

NATIONAL POLICY ON TRIBALS (DRAFT)

For the first time after the country became Independent, the Government of India is proposing the formulation of a National Policy on Scheduled Tribes.

The policy seeks to bring Scheduled Tribes into the mainstream of society through a multi-pronged approach for their all-round development without disturbing their distinct culture.

There are 67.8 million Scheduled Tribe people, constituting 8.08 per cent of India's population. There are 698 Scheduled Tribes spread all over the country barring States and Union Territories like Chandigarh, Delhi, Haryana, Pondicherry and Punjab. Orissa has the largest number – 68--of Scheduled Tribes.

Scheduled Tribes are those which are notified as such by the President of India under Article 342 of the Constitution. The first notification was issued in 1950. The President considers characteristics like the tribes' primitive traits, distinctive culture, shyness with the public at large, geographical isolation and social and economic backwardness before notifying them as a Scheduled Tribe. Seventy-five of the 698 Scheduled Tribes are identified as Primitive Tribal Groups considering they are more backward than Scheduled Tribes. They continue to live in a pre-agricultural stage of economy and have very low literacy rates. Their populations are stagnant or even declining.

The Constitution through several Articles has provided for the socio-economic development and empowerment of Scheduled Tribes. (You may list the provisions here, if necessary). But there has been no national policy, which could have helped translate the constitutional provisions into a reality. Five principles spelt out in 1952, known as Nehruvian Panchasheel, have been guiding the administration of tribal affairs. They are:

1. Tribals should be allowed to develop according to their own genius
2. Tribals' rights in land and forest should be respected
3. Tribal teams should be trained to undertake administration and development without too many outsiders being inducted
4. Tribal development should be undertaken without disturbing tribal social and cultural institutions
5. The index of tribal development should be the quality of their life and not the money spent

Realising that the Nehruvian Panchasheel was long on generalities and short on specifics, the Government of India formed a Ministry of Tribal Affairs for the first time in October 1999 to accelerate tribal development. The Ministry of Tribal Affairs is now coming out with the draft National Policy on Tribals. Based on the feedback from tribal leaders, the concerned States, individuals, organisations in the public and the private sectors, and NGOs, the Ministry will finalise the policy.

The National Policy recognises that a majority of Scheduled Tribes continue to live below the poverty line, have poor literacy rates, suffer from malnutrition and disease and are vulnerable to displacement. It also acknowledges that Scheduled Tribes in general are repositories of indigenous knowledge and wisdom in certain aspects.

The National Policy aims at addressing each of these problems in a concrete way. It also lists out measures to be taken to preserve and promote tribals' cultural heritage.

Formal education:

Formal education is the key to all-round human development. Despite several campaigns to promote formal education ever since Independence, the literacy rate among Scheduled Tribes is only 29.60 per cent compared to 52.21 per cent for the country as a whole (1991 Census). The female literacy rate is only 18.19 per cent compared to the national female literacy rate of 39.29 per cent. Alienation from the society, lack of adequate infrastructure like schools, hostels and teachers, abject poverty and apathy towards irrelevant curriculum have stood in the way of tribals getting formal education.

To achieve the objective of reaching the benefit of education to tribals, the National Policy will ensure that:

- • Tribals are included in the national programme of Sarva Shiksha Abhiyan run by the Ministry of Human Resource Development.
- • Schools and hostels are opened in areas where no such facilities exist.
- • At least one model residential school is located in each tribal concentration area
- • Education is linked with provision of supplementary nutrition.
- • Special incentives like financial assistance, pocket allowance, free distribution of textbooks and school uniforms are provided
- • Teaching is imparted in tribals' mother tongue at least up to the primary level. Educated tribal youth are given employment as teachers, wherever possible. (This will obviate the need to employ teachers belonging to far-off places who find commuting is as difficult as staying in a village with no basic amenities.
- • Pedagogy is made relevant so that tribals do not find it as alien.
- • Curriculum and cocurriculum include aspects of meta skill upgradation of tribal children.
- • Curricula for meta skill upgradation are to include aspects of tribal games and sports, archery, identification of plants of medicinal value, crafts art and culture, folk dance and folk songs, folk paintings etc.
- • Emphasis is laid on vocational/professional education. Polytechnics are set up for studies in subjects like forestry, horticulture, dairying, veterinary sciences, polytechnics.

Traditional wisdom:

Dwelling amidst hills, forests, coastal areas, 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 irrigation channels, construction of cane bridges in hills, adaptation to desert life, utilisation of forest species like herbs, shrubs for medicinal purposes, meteorological assessment etc. Such invaluable knowledge of theirs needs to be properly documented and preserved lest it should get lost in the wake of modernisation and passage of time.

The National Policy seeks to:

- • Preserve and promote such traditional knowledge and wisdom and document it
- • Establish a centre to train tribal youth in areas of traditional wisdom
- • Disseminate such through models and exhibits at appropriate places

- • Transfer such knowledge to non-tribal areas

Health:

Although tribal people live usually close to nature, a majority of them need health care on account of malnutrition, lack of safe drinking water, poor hygiene and environmental sanitation and above all poverty. Lack of awareness and apathy to utilise the available health services also affect their health status. In wake of the opening of tribal areas with highways industrialization, and communication facilities, diseases have spread to tribal areas. Endemics like malaria, deficiency diseases, venereal diseases including AIDS are not uncommon among tribal populations. However, lack of safe drinking water and malnutrition are well-recognised major health hazards. Tribals suffer from a deficiency of calcium, vitamin A, vitamin C, riboflavin and animal protein in their diets. Malnutrition and undernutrition are common among Primitive Tribal Groups who largely depend upon food they either gather or raise by using simple methods. The poor nutritional status of tribal women directly influences their reproductive performance and their infants' survival, growth and development.

Tribal people, who are self reliant and self-sufficient, have over the centuries developed their own medicine system based on herbs and other items collected from the nature and processed locally. They have also their own system of diagnosis and cure of diseases. They believe in taboos, spiritual powers and faith healing. There are wide variations among tribals in their health status and willingness to access and utilise health services, depending on their culture, level of contact with other cultures and degree of adaptability.

Against this background, the National Policy seeks to promote the modern health care system and also a synthesis of the Indian systems of medicine like ayurveda and siddha with the tribal system.

The National Policy seeks to:

- • Strengthen the allopathy system of medicine in tribal areas with the extension of the three-tier system of village health workers, auxiliary nurse mid-wife and primary health centres.
- • Expand the number of hospitals in tune with tribal population
- • Validate identified tribal remedies (folk claims) used in different tribal areas
- • Encourage, document and patent tribals' traditional medicines
- • Promote cultivation of medicinal plants related value addition strategies through imparting training to youth
- • Encourage qualified doctors from tribal communities to serve tribal areas
- • Promote the formation of a strong force of tribal village health guides through regular training-cum-orientation courses
- • Formulate area-specific strategies to improve access to and utilisation of health services
- • Strengthen research into diseases affecting tribals and initiate action programmes
- • Eradicate endemic diseases on a war footing

Displacement and Resettlement:

Displacement of people from traditional habitations causes much trauma to the affected people. Compulsory acquisition of land for construction of dams and roads, quarrying and mining operations, location of industries and reservation of forests for National Parks and environmental reasons forces tribal people to leave their traditional abodes and land – their chief means of livelihood.

Nearly 85.39 lakh tribals had been displaced until 1990 on account of some mega project or the other, reservation of forests as National Parks etc. Tribals constitute at least 55.16 percent of the total displaced people in the country. Cash payment does not really compensate the tribals for the difficulties they experience in their living style and ethos.

Displacement of tribals from their land amounts to violation of the Fifth Schedule of the Constitution as it deprives them of control and ownership of natural resources and land essential for their way of life.

The National Policy for Tribals, therefore, stipulates that displacement of tribal people is kept to the minimum and undertaken only after possibilities of non-displacement and least displacement have been exhausted. When it becomes absolutely necessary to displace Scheduled Tribe people in the larger interest, the displaced should be provided a better standard of living.

The National Policy, therefore, mandates that the following guidelines be followed when tribals are resettled:

- • When displacement becomes inevitable, each scheduled tribe family having land in the earlier settlement shall be given land against land. A minimum of two hectares of cultivable land is considered necessary and viable for a family (comprising man, his wife and unmarried children).
- • Tribal families having fishing rights in their original habitat shall be granted fishing rights in the new reservoir or at any other alternative place
- • Reservation benefits enjoyed at the original settlement shall be continued at the the resettlement area.
- • Additional financial assistance equivalent to nearly one and a half year's minimum agricultural wages for loss of customary rights and usufructory rights of forest produce shall be given.
- • Tribals are to be resettled close to their natural habitat by treating all the people so displaced as one group to let them retain their ethnic, linguistic and socio-cultural identity and the network of kinship and mutual obligations
- • Free land is to be provided for social and religious congregations.
- • If resettlement is possible only away from the district/taluka, then substantively higher benefits in monetary terms shall be given.
- • When tribal families are resettled en masse, all basic minimum amenities shall be provided at the new sites. They include roads and passages, electricity, drainage and sanitation, safe drinking water, educational and health care facilities, fair price shops, a community hall and a panchayat office.

Forest villages

Tribal's age-old symbiotic relationship with forests is well known. Recognising this fact, even the National Forest Policy committed itself to the close association of tribals with the protection, preservation and development of forests and envisaged their customary rights in forests. It is, however, a matter of serious concern that about 5000 forest villages do not have minimum basic living conditions and face a constant threat of eviction.

The National Policy suggests that any forceful displacement should be avoided. Human beings move on their own to places with better opportunities. The forest villages may be converted into revenue villages or forest villages may be developed on par with revenue villages to enable the forest villagers enjoy at least the minimum amenities and services that are available in revenue villages.

The National Policy, therefore, mandates that

- • Educational and medical facilities, electricity and communication, approach roads and such other basic amenities be provided to forest villagers.
- • Public Distribution System (PDS) and Grain Banks be established to prevent food problems.
- • Advanced agriculture and animal husbandry technologies be introduced so that forest villagers raise their production, incomes and economic standards.
- • Bank and other institutional loans be made available for entrepreneurs with viable projects of income generation
- • Tribals be given opportunities to partake in joint forest management and encouraged to form cooperatives and corporations for major forest related operations
- • Integrated area development programmes be taken up in and around forest areas
- • Tribals' rights in protection, regeneration and collection of minor forest produce (MFP) be recognised and institutional arrangements made for marketing such produce
- • Efforts be made to eliminate exploitation by middlemen in cooperatives like Tribal Development Cooperative Corporations (TDCCs), Large Sized Multi Purpose Societies (LAMPS) and Forest Development Cooperatives by introducing minimum support prices for non agricultural produce on the lines of minimum support prices for agricultural produce.

Shifting Cultivation:

In the evolution of human civilisation, shifting cultivation preceded agriculture as we know it today. In shifting cultivation, tribals do not use any mechanized tools or undertake even ploughing. A digging stick and a sickle are the usual tools. It is widely practised in whole of North- Eastern region besides the States of Andhra Pradesh, Orissa, Tamil Nadu and to some extent in Chhattisgarh and Jharkhand. Though the practice is hazardous to environment, it forms basis of life for tribals. Traditionally, shifting cultivation has been in vogue in hilly terrains where tribals have had the right on land either individually or on community basis. Because of poor yields, crops do not meet their food requirement for more than four months or so in a year.

The tribals involved in shifting cultivation do not seem to have any emotional attachment to the land as an asset or property needing care and attention as in non-tribal areas. In shifting cultivation lands, no attention is paid to the replenishment of soil fertility. Tribals merely

believe in harvesting crops without putting in efforts or investments. Land is just left to nature to recoup on its own.

To handle the problem of shifting cultivation, the National Policy will focus on the following aspects:

- Land tenure system will be rationalised giving tribals right to land ownership so that they will invest their energy and resources in checking soil erosion and fertility – which have hitherto been neglected as land belonged to no one but was subject to exploitation by every one.
- Agricultural scientists will be asked to focus on shifting cultivation and evolve suitable technologies to improve production.
- The shifting cultivators will be ensured sufficient food supply through the public distribution system and grain banks. Tribals will be encouraged to raise cash crops and horticultural plantations.
- Training and extension programmes will be organised to sensitise tribals about alternative economic strategies so that they can come out of shifting cultivation.



Land Alienation:

Scheduled Tribes being simple folk are often exploited to forgo their foremost important resource – land – to non-tribals. Although States have protective laws to check the trend, dispossessed tribals are yet to get back their lands. Yet, another form of land alienation takes place when States promote development projects like hydro-electric power stations and mining and industries. These developmental activities, which do not confer any benefit on tribals directly, render them landless.

The National Policy for Tribals seeks to tackle tribal land alienation by stipulating that

- Tribals have access to village land records
- Land records be displayed at the panchayat
- Oral evidence be considered in the absence of records in the disposal of tribals' land disputes
- States prohibit transfer of lands from tribals to non-tribals
- Tribals and their representatives be associated with land surveys
- Forest tribal villagers be assigned pattas for the land under their tillage since ages
- States launching development projects take adequate care to keep tribal lands intact and when not possible, allot land even before a project takes off

Intellectual Property Rights:

Scheduled Tribes are known for their knowledge and wisdom of ethnic origin. There is, however, no legal and/or institutional framework to safeguard their intellectual property rights.

The National Policy, therefore, will aim at making legal and institutional arrangements to protect their intellectual property rights and curtailing the rights of corporate and other agencies to access and exploit their resource base.

Tribal Languages:

The languages spoken by tribals - tribal languages - are treated as unscheduled languages. In the wake of changing educational scenario, many of the tribal languages are facing the threat of extinction. The loss of language may adversely affect tribal culture, especially their folklore.

The National Policy aims at preserving and documenting tribal languages. Education in the mother tongue at the primary level needs be encouraged. Books and other publications in tribal languages will be promoted.

Primitive Tribal Groups (PTGs):

Primitive Tribal Groups (PTGs) are Scheduled Tribes known for their declining or stagnant population, low levels of literacy, pre- agricultural technology, primarily belonging to the hunting and gathering stage, and extreme backwardness. They were considered as a special category for support for the first time in 1979. There are 75 Primitive Tribal Groups spread over 15 States and Union Territories. The 25 lakh PTG population constitutes nearly 3.6 per cent of the tribal population and 0.3 per cent of the country's population.

PTGs have not benefited from developmental activities. They face continuous threats of eviction from their homes and lands. They live with food insecurity and a host of diseases like sickle cell anaemia and malaria.

The National Policy envisages the following steps to tackle PTGs' problems:

- . To boost PTGs' social image, their being stigmatized as 'primitive' shall be halted.
- . Efforts shall be made to bring them on par with other Scheduled Tribes in a definite time frame. Developmental efforts should be tribe-specific and suit the local environment.
- . Effective preventive and curative health systems shall be introduced.
- . PTGs' traditional methods of prevention and cure shall be examined and validated.
- . To combat the low level of literacy among PTGs, area and need specific education coupled with skill upgradation shall be given priority.
- . Formal schooling shall be strengthened by taking advantage of 'Sarva Shiksha Abhiyan'. Trained tribal youth shall be inducted as teachers.
- . Teaching shall be in tribals' mother tongue/dialect
- . Considering PTGs' poverty, school-going children shall be provided incentives.
- . Emphasis shall be on laid on vocational education and training.
- . PTGs shall enjoy the 'right to land'. Any form of land alienation shall be prevented and landless PTGs given priority in land assignment.
- . Public distribution system (PDS) shall be introduced to ensure regular food supply. Grain banks shall be established to ensure food availability during crises.
- . PTGs' participation in managing forests shall be ensured to meet their economic needs and nourish their emotional attachment to forests.



Scheduled Tribes and Scheduled Areas:

Although the Constitution is clear about the concept and strategy adopted for defining Scheduled Areas and tribal areas in terms of Fifth and Sixth Schedules under Articles as 244(1) and 244(2), there is some confusion among those concerned with implementing them.

The National Policy, therefore, envisages the following steps:

- The regulation making powers of State Governors to maintain good governance, peace and harmony in tribal areas will be further strengthened. It will be ensured that Tribal Advisory Councils meet regularly and focus on speedy developmental works and prohibition of land transfers. Money lending menace shall be curbed through implementation of money lending laws.
- Tribal Advisory Councils will be established in States which have Scheduled Areas and even in States where a substantial number of tribal people live although Scheduled Areas have not been declared.
- The Autonomous District/Regional Councils in North-Eastern States will be further strengthened. The Councils are elected bodies having powers of legislation and execution and administration of justice.

Administration:

The existing administrative machinery in States and districts comprising Integrated Tribal Development Agencies (ITDA) and Integrated Tribal Development Projects (ITDP) have not been up in terms of the quality of performance and development indicators.

The National Policy seeks to revitalise the administration by proposing the following:

- Skill upgradation-cum-orientation programmes shall be conducted for tribal administration officials.
- Infrastructure development shall be given priority to so that officials will function from their places of posting.
- Only officials who have adequate knowledge, experience and a sense of appreciation for tribal problems shall be posted for tribal administration.
- As the schemes meant for improving tribals' condition take time, a tenure that is commensurate with their implementation shall be fixed for officials.

Research:

The National Policy acknowledges the importance of a good database to deal with Scheduled Tribes' affairs. Research on tribals' ethnic profiles, spectrum of problems and prospects and developmental constraints and monitoring and evaluation of schemes and projects needs priority attention.

The National Policy for Tribals proposes that the existing Tribal Research Institutes located in different States shall be further strengthened for carrying out purposeful research and evaluation studies and work towards the preservation of the rich tribal cultural heritage. It also envisages the establishment of a national-level research institution.

Participatory Approach:

The National Policy recognises the importance of participatory approach to development. Non-Governmental Organisations (NGOs) and Voluntary Agencies (VAs) act as catalysts in reaching benefits of Government programmes and policies to the grass-root level and thus

optimise the desired accomplishment. Such organisations have direct linkages with people and are conversant with their problems. NGOs can undertake and promote family and community based programmes and mobilise resources in tribal areas. Some well-established NGOs are eager to take part in the development of Scheduled Tribes in general and Primitive Tribal Groups in particular.

The National Policy, therefore, seeks to enlist and encourage NGOs in tribal development activities. They can play an important role in the opening of residential and non-residential schools, hostels, dispensaries, hospitals and vocational training centres, promotion of awareness programmes and capacity building.

- **Assimilation:**

To bring the tribals into country's mainstream, the National Policy envisages the following

- · Identification of tribal groups with 'primitive traits' shall be done away with on a priority basis.
- · The 'distinct culture' of the tribes reflected in their folk art, folk literature, traditional crafts and ethos shall be preserved. Their oral traditions shall be documented and art promoted.
- · Opportunities shall be provided for tribals to interact with outside cultures.
- · Their geographical isolation shall be minimised through development of roads, transport and means of communication and provision of concessional travel facility.