. (3) Tribal who have migrated to urban or semi-urban and rural areas are engaged in ‘civilized’ occupation in industries and other vocations and who have, with discrimination, adopted traits and culture of other population of the country.¹⁹

The framers of the Constitution while taking note of the centuries old injustice perpetrated against the tribal communities, have adopted two-pronged strategy of tribal development which seeks to provide them protection from exploitation and assist them in their economic development. Efforts made from the beginning of the planned era through various developmental plans, policies, special strategies and programs.

Any deliberate attempts at development call for a strategy. The viability of the strategy determines the fruitful results of the development programmes. The nature of the strategy depends on the problems and potentials of a given situation and the objectives that are to be achieved. The definition of the problem and the goals to be attained are, thus, the pre-requisites for understanding the strategy.²⁰

History of the development of capitalism and more specifically that of colonialism revealed that no where in the world that the colonial powers had a common and consistent policy towards the natives. The British East India Company passed the scheduled District Act in 1874 with the objective that the normal law would not apply to the tribal areas. In the 1919 Act the concept of backward area was developed. However, without overlooking the vested

¹⁹ Hooja, Meenakshi, Policies and Strategies for Tribal Development: Focus on the Central Tribal Belt, Rawat Publications, 2004, pp.161-174

²⁰ *ibid.*

interest of the British, it is a tribute to British ruler that they recognised the need of special protection for the tribals. In this sense, the British can be considered as the pioneers of tribal policy in India. In 1930s there was thought provoking debate about the pros and cons of the principle.

The imperialist school contended that the aborigines formed a distinct element in India and should be placed in charge of British government. On the other hand nationalist school saw in this proposition, the continuation of the imperialist policy of divide and rule. M K Gandhi reacted sharply to the segregation of various communities, particularly the tribals, under the dangerous spell of the policy of the isolation and status quo. The Act of 1935 separated tribals from the rest of the inhabitants. Under the provision of the Act of 1935, the Excluded Area (tribal area) was placed under the government control. The adivasis were put into watertight compartments and classified as the tribal people by the government.²¹

It was in his monumental work *A Philosophy of NEFA*, first published in 1957 that Dr. Verrier Elwin elaborated the strategy for tribal development. Jawaharlal Nehru, a profound humanist, was able to appreciate the spirit as well as the operational feasibility of Elwin's policy suggestions. Nehru had no doubt that development should not be at the cost of the inherent qualities and accumulated experiences of these people. This basic philosophy underlies the famous 'Panchasheel' or five principles enunciated by Nehru for the administration of tribal areas.

²¹ Schwarz, Henry, *Constructing the Criminal Tribe in Colonial India*, Wiley-Blackwell, 2010, pp.1-12

These five principles are:

- I. People should develop along the lines of their own genius and we should try to encourage in every way their own traditional arts and culture.
2. Tribal rights in land and forest 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 tribals.
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.²²

Jawaharlal Nehru's philosophy and vision shaped the tribal policy in the 1950s in India. He avoided the extreme of the two stand points, namely the anthropological approach which sought to treat the tribals as museum specimens to be kept apart, for study and observations and the other approach which sought to destroy their individuality, distort the process of their development and absorb them in the culture and way of life that was alien to them.²³

In harmony with this philosophy a strategy of tribal development was framed. The Nehru era laid the foundation of tribal policy in independent India. This policy was recommended by

²² Prasad, RR, *et al*, Tribal Situation in Forest Villages: Changing Subsistence Strategies and Adaptation, Discovery Publishing, 1993, p.153-166

²³ *ibid*.

Elwin and shaped and endorsed by Nehru constituted the cornerstone of the development strategy in conjunction with the protection provided under the sixth schedule of the constitution succeeded to a very great extent in promoting development and welfare of the North Eastern tribes. However, the same could not be done in other parts of the country where the tribals experienced structural retrogression in their socio-economic status.

Scheduled tribes commission (1961) evaluated the working of constitutional safeguards for the tribals and the tribal development programmes. The commission while endorsing Nehru's approach made wide ranging recommendations involving protection of tribals land, their right in forests, their rehabilitation etc. all within the framework of Nehruvian policy. In this context it is necessary to emphasize that the framework of the tribal policy and the strategy of development imbued with Nehruvian humanism held the ground for about two decades. In fact it still provides the sheet anchor for India's Tribal Policy.²⁴

Even though in recent years there has been a considerable broadening and deepening of the structure of the policy, the basic principle of the policy remains unaltered. After V and VI five year plans the policy makers understood the diversities of tribal situation which called for a more area specific approach to planning and development. There was a more integrated approach to solve the many problems of tribals. Hence, more backward communities have been identified as tribes and the areas of tribal concentration were enlarged to bring within the ambit of planned development. Each tribal region was entrusted to prepare its own sub-plan, which formed apart of the plan prepared by the state. Consequently, a plethora of

²⁴ www.ncst.nic.in

legislation has been enacted to prevent alienation of land, regulate money lending, to abolish bonded labour system and to organize labour.

The resources being mobilised for the development of the tribal regions from many sources, outlay in the state plan, investment of central government ministries, institutional finance and the special central assistance, reached an all time high during the year 2010-11 (Rs. 5000 crore, including special central assistance).

Approaches to Tribal Development

There are mainly five approaches which have been employed so far in the welfare of tribals in India. The approaches are:

- i. Political approach
- ii. Administrative approach
- iii. Religious approach with special reference to missionary approach
- iv. Voluntary agencies approach
- v. Anthropological approach.

i. Political Approach

The political approach for the tribal welfare may be understood in the context of the pre and post independence period. The colonial rule created “excluded” and “partly excluded” areas and gave separate political representation to the tribes. Nationalists opposed these measures as part of diabolic conspiracy to a new separatism. After independence, the constitution has given the tribals a number of safeguards by considering them to be the weaker section of the population. In the first instance a period of 10 years was given to achieve the goal, but as the

problem was too complicated to be solved through a single decade, it has persisted through decades.

ii. Administrative Approach

The administrative approach is closely followed by the political approach. The Government of India has vast administrative machinery for tribal welfare. At the State level, the governor has been made responsible and on his behalf the chief minister and welfare minister are in charge of the special schemes to be implemented in the tribal areas. In some major concentrated tribal areas, the State has an independent tribal welfare ministry.

iii. Religious Approach

The religious has been attempted by different religious agencies like Christian missionaries, the Ramakrishna mission, the Arya Samaj and other local religious institutions which are engaged in the welfare works for the tribals. The Christian missionaries have been active in tribal India. For both types of work, spiritual and material, the missionaries did realize the importance of understanding the tribal culture and language. Missionary welfare activities have been viewed by different persons in different ways.

iv. Voluntary Agencies Approach

Under the voluntary agencies approach social workers, social welfare agencies, social movement agencies, social reformers, etc., are working to uplift the weaker section of our society in their own ways. Voluntary social service organizations have done considerable humanitarian work in the tribal areas but their idealism and spirit of service have not been matched by their understanding of tribal organization, values and problems.

v. Anthropological Approach

Anthropologists believe in the ultimate integration of tribes into the mainstream of national life. After independence, some anthropologists came out with several papers and addresses, dealing with the importance of applied anthropology in tribal welfare programmes. The various tribal research institutes are engaged in conducting research on Scheduled Castes and Scheduled Tribes. Besides, many university departments in the country undertake research on them.²⁵

Planned Era

The basic problem of the tribal people, as of the vast majority of the non-tribal population is that of poverty. The problem of low standard of living, starvation, malnutrition, illiteracy, disease, poor sanitary and housing facilities etc., all are common to the tribal and a vast majority of the non-tribal population. They have been subjected to exploitation for centuries together by the non-tribals such as money-lenders, forest contractors, traders, landlords, officials, and politicians. Compared with the exploitation of the non-tribal rural poor, the exploitation of the tribals is more monopolistic in nature. They continue to be subjected to this exploitation because they do not generally move out of their immediate environment in search of employment opportunities. This is due to lack of awareness of such opportunities on the part of the tribals, their distrust of an alien situation, and fear that outsiders will exploit them even more.

Also, centuries of isolation from the main civilization has kept the tribals ignorant of modern institutions, scientific and technological developments, and changing environment and has

²⁵ Panda, Nishakar, Policies, Programmes and Strategies for Tribal Development, Kalpaz Publications, 2006, pp.131-152

contributed to their ignorance, illiteracy, primitive mode of living, and poor resource base of their economy.

Immediately after the independence, it was recognized that certain communities needed special attention for their protection and development. The development programmes through Five Year Plans have been the mainstay of our way to integrate the tribal into the mainstream. With the onset of Five-Year Planning after independence, a new era ushered in, particularly in the socio-economic development of the weaker sections. The Planning Commission laid down the objectives and strategies for tribal development from time to time.

A review of the tribal development programmes of the first six five year plans show that tribal development programmes in India have been marked by two broad approaches such as:-

I. Community Approach at Block level

2. The Integrated Tribal Development Approach under the Tribal Sub-plan²⁶

To understand the rationality behind the community approach to tribal development, we have to review it in the context of Community Development Programme envisaged during the first Five Year Plan. Under this programme, a comprehensive approach aimed at balanced development of the entire country was adopted to encourage peoples' participation in development and cater to the needs of the smallest units. The original idea for setting up of Tribal Development Blocks was to cater to the specific needs of the tribal areas most of which fall in geographically isolated and hilly terrain with no development infrastructure.

²⁶ Sharma, Brahm Dev, Planning for tribal development, Prachi, 1984, pp.68-96

The Planning Commission was established in March 1950, which based its entire programme of village development by specifying that "Community Development is the method and Rural Extension the agency through which the Five Year Plan seeks to initiate a process of transformation of the social and economic life of the village" (Planning Commission, First Five Year Plan, 1951: 223). The National Extension Service (NES) scheme was started in October 1953, on the recommendations of the Grow More Food Enquiry Committee. In 1954, opening of new CD blocks were given up and was decided that those NES blocks where people showed some interest in their own work would be converted into CD blocks. The entire country was covered by the CD which applied equally to the tribal areas as well. However, the tribals have not been able to keep pace with other communities and other areas, especially in matters of economic development.²⁷

The level of development among the tribals varies from community to community depending on their degree of isolation and the inaccessible nature of the areas. As the tribal areas needed special treatment, a few Special Multipurpose Tribal development (SMPT) blocks were launched in 1954, covering a few blocks. The SMPT Block was the first systematic effort for the development of tribal areas. 43 such blocks were opened in different states for the first time in 1956, to speed up the process of development in the areas of the largest tribal concentration. The administrative structure of these blocks was patterned after the CD blocks but additional allotments were made to these blocks by Tribal Welfare Departments.

Another committee was constituted under Verrier Elwin in 1957 to go into various aspects of the programmes under SMPT blocks. Based on the Elwin report recommendations, the

²⁷ *ibid.*

SMPT blocks were converted into Tribal Development Blocks (TDBs) from Third Plan onwards. In addition to these SMPT Blocks converted into TD Blocks, more TD Blocks were also started to cover many tribal areas. By the end of Third Five Year Plan, the programme expanded, covering all the areas with more than two-third tribal concentration.

During the Third Plan, TD Blocks were originated on the general pattern of community development blocks, aiming at rapid improvement in socio-economic standard of the tribals. Here the priorities were made for economic upliftment, education, health, housing and communication. The guideline prescribed for 60 per cent funds for economic development, 25 per cent for communication and 15 per cent for social service.

To go into more detail on the condition of tribal people and tribal areas, Government of India appointed a commission namely the Scheduled Areas and Scheduled Tribes Commission. The report was submitted to the government, but the government did not give any attention, except the extension of TD blocks for another five years. Meanwhile the Planning Commission constituted another Study Team on 26th October 1966 under the chairmanship of Shri P. Shilu Ao.²⁸

During the Fourth Plan, after the recommendation of Shilu Ao Committee, an approach to develop specific target groups and areas like small farmers, marginal farmers, agricultural labourers, drought prone area etc. was conceived. Accordingly, few pilot projects were set up with an aim to develop tribal areas by integrating various programmes implemented under

²⁸ www.tribal.nic.in

general sectors and tribal welfare pulling together all resources for the project area and put under central sector with a provision of Rs. 12 crores.²⁹

In between, the Planning Commission constituted the Task Force in 1972, headed by L.P. Vidyarthi to study the development of tribal areas. The same year a Working Group on personnel policy for the tribal areas under the chairmanship of R.N. Haldipur was constituted. Several other groups and teams were to go into problems of tribal area cooperatives, rural indebtedness, land alienation, excise policy etc. As a result, a new strategy of tribal development took birth as Tribal Sub-Plan (TSP) within the broad framework of the state and central plan.³⁰

The First Five Year Plan emphasized the provision of additional financial resources through a community development approach to address the problems of tribal people rather than evolving a clear-cut tribal development strategy. Towards the end of the plan (1954), 43 Special Multipurpose Tribal Development Projects (MTDPs) were created. These MTDPs could not fully serve the interests of the tribal people since the schemes were numerous and of a general nature. This approach continued during the Second Five Year Plan. In the Third Plan, different strategy for tribal development was evolved by converting those Community Development Blocks where the concentration of tribal population was 66% and above into Tribal Development Blocks (TDBs). By the end of the Fourth Five Year Plan, the number of

²⁹ Mehta, Prakash Chandra, Development of Indian Tribes, Discovery Publishing House, 2006, p.102

³⁰ Chaudhuri, Sarit Kumar, Constraints of Tribal Development, Mittal Publication, 2004, p.238

TDBs in the country rose to 504. The strategy of development through TDBs had its limitations as well, as it failed to address the cause of the tribal population of the country living outside the TDBs, which comprised more than 60% of the total tribal population.

Tribal Sub-Plan

The Tribal Sub Plan strategy was developed by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of Prof. S. C. Dube for the rapid socio-economic development of tribal people and was adopted for the first time in the Fifth Five Year Plan. The strategy adopted continues till this day. Its salient features are:

- i.) Preparation of plan meant for the welfare and development of tribals within the ambit of a State or a UT plan is a part of the overall plan of a State or UT, and is therefore called a Sub-Plan.
- ii.) The funds provided under the Tribal Sub-Plan have to be at least equal in proportion to the ST population of each State or UT.
- iii.) Tribals and tribal areas of a State or a UT are given benefits under the TSP in addition to what percolates from the overall Plan of a State/UT.
- iv.) The Sub-Plans:
 - a.) Identify the resources for TSP areas;
 - b.) Prepare a broad policy framework for the development; and,
 - c.) Define a suitable administrative strategy for its implementation.
- v.) The TSP strategy has been in operation in 21 States and 2 UTs. In addition, Goa has been included in the list during 2006-07.
- vi.) TSP concept is not applicable to the tribal majority States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland and in the UTs of Lakshadweep and Dadra & Nagar

Haveli where tribals represent more than 80 % of the population, since the Annual Plan in these States/UTs is itself a Tribal Plan.³¹

The long term objectives of the sub-plan are: to narrow the gap between the levels of development of tribal and other areas, and to improve the quality of life of the tribal communities. The Sub- Plan is not a scheme, it represents a new approach. The strategy clearly spelt out the problem of tribal development into two parts- (1) that of areas of having more than 50 percent tribal concentration, and the scheduled areas, and (2) that of areas with dispersed tribal population. Besides these two categories, primitive tribal communities at the pre agriculture level of technology were identified as a special group.

Components of TSP

The main components of tribal-sub plan strategy are:

- Integrated Tribal Development Agencies/Integrated Tribal Development Projects
- Modified Area Development Approach (MADA) Pockets
- Clusters
- Primitive Tribal Groups (PTGs) and
- Dispersed Tribal Groups (DTGs)

Integrated Tribal Development Agencies/ Integrated Tribal Development Projects (ITDA/ITDP):

³¹ www.tribal.nic.in

A new strategy has been evolved for planning the development of the tribal communities during the Fifth Plan period. The new strategy envisages the preparation of sub-plan for the tribal areas. The first exercise in this regard is to demarcate the tribal areas based on the tribal population. These are: (i) areas, where the tribal concentration of 50 percent or above, (ii) areas of dispersed tribal population below 50 percent and (iii) extremely backward and isolated communities.

Modified Areas Development Approach (MADA):

For all round development of the tribals outside the sub-plan areas a new programme called Modified Areas Development Approach (MADA) was launched in 1978-79. The criterion for selection of this area was areas having a population of 10000 or more with at least 50 percent tribal concentration. The identified areas called as MADA Pockets. In these pockets individual family-oriented schemes as well as community benefit oriented programmes are to be implemented. There is a MADA level Advisory Committee for each MADA Sub-Collector concerned with officials and non-officials like people representatives as members. The Advisory Committee is responsible for drawn up programmes and oversees the implementation.

The tribal development under TSP envisages (i) Educational promotion schemes of schools, residential schools, hostels, scholarships, special coaching/training etc. (ii) Agriculture and allied activities by providing minor and medium irrigation facilities, animal husbandry, dairying, poultry etc. (iii) Improvised credit and marketing facilities for agriculture and minor forest products, (iv) Special training programmes to tribal farmers, (v) Irrigation and power facilities to promote agricultural production and small scale industry etc., (vi) Provision of

basic infrastructure for speeding up the socio-economic development of the tribal areas through community centres, communication network, schools, health centers, rural electrification, drinking water and other facilities etc. are to be provided to the tribals, (vii) ITDP, MADA, Cluster and Primitive Tribal Groups special comprehensive developmental projects were to be prepared by the States/UTs..

Special Central Assistance to TSP

Special Central Assistance to Tribal Sub- Plan (SCA to TSP) is provided by the Ministry of Tribal Affairs to the State Governments as an additive to the State Plan in areas where State Plan provisions are not normally forthcoming to bring about a more rapid economic development of tribals in the States. The scheme was launched in the Fifth Five-Year Plan in the year 1974. Till the end of Ninth Five Year Plan, the SCA to TSP was meant for filling up of the critical gaps in family-based income-generating activities of the TSP. From the Tenth Five Year Plan period, the objective and scope of SCA to TSP, has been expanded to cover employment-cum-income generation activities and infrastructure incidental thereto. Besides family-based activities, other activities run by the Self-Help Groups (SHGs)/ community can also be taken up. The ultimate objective of extending SCA to TSP is to boost the demand-based income-generation programmes and thus raise the economic and social status of tribals.

SCA is provided to the 22 Tribal Sub-Plan States including the North Eastern States of Assam, Manipur, Sikkim and Tripura and 2 Union Territories. However, since 2003-04 funds meant for UTs are being provided for in the budget of the Ministry of Home Affairs. During

the year 2006-07, for the first time, the State of Goa has also been allocated funds under SCA to TSP and Rs.1.10 crore was released to that State. SCA is released for economic development in the following areas and for the following population:

1. ITDP areas (195 Nos.), which are generally contiguous areas of the size of at least a tehsil or block in which the ST population is 50% or more of the total population.
2. MADA pockets (259 Nos.), which are identified pockets having 50% or more ST population with a minimum ST population of 10,000.
3. Clusters (82 Nos.), which are identified pockets having 50% ST population with a minimum ST population of 5,000.
4. Primitive Tribal Groups (75 in numbers), characterized by a low rate of population growth, a pre-agricultural level of technology and extremely low levels of literacy.
5. Dispersed tribal population – those which fall outside the categories at S. No. 1 to 4 above.

Allocation of funds

The Ministry provides 100% grant-in-aid to the State Governments from the funds made available for the purpose annually by the Planning Commission.

Main features of existing guidelines:

1. Support is given to the tribal population below the poverty line.
2. 70% of the SCA to be used for primary schemes supporting family/ Self Help Groups (SHGs)/ community-based employment and income generation in sectors such as, agriculture, horticulture, land reforms, watershed development, animal husbandry, ecology &

environment, development of forests and forest villages, development of entrepreneurship in SSI, etc., and 30% for development of infrastructure incidental thereto.

3. Priority to be accorded to the neglected tribals living in forest villages & synchronization of the programmes with Joint Forest Management (JFM).

4. Preparation of long-term area specific micro-plans for ITDAs/ ITDPs.

5. 30% beneficiaries are to be women.

6. Adherence to the provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996.

7. SCA has to be an integral part of the Annual Plan of the State.

8. 10% of the overall outlay/ allocation in an year is earmarked for providing incentive to those States which qualify for the same by way of effective implementation of the TSP in letter and spirit.

9. Funds to be earmarked ITDP-wise.

10. Monitoring and evaluation mechanism is ensured effectively.³²

Article 275 (1) of the Constitution

Article 275(1) of the Constitution of India guarantees grants from the Consolidated Fund of India each year for promoting the welfare of Scheduled Tribes and in pursuance of this Constitutional obligation, the Ministry of Tribal Affairs provides funds through the Central Sector Scheme “Grants under Article 275(1) of the Constitution of India”. The objective of the Scheme is promotion of the welfare of Scheduled Tribes and administration of Scheduled Areas. This is a Central Sector Scheme and 100 percent grants are provided by the Ministry to meet the cost of each project for tribal development, undertaken by the State Governments, for (1) raising the level of administration of Scheduled Areas and (2) for welfare of the tribal

³² www.tribal.nic.in

people to bring them at par with the rest of the State. The grants are provided to the States on the basis of the percentage of ST population in the State. The guidelines for release and utilization of grants under Article 275(1) of the Constitution of India have been revised in the year 2002.

Grants under Article 275 (1) of the Constitution of India are provided to States as an addition to normal Central Assistance to the State Plan. Prior to 2000-01, Grants under Article 275 (1) of the Constitution of India used to be released as block grants to the States. Since then, the fund is provided for taking up specific projects for creation and up-gradation of critical infrastructure required to bring the tribal areas at par with the rest of the country. The States are to identify the areas/sectors critical to enhancement of the Human Development Index (HDI) and projects can be taken up for bridging gaps in critical infrastructure.³³

People's participation in planning and implementation of schemes and projects has been envisaged in the guidelines. Due regard is to be given to the provisions of the State Panchayats Acts, and the PESA Act, 1996. Integrated and holistic approach for preparing micro plans for ITDP/ MADA/Cluster through multi-disciplinary teams is also envisaged. At least 30% of the projects should be women-oriented.

The Sixth Plan continued the Sub-Plan approach of the Fifth Plan. This was to be supplemented by target beneficiary approach with the objective of narrowing the gap between the level of development of the tribals and other developed communities and

³³ Prakash, Om, Centre-State Financial Relations in India, Atlantic Publishers, 1994, p.84

bringing about a qualitative change in the life of a tribal community. The broad objectives of the Sixth Plan were:

- A progressive reduction in the incidents of poverty and unemployment.
- Improving the quality of life through minimum needs programme.
- A reduction in inequalities of income and wealth.
- Infrastructure development for further exploitation of potential of the tribal region.

It was noticed that certain pockets of tribal concentration outside the tribal sub-plan area were still left out of the tribal sub-plan strategy. Therefore, it was decided during the Sixth Plan that pockets having a minimum of 10,000 tribal populations of which at least 50 percent are Scheduled Tribes, should be carved for intensive integrated development and Modified Area Development Approach (MADA) under the TSP. A definite target of 50 percent of the tribal families to cross the poverty line was adopted during the Sixth Plan for the first time. The coverage of tribal population during this plan reached 75 percent as against 65 percent in Fourth Plan.

In the seventh plan the emphasis was again economic and educational development. At the national level, two institutions were established: (i) Tribal Cooperative Marketing Federation (TRIFED) and (ii) National SC and ST Finance and Development Cooperation (NSFDC) in 1989. TRIFED was the apex body for marketing tribal produce, mainly minor forest produces (MFP). The plan allocation in the Seventh Plan was Rs. 5,988 crore constituting 8.51 percent of the total plan outlay.

In the eighth plan educational development was further emphasized. The number of Ashram (residential) schools and scholarships were increased. Regional languages were used as the

medium of instructions at primary level. Informal and adult education programmes were given priority. On the economic front, more LAMPS (Large Area Multipurpose Cooperative Societies) were opened up to meet the needs of forest resources, credit, and marketing of MFP and supply of essential commodities. About six lakh families were rehabilitated from shifting cultivation.

In the ninth plan emphasis is laid on a total integrated effort for all-round tribal development and massive efforts have been made for the socio-economic development of tribal people by the Government through organized economic planning. The plan aimed to empower STs by creating an enabling environment conducive for them. This process essentially encompassed three vital components viz. social empowerment, economic empowerment and social justice.

It also focused on tribal empowerment through effective implementation of PESA (Panchayat Raj Extension in Scheduled Areas) in the Scheduled Areas and proper utilization of grants release under Article 275 (i) of the Constitution for the development of scheduled tribes, in general and raising the level of administration of the scheduled areas..

The ninth plan acknowledges the need for a National Tribal Policy, and reiterates to formulate a comprehensive Tribal Policy with a special focus on Primitive Tribal Groups and displaced tribes. The Plan allocated Rs. 3174.13 crore for the development of the scheduled tribes of which the actual expenditure tends to only Rs. 3091.32 crores to empower the tribals as agents of socio-economic change and development and make them the active partakers of the development process.

In the tenth five year plan, the programmes for child and women development, irrigation, measures to improve income of tribals from forest produce and development of forest village were to receive financial assistance and attention. The Tenth Plan identified the priority group requiring the basic needs and living in different geographical regions with varied socioeconomic conditions. Primary health care services in tribal areas are extended by involving local NGOs. Indigenous medicine and the traditional knowledge and method of healing are encouraged in attending to the health needs of the tribes.

The eleventh plan was a paradigm shift with respect to the overall empowerment of the tribal people, keeping the issues related to governance at the Centre. The operational imperatives of the Fifth Schedule, TSP 1976, PESA 1996, RFRA 2006; the desirability of a tribal centric, tribal-participative and tribal-managed development process and the need for a conscious departure from dependence on a largely under effective official delivery system were the focus areas.

The Eleventh Plan recognized that inclusive growth necessitates a sharper focus on slower growing states, especially the backward regions within these states. Higher levels of public investment are required to redress the imbalance in the development of physical and social infrastructure, which in turn, would provide the basis for overall faster rates of growth in the economy in subsequent Plan periods. In order to supplement the efforts of state governments for development of areas with special problems, the Central Government provides additional central assistance under programmes, such as the Backward Regions Grant Fund, the Border

Area Development Programme, and the Hill Areas Development Programme/ Western Ghats Development Programme.³⁴

2011-12 financial year

Outlay of the Ministry of Tribal Affairs was ` 3723.01 crore in 2011-12 to support various socio-economic development programmes implemented for the benefit of STs. Besides allocations were made for special area development programme by way of providing Special Central Assistance to Tribal Sub-Plan to States for filling the critical gap for various income generating activities and infrastructure development in tribal areas and under proviso of Article 275(1) of the Constitution of India States are provided\ grant for raising the level of administration of Scheduled Areas and for welfare of tribal people to bring them at par with the rest of people.³⁵

During the Annual Plan 2011-12, Planning Commission had closely and continuously interacted with the Ministry of Tribal Affairs in connection with the exercises relating to formulation and implementation of various programmes and policies towards the socio-economic development of the tribal leading to their empowerment. In order to achieve social and economic development of Scheduled Tribes, Division prepared and coordinated plan and policy for effective implementation of various programmes to bring the target groups into the mainstream with full regard to their genius and ethos of development by making them self-reliant.

³⁴ Annual Report, 2012-13, Planning Commission of India, New Delhi (www.planningcommission.org.in)

³⁵ *ibid.*

National Policy on Tribal Development

The Ministry of Tribal Affairs prepared a draft of the National Tribal Policy in 2006. Sixty years after Independence, the Government has come out with a policy to look at the issue of development of STs in an integrated and holistic manner.

The proposed policy will address the issues such as enhancement of human development index of STs, improvement of infrastructure in STs dominated areas, ensuring their control over the natural resources base, displacement from their habitat and resettlement, distribution of wealth and opportunities among tribals and empowerment.

The then Minister for Tribal Affairs and DoNER, Kyndiah said that at a time when India has embarked on the path of 8-9% annual economic growth and opportunities are expanding for improving living standards, the Government is alive to the need that the tribal community gets all opportunities and that an enabling environment is created to improve their socio-economic conditions.

The objective of the policy is to bring STs at par with rest of the population in terms of their HDI, socio-economic conditions and basic infrastructure facilities in tribal areas. The policy provides for regulatory protection, socio-economic and political empowerment, development of infrastructure, increased livelihood opportunities, improved governance and administration, preservation of cultural and traditional rights and traditional knowledge, protection of traditional knowledge in the intellectual property rights regime and access to privileges.

The strategy for implementing the policy includes reorienting institutional arrangements in the Scheduled/ Tribal areas, strengthening and revamping of the administrative machinery; developing a quantifiable Tribal Development Index (TDI); linking devolution of funds to improvements in TDI so as to bring STs and tribal areas at par with national level by 2020; preparation of a separate tribal-centric strategy for each sector; strengthening ITDPs/ ITDAs, MADAs and Clusters in tribal areas; introducing single line administration in the Scheduled/ Tribal areas; adopting area planning approach in the Scheduled/ Tribal Areas; adopting TSP Strategy in letter and spirit; converging efforts and resources; devising an appropriate personnel policy to ensure the presence of Government functionaries in far flung tribal areas; supporting voluntary action in the service deficient far flung areas; developing appropriate communication strategy to effectively reach the STs ; encouraging academic, anthropological and policy research; putting in place an institutionalised system of monitoring and evaluation mechanism for concurrent feedback and linked to outcomes; and, empowerment of the community in terms of the provisions of the PESA, Act to transfer resources and benefits directly to the Gram Sabhas. Issues covered in the draft policy to achieve tribal development include:

Alienation of tribal land (Tenurial Insecurity): Land is the most important source of livelihood for STs, however and in spite of State enactments to prevent alienation of tribal land, wrongful alienation of tribal land is the single most important cause of pauperization of tribals. Under the Policy, the issue of tenurial insecurity among tribals will be addressed by amending state anti-alienation land laws, amending the Indian Registration Act and establishing fast track courts to deal with tribal alienation.

Tribal Forest Interface: Tribals have inalienable relationship with forests. Various steps are proposed to strengthen this bond and improve the natural resource base so that socio-economic conditions of STs improve including recognition of their age-old occupation rights, ownership over MFPs, conversion of forest villages into revenue villages, etc.

Displacement, Rehabilitation & Resettlement: A legislative regime will be put in place that ensures the least displacement, exploration of all alternatives to displacement, and appropriate compensation including land for land, market value of land, concept of NPV of their assets, social impact assessment, etc. In industrial enterprises in Scheduled Areas, the community will get suitable benefits.

Enhancement of Human Development Index (HDI): The Government will take steps to improve education, sports and employment opportunities for STs by ensuring an annual increase of 3% in literacy growth rate, for both male and female; 100% enrolment of tribal children and reduction of dropout rates, especially tribal girls, to bring at par with others by the end of 11th Five Year Plan. These targets will be achieved by opening primary schools for boys and girls within a radius of 1 km. of tribal villages; opening residential facilities for primary sections at Panchayat level and residential high schools with hostel facilities in every block in tribal areas and other initiatives. Appropriate sports infrastructure will be provided in each school from primary stage. At least 5% of the annual grant of the school may be kept aside for development of sports and sports events.

Health, hygiene, drinking water and sanitation: Poor quality of drinking water and absence of sanitation are major sources of water-borne diseases. Since tribal areas have different kinds of terrain, different methods for provision of drinking water and sanitation

facilities will be adopted. Diseases endemic in tribal areas will be tackled. A synthesis of Indian systems of medicine like Ayurveda and Siddha with the tribal system and modern medicine will be promoted. Efforts will be made to devise new systems and institutions to enhance the access of tribals to modern health care systems. Special efforts will be made to enhance food security and compile tribal health indicators.

Livelihood opportunities: Livelihood opportunities will be enhanced through training, skill and design development, provision of market linkages and scientific inputs for enhancing agriculture and horticulture production.

Migration: Steps taken to reduce migration will include enhancing land productivity and providing guaranteed employment under the National Rural Employment Guarantee Act, 2005.

Money lending and Indebtedness: Tribal people are easy victims of moneylenders. Steps will be taken to improve institutional flow of credit and provide consumption loans.

Creation of critical infrastructure: Steps will be taken to effectively use the provisions under Article 275(1) of the Constitution to be taken to bring the infrastructure in the Scheduled and Tribal areas on par with the rest of the country by 2020.

Violent Manifestations: STs have begun to feel a deep sense of exclusion and alienation, which has been manifesting itself in the form of tribal unrest in various tribal pockets. The solution lies in giving rights to the ST communities over natural and financial resources, and addressing the issue of economic deprivation. This includes treating the problem as not merely a policing problem.

Conservation and Development of PTGs: Special and new initiatives will be taken for conservation and development of PTGs who are the most backward among tribal communities, through the adoption of approaches that will result in heritage conservation as well as socio-economic development. The term Primitive Tribe Groups, which sounds derogatory, is proposed to be renamed as Particularly Vulnerable Tribal Groups.

Adoption of TSP strategy: The TSP as originally conceived had a two-pronged strategy to promote development activities and protect the interest of tribals through legal and administrative support. Mechanisms will now be put in place for effective pooling of TSP funds and spending them under a tribal-centric strategy.

Empowerment - PESA Act, 1996: The PESA, Act was passed to safeguard and preserve the traditions and customs of the people living in the Fifth Schedule areas, their social, religious and cultural identities, and traditional management practices of community resources. While many State Governments have passed laws these are not fully in conformity with the Central law. Actions will be taken to bring about conformity and promote decentralised decision making structures and actively encourage the Constitutional provisions relating to planning at the district level.

Gender Equity: While ST women are in many aspects, better placed than their counterparts in the general population, in certain other areas, efforts will need to be made for the upliftment of tribal women, e.g. in education through special literacy programmes and the elimination of pernicious practices which result in the torture and oppression of women.

Enlisting Support of Voluntary Agencies: NGOs have the ability undertake and promote family and community based programmes and mobilise resources in tribal areas on a long-term basis. They will be encouraged to get involved in tribal development activities that follow a participatory approach and empower the community.

Tribal Culture and Traditional Knowledge: All efforts will be made to support and preserve the rich tribal culture, tradition heritage, arts and crafts, dance and music through documentation and dissemination, market linkages, cultural festivals and melas and encouragement and support of tribal artists, and folk art performers. Efforts will be made to preserve, document and promote traditional wisdom.

Administration of Tribal Areas: The level of administration in Scheduled and other tribal areas has to be raised expeditiously. The Fifth Schedule of the Constitution envisages significant administrative, legislative, powers and protection to Scheduled Tribes in Scheduled Areas. The role and scope of Tribal Advisory Council (TAC) is proposed to be increased. For delineation of Scheduled Areas, the four criteria cited by the Dhebar Commission, viz. (i) preponderance of tribal population, (ii) compactness and reasonable size of the area, (iii) underdeveloped nature of the area, and (iv) marked disparity in economic standards of the people and outside the area, will continue to be used. However, keeping in view the influx of people in tribal areas, percentage of less than 50%, ST population may be considered for declaration of Scheduled Areas on a case to case basis, and a Gram Panchayat in lieu of a Development Block may be taken as a unit. Sixth Schedule of the Constitution is to devolve autonomy of a wide magnitude on the district and regional councils - a

Constitution within the Constitution. To improve the administration in Scheduled Area, various measures have been proposed.

Personnel policy for tribal areas: A large number of government posts remain vacant. An approach will be made to make the posts attractive through special incentives. The existing pattern of administration will be altered so that better services can be obtained from the limited personnel. In order to ensure compliance of this crucial personnel policy, flow of central funds to the States would be linked to filling up of the posts in tribal areas. Panchayati Raj Institutions to exercise control over staff posted in the villages of tribal areas.

Strengthening of the Regulatory and Protective Regime: Efforts are to be made to strengthen the regulatory and protective regime through enforcement of relevant Acts, or their amendment, where necessary. ST's knowledge and wisdom will be protected through a proper legal framework of intellectual property rights. Reservations will be continued and strengthened. Steps will be taken to improve the quality of education given to tribal children and youth to empower them to compete in the modern world on equal terms. Alternative affirmative actions will be explored.

Scheduling and De-scheduling of Tribes: Steps will be taken to ensure that the benefits granted to ST communities are evenly spread to all the ST communities and de-schedule, if so warranted, those populations that have caught up with the general population. A time bound programme will be initiated for identification of the needs of nomadic tribes and their development.

Research and Training: Studies on different aspects of tribal culture will be encouraged and sponsored and Tribal Research Institutes and tribal museums will be strengthened.

Communication Strategy: The Government will reach the STs through different kinds of media, audio and visual, electronic as well as traditional modes of communication with the extensive involvement of state governments and Tribal Research Institutes.

Monitoring, Evaluation & Review Mechanisms: The National Tribal Policy 2006 outlines several new and continuing initiatives for accelerating the pace of welfare and development of STs tribal areas in the country. An institutionalised mechanism for monitoring will be put in place at the National and State level. Powers will be given to the local communities to monitor and oversee planning and implementation of programme. The policy itself will be updated periodically. To make the policy a living document, the Cabinet Committee on Tribal Affairs (CCTA) will be requested to review of the Policy every three years and redefine the objectives and the guiding principles of the policy if necessary, and accordingly recast the strategy to address the new challenges that may emerge.³⁶

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006)

The issue of forest rights in India can be interpreted from different perspectives depending on whether one is a forest dweller, forest official, environmentalist, economist or social activist. The issue is of crucial importance considering that forest landscapes cover over 23% of the country and affect the livelihoods of around 200 million citizens, or 20% of the population in our democratic polity. Forest-dwelling populations, mainly concentrated in a tribal belt that

³⁶ www.tribal.nic.in

stretches across the central and eastern areas of the country, are among the poorest of the poor. Their poverty reflects a history of systematic marginalisation, with the state customarily expropriating forest land while overlooking, or even totally negating, their user rights to forest resources. This process began in the late 19th century during colonial rule and continued after independence under the democratically elected governments, which also did not consider appropriate actions to resolve the issue.

The history of centralized control of forests can be traced to the enactment of the Forest Act of 1864, which empowered the colonial government to declare any forest land as government forest; a process strengthened in the 1878 Act, which classified forests into ‘protected forests’, ‘reserved forests’ and ‘village forests’; the National Forest Policy of 1894, which reiterated the regulation of rights and restriction of privileges of ‘users’ in forest areas for the public good; the Land Acquisition Act of 1894, which permits compulsory acquisition of land for a ‘public purpose’; and the 1927 Act, which remains the main legal basis for depriving forest dwellers of their user rights to forest resources.

The post-colonial Indian state reinforced centralized control of forests with its National Forest Policy of 1952, which focused on protecting forest resources while commercially exploiting minor forest produce (MFP), and the Forest Conservation Act of 1980, which placed all forests under the control of the central government.

The displacement of forest dwellers thus continued, the most recent manifestation being their eviction from their traditional homesteads by forest departments seeking to consolidate the enclosure process under the Wild Life Protection Act of 1972 and its 1991 amendment, which severely restricted the rights of forest dwellers in wildlife sanctuaries and curtailed

their rights in national parks. It was this enclosure process that finally united social movements working with forest users across the country, mobilising them to raise their voice against the denial of democratic right to life and livelihoods to the vast tribal population.

The strident opposition led to the formulation of a new Scheduled Tribes and Other Traditional Forest Dwellers Act (or simply Forest Rights Act - FRA), which was passed in December 2006 and came into force on January 1, 2008 with the notification of its administrative rules. The FRA provides for restitution of traditional forest rights to forest dwellers across India, including individual rights to cultivated land in forested landscapes and collective rights to control, manage and use forests and its resources as common property. It also stipulates the conditions for relocation of forest dwellers from 'critical wildlife habitations' with their 'free informed consent' and their rehabilitation in alternative land.

The Act, which inherently recognises that a healthy ecosystem is compatible with social justice and technically holds precedence over all other forest and wildlife-related laws. Although its provisions for restoring the rights of forest-dependent households may not cover all rights deprivations they hold the promise of improving the lives and livelihoods of more than 100 million of India's poorest citizens. The FRA is a fundamental reform that represents a 'critical juncture' in the relationship between forest dwellers and the state. But the depth and durability of this reform remains open for research and exploration.

The salient provisions related to community rights, listed in Chapter 2 of the Act, cover the following rights over all forest lands that forest-dwelling scheduled tribes (ST) and other traditional forest dwellers are entitled to:

- Sub-Section 1 (b) of Section 3: It covers community rights such as usufruct (nistar), or by whatever name it is called, including those used in erstwhile princely states, zamindari or such intermediary regimes. It confers the right of ownership and access to collect, use and dispose of MFPs traditionally collected within or outside the village boundary.
- Section 2 (i): It defines MFPs to include all non-timber forest produce of plant origin, including bamboo, brushwood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like.
- Sub-Section 1 (c) of Section 3, further clarified under Rule 2 (d): It covers local-level processing, value addition and transportation of MFPs in forest areas by head-loads, bicycle and handcarts for use or sale by the gatherer or community for their livelihood. The use of motor vehicles is regulated by existing transit rules.
- Sub-Section 1 (d) of Section 3: It covers other community rights for use or entitlements, such as fish and other products of water bodies, grazing (both settled and transhumant) and access to traditional seasonal resources by nomadic or pastoral communities.
- Sub-Section 1 (e) of Section 3: It covers rights of primitive tribal groups (PTGs) and pre-agricultural communities to community tenures for habitat and habitation;
- Sub-Section 1 (f) of Section 3: It covers rights in or over disputed lands under any nomenclature in any state where claims are disputed;
- Sub-Section 1 (g) of Section 3: It covers rights to convert pattas, leases or grants of forest lands issued by a local authority or state government into titles;
- Sub-Section 1 (i) of Section 3: It covers the right to protect, regenerate, conserve or manage any community forest resource that forest dwellers have been traditionally protecting and conserving for sustainable use;

- Sub-Section 1 (k) of Section 3: It covers the right of access to biodiversity and community rights to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- Sub-Section 1 (l) of Section 3: It covers any other traditional rights customarily enjoyed by STs or other traditional forest dwellers that are not mentioned in the earlier clauses, excluding the traditional right to hunt, trap or extract a part of the body of any species of wild animal.

Sub-Section (1) of Section 6 of the FRA designates the Gram Sabha as the authority to initiate the process for determining the nature and extent of individual and community rights to be given to STs and other traditional forest dwellers within the limits of its jurisdiction. It will receive claims, consolidate and verify them and prepare a map delineating the area where each recommended claim can be exercised. The Gram Sabha will then pass a resolution to this effect and also forward the copy to SDLC. The list of claims for community rights will be prepared by the Forest Rights Committee (FRC), on behalf of the Gram Sabha, in accordance with Rule 11 (4) of the Act.

The FRC will verify the claims of pastoral and nomadic tribes to determine their rights, either individual or community or traditional community institution, in the presence of these individuals, communities or their representatives {Rule 12 (c)}. Similarly, it will verify the claims of Primitive Tribal Groups or pre-agricultural communities to determine their rights to habitat, either through their community or traditional community institution, in the presence of these communities or their representatives {Rule 12 (d)}. The decision of the District

Level Committee on claims for user rights to forest resources will be final and binding (Sub-section 6 of Section 6). The state government will constitute a state-level monitoring committee to ensure recognition of forest rights as well as monitor the process in accordance with the Rules (2008) framed to implement the FRA (Rule 9).³⁷

Strategy for the 12th Plan

The Twelfth Plan will strive harder to achieve the overall improvement in socio-economic conditions of the weaker sections by extending a well balanced prioritisation of efforts made for social development and economic empowerment based on the actual needs and problems of these communities. The principal goals for the Twelfth Plan, towards empowerment of the Scheduled Castes, will be:

1. To ensure the security and dignity of all persons belonging to the scheduled castes, especially women and put a complete end to all forms of discrimination against them.
2. To bring members of the SCs—both men and women—at par, to the maximum possible extent, with their non-SC/ST counterparts, in terms of all developmental indices viz.— education, health, nutrition, housing, income generation and employability.
3. To empower SCs to participate in society and in nation-building, on an equal basis with others.
4. To effectively implement SCSP as the essential instrument for accomplishing inclusive growth.³⁸

³⁷ www.fra.org.in

³⁸ Annual Report, 2012-13, Ministry of Tribal Affairs, Government of India, New Delhi (www.tribal.nic.in)

Issues in tribal development

The Human Development Report 2011 of the Planning Commission candidly admits that though the consumption expenditure of Scheduled Tribes has been rising overtime, the rate of increase was lower than the all India average. Further, while there has been a divergence in Monthly Per Capita Consumption Expenditure (MPCE) from the national average for STs and Muslims during 1999–2000 and 2007–08, they are also diverging from the national average in terms of female malnutrition during 1998 from the national average in terms of female malnutrition during 1998–99 and 2005–06. Only one-third STs and around half of SCs reside in pucca houses compared to 66 per cent for all India. Over time, ST households, due to a slower pace in improvement have experienced a growing divergence from the national average of households residing in pucca houses.

Poor implementation of existing schemes in the tribal regions has meant that not only poverty continues at an exceptionally high levels in these regions, but the decline in poverty has been much slower here than in the entire country. Thus the gap has been steadily rising, with the result that between 1993–94 and 2004–05 the share of the tribals amongst the poor in the country increased from 15.83 to 20.49 per cent. Lagging of scheduled tribes reflects the fact that geographical seclusion has limited their access to new self-employment opportunities and as labour supply has remained abundant in the remote villages with negligible out-migration, agricultural wages for this group did not grow to the same extent as they did for the scheduled castes.

Similar gaps continue between literacy levels and health indicators of STs and the general population and have widened over the years. the gap in literacy levels, both for tribal men

and women, has not declined significantly despite the fact that the largest proportion of centrally sponsored programmes for tribal development are related to the single sector of education. The gap would be wider if the north-eastern states are excluded, as education and health standards of tribals in that region are much above the national average. There are districts in India where the female literacy among adivasis is less than 10 per cent.

The dropout rate is a critical indicator reflecting lack of educational development and inability of a given social group to complete a specific level of education. In the case of tribals, dropout rates are still very high—31.33 per cent in Classes I to V; 58.3 per cent in Classes I to VIII; and 76.9 per cent in Classes I to X in 2008–09 (Source: Selected Educational Statistics 2008–09 of India, Ministry of Human Resource Development).³⁹

The 16th Joint Review Mission of the SSA done in 2012 notes with some concern that enrolment of SC and ST and Muslim children in the 6–14 population has reduced. Among the social categories, the enrolment rate is lowest among the scheduled tribes. As per DISE data, the enrolment of SC children has reduced from 19.81 per cent in 2009 to 19.06 per cent in 2010–11. Similarly enrolment for ST children for the same period has reduced from 10.93 per cent to 10.70 per cent. Reports of Monitoring Institutes also observed that there were noticeable gaps in learning achievement levels of SC, ST and Muslim children in almost all the states.⁴⁰

The health status of both SCs and STs are far worse than that of other sections of society. Since access to health care is limited for STs and SCs, barely 42 per cent of pregnant SCs

³⁹ Annual Report, 2012-13, Planning Commission of India, New Delhi

⁴⁰ *ibid.*

could access a doctor for ante natal care and only 28 per cent could access an Auxiliary Midwife Nurse (AMN). But 64 per cent of others obtained ante natal care from a doctor. Again, since most STs live in remote rural areas, barely 18 per cent of all STs had deliveries in a health facility, compared to 51 per cent among other communities. There is, however, a failure of governance, which has multiple dimensions and is not confined to the inefficiency of the health delivery system only.

Since most of the tribal habitations are located in isolated villages and hamlets in undulating plateau lands coinciding with forest areas, they have limited access to critical infrastructure facilities such as roads, communication, health, education, electricity, drinking water and so on. This widens the gap between the quality of their life and the people in the country.

Displacement

Tribals have been displaced in large numbers on account of various large development projects like irrigation dams, hydro-electric and thermal power plants, coal mines and mineral-based industries. A National Policy on Relief and Rehabilitation of Project Affected Families (PAFs) was notified in February, 2004 with a relief package of seventeen parameters to be fulfilled before permitting dislocation. Thereafter, the Government of India, in October, 2007 approved a new National Policy for Rehabilitation and Resettlement. But serious work on PAFs is yet to start in tribal areas. Tribals are alienated from their lands not only by acquisition of land for public purpose, but also by fraudulent transfers, forcible eviction, mortgages, leases and encroachment. The Ministry of Rural Development has estimated the extent of alienation of tribal land in different states: Andhra Pradesh (2.79 lakh acres), Madhya Pradesh (1.58 lakh acres), Karnataka (1.3 lakh acres), and Gujarat (1.16 lakh

acres). Most tribals displaced by development projects or industries have not been satisfactorily rehabilitated. A survey conducted indicated that the number of displaced tribals till the year 1990 is about 85.39 lakhs of whom 64% are yet to be rehabilitated. Those displaced have been forced to migrate to new areas and more often, have unknowingly encroached on forest lands and on record, are considered as illegal occupants. This type of displacement has led to far-reaching negative social and economic consequences. The dislocations and the uncertainty concerning their future have made such displaced tribal population an easy target for the extremists.⁴¹

PESA had specifically provided for prevention of alienation of land. It had asked the State Legislatures in the area not to make any law which is inconsistent with the objective of preventing alienation of tribal land. It had empowered every Gram Sabha to prevent alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawfully alienated land of the Scheduled Tribe. Paradoxically, however, PESA has been unscrupulously and indiscriminately used to promote industrial development at the expense of tribals. There have been many instances of manipulation by local power lobbies which have deprived tribal groups of resources, traditionally and constitutionally guaranteed to them, for furthering their personal monetary benefits.

Different laws exist in individual States in respect of mining and industries in scheduled/tribal areas. It is imperative that these laws should be in conformity with the principles of the Fifth and Sixth Schedules of the Constitution. State Governments should enforce the existing laws on land ceiling. There is a provision in some States which says that

⁴¹ Ota, A B (ed.), Critical Issues in Tribal Development, Scheduled Castes and Scheduled Tribes Research and Training Institute, 2009

if a land is fallow for five years, the government can take over such land. Government's database should be up-to-date regarding all such lands lying fallow. If this is left alone, it is made use of by the extremists who in turn act as benefactors of the tribal people and distribute such lands to them, resulting in, the tribal population feeling indebted to the extremists.

The dismal state of land records maintained by the local administration is another source of frustration and conflict. The non-availability of land records, and in many instances, the marked reluctance of the administration to provide information on the actual ownership of land has made it increasingly difficult for tribals to contest acquisition of land by the state to prove their ownership. A complete overhaul and systematic organization of existing land records with freer access to such information would have a positive effect and avoid conflict situations.

The basic system of laws governing Tribal Rights is still extremely unclear. It is therefore imperative to create a task force that should undertake a "Harmonisation of Laws" – (a) between Central Acts and Local Land Laws, (b) between Forest and Revenue Records and (c) between Court judgments and other laws. The Committee that looked at planning at the grassroots levels had made a specific mention of the need for harmonious operation of such laws and policies to promote the interest of the tribals. A critical issue in the implementation of PESA is to harmonise its provisions with those of the central legislations and also to recast relevant policies and schemes of Union ministries / departments. No integrative exercise has so far been undertaken to examine the relevance of different central laws to these Fifth Schedule Areas and to harmonise them with the aims and objectives of PESA. Such an

exercise is overdue. Among the laws which warrant particular attention are the Land Acquisition Act, 1894, the Mines and Minerals (Development and Regulation) Act, 1957, the Indian Forest Act, 1927, the Forest Conservation Act, 1980 and the Indian Registration Act.

In so far as policies and CSSs/Central Schemes are concerned, policies pertaining to wastelands, water resources and extraction of minerals from lands in Fifth Schedule Areas do not seem to reflect the intent and purpose of PESA. These policies, as interpreted and implemented, have given rise at times, to confrontation between the tribal people and the Administration. The National Minerals Policy, 2003, National Forest Policy, 1988, Wild Life Conservation Strategy, 2002 and National Draft Environment Policy, 2004 would, in particular, require detailed examination from the view point of ensuring compliance with the provisions of PESA.

The main problem, while dealing with conflicts concerning the tribal population is that the existing constitutional provisions and laws designed to protect them are not optimally used. In certain areas, the State has been perceived to be insensitive in protecting the interests of the tribals and the situation is further aggravated by the absence of government functionaries at their place of posting. A significant section of the tribal population has gradually been weaned away from the mainstream by the extremists. They have been alienated from their land and forests by the enforcement agencies. In such situations what is required is the task of State building in the literal sense of the term. It is necessary that the administration takes special care to provide core services in the tribal areas. It is also necessary that Government posts only such police, revenue, forest and development officials who have the required training and commitment to work in such areas. One way of doing this would be to select

officials for specific posts providing hardship pay, preferential treatment in accommodation and education etc all of which would induce officials to volunteer for such posting.⁴²

No amount of legal provisioning or refinement of the planning process can lead to better compliance of legislations either in the protection of rights of the tribal people or development of the Scheduled Areas unless the administration at the cutting level edge is trained and attuned towards the objectives of PESA. Each State therefore needs to constitute a group to look into strengthening of the administrative machinery in Fifth Schedule Areas.

⁴² *ibid.*