

These Papers have been prepared

By

individual members/experts

for

discussion in the NAC and do not, in all cases,

reflect settled conclusions of the NAC

Draft National Policy on Tribals: Suggestions for Improvement

Presentation before the NAC

5th February 2005

Shortcomings

- No explicit mention of CMP commitments
- Many important issues ignored
- No links with other policies
- Does not fix measurable targets
- Mere reiteration of existing policies
- Does not examine why existing policies have failed to deliver
- Does not question the present accountability mechanisms
- Does not assign any new role to the Ministry

Business as usual

Omissions

- No discussion on eviction of tribal communities from forest
- Does not mention the violations by states of GOI law on tribal panchayats (PESA)
- No mention of De-notified and Nomadic Tribes
- Indebtedness has not been discussed
- No discussion of problems of migrant tribals, or bonded labour
- Does not promise restoration of alienated lands
- Does not refer to various findings on governance in tribal areas

Is Trifed exploiting or helping tribals?

DTP is a stand-alone document

- No links with the 5th and 6th Schedules to the Constitution, PESA Act, Forest Conservation Act, the Wild Life Protection Act, the Land Acquisition Act of 1894, and the new Rehabilitation Policy of 2003
- Often suggests measures that are against the existing policy/law without committing government to change that law/policy; e.g., land for land in displacement

No explicit mention of CMP commitments

- Confer ownership rights in respect of minor forest produce, including tendu patta.
- Eviction of tribal communities from forest areas will be discontinued.
- The rights of tribal communities over mineral resources, water sources etc will be fully safeguarded.
- Launch a comprehensive national programme for minor irrigation
- The growth of extremist violence is a deeper socio-economic issue which will be addressed more meaningfully

DTP is full of bad phraseology

- 'seeks to bring Scheduled Tribes into the mainstream of society' and seeks their 'assimilation through opportunities for tribals to interact with outside cultures'
- Should have used the word 'adivasi' in place of tribals
- 'Tribals merely believe in harvesting crops without putting in efforts'
- 'encourage qualified doctors from tribal communities to serve tribal areas'
- Should have suggested a new phrase for 'primitive tribes'

Worsening poverty, education and health indicators

	Share of tribals		

	out of poor in		
	population	1993-94	1999-00
Gujarat	14.9	30.8	43.1
Maharashtra	9.3	18.1	31.7
Orissa	22.2	36	41.1
Rajasthan	12.4	28.8	36.5

Literacy Rates (in per cent)

	1971	1981	1991	2001
Total Population	30	36	52	65
Scheduled Tribes	11	16	30	Not yet available
Gap	18	20	23	

Health indicators

	IMR	U5MR	% Under nutrition
SC	83	119.3	53.5
ST	84.2	126.6	55.9
India	70	94.9	47

Should have laid down quantifiable targets

- Reduction of poverty of tribals by two percentage points every year
- Reduction of IMR by three percentage points every year
- All tribal children to be covered by supplementary nutrition, MDM and immunisation
- 90% of vacant posts to be filled up within a year
- Absenteeism to be monitored by independent monitors and reduced by 50% in a year
- PDS monthly supplies would improve to 25 kg in a year

Link funds to states with performance

Proposed strategy lacks conviction

For instance, DTP tackles 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

Does not examine loopholes in law & implementation

On displacement

- DTP stipulates that 'displacement is kept to the minimum and the displaced should be provided a better standard of living.'
- Who will ensure that it is minimum?
- Better than what? Who will certify that?
- DTP makes no reference to scheduled area protection provided in law & policy

Ministry does not seem to have read the R & R policy announced in March 2004

On forests

- 'Tribals be given opportunities to partake in joint forest management and encouraged to form cooperatives
- Integrated area development programmes be taken up
- Tribals' rights in minor forest produce (MFP) be recognised
- Efforts be made to eliminate exploitation by middlemen in cooperatives like Tribal Development Cooperative Corporations (TDCCs), (LAMPS) by introducing minimum support prices'

Such weak and non-measurable recommendations will result in no change even after years

A few suggestions - I

- Close monitoring to ensure state legislation for genuine compliance with all features of PESA
- Special EGS for all tribal areas related to forest regeneration, soil and water conservation, and other locally relevant livelihood
- Recognise shifting cultivation as a form of agriculture, and not forestry
- Stronger legislation on tribal land alienation and usurious money lending
- Appropriate silvicultural changes to maximize production of NTFPs

A few suggestions - II

- Rejuvenate tribal agriculture thro' irrigation
- Special focus on tanks, ponds, and rainwater harvesting
- Prepare land records in the north-east
- Recognise communal tenures
- Lands wrongly classified as forest to be returned to tribals
- Convert forest villages into revenue villages
- Special tribal health plan

We need a new law to protect their rights

Ministry's role should be

- Independent source of assessment and monitoring, so as to put pressure on other Ministries
- Believe in complete transparency and sharing
- Set up high level empowered group under the Cabinet Secretary with members from civil society
- Suggest amendments in the existing anti-tribal policies
- Re-examine how SCA to TSP is spent
- Energise state-level committees
- Collect and publicise best practices
- Stop direct funding to NGOs

Promote rights-based approach, link devolution with performance & involve civil society in this task

Thank you