



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA
NATIONAL COMMISSION FOR SCHEDULED TRIBES

No. Policy-6/2012/MTA(Tribal Policy)/Service/RU-II

To

- 1) Dr. Rameshwar Oraon, Chairperson
- 2) Smt. K. Kamala Kumari, Member
- 3) Shri Bheru Lal Meena, Member

छठी मंजिल, 'बी' विंग, लोकनायक भवन,
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6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110003

Dated 18-12-2012

Subject: Preparation of National Tribal Policy (Draft) in the year 2006-offering comments/suggestions thereof.

Sir,

I am to Circulate a copy of the D.O. letter No. 20025/3/2003-NGO dated 07/12/2012 received from Dr. A.K. Dubey, Joint Secretary, Govt. of India, Ministry of Tribal Affairs, Shastri Bhawan, New Delhi-110001 addressed to this Commission on the subject mentioned above.

It is requested that comments/suggestions on the Draft Note of National Tribal Policy for the year 2006 may kindly be sent for discussion in the forthcoming meeting of the Commission.

Yours faithfully,

(M.S. Chopra)
Director

Copy for information:-

- 1) PPS to Joint Secretary
- 2) Director (MSC)
- 3) Dy. Director K.D.B (RU-III & IV)
- 4) Consultant (RCD)
- 5) SSA (NIC)
- 6) AD (Coord)

(M.S. Chopra)
Director

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www.tribal.gov.in

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D.O.No. 20025/3/2003-NGO

Dated : 07.12.2012

Dear *Sh. Mishra,*

As you are aware, the Ministry of Tribal Affairs had prepared the National Tribal Policy (draft) in the year 2006. The draft Policy was widely circulated through the electronic and print media and comments/suggestions were invited from various Ministries/Departments of the Government of India/ State Governments, UT Administrations, academicians, anthropologists, voluntary organizations, social activists etc. which were incorporated by the Ministry in the draft Policy.

The Ministry is in the process of finalizing the Policy. I therefore, request you to kindly offer the valuable comments/inputs on the draft Policy so as to enable us to finalize the draft policy.

With Regards,

Yours sincerely,

A.K. Dubey
(A.K. Dubey)
21/12/12

Shri Aditya Mishra, *JS*
Joint Secretary,
NCST,
Lok Nayak Bhawan,
New Delhi.

DIS(C)

May kindly see.

JS
13/12

381/JS/2012
12/12/2012

RO/RV-1
pl circulate immediately
JS
18/12

This will be discussed in the Commission's meeting & circulate to all members immediately; also to officus/Asstt CD

JS
12/12

The National Tribal Policy

(A Policy for the Scheduled Tribes of India)



**Ministry of Tribal Affairs
Government of India**

July, 2006

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Draft

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The National Tribal Policy

The National Tribal Policy

(A Policy for the Scheduled Tribes of India)

Draft

1. Preamble

1.1 The dilemma in preparing any policy for the Scheduled Tribes in India is how to strike, the right balance between preservation of tribal identity, culture and values, protecting the tribes from being swamped by mainstream lifestyles, while increasing and ensuring their access to mainstream education, health care and income generation so that the quality of their life is improved. The Panchsheel of Pandit Jawahar Lal Nehru which laid the foundation of State Policy towards tribal development aimed at providing an enabling framework for the tribal people to move according to their own genius in a system of self-governance while sharing the benefits of development, retaining the best elements of their tradition, cultural life and ethos. The implementation of this, however, is fraught with problems because not only is the number of individual tribes scheduled under the Constitution quite large (standing today at nearly 700 State specific Scheduled Tribes), but also because the heterogeneity is immense. Each tribe is quite distinct from the other with, usually, separate languages and dialects, customs, cultural practices and life styles. To preserve this immense diversity is an enormously difficult task, particularly since, in bringing the benefits of development to them in education, health and income generation, a significant amount of mainstreaming, and consequent loss of diversity, is inevitable.

1.2 Despite this diversity, tribal communities do have similarities, though broad generic ones. They are known to dwell in compact areas, follow a community way of living, in harmony with nature, and have a uniqueness of culture, distinctive customs, traditions and beliefs which are simple, direct and non-acquisitive by nature. Some of these broadly similar characteristics have been used as criteria for the last few decades to identify and declare a particular community as a Scheduled Tribe. The criteria used are: primitive traits, distinctive culture, geographical isolation, shyness of contact and backwardness. But even all these broad criteria are not applicable to Scheduled Tribes today. Some of the terms used (e.g. primitive traits, backwardness) are also, in today's context, pejorative and need to be replaced with terms that are not derogatory.

1.3 The population of the tribal communities scheduled in the Constitution of India and known as Scheduled Tribes (STs) is 84.3 million as per 2001

census and accounts for 8.2% of the total population of the country. They are scattered over all the States / UTs, except Punjab, Haryana, Delhi and the UTs of Pondicherry and Chandigarh.

1.4 The STs have traditionally lived in about 15% of the country's geographical areas, mainly forests, hills, undulating inaccessible terrain in plateau areas, rich in natural resources. They have lived as isolated entities for centuries, largely un-touched by the society around them. This seclusion has been responsible for the slower growth, dis-similar pattern of their socio-economic and cultural development and inability to negotiate and cope with the consequences of their involuntary integration with the mainstream society and economy.

1.5 The Constitution of India contains several provisions for ensuring a better quality of life for the weaker sections of society and STs, in particular, based on a policy of positive discrimination and affirmative action on the developmental and regulatory fronts. The architects of the Constitution being conscious of the separate identity of the tribal communities and their habitat provided certain articles exclusively devoted to the cause of the STs. These include Articles 244, 244A, 275(1), 342, 338(A) and 339.

1.6 The Fifth Schedule of the Constitution provides for administration and control of Scheduled Areas and Scheduled Tribes and gives powers to the Governors to make regulations for the peace and good governance of the Scheduled Areas. Similarly, the Sixth Schedule also contains specific provisions for the administration of tribal areas in the States of Assam, Meghalaya, Tripura and Mizoram. Deriving force from these enabling provisions in the Constitution aimed at ensuring social, economic, and political equity, several specific legislations have further been enacted by the Central and the State Governments for the welfare and protection of STs and their tribal domain.

1.7 To convert these aspirations into reality, the Government has since independence actively planned for the focused development of areas inhabited by the STs and for their upliftment taking them as distinct groups living in compact areas. The concept of development on the basis of geographical units which are also administrative units came with the creation of 43 Tribal Blocks in 1953. The Tribal Sub-Plan (TSP) concept was introduced in 1974 during the Fifth Five Year Plan to provide for financial allocations in proportion to the population of STs in the annual plans at the

The National Tribal Policy

Central and State level. A large number of schemes and programmes implemented through Governmental/Non-Governmental agencies, covering almost all aspects of tribal life have since been in operation.

1.8 Over the last 60 years or so, many of the Scheduled Tribes appear to have evolved into two, more or less distinct, groups: those who have been able to take advantage of the protection and benefits guaranteed to them under the Constitution and under various Acts and schemes and have been able to decrease the gap in development between them and others; and those Scheduled Tribes whom such programmes and protection have failed to reach and who, therefore, still exist at subsistence level with poor health, education and income levels. By and large, however, improvements in the socio-economic conditions of Scheduled Tribes measured in increased literacy rates, reduction in poverty, etc. have not been proportionate to the investments made. As compared to other sections of the Indian society, the tribal population has the lowest Human Development Index (HDI). In addition, they suffer from geographical and cultural exclusion, which are not captured in the HDI. Similarly, lack of empowerment to make choices for themselves is also not accounted for. A large segment of the tribal population lives below the poverty line and suffers from a high infant mortality rate, severe malnutrition, various communicable diseases, lower literacy rates and an extremely slow pace of development. Under-development coupled with lack of access to proper administrative and judicial machinery in tribal areas further increases their deprivation.

1.9 Since Independence, the tribal areas have had less favourable initial infrastructure endowment. The social and physical infrastructure in the tribal areas is inadequate and at a much lower level than the rest of the areas, resulting in the low capacity of the tribal economy to meaningfully absorb funds, including institutional finance. The gap between the infrastructure in the rest of the country and the tribal areas has moreover been widening steadily. The private sector which has contributed to infrastructure development elsewhere in the country through public-private partnership has left the tribal areas virtually untouched.

1.10 The tribal communities' entire way of life is woven around harmony with and preservation of nature. There is a very strong symbiotic relationship between the STs and the forests and they have been at the forefront of the conservation regime. Due to faulty processes of declaring forests in the past, the rights of the tribals over their traditional land holdings in the forests have gradually been extinguished. Insecurity of tenure and fear of eviction from these lands has led the tribal communities to feel emotionally as well as physically

alienated from forests and forest lands.

1.11 Ownership of land signifies livelihood, culture and identity in a tribal economy. The STs usually possess lands which are infertile uplands. But even such as they are, these lands have also been going out of tribal possession on account of appropriation by exogenous forces. Poor land record systems in tribal areas coupled with the illiteracy, poverty and ignorance of tribals and the greed of others have resulted in the continuous transfer of resources from tribals to non-tribals for several decades. Diminishing access to natural resources, and dispossession have led to their exclusion and economic impoverishment often reducing them to the status of migrant labour, rickshaw pullers and head-loaders, and socio-psychologically setting them adrift.

1.12 To compound the problem further, displacement or forced eviction of tribals from their lands and natural habitats due to various developmental activities has for long been a serious problem. Displacement takes place on account of development projects which include large irrigation or hydro projects, coal and other mines, thermal power plants and mineral based industrial units. *De jure* displacement is accompanied by extensive *de-facto* displacement from a much wider area commonly referred to as the zone of influence. While the STs lose their land, livelihoods and community way of living, others reap the benefits of the development often financed from the public exchequer, that follows in the entire zone of influence. Inadequate rehabilitation of the displaced tribals compounds their woes making them asset-less and unemployed, trapped in debt bondage.

1.13 For the Scheduled V areas the Government has passed an Act called "The Provisions of the Panchayat (Extension to the Scheduled Areas) Act, 1996 (popularly known as PESA Act). The Act is meant to enable tribal society to assume control over their own destiny to preserve and conserve their traditional rights over natural resources. PESA requires the State Governments to change their existing laws, wherever these are inconsistent with the central legislation. In reality, however, in the decade since its passage, very little has happened. Many State Governments have passed laws or amended existing ones, but not fully in conformity with the Central law. The implementation of the law has been severely hampered by the reluctance of most State Governments to make laws and rules that conform to the spirit of the law. The non-empowerment of tribal communities remains one of the most critical factors responsible for the less than desired outcomes in all the interventions, monetary or otherwise, meant for their development.



1.14 The net result of such tribal neglect has been that the Scheduled/Tribal Areas have become happy hunting grounds for insurgent groups who play upon the dissatisfaction and anger of the exploited tribals. Today large swathes of tribal territory are under the influence of insurgency groups and a large number of tribals are sympathetic to their cause.

1.15 At this point of time, when the country is moving towards an accelerated GDP growth rate of 8% to 9%, if the fabric of Indian society is to be kept intact, and not riven into several parts, it is necessary to ensure that all segments of society participate in, and benefit from, the growth – the much talked about ‘inclusive development’. The issue of tribal neglect, exploitation and non-empowerment needs, therefore, to be addressed with utmost expedition.

2. Need for the Policy

2.1 Though the Constitution of India contains several provisions for the protection and development of Scheduled Tribes, and to ensure a level playing field for Scheduled Tribes and other vulnerable groups, and though several other Central and State Acts, instruments and pronouncements which have similar objectives are in existence, there is no single policy which looks at the issue of protection and development of Scheduled Tribes in an integrated and holistic manner.

2.2 In order to address the issues concerning lower HDI, poor infrastructure, diminishing control over the natural resource base, persistent threats of eviction from their habitat, exclusion from mainstream society and economy in distribution of wealth and opportunities, and non-empowerment, and to place STs on a progressive and constructive path and make them active partners in nation building, a National Policy for the Scheduled Tribes is considered necessary. The policy will facilitate translation of the Constitutional safeguards into reality, with simultaneous socio-economic development. The UPA Government has also in its National Common Minimum Programme committed itself to the protection of rights of tribal communities side by side with socio-economic development.

3. Guiding principles of the Policy

3.1 The Policy shall be guided by the

- i) Principles enshrined in the Constitution of India for social, economic and political empowerment of STs (Articles 14, 15(4), 16(4), 16(4A), 46, 243(d), 244(1), 244(2), 275(1), 330, 332, 335, 338A, 339(1), 340, 342, extension of 73rd and 74th Amendments of

the Constitution to the Scheduled Areas through the PESA Act, etc.) ;

- ii) Nehruvian Panchsheel

4. Objectives of the Policy

4.1 The National Tribal Policy shall have the following objectives:

Regulatory Protection:

- Providing an environment conducive to the preservation of traditional and customary systems and regime of rights and concessions enjoyed by different ST communities, and reconciliation of modes of socio-economic development with these;
- Preventing alienation of land owned by STs and restoring possession of wrongfully alienated lands;
- Protection and vesting of rights of STs on forest lands and other forest rights including ownership over minor forest produce (MFP), minerals and water bodies through appropriate legislations and conversion of all forest villages into revenue villages;
- Providing a legislative frame for rehabilitation and resettlement in order to minimise displacement, ensure that affected persons are partners in the growth in the zone of influence, provide for compensation of social and opportunity cost in addition to market value of the land and rights over common property resources - the concept of net present value (NPV);
- Empowerment of tribal communities to promote self-governance and self-rule as per the provisions and spirit of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
- Protection of political rights to ensure greater and active participation of tribals in political bodies at all levels.

Socio- Economic Empowerment

- Reducing and removing the gap in the HDI of the tribal population and the general population to bring them at par by 2020;
- Reduction in the drop out rate at primary level by a minimum of five percent and at secondary level by a minimum of three percent every year, to bring STs at par with the rest by the end of the Eleventh Plan;
- Ensuring access to health care services, safe drinking water and improved sanitation by the end of the Eleventh Five Year plan;

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- Ensuring food security to all ST families below the poverty line, providing 25 Kgs of food grain per ST family per month, and transferring management and ownership of PDS to the community;
- Providing livelihood opportunities in addition to the guaranteed employment of at least 100 days by improving the production capacity of the natural resource base so as to reduce the number of ST persons below the poverty line by a minimum of two percent every year and bring STs at par with the rest by 2020;
- Social, economic and political empowerment of STs, especially women to enable them to exercise effective control over their natural resource base and make informed choices;
- Creating physical and social infrastructure in Scheduled / Tribal areas to optimize utilization of resources and achieve the levels of growth required to bring it at par with the rest of the State by 2020;
- Realisation of 50% of total irrigation potential in tribal areas by the end of the Eleventh Five Year Plan and the total potential by 2020;

Cultural and Traditional Rights

- Increase the participation of STs in sports and culture at local, District, State and National levels by encouraging their inherent talent and ensure participation at national and international events by 2020;
- Promotion and development of tribal handicrafts and organic and ethnic products through standardization, design support, branding and organized marketing and establishing niche markets for the products by 2020;
- Creation of awareness about and elimination of evil and anti-social practices such as addiction to alcohol and drugs, witchcraft, etc.;
- Examination of customary practices of inheritance, that exclude women, and modification of such practices;

Access to Privileges

- Arresting the increasing demand from new communities for inclusion in the list of STs by rationalizing the process of scheduling;
- Examine the need for de-scheduling of certain STs and sub-categorization of existing STs to ensure that benefits are evenly spread across the tribes by 2020;
- Focussing on the development of Primitive Tribal

Groups (PTGs) to be renamed as Particularly Vulnerable Tribal Groups, by formulating conservation-cum-development micro plans for socio-economic and cultural development. Aligned to the requirements of such Groups and to bring them at par with other STs by 2020;

- Development of nomadic and semi-nomadic Tribes through need based specific programmes;

Intellectual Property Rights

- Conservation and protection of the intellectual property regime of STs and its proper utilization on a commercial format ensuring that their rights and share remain intact;

5. Strategy

5.1 The following broad strategy shall be adopted to achieve the objectives of the policy:

- Reorienting the institutional arrangements in the Scheduled/ Tribal areas, including strengthening and revamping of the administrative machinery to improve governance and delivery in districts;
- Constructing a quantifiable Tribal Development Index for the tribal districts as well as the entire State, on the basis of certain agreed indicators, such as, land restored to STs, policy changes by State Governments to empower Gram Sabhas in Scheduled Areas, control and access of STs over forests and natural resources, improvement in infant mortality rate, female literacy rate, availability of safe drinking water, electrification of ST households, percentage of tribal villages connected by all weather roads, and so on, and linking devolution of funds to improvements in Tribal Development Index evaluated at fixed intervals, so as to bring STs and tribal areas at par with national level by 2020;
- Preparation of a separate tribal-centric strategy in each of the social and development sectors, by the concerned Ministries/ Departments, focusing on the relaxed norms and on specific social, economic and geographical needs of tribals;
- Strengthening 195 ITDPs/ITDAs, 259 MADAs and 82 Clusters in tribal areas, which pre-date the creation of District Rural Development Agencies (DRDAs), as effective administrative units of administration in Scheduled / Tribal areas to become focal point for all development and regulatory functions concerning STs. The administrative cost may be met from TSP funds
- Introducing single line administration in the Scheduled / Tribal areas;



- Adopting area planning approach in the Scheduled/ Tribal Areas and encourage economies of scale;
- Adopting the Tribal Sub Plan Strategy in letter and spirit to ensure proportionate flow of funds at the Central and State level at least in proportion to the ST population through a single budget head in a non-lapsable and non-divertible manner;
- Converging efforts and resources rather spreading the resources uniformly through out the tribal areas, without any linkage with other programmes, local conditions and focus on STs;
- Devising an appropriate personnel policy to ensure the presence of Government functionaries such as, teachers, doctors, para-medical and other technical and extension staff of various line departments, in far flung and difficult 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 to study various issues and identify actionable points;
- Putting in place an institutionalized system of effective monitoring and evaluation mechanism for concurrent feedback and performance appraisal linked to achievements of quantifiable outcomes;
- Empowerment of the community in terms of the provisions of the PESA Act to transfer resources and benefits under various programmes such as PDS supplies, etc. directly to the gram sabhas to ensure involvement and control of the community in planning and implementation of programmes

6. Alienation of Tribal land: Tenurial Insecurity

6.1 Land is the most important source of tribal livelihood for agriculture both for settled and shifting cultivation, horticulture, forestry and animal husbandry in mixed farming systems. As land is a State subject, various States have enacted laws to prevent alienation of tribal land. However, people have circumvented these laws in various ways. Alienation of tribal land is the single most important cause of pauperization of tribals, rendering their vulnerable economic situation more precarious. Of even greater concern is the fact that the lands lost are usually the most productive, leaving the tribals to cultivate poor quality land that is extremely vulnerable to the vagaries of weather and rainfall. The total effect of land transfers has been devastating to the

fragile tribal economy. The massive inward migration of non-tribals has also changed the ownership of land in the Scheduled Areas to the disadvantage of STs. Through this policy, it will be ensured that illegal transfer of tribal land holdings is eliminated and that the alienated land is restored to the tribal:

(a) The State anti-alienation land laws will be subjected to scrutiny and amendments will be made to remove lacunae and shortcomings, make them fool-proof and stringent and bring them in conformity with the PESA Act.

(b) The nodal Ministry will do a quick study of the loopholes in various State laws, and come up with model legislation for both, viz. restoration of alienated lands, and checking further transfer.

(c) It is also necessary that the Indian Registration Act, which is a Central Act, is amended to prevent the registration of transfer of specified lands from tribals to non-tribals in the tribal areas. The relevant documents will require to be accompanied by an affidavit of the transferee indicating whether or not the transferee is a member of a Scheduled Tribe, or a registered society composed solely of members of Scheduled Tribes.

(d) The progress of restoration of lands would be carefully monitored by an assessment of total area alienated, fixation of annual targets of restoration for the States, and supervision by a high level empowered committee at the level of Chief Secretary in the States, with at least two members in this committee from civil society with experience of working in tribal areas.

(e) Special fast-track courts will be established in the Scheduled Areas to deal with cases of tribal land alienation. Competent legal aid will be made available timely to tribals at all stages of litigation. The judiciary will be asked to consider adopting a time-limit, say 2 or 3 years, for disposal of a case of tribal land-alienation.

(f) Land records in the Scheduled Areas will be computerized and updated. Wherever land is being distributed to tribals or vested with them, it will be recorded in the joint names of both the spouses, or in the name of the woman alone. Efforts will be made to allocate at least one hectare of land to each landless family of STs.

7. Tribal Forest Interface

7.1 As per the Forest Survey of India Report, 2003, about 60.04% of the 63% forest cover of the country and 63% of the dense forests lie in 187 tribal districts, though the geographical area of these districts is just 33.6% of the country's geographical area. Out of 58 districts, which have more than 67% of their area under

forest cover, 51 happen to be tribal districts. A comparison of the 2001 and 2003 assessments of forest cover in tribal districts shows a net increase of 321,100 ha underscoring the point of a very strong symbiotic relationship between the STs and the forests, and of the tribals being at the forefront of the conservation regime. There is no doubt that forest as natural resources are an asset belonging to the entire country to be enjoyed by every citizen. However, it has to be considered that the costs, including opportunity costs, are borne by local stakeholders while the benefits accrue to a dispersed group of stakeholders, viz. the country at large. The STs cannot be forced to view their surroundings as total externalities for the good of the nation without getting the right to possess a homestead or earn a livelihood.

7.2 Due to the faulty processes of declaration of forests in the past, the rights of the tribals over their traditional land holdings in the forests have gradually been extinguished. Insecurity of tenure and fear of eviction from these lands have led the tribal communities to feel emotionally as well as physically alienated from forests and forest lands. The conditions of the tribals living in and around forests is becoming increasingly precarious and vulnerable day by day due to displacement threats arising out of various causes, such as increasing emphasis on conservation of forests without human beings, etc. The Scheduled Tribes living inside forests do not get the benefit of the various welfare schemes due to non-availability of land titles in their names. The consequences of not having land titles deprives them of various entitlements such as bank loans, domicile certificates, assistance under individual benefit schemes of government like dug wells, housing under the Indira Awas Yojana , etc.

7.3 The collection and marketing of MFP is a major source of livelihood for most tribal families contributing around 70 % of their total income. Despite the transfer of ownership, control and management of MFP to the STs through the Panchayats (Extension to Scheduled Areas) Act, 1996, the collection and trade of MFP is largely monopolized by the corporations of the Forest Departments of the States, at least in case of high value products. In many cases, such as *tendu* leaves, the trading is done by the Forest Corporations through the contractors and the STs are employed as labourers. Non-conferment of ownership rights over the minor forest produce directly impinges on the interests and rights of the tribal people living in and around the forests. Through this policy it will be ensured that:

(a) The States enact legislation to provide tenurial security by recognizing the rights of forest dwelling Scheduled Tribes over forest land under self-cultivation.

ownership of MFP including rights to collect, trade and process the same, provision of minimum support price for the MFP, conversion of forest villages into revenue villages, rights over water bodies including fishing rights, rights over minor minerals as per the PESA Act.

(b) Scientific forestry would be reoriented to mean that wild fruits, nuts, MFPs, grasses, leaves, twigs and other environment reserves become the main intended products from forest lands and timber a by-product. The reverse of this has been the policy for over a century since the concept of production forestry came into being.

(c) The monopolies of the Forest Corporations would be done away with and ownership of MFP would, in the true sense of the term, be passed on to the communities with institutionalized support duly backed by minimum support price.

(d) Simple processing activities, such as, broom making, leaf plate making, tamarind processing, mat and rope making and other simple value addition activities would be encouraged in the household/cottage sector. Small-scale forest-based enterprises would be supported by ensuring a sustainable supply of input materials, providing managerial and technological assistance, improving access to credit, providing market support to help rural people get better prices for the forest products and secure a sustainable livelihood.

(e) For multiplying tribal livelihood opportunities and involving them in regeneration and protection of forests, the State will adopt strict measures to combat illicit felling of trees, form and employ Self Help Groups of STs living in and around forests in afforestation/regeneration activities through plantation of long, medium and short term diverse species, encourage processing of MFP items locally to reduce the number of intermediaries, and bring better returns. The economic welfare of the ST people will be the first charge on usufruct and removable forestry resources by relegating revenue objectives to secondary position.

(f) Research and extension will be undertaken to improve upon the current practices, increase output and incomes, and eliminate adverse ecological effects.

7.4 Shifting cultivation known as *jhum* or *podu*, is a form of agriculture, practised mainly by STs, generally on hill slopes in areas where practically no other mode of cultivation may be feasible. The practice is prevalent primarily in the North East of the country and in Orissa, Andhra Pradesh and Jharkhand. The practitioners may build terraces and contour bunds, and plant soil-binding species to minimize soil erosion. In interior areas where communications are not developed, sufficient land suitable for terracing is not available, and tribals have no access to credit or extension, shifting cultivation is



often the only system of cultivation possible. It is a practical way out from the inherent difficulties in preparing a proper seedbed in steep slopes. Shortening of the cultivation cycle has taken place for a variety of reasons, such as tribal land being taken over by dominant peasantry or subsumed in development projects, increase in population, etc. It is unrealistic to expect shifting cultivation to be as benign as natural forests – it is a farming system, which makes use of forests and should be considered as such. What is most important about jhum cultivation is that it protects and supports collective ownership of natural resources. The policy recognizes that the land left fallow is actually part of the whole jhum cycle and needs to be protected as Jhum land.

8. Displacement, Rehabilitation and Resettlement

8.1 The process of legally extinguishing traditional rights of the ST communities over the natural resource base began during the colonial period and continued unabated in independent India because of steady exploitation of natural resources from tribal areas for the purpose of nation building. Resource rich areas of the country, located largely in the traditional habitats of the STs, containing most of the non-Himalayan forests, wildlife, water and minerals, were always looked upon as the resources of the entire country and were exploited for the nation, unfortunately by extinguishing the rights of the local inhabitants, mainly the Scheduled Tribes, by paying nominal monetary compensation only for land. Consequently, tribal communities witnessed their habitats and homelands fragmented, their cultures disrupted, their communities shattered, the monetary compensation which tribal communities are not equipped to handle slipping out of their hands, turning them from owners of the resources and well-knit contented communities to individual wage earners in the urban agglomerates with uncertain futures and threatened existence.

8.2 Displacement is a multi-dimensional trauma, with far reaching impacts, which can not easily be compensated. Since tribal land is generally non-transferable, the land markets are underdeveloped and the cost of acquiring land in tribal areas is extremely low. The rate of compensation is, therefore, inadequate, usually based on notional market value. The concept of Net Present Value (NPV) applicable to forest land when diverted for non-forestry purposes which calculates accruals in the future to the natural resource base, should be applicable to land being acquired from the Scheduled Tribes for development projects. The difference in the cost of acquisition of the lands and the

subsequent value of the land in the zone of influence after implementation of the project is enormous. The value of the property goes up substantially due to direct/indirect downstream benefits from the project. This encourages the tendency to acquire land in excess of the requirement. Mining companies in particular acquire land far in excess of requirements.

8.3 The Project Affected Persons (PAF) particularly ST PAFs do not, in the present policy regime, reap the benefits of the development that takes place including the increase in real estate even though much of that development is undertaken through the investment of public funds. There is no provision for compulsorily providing land for land to the PAFs in the command area/zone of influence of the project. In any case, the compensation is for individuals and not for communities. Community assets and community values and character are rarely protected or replaced. The present National Policy on Resettlement and Rehabilitation for Project Affected Families -2003 (NPRR) compensates only assets, not livelihoods. Consequently, the STs, having few property assets and depending largely on common property resources, get little compensation and are further impoverished as the cost compensation paid gets spent in debt repayment and subsistence in the interim between displacement and rehabilitation, leaving little or nothing for future livelihoods.

8.4 The non-project affected ST families also get adversely affected as a lot of secondary displacements take place, and land owned or possessed by under-privileged sections of the society changes hands. De jure displacement due to irrigation, mining and industrial projects is accompanied by extensive de-facto displacement as such projects have considerable deleterious impacts on the entire habitat particularly in the zone of influence. The entire scheduled area undergoes major changes including changes in the composition of the population, where the pre-dominance of the ST population, could get eroded and ultimately could deprive the STs of the protection they are legally entitled to.

8.5 The existing NPRR-2003 notified by the Ministry of Rural Development suffers from various shortcomings vis-à-vis the STs including *inter-alia* absence of a mechanism for clearance of proposals which displace people, lack of an effective nodal agency to monitor implementation of the R&R plan, multiplicity of agencies/authorities clearing projects adopting different modalities, multiplicity of rehabilitation policies, non-inclusion of corresponding amendments in the relevant legislations such as the Land Acquisition Act, 1894, absence of compulsory consultation with Gram Sabhas in Scheduled Areas as provided in the PESA Act,



absence of a legal ban on going ahead with land acquisition without clearance of R&R, under-valued cost of land, the non-existence of any provision for land for land, absence of any special provision for Scheduled Areas, no legal compulsion to ensure the rehabilitation and resettlement upfront before executing the project etc.

8.6 As a result of this policy, it will be ensured that a more favourable, fair and just legislative regime for STs is put in force which would have the following broad features:

- The principle of least displacement would be mandatorily followed. All the technological/ financial/ displacement alternatives should be explored and reasons given to justify that the proposed project involves least displacement.
- There shall be a threshold of displacement viz. the maximum number of persons that can be displaced in one project. Projects involving displacement of more than a fixed number, say 50000, would not be considered, if the majority are STs, or would be subjected to more stringent appraisal norms.
- An exhaustive social impact assessment would be conducted before initiating a development project.
- Displacement would be after mandatory consultation with the community as provided in the PESA Act.
- The laws applicable to the Fifth and Sixth Schedule Areas would not be amended to open up the areas for control or ownership by private non-tribal individuals, industries or institutions.
- The definition of 'public purpose' will be reexamined. What is public purpose for one category of population may result in the trauma of displacement for the tribal people.
- Use of tribal land on lease basis rather than on acquisition, will be encouraged, with provision for the land to revert to the original tribal owner on expiry of the lease period or on earlier closure of the project or the enterprise.
- The principle of 'land for land' in the command area or zone of influence would be followed scrupulously. This would lessen the inbuilt inequities between the upstream displaced persons and the downstream beneficiaries in case of, say, irrigation projects.
- There will be mandatory consultations with Tribes Advisory Councils in case of displacement of STs from the Scheduled Areas.
- STs displaced from Scheduled Areas shall be allotted alternative lands in Scheduled Areas only.

- Compensation would be computed not merely on the basis of the replacement value of the individual land rights lost, but on the market value of land, the concept of net present value, loss of opportunity cost, community rights, and livelihoods.
- The cash compensation to be made available will be invested in such ventures as yield regular income. For instance, supplemented with institutional loan, it may be invested in housing to be built for the project staff or for shops, yielding monthly rent, etc.
- Land and other assets would be provided in the joint names of both spouses or in the name of the woman of the household.
- Unused land will, after a fixed period of time, be physically handed back to the original owner or heirs in a condition fit for agriculture or other use.
- In industrial enterprises set up in the Scheduled Areas (except in small ventures), the community would get suitable benefits, which could be in the form of being made a partner in the said industry or a certain percentage of the profits being utilized for local area development. The displaced would become co-sharers in the fruits of acquisition. Suitable amendments in the Companies Act would be introduced for this purpose.
- The PAFs would have first right to get employment in the project. Training should be organized for the induction of PAFs even before the project is initiated.
- The implementation of R&R would be upfront to make the process of displacement more humane.
- A ground level monitoring mechanism involving representatives of the PAFs, and post implementation social audit will also be ensured
- In application to Scheduled Areas, the provisions of the Land Acquisition Act, 1894, the National Policy on Resettlement and Rehabilitation of Project Affected Families-2003, the Coal Bearing Areas (Acquisition and Development) Act, 1957 and the National Mineral Policy, 1993 will be amended to harmonize with those of the PESA Act, 1996.

8.7 The detailed cost benefit analysis, and proposed rehabilitation package as per the norms of this policy should be spelt out at the stage of the notifications under Section 4 of the Land Acquisition Act itself to enable people to examine the same. These provisions would be put in place through suitable legislation.



9. Enhancement of Human Development Index

9.1 The human development indicators of the ST population are much lower than the HDI of the rest of the population in terms of all parameters, such as, education, health, employment, income, etc. STs also suffer from geographical and cultural exclusion, aspects which do not get captured in the HDI. Similarly, lack of capacity to make choices is not accounted for. Policy prescriptions are, therefore, proposed in the following areas:

Education, Vocational Training and Sports

9.2 Education is the most crucial requirement for the sustained growth of a developing society. The literacy rate of Scheduled Tribes was 8.53 in 1961 Census, and has steadily increased to reach 47.10 in the 2001 Census, yet it is still far below the overall national literacy rate of 64.84 as per the 2001 Census.

9.3 The following census figures illustrate the trends in literacy amongst STs and others.

Year	Total Population			STs		
	Male	Female	Total	Male	Female	Total
1961	40.40	15.35	28.30	13.83	3.16	8.53
1971	45.96	21.97	34.45	17.63	4.85	11.30
1981	56.38	29.76	43.57	24.52	8.04	16.35
1991	64.13	39.29	52.21	40.65	18.19	29.60
2001	75.26	53.67	64.84	59.17	34.76	47.10

Source: *Selected Educational Statistics 2002-03, Ministry of Human Resource Development.*

9.4 The drop out rate among tribal school going children is alarming. Various steps taken by the State Governments to check drop out, including free distribution of books and stationery, scholarship, reimbursement of examination fee, free bus travel, mid-day meal, etc. have had an impact but still falls short. The performance of certain States in providing matching grant and maintenance of service and management of hostels is not encouraging. The pace of construction of hostels has been very slow and the basic amenities provided therein are substandard.

9.5 Low literacy especially among tribal girls, and high drop out rates at elementary and higher levels are areas of serious concern. The following steps will, therefore, be taken:

(a) There will be special focus on girls' education, inclusive of context-specific traditional and innovative interventions. Anganwadis/creches will be linked with

schools so that girls are not required to do baby-sitting affecting their education. Special and sustained education initiatives/drives will be continued /launched in low female literacy tribal pockets i.e. in districts having less than 35% ST female literacy with a view to significantly raising the literacy levels among Scheduled Tribe girls by the end of the Eleventh Plan period.

(b) Most teachers in schools in ST areas are non-STs who tend to view tribal language, culture and social practices as being inferior to theirs. Psychologically, this has a strong negative impact on children, which again contributes to their dropping out of school. One way of tackling this problem would be to change the way ST communities are being educated. To enable comprehension of lessons taught, tribal children will be taught in their mother tongue at least in the Classes I to III. This step will be adopted particularly in case of uni-lingual tribes. Text books will be prepared in tribal languages and will acknowledge the role of tribal leaders and tribes people in the struggle for Indian independence and their contribution in other areas. The portrayal of tribes people in the text books will be imbued with human dignity and empathy. This will be completed by the end of the Eleventh Plan period.

(c) A normative network of primary, secondary and high schools equipped with proper school buildings, hostels and other requisite infrastructure facilities will be worked out for all tribal areas. The norms would generally be one residential high school for ST boys and one residential high school for ST girls in each block in the tribal areas, and at least one primary school and one primary level girls hostel in every Gram Panchayat. About 10%-25% non-tribal students from the neighbourhood will be admitted in these schools for encouraging integration and competition.

(d) The target of completing and operationalising 100 Eklavya Model Residential Schools with classes six to twelve as per the scheme of the Ministry of Tribal Affairs will be achieved and all schools will be made high quality schools by the end of the Eleventh Plan period.

(e) Teacher absenteeism is high in schools in tribal areas, primarily because when appointments are made at the district level, the candidates who are selected are normally from in and around the district headquarters and do not want to go to the interior area. To prevent teacher absenteeism in tribal areas, local and tribal teachers from local Panchayats will be given preference in employment, and the teaching and non-teaching staff of primary schools will be placed under the control of the village management committee appointed by the Gram Sabha or Gram Panchayat.

9.6 The Government will take steps to improve education, sports and employment opportunities for STs by ensuring:

- 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;
- 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;
- Development of primers in major tribal languages for the students upto Class III;
- Making a residential high school or hostel facilities available in every block in the tribal areas (Approx. 600) along with provision for food and other consumables and to provide 10% - 25% of seats for non-tribal students from the neighbourhood BPL families for inter-mixing and competition;
- Introducing appropriate incentives for parents to send their daughters to schools till secondary level.
- Opening of boys and girls hostels for ST children for middle and higher education in towns and cities, including in non-tribal areas;
- Providing appropriate sports infrastructure 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;
- Earmarking positions within the district cadres for employment of teachers from Panchayat or intermediate Panchayat levels with transfer of powers to Gram Sabhas to recruit and control them;
- The scope of Post Matric Scholarships, Overseas Scholarships and Rajiv Gandhi National Fellowship (RGNF) will be broadened for higher studies. Outstanding national level tribal sports persons shall be considered for appropriate scholarships and training abroad, to develop their talent in line with international standards;
- Sponsoring of ST candidates in recognized public/private vocational training institutions, which provide recognized certificate/diploma courses acceptable to both the public /private sector.

Health

9.7 Health care is a major problem in far-flung isolated tribal areas. Lack of food security, sanitation, and safe drinking water, poor nutrition and high poverty levels aggravate the poor health status of tribals. The problem of malnutrition is multi dimensional and inter-generational in nature. Health institutions are few and far between. Till recently, abundance of fruits, tubers, roots, leaves in forests on the one hand and indigenous health-care systems on the other, contributed positively to tribal health. Tribal people have over the centuries developed their own medicinal system based on herbs and other items collected from nature and processed locally. They have also their own system of diagnosis and cure of diseases. But the skills as well as the natural resources are fast disappearing. Moreover, the traditional systems cannot treat or prevent many of the diseases that modern medicine can. There are wide variations among members of different tribes in health status and in their willingness to access and utilize health services, depending on their culture, level of contact with other cultures and degree of adaptability. Some health indicators of STs, SCs and others (per thousand persons) are given below to establish the poor state of health amongst STs-

	Infant Mortality Rate	Under-5 Mortality Rate	Under-nutrition
SC	83.0	119.3	535
ST	84.2	126.6	559
ALL	70.0	94.9	470

Source: *Bulletin on Rural Health statistics in India, 2005, Ministry of Health and Family Welfare*

9.8 The coverage and efficacy of health services would need to be planned with a focus on the prevalence of specific diseases amongst STs, persistent shortages of medical and paramedical staff and lack of basic infrastructure such as roads, electricity, etc.

9.9 At present the norms for Primary Health Centers (PHCs) (one for every 20000 population) and for sub-centres in tribal areas (one for every 3000 population) are lower than the norms for other areas. The problem, however, is to find doctors and other paramedical personnel to serve in these institutions. Therefore, creating more institutions by relaxing the norms further may not be a feasible solution, since it will be even more difficult to find personnel for this increased number of institutions. It should be recognized that the reluctance of doctors and paramedics to serve



in these areas is extremely difficult to overcome because the reasons are many. Therefore, different patterns may need to be adopted in the tribal areas. For instance, instead of having several single or two doctor PHCs in the tribal areas, where doctors rarely go, since they have to be all by themselves without any conducive company, it would be better to have only a few multi-doctor institutions at central locations with 4-5 doctors each. To ensure access to the multi-doctor institutions, the road network as well as transportation to the surrounding villages would need to be vastly improved.

9.10 The following actions are, therefore, proposed to be taken:

(a) Efforts will be made to devise new systems or patterns of institutions by which the access of tribals to modern health care would be enhanced.

(b) A synthesis of Indian systems of medicine like Ayurveda and Siddha with the tribal system and modern medicine will be promoted.

(c) In accordance with the provisions of the PESA Act 1996, the Gram Sabha will have control over the para-medical staff of the health sub-centres, the intermediate Panchayat over the medical and para-medical staff of the PHCs and the Zilla Panchayat over the medical and para-medical staff of the CHCs and hospitals in their respective jurisdictions.

(d) Poor quality of drinking water and lack of awareness about hygiene and improved sanitation are major sources of water borne diseases. Since tribal areas have different kinds of terrain, different methods for provision of drinking water will have to be adopted. Most of the tribal areas have sufficient rainfall. In the plain areas, bore wells and tube wells would be sufficient. In the uplands, it will have to be deep wells with higher estimates.

(e) The Government will endeavour to improve health, drinking water supply, hygiene and sanitation amongst STs by:

- Focusing on eradication of diseases endemic to tribal areas, genetic disorders, sickle cell anemia, etc.
- Evolving a new strategy of combining indigenous tribal medicine with ISM&H so as to make healthcare accessible to interior tribal areas and also allowing the tribals to contribute their traditional knowledge;
- Taking up research, collection, collation and compilation of relevant statistics, health indicators such as nutritional status, life expectancy, IMR,

MMR, disease-specific mortality rates, alcoholism, drug-addiction, disability rates, suicide rates,

- Giving special attention to the health requirements of children below 6 years, promoting immunization, preventing severe malnutrition as well as the care of pregnant and lactating mothers.
- Improving overall awareness about health, hygiene and improved sanitation among tribal community and empowering them to plan, implement, operate and maintain their own water supply and sanitation systems.
- Encouraging rainwater harvesting and developing gravity-based small water supply systems, which are easy to operate and maintain by the local tribal community at low O&M cost for assured availability of safe drinking water throughout the year in all tribal habitations.
- Enhancing the availability of the Public Distribution System (PDS), and Antyodaya Anna Yojana in tribal areas of at least 25 kilograms a month with transfer of management and ownership of PDS to the community with linkage with NRE Guarantee programmes;
- Establishing Village Grain Banks in each village to cover all ST families.
- Covering earning members of tribal families with health insurance by the end of the Eleventh Plan with special provisions for every tribal girl joining the school at primary level.

Livelihood opportunities

9.11 Unlike other disadvantaged groups, Scheduled Tribes possess land and are closely attached to their lands and to forests. However, the lands are generally uplands and rainfed and their productivity is low. Dwindling forests and forest produce have also adversely affected STs livelihoods. Land based opportunities are, therefore, crucial for improving economic situation of the STs. This is dealt with later.

9.12 Non-land based livelihood opportunities are more limited and would require harnessing the innate skills of tribals which do not at present bring them adequate remuneration. The STs in non-land based activities may be literate or illiterate, skilled or unskilled. To increase their access to livelihood opportunities different approaches will have to be adopted:

(a) For literate segments of the ST population, the emphasis for livelihood programmes would be on vocational training. Accredited institutions like ITI, NIRD, Food Craft Institution, Institute of Fashion Design etc.



would be involved to devise special courses for the target groups, keeping pace with modern times.

(b) For the illiterate or semi-literate groups, livelihoods based on traditional arts and crafts or agro and forest based activities would be encouraged. Handicraft products have a tremendous potential to create a niche for themselves not only in India but in the global market. Strong market links will have to be developed and technical inputs for product improvement and design would need to be given. Institutional finance through Banks, National ST Finance Development Corporation, etc. would be tapped. TRIFED and other such organizations would be associated in market development, in creating producers groups and cooperative movements amongst the STs.

(c) Employment programmes such as the Rural Employment Guarantee Scheme and support to agro and forest based activities would provide livelihoods to the illiterate and unskilled persons. Improved agriculture with assured irrigation and training in horticulture, floriculture, and dairy can also become highly remunerative options. Successful models in this field such as the Wadi programme developed by BAIF in Gujarat and Maharashtra, rubber plantations developed by the Rubber Board in Tripura and Orissa, coffee plantations in Andhra Pradesh, etc. would be adopted. Simultaneously development of water bodies, water harvesting systems and pastures etc. would enhance the productivity of the natural resource base to increase livelihood options, animal husbandry, dairying, fishing, etc.

(d) A large segment of forest dwelling STs depend on collection of Minor Forest Produce (MFP) for their living. Value addition activities for MFP would be encouraged both through organizations like TRIFED, as well as through the private sector.

Agriculture and Horticulture

9.13 Over 80% of Scheduled Tribes work in the primary sector against 53% of the general population. About 45% of Scheduled Tribes are cultivators against 32.5% of the general population. According to available statistics, the number of STs who were cultivators, declined from over 68% to 45% in 2001 whereas agricultural labourers increased from about 20% to 37%, an indication that the Scheduled Tribes are steadily losing their lands.

9.14 Typically, agriculture by STs is carried out on uplands where soils are generally poor and rainfall erratic. Hence, coarse cereals like ragi, jowar, bajra, oil-seeds, pulses etc. are grown. Such valley lands as are available produce paddy, wheat and other water

dependent crops. The levels of technology adopted are low, making for low productivity.

9.15 Under the policy, the following actions will be taken:

(a) Efforts will be made to increase production through conversion to settled agriculture, where possible, with linkage to easy credit and markets and assured irrigation. The average irrigated area in tribal districts is extremely low, but there is great scope for tapping the available water resources. Though specific data relating to lands owned by STs and availability of minor irrigation facilities is not available, it is apparent that irrigation through check dams, rain and other water harvesting structures can go a long way in improving the output in these areas.

(b) A comprehensive survey of water resources, including surface water and ground water, would be undertaken in tribal areas with the help of remote sensing to prepare land use maps. Where water levels have gone down, integrated water shed management approach will have to be adopted. Ponds and tanks will be increased in number and renovated for optimum use.

(c) The rights of planning and management of minor water bodies in Scheduled Areas will vest in Panchayats at the appropriate level in terms of clause (j) of the PESA Act 1996 and the relevant laws and instruments will be amended. Decisions will be taken collectively in the gram sabha, instead of adopting a top down approach.

(d) Horticulture programmes would be envisaged on an extensive scale in fields belonging to STs as sloping lands and high lands are quite suitable for this activity. Funds for this purpose will be provided to the self help groups in tribal areas particularly women SHGs for implementation of the programmes.

(e) Arrangements for processing of agricultural, horticulture and minor forest produce on a large scale and its marketing will be taken up during the Eleventh Plan.

(f) Tribal cooperatives and credit systems will be supported, making use of the innate tribal communitarianism, the ethos of caring for, and sharing with others. LAMPS and similar cooperative organizations in tribal areas will be revived and revamped or new organizations such as SHGs formed.

(g) Institutional credit and timely supply of farm inputs and purchase of tribal agricultural and forest produce would also need to be ensured. The National level Scheduled Tribes Finance and Development Corporation will play a catalytic role in flow of hassle free institutional finance at differential rates of interest.



Commercial banks will be encouraged to give a special focus to lending programmes for tribals.

Migration

9.16 Migration is common to many communities but it is inordinately high in certain tribal areas. The adverse consequences of migration are several: the children drop out of schools contributing to the high illiteracy rate; the adults are financially and sexually exploited; health care is difficult to get, particularly for diseases which need long term treatment such as TB, leprosy, etc.

9.17 In order to reduce migration, the following steps will be taken:

- (a) The Government will make efforts to provide livelihood security to all households in tribal areas by providing guaranteed wage employment to every adult volunteering to do unskilled manual work as provided under the National Rural Employment Guarantee Act.
- (b) Productivity of the existing lands, and work will be increased through programmes such as those mentioned earlier.
- (c) Relevant labour laws will be implemented with the involvement of NGOs to ensure protection to the migrant work force.

Money lending and Indebtedness

9.18 Despite the existence of legal and protective measures to curb money-lending in scheduled areas and provisions for debt-relief, enforcement has been weak and ineffective. The non-recognition of the consumption needs of tribals and the non-availability of institutional consumption credit makes the tribal people fall easy victim to moneylenders. This leads to dependence of the tribal on moneylenders, and the enormous rates of interest keep the tribal in perpetual debt, resulting in the mortgage and ultimate loss of his/her land and property.

9.19 Positive measures to improve the flow of institutional credit for consumption through self-help groups will be taken. The Andhra Pradesh model for food security and consumption credit would be worth emulating in other States.

10. Creation of critical infrastructure

10.1 The framers of the Constitution were conscious of the lower level of infrastructure in the Scheduled and Tribal areas and the need to bring it at par with the rest of the areas. Proviso (1) to Article 275(1) of the Constitution, therefore, specifically enables the creation of such infrastructure and raising the level of administration of the Scheduled Areas to that of the

rest of the areas of the State by providing the cost for this from out of the Consolidated Fund of India.

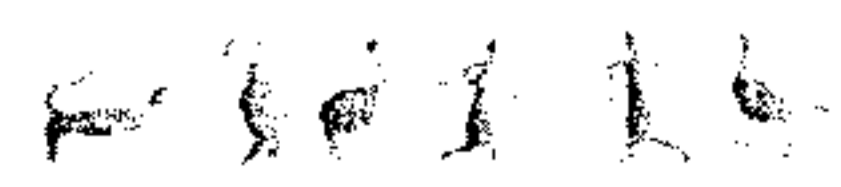
10.2 Most of the States have used the funds under Article 275(1) for infrastructure facilities like irrigation, roads, bridges, school buildings, etc. The wide gap, however still exists due to inadequate level of funding. Unfortunately, this enabling provision in the Constitution has not been used effectively to bridge the gap in a time-bound manner.

10.3 The backwardness of tribal areas is partially due to their geographical isolation due to the rugged, mountainous and forested terrain of the major tribal areas of the plateau and the North East. The social and physical infrastructure in the tribal areas is inadequate and at a much lower level than the rest of the areas. Moreover, the data which is available only for the State as a whole or district-wise gives a misleading picture, as it does not reflect the very skewed distribution within the districts/State. There are extremely backward ST areas even within States witnessing high growth rates.

10.4 While the availability of services like roads, health care, telecommunications, distribution of power, etc. are improving in the country through enhanced investments both public and private, the condition in the tribal areas is deteriorating due to poor maintenance of the assets already created, and reluctance of the private sector to invest in tribal areas because of low returns. The gap in the infrastructure between the tribal areas and rest of the country is thus widening.

10.5 Moreover, the existing norms of covering areas on the basis of population always work against the STs who live in small hamlets in sparsely populated areas. For example, the Pradhan Mantri Gram Sadak Yojana (PMGSY) provides for covering unconnected habitations in rural areas in such a way that first all unconnected habitations with a population of 1,000 persons and above are connected and thereafter all unconnected habitations with a population of 500 persons and above. Thus villages in the tribal areas which normally have less than 500 persons are left out. Similarly, other programmes and schemes such as the Rajeev Gandhi Rural Electrification Scheme, Swajaldhara, and schemes relating to agriculture, animal husbandry, forestry, education, health, housing, etc. also work to exclude ST villages and people. The norms for providing infrastructure in tribal areas should, therefore, be considerably relaxed, being fixed, say, at one-third of those fixed for other areas.

10.6 Development efforts, unless carefully directed towards the vulnerable sections, may lead to exclusion



of STs and further strengthen the vested interests and patterns of exploitation. The approach of providing funds in proportion to the ST population which has been advocated since the 1970s, but not seriously followed, will not be adequate to meet the severely deficient situation in the tribal areas. Therefore, while the population proportion funding for STs needs to be insisted upon as a minimum, the present level of funding under the first proviso to Article 275(1) needs to be substantially enhanced to provide funds that are able to bring the Scheduled Areas at par with rest of the country in a time bound manner and not later than the year 2020.

11. Violent Manifestations

11.1 The plateau area of central India which, together with the North East, has most of the forest resources and mineral wealth of the country also happens to be the area in which the majority of the tribal people live. It also has very low physical infrastructure and a very low HDI.

11.2 STs, over a period of several years, 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 increasing violence is due to a variety of reasons - social, political and economic, which combined together have created a sense of severe dissatisfaction, a feeling of having been neglected and deprived of what is rightfully theirs. The factors leading to the spread of the violent movements include the existence of acute poverty, severe disparities in living standards, lack of economic and livelihood opportunities and being treated as offenders and even criminals when they exercise their traditional rights.

11.3 A situation is thus developing where the STs view the State as their exploiter and enemy, and the preachers of violent actions as their protector and friend. Tribal people tend to support these violent movements as they feel that it would help them to get their rights, protect them from exploitation and redress their grievances.

11.4 Such violent manifestations should not be viewed as merely law and order problems to be tackled through policing, or by arming the tribals to fight these events as is being done in certain areas. The solution lies in giving rights to the ST communities over natural and financial resources and addressing the issue of economic deprivation in a prompt and time bound manner.

12. Conservation and Development of Particularly Vulnerable Tribal Groups (PTGs)

12.1 A section of the STs who are even more backward than others have been historically classified as Primitive Tribal Groups (PTGs) since 1973. These tribes are 75 in number and their population as per the 1991 census is about 25 lakhs. The criteria used for identification of the PTGs are: pre-agricultural level of technology, remote isolated enclaves, smallness of number, stagnating or diminishing population, low levels of literacy. These criteria also suffer from lack of specificity, but since it is not proposed to add any more tribes to the number of PTGs, a change at this stage is unnecessary. There is, however, a need to change the name, even though this may be merely cosmetic. The term 'primitive' has derogatory overtones and therefore will be changed through this Policy to Particularly Vulnerable Tribal Groups (PTGs).

12.2 The following action is envisaged under the Policy to improve the condition of the PTGs:

(a) To address the problem of inadequate data, the concerned States will compile comprehensive databases and profiles for each of the 75 PTGs.

(b) Different approaches will be adopted for the two broad categories among the PTGs viz. the "heritage groups" which have been, more or less, insulated from the surrounding populations and are placed in isolated ecological environments, such as, the Jarawas, Sentinelese, Shampen, Cholanaikan, etc. and the category of PTGs which is located on the fringes of "mainstream" population and have some contact with them, such as the Birhor, Chenchus, Jenu Kurubas, etc. The strategy of advancement will be group-oriented in the case of heritage groups; it will be a mix of group-oriented and area-development in the case of the second category. The first approach will aim at conservation of the eco-system, life styles and traditional skills of the group, while the second approach will place equal emphasis on economic programmes. The underlying principle and approach will be to enable a PTG to move forward in its own chosen direction and at its own pace. No attempt will be made to disrupt its moorings.

(c) Within this framework, conservation-cum-development plans will be prepared probing the causes of disequilibrium in the socio-economic, physical, environmental resources, assessing the specific requirements for health, nutrition, education, livelihoods, etc. and proposing appropriate interventions. The three entry points for administration will be drinking water supply, education and health.



(d) All the PTGs would simultaneously be covered under the Life-cum-Disability Insurance Scheme.

13. Adoption of TSP Strategy

13.1 The implementation of sectoral development programmes for all people including the Scheduled Tribe communities is the responsibility of various sectoral Ministries. However, the Ministry of Tribal Affairs as the nodal Ministry for overall policy, planning and coordination of programmes of development for the Scheduled Tribes has to work with other sectoral Ministries for any meaningful achievement.

13.2 The concept of the Tribal Sub Plan evolved against this background and was adopted for the first time at the beginning of the 5th Five Year Plan in 1974-75. It applies, at present, to 21 States and two Union Territories (UTs), where Scheduled Tribes constitute a sizable population and provides for allocation of funds in proportion to the Scheduled Tribe population in the country by each of the concerned Central Ministries/ Departments, and in each State in proportion to the ST population of that State.

13.3 The TSP as originally conceived had a two-pronged strategy: promotion of developmental activities to raise the living standards of Scheduled Tribes; and protection of their interest through legal and administrative support. The TSP mechanism has, however, become routine and humdrum in most of the States with little awareness of its original objectives. TSP has become a loose agglomeration of schemes prepared by line departments and driven more by departmental priorities rather than by any broad philosophy or thrust on development of tribals and tribal areas. There is no specific tribal focus in various schemes and it is often restricted to reporting proportionate, often notional, coverage of ST beneficiaries in percentage terms. While several of the States have at least notionally been implementing the TSP, most of the Central Ministries have not been doing even that. Almost no Central Ministry provides population proportionate funds for programmes to benefit tribals. Spending is also ad-hoc and un-coordinated.

13.4 It is necessary that mechanisms are put in place for effective pooling of TSP funds and spending them under a tribal-centric strategy prepared by each line Ministry dealing with social sector funds. The general criteria for provision of services and infrastructure, based on population norms, cannot be applied to STs as the sparsely populated ST villages and clusters would never satisfy such criteria. Hence, the criteria would need to be relaxed to ensure that development reaches the STs.

13.5 The following steps will be taken under this policy:

(a) The TSP strategy would be strengthened and revamped with an institutionalized mechanism for compliance and monitoring. Each Ministry would be required to prepare a plan under a distinct strategy to create/upgrade level of service in the tribal areas during the Eleventh Plan period so as to bring it to the level of the rest of the areas.

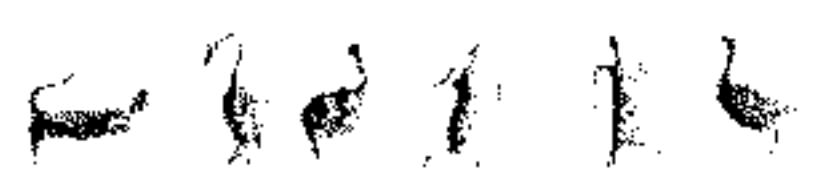
(b) TSP resources would be pooled under a separate 'budget head' in each of the States to implement programmes as per the following broad guidelines:

- Earmarking funds for TSP from total State Plan outlay at least in the proportion of the ST population of the State/ UT;
- Mandatory approval of the State TSPs by the Ministry of Tribal Affairs before approval of the Annual Plans by the Planning Commission;
- Finalisation and approval of the Annual TS Plans of the Central Ministries on similar lines by a Committee in the Planning Commission to be serviced by the Ministry of Tribal Affairs.
- Placement of TSP funds under a separate Budget Head – Code 796;
- TSP funds to be made non-divertible and non-lapsable – a workable system would be developed.
- Formulation and implementation of the Tribal Sub Plan in the States by the nodal Department, i.e. Department concerned with Tribal Welfare;
- Drawing up of Annual TSP for each of the ITDPs/ ITDAs;
- Coordinating activities of DRDAs and ITDAs so as to make the ITDAs more effective.

With the Central Ministries and States following these guidelines, a sizeable amount would be spent in a focused and integrated manner under the Tribal Sub Plan strategy to achieve the desired impact.

14. Empowerment

14.1 The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996 (PESA) came into force on 24th December, 1996 with the objective of safeguarding and preserving 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.

14.2 PESA is an instrument for empowerment of the Scheduled Tribes living in the Scheduled Areas. PESA, *inter-alia*,

- provides that Panchayats at the appropriate level and the Gram Sabhas be endowed specifically with the ownership of Minor Forest Produce (MFP);
- empowers Gram Sabhas to approve beneficiaries under poverty alleviation programmes and the provisions relating to minor forest produce, minor minerals and settlement of land rights in forest;
- makes prior consultation with Gram Sabha or Panchayats at the appropriate level mandatory before acquisition of land for development projects;
- makes recommendations of Gram Sabha or the Panchayat at the appropriate level mandatory for grant of prospecting licence or mining lease for minor minerals;
- requires that State Governments change their existing laws wherever these are inconsistent with the central legislation.

14.3 In reality, however, since its passage PESA has not become part of mainstream policy. Many State Governments have passed laws not fully in conformity with the Central law. Several Central laws such as the Land Acquisition Act are also still to be amended. While PESA remains unimplemented, the tribal areas are increasingly being opened up by the State Governments for commercial exploitation by national and multi national corporate bodies.

14.4 The following actions are, therefore, proposed under this policy:

- (a) Bring about conformity between Central laws and PESA.
- (b) Dialogue with State Governments to bring about conformity between State Laws and PESA.
- (c) Promote decentralized decision making structures and actively encourage the Constitutional provisions relating to planning at the district level.
- (d) Make the Gram Sabha, Panchayats and Municipalities responsible for planning and implementation of economic development in accordance with the provisions of the Constitution including Articles 243, 243-A- 243-G and the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996.
- (e) Support enactment corresponding to PESA

legislation for urban pockets in Scheduled Areas.

- (f) Review and strengthen the scope of self-governance in keeping with the tribal tradition and the constitutional provisions, especially in the Sixth Schedule Areas.

15. Gender Equity

15.1 Raising the status of women in general and that of ST women in particular is not just a moral imperative but also a strategic one. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. In recent years, the empowerment of women has been recognized as a central issue in determining the status of women.

15.2 Tribal women, while being a disadvantaged and vulnerable group are, nevertheless, better placed, in many respects, than their counterparts in the general population and, in fact, are, in certain areas, more empowered. They generally do not suffer segregation or lower status. This is also reflected in their higher sex-ratio vis-à-vis the general population (977 as compared to 933 as per the 2001 census). The child sex-ratio for the ST women also compares favourably vis-à-vis the general population, being 972 as against 919 for the general population, as per the 2001 census. However, the negative practices of the main-stream population seem to have started to percolate to the tribal population as well. For instance, the child female to male sex-ratio for STs shows a decline from 985 (per thousand males) in 1991 to 972 in 2001. In areas such as education and health, however, tribal females lag behind significantly.

15.3 The following efforts will be made for the upliftment of tribal women:

- (a) Special literacy programmes drives would be continued or launched in low female literacy pockets, with special focus on girls' education.
- (b) Measures would also be taken through community efforts to eliminate certain pernicious practices which result in the torture and oppression of women e.g. witch craft.
- (c) Migration of tribal women to urban areas, to take low paid, domestic and menial work would be discouraged by providing an enabling regulatory/policy framework.
- (d) Customary practices (of inheritance, ownership of property, etc.) which dis-criminate against women would be examined with a view to bring about gender parity.

16. Enlisting Support of NGOs

16.1 The importance of the participatory approach to development cannot be over-emphasised. Non-Governmental Organisations (NGOs) and Voluntary Agencies (VAs) act as catalysts and facilitators in reaching the benefits of Government programmes and policies to the grass-roots level and thus optimize the achievements. Such organizations have direct links and rapport with people and are conversant with their problems. They also provide continuity. NGOs can thus effectively undertake and promote family and community based programmes and mobilize resources in tribal areas on a long-term basis.

16.2 Many voluntary agencies have done a commendable job in the upliftment of tribals. However, in recent years, a mushrooming of NGOs/VAs, which approach the Government for financial assistance, has been observed. Government's efforts to nurture and bring into its fold good NGOs have been constrained partly due to this inordinate increase in the number of NGOs, many of whose activities are suspect.

16.3 Keeping both the positive and negative aspects in mind, under the Policy, NGOs will be encouraged to get involved in tribal development activities particularly in the running of residential and non-residential schools, hostels, dispensaries, hospitals, vocational training centers, awareness programmes and capacity building, but in a manner that will ensure transparency.

16.4 The Government proposes to support the voluntary actions in tribal areas as follows:

- (a) State Governments will receive, scrutinize and recommend projects of NGOs as against the practice of centralizing such action at the Government of India level. This will also ensure greater involvement of the State Governments.
- (b) NGO projects will be taken up in prioritized sectors in service deficient scheduled areas/tribal areas. The projects will be for a defined project period to ensure that benefit of the project reaches the target population with visible impact, and also ensure the accountability of the NGO.
- (c) NGOs will be encouraged to establish other support systems that would gradually reduce their dependence on Government and extend the spirit of voluntary service.
- (d) Voluntary organizations will need to encourage and involve the community in social activity and to that effect would be required to play a catalytic role in informing and empowering the community in the

area of operation. Increased involvement of the community or otherwise would be one of the yardsticks of performance of the NGO.

- (e) To improve the functioning of NGOs in qualitative terms and ensure that they are bonafide organizations, Government will explore ways for accreditation of NGOs.
- (f) Long term commitment would be fostered with accredited, reputed and established voluntary agencies in identified service deficient areas and on the basis of mutual trust.

17. Tribal Culture and Traditional Knowledge

17.1 Issues relating to tribal culture, tradition and heritage, arts and crafts, dance and music will be broadly addressed and supported in the following manner:

- (a) Tribal arts and crafts will be documented, preserved, disseminated and selectively linked to the market.
- (b) Cultural melas and festivals will be organised at the national and State levels and tribal artists, and folk art performers would be encouraged and supported in their respective areas of specialization.
- (c) National and State level Sangeet Nataka Academies would be supported to document different folk dances of different States and identify distinguished artists.
- (d) Tribal artefacts, textiles and ornaments would be promoted through exhibitions to facilitate access to market and create potential for employment.
- (e) An Adivasi Bhavan would be established in the capital of the country to showcase tribal arts, crafts, dance, music and way of life. It would also have a documentation-cum-reference Centre for cross fertilization of ideas with facilities for seminars and exhibitions.

17.2 **Traditional Knowledge:** Dwelling amidst hills, forests, coastal areas and deserts, tribals over the centuries have gained precious and vast experience in combating environmental hardships and leading sustainable livelihoods. Their wisdom is reflected in their water harvesting techniques, indigenously developed agricultural practices and irrigation systems, construction of cane bridges in hills, adaptation to desert life, utilization of forest species like herbs and plants for medicinal purposes, meteorological assessment etc. This invaluable knowledge needs to be properly documented and preserved to prevent it getting lost as



a result of "modernization" and the passage of time.

17.3 Efforts will be made to:

- (a) Preserve, promote and document tribal traditional knowledge and wisdom.
- (b) Establish a centre to train tribal youth in areas of traditional wisdom.
- (c) Disseminate such knowledge through models and exhibits at appropriate places.

18. Administration of Tribal Areas

18.1 The quality of administration is an extremely critical input in development. The level of administration in Scheduled and other tribal areas has to be raised expeditiously to match the challenge which the tribal will increasingly face as the pace of change quickens.

Fifth Schedule of the Constitution

18.2 The Fifth Schedule of the Constitution, which relates to the administration of Scheduled Areas, envisages significant administrative, legislative, powers and protection to Scheduled Tribes in Scheduled Areas. But its full potential has not been realized.

18.3 In Part A of the Fifth Schedule, para 3 refers to two important provisions: the first, to a report to be made by the Governor to the President, annually, or whenever required by the President, regarding the administration of Scheduled Areas in the State; and the second, to the executive power of the Union to give directions to the State regarding the administration of the Scheduled Areas.

18.4 Over the years, the Governor's report has unfortunately become a routine document and highlights only the achievements of the State Government in tribal development. In-depth analysis of the problems of Scheduled Areas is generally not included in the reports. The Governor's report needs to be made into a significant document, reflecting the state of affairs in the Scheduled Areas in social, economic, political and cultural matters.

18.5 Para 4 of the Schedule requires Tribes Advisory Councils (TAC) to be set up in all States and Union Territories which have Scheduled Areas and, at the President's discretion, in other States having Scheduled Tribes, even though they may not have Scheduled Areas. At present, only States with Scheduled Areas have TACs. It is necessary to have TACs in other States as well, to look after the interests of Scheduled Tribes. However, even where they exist, the track record of the Tribes Advisory Councils (TACs) has not been encouraging in ensuring the protection or welfare of Scheduled Tribes. The existing TACs constituted by

the State Governments generally meet and discuss issues in a routine manner. Therefore, the following action is proposed:

- (a) Mechanisms will be devised to have TACs set up in States which have Scheduled Tribes but no Scheduled Areas;
- (b) The State Governments will be required to consult the TAC on all legislation, rules, regulations etc. proposed by the concerned authorities, which affect tribal interests; and
- (c) The TAC or its sub-committee will function as an overseeing and monitoring body for all tribal related programmes.

18.6 In para 5 of the Schedule, the Governor has been conferred extraordinary powers to make regulations for Scheduled Areas. He is even authorized to bar, prospectively or retrospectively, in full or in part, the application of any law in a Scheduled Area or to modify laws made by the Parliament or a State Legislature in its application to a Scheduled Area. Since, according to legal opinion, such power can be exercised only on Ministerial advice, a modus operandi will need to be developed to enable the Governor to discharge his functions under the Fifth Schedule.

18.7 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, considering the demographic changes since then, particularly the influx of non-tribal populations in the Scheduled Areas the following will be considered for determination of Scheduled Areas:

- (a) ST population percentage of less than 50%, on a case to case basis
- (b) A Gram Panchayat in lieu of a Development Block may be taken as a unit.

18.8 The Tribal Sub Plan area encompasses a much larger area than the Scheduled Areas. However, protective and legal measures are not available in all TSP areas, depriving a large number of STs from legitimate protection. Therefore, the Tribal Sub Plan Areas and Scheduled Areas will be made co-terminus.

18.9 The feasibility of incorporating some of the salutary provisions of the Sixth Schedule into the pattern of the district administration in the Scheduled Areas will be examined as provided under Section 4(o) of the PESA Act.

Sixth Schedule of the Constitution

18.10 The Sixth Schedule of the Constitution was designed to devolve autonomy of a wide magnitude on the district and regional councils. So much so, that the Schedule has been described as "a Constitution within the Constitution". A wide range of legislative, judicial, executive and financial powers have been conferred on the Autonomous Councils.

18.11 Although the Sixth Schedule envisages considerable autonomy for its District Councils/Regional Councils and is much more powerful than the administration envisaged for the Fifth Scheduled Areas, a major drawback is that there is no democratic set up below the District level. Presumably this gap was to be filled by traditional heads. However, there is dissonance between the traditional and the formal systems, which is one of the basic reasons for the sub-optimal results of development efforts. Relations between State Governments and Autonomous councils are, also, often not harmonious. Other shortcomings have crept in as well. The functioning of Autonomous Councils especially in the Sixth Scheduled Areas have not been subjected to adequate review and improvements. These aspects need to be seriously studied.

18.12 The following action will be taken under the Policy:

- (a) The inter-face between the district councils and the concerned State Governments will be improved, so that they serve as a functional supportive constitutional third tier.
- (b) Coordination mechanisms between the State Governments and the Councils will be developed to ensure a system of checks and balances.
- (c) Timely devolution of funds from the State Government to the Councils will be ensured.
- (d) The rich social values of tribal communities communitarianism, egalitarianism, concern for the environment, etc. will be continued to be fostered through the autonomous councils, as examples for other communities in the country.

Personnel Policy

18.13 Tribal areas, being usually in remote and inhospitable terrain, are often devoid of facilities like electricity, safe drinking water, education and health institutions, sources of entertainment, communications etc. Government employees are generally reluctant to work in these areas, seeing them as "punishment postings". A large number of the posts remain vacant at any point of time. The approach will be to make the posts attractive through special incentives such as fast

track promotions, lump sum payments, etc. to the personnel posted in tribal areas and the following action would be initiated:

- (1) Each State Government will identify the specific critical jobs in education, health, ICDS, agriculture, etc. which will receive this lump sum payment, which shall be made on completion of every year of service or a longer period, on certification by the appropriate Panchayat body.
- (2) To alter the existing pattern of administration, the new system will be introduced in such a manner that better services can be obtained from the limited personnel (e.g. switch from single doctor PHCs to multi-doctor institutions with better communications; introduce various services like seed supply, soil testing, health care, etc at the weekly rural markets, haats or shandies.)
- (3) The Panchayats in tribal areas will be permitted to hire staff on contract.
- (4) 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. The pre-requisite for achieving this would be a good system of monitoring which will capture the performance of the States on key indicators.

19. The Regulatory and Protective Regime

19.1 The regulatory and protective regime and its implementation would further be strengthened by taking measures on the following lines:

- a) The State excise laws, rules and regulations will be amended to provide for abolition of liquor vending in Scheduled Areas and tribal areas, permitting STs to brew their own liquor for domestic and social consumption. It would be ensured that the State Excise Policy is not made applicable to Scheduled Areas. Women's organizations will be encouraged to play a big role in weaning STs away from alcoholism and drug abuse.
- b) The provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 will be implemented strictly.
- c) The Land Acquisition Act 1894 will be amended in conformity with the provisions contained in Section 4 of the PESA Act, 1996. Concerns relating to rehabilitation and resettlement of displaced persons will also be addressed.
- d) The provisions of the various Central and State Acts such as Coal Bearing Areas (Acquisition and



Development) Act 1957, National Mineral Policy 1993, States' Minerals Concessions Rules, Excise Act, States Irrigation Acts, Land Revenue Code, Land Alienation laws/ Regulations, Money-Lending laws, Regulated Markets laws and rules, etc will be modified to harmonise with the PESA Act 1996.

- e) The Indian Registration Act, a Central Act, will be amended to prevent invalid registration of transfer of tribal land to non-tribals. It will, inter alia, require that the relevant documents shall be accompanied by an affidavit of the transferee regarding whether or not the transferee is a member of a Scheduled Tribe or is a registered society composed solely of members of Scheduled Tribes.
- f) The Inter-State Migrant Workmen Act, Minimum Wages Acts and other relevant laws will be applied stringently to ensure humane and lawful working conditions.
- g) The PESA Act is widely reported to have some provisions which are unworkable. These will be examined for infirmities and amendments introduced where necessary to make PESA workable and more effective.
- h) Scheduled Tribes are known for their knowledge and wisdom of ethnic origin. In addition, their rich biodiversity is to be protected through a proper framework of intellectual property rights. Legal protection to their intellectual property rights would be provided with institutional arrangements.
- i) The system of reservations will be continued and strengthened through requisite legislation. At the same time, vigorous 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.
- j) As regards jobs in government, while many STs have benefited by the provisions of reservation, it is also observed that a small section of the ST community has cornered most of the jobs. If reservation is to be a tool to help the under privileged, it is essential to devise a suitable mechanism for sub-categorisation so that benefits can be spread more evenly and equitably. Such steps are required especially for the PTGs.
- k) The State Government will need to ensure that the reserved vacancies are filled up and release of central funds may be linked to the steps being taken by the State Governments to fill up these posts.

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- l) The National Commission on Scheduled Tribes would continue to monitor implementation of regulatory regime and provide a forum for redressal of Grievances

20. Scheduling and De-scheduling of Tribes

20.1 Article 366 (35) of the Constitution of India refers to the Scheduled Tribes as those communities, which are scheduled in accordance with Article 332 of the Constitution. The list of STs is State/UT specific and a community declared as ST in one State/UT need not necessarily be scheduled in another State or UT.

20.2 The largest percentage of the country's Scheduled Tribes is in the State of Madhya Pradesh (14.5%) whereas the largest number of STs (62) is in the State of Orissa. In the States of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland and UTs of Dadra and Nagar Haveli and Lakshadweep, more than 50% of the population belong to Scheduled Tribes and they are thus the tribal majority States.

20.3 The uniqueness of the Indian system is that the process of inclusion of a community as ST and its exclusion from that list, if a community ceases to have the requisite characteristics, is an ongoing process. However, adding new communities to the list reduces the benefits that can go to the existing Scheduled Tribes, and is, therefore, to be resorted to, only if there is no room for doubt. There is an increasing clamour from many communities to get included as Scheduled Tribes. The proposals being received for inclusion would be scrutinized to select only the deserving cases that inadvertently got left out earlier.

20.4 The Lokur Committee evolved certain criteria for the purpose of determining which communities could be classified as Scheduled Tribes: These are indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness. The number of communities classified as Scheduled Tribes as on today is nearly 700. The criteria laid down by the Lokur Committee are hardly relevant today. For instance, very few tribes can today be said to possess 'primitive traits'. Other more accurate criteria need to be fixed.

20.5 There is also a need to simultaneously look at advances made by various ST communities in the socio-economic and political arena. The less developed ST communities often complain of their exclusion by the more advanced ST communities. Introduction of sub-categorisation of the existing ST communities would, therefore, be considered following a due process of



determining their inter-ST status vis-à-vis the rest, to ensure that the benefits granted to the STs are evenly spread to all the ST communities.

20.6 A process of de-scheduling would also be put in place to exclude those communities who have by and large caught up with the general population. Exclusion of the creamy layer among the Scheduled Tribes from the benefits of reservation has never been seriously considered. As we move towards, and try to ensure, greater social justice, it would be necessary to give this matter more attention and work out an acceptable system.

20.7 Villages with a tribal majority population adjoining Scheduled Areas may also be included in Scheduled Areas and specific pockets of majority of tribal (ST) population that have been excluded from Scheduled Areas may be scheduled.

20.8 **Nomadic Tribes:** There are several Scheduled Tribes which are nomadic. Though they were not considered untouchables, they occupied the lowest positions in social hierarchy. As the nomadic tribes are constantly on the move, they do not have any single place or State of domicile. Nor do they traditionally possess land rights or house titles. As a result, they are deprived not only of welfare programmes, but also of citizenship rights, such as ration cards, electoral identity cards, etc.

20.9 A time bound programme will be initiated for identification of their needs and development of plans, to address their problems.

21. Research and Training

21.1 The ST population of the country is not homogenous. It consists of a diverse group of peoples whose life styles, customs, practices and languages differ considerably, not only from that of the general population but also from one another. The survival of this diverse tribal culture, ethos and way of life is increasingly under threat in a liberalized and globalised economy. Intensive and concurrent research is, therefore, required, both at macro and micro levels, to understand the impact of development activities on tribals, the problems faced, behavioural practices and patterns, standards of living, coping mechanisms, etc. so as to provide crucial inputs for framing of the policy.

21.2 Studies on different aspects of tribal culture will be encouraged and sponsored, *inter alia*, to understand the impact of various facets of development on the life of tribals. Institutions of repute would be involved on a long term basis to compulsorily provide research inputs on thematic basis.

21.3 Tribal Research Institutes (TRIs) have been set up in various States and are engaged in conducting research and evaluation studies, collection of data, conduct of training, seminars and workshops, documentation of customary laws etc. The activities of the TRIs were intended to subserve tribal development objectives and help the Central and State Governments frame apt policies and programmes. The functioning of TRIs over the years has become routine and has been constrained by severe financial and administrative shortages. The TRIs would be strengthened and their structure and activities revamped for a more focussed role in the changing scenario, more interaction among themselves, and with other academic research institutions.

21.4 The existing museums within the TRIs, will be upgraded making them more interactive and user friendly, especially among school children. The museums would also be linked with other museums through digitization with appropriate links for easy online access.

21.5 In order to (a) oversee, coordinate and synergise the functioning of the TRIs; (b) help the Ministry by tendering advice on academic and policy matters; and (c) conduct studies on matters of national importance, the question of setting up of a National Institute for Tribal Affairs at the Centre will be considered with the adequate degree of autonomy and a wide charter of work.

22. Communication Strategy

22.1 The STs live in far-flung areas and, quite often, outside the reach of modern means of communication. This results in the STs being deprived of much important and crucial information regarding development initiatives, employment programmes, etc. Vested interest groups often spread dis-information resulting in dis-enchantment and dissatisfaction with the system. The increasing trend of violence being witnessed in the Scheduled Areas makes it all the more necessary to communicate with STs on a regular basis.

22.2 It will be the endeavour of the Government to reach the Scheduled Tribes through different kinds of media, both audio and visual, electronic as well as traditional modes of communication. For this purpose, the State Governments and Tribal Research Institutes would be extensively involved in disseminating knowledge and experience concerning tribal people and their areas and publication of literature on studies related to tribal affairs and allied issues. The more crucial aspect of policy would be to reach them in their language and through the media within their easy reach.



22.3 The social gatherings and rural bazaars (Haats) would be extensively used to disseminate carefully selected issues/information.

23. Monitoring, Evaluation and Review Mechanisms

Review of Implementation

23.1 The success of any policy is contingent upon its effective implementation. The National Tribal Policy 2006 outlines several new and continuing initiatives for accelerating the pace of welfare and development of Scheduled Tribes and tribal areas in the country. This would be possible if the various State/UT Governments, Central Ministries /Departments and other public agencies involved in implementation of various initiatives function in a coordinated and cohesive manner. A periodic review of implementation of various initiatives/measures outlined in the policy is therefore essential to ensure accountability of the different public agencies responsible for implementation and to reveal the practical difficulties in implementation.

23.2 An institutionalized mechanism of monitoring & evaluation would be put in place at the National and State level and findings would also be placed before the TAC, etc. Powers would be given to the local communities to monitor and oversee planning and

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implementation of programmes in terms of the provisions of the PESA Act and mechanisms suitably strengthened to make the implementation machinery at the grass roots level accountable to the people.

23.3 The review of the implementation of the National Tribal Policy 2006 would be undertaken by the Ministry of Tribal Affairs, once a year, within 3 months from the close of the previous fiscal year and the findings of the review would be taken into account for effective implementation of the policy.

Review of Policy

23.4 The problems and the difficulties being faced by the Scheduled Tribes and tribal areas in the country, which are sought to be addressed by the National Tribal Policy 2006, are likely to undergo a change with the passage of time. The issues which are besetting the Scheduled Tribes and the tribal areas at present may be resolved to some extent and new issues and problems may emerge. It may not therefore be prudent to have an immutable National Tribal Policy. The policy would need to be updated every few years in the light of the changed scenario. Accordingly, the Cabinet Committee on Tribal Affairs (CCTA) would be requested to undertake a review of the National Tribal 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.

Full text of the Policy is also available at
<http://tribal.gov.in>

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