



BLOCK 2
TRIBAL WELFARE AND DEVELOPMENT
ADMINISTRATION

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UNIT 4 THE HISTORY OF TRIBAL ADMINISTRATION*

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Learning Objectives

At the end of this unit, you will:

- Have an idea of administration in tribal areas in colonial as well as post-colonial periods;
- Be able to compare the similarities and difference between Centre-level and State-level administrations;
- Know the impact of administrative policies on tribes in terms of isolation, assimilation and integration.

4.1 INTRODUCTION

Tribes in India have been sheltered from the experiences of mainstream society since ages, with respect to impact of attacks by foreign invaders, encroachments, conflicts and so on. This isolation has made them socially, culturally and educationally backward compared to their neighbouring populations. Local rulers more often than not had limited relationship with them as they were not considered to be a threat to their kingdoms. Though the rulers were aware of the miserable conditions of the tribes, they could not do much due to their disadvantageous location. This policy of non-intervention continued unabatedly till the advent of the British.

During the colonial rule, the British started a simple system of administering the tribal areas. The single line administration did not affect their traditional councils and customary laws, maintaining the status quo of isolation, but facilitated the entry of outsiders such as forest contractors, moneylenders and traders. This made the tribals vulnerable to exploitation by non-tribals. Further, the British provided basic infrastructure such as roads and means of communication to

* Contributed by Dr. D.V. Prasad. Assistant Professor, Department of Sociology & Social Anthropology, Indira Gandhi National Tribal University, Amarkantak

facilitate the Christian missionaries to undertake medical and educational activities to uplift the tribes. These efforts were made to fulfill their administrative objectives of maintaining law and order and effectively controlling their colonies, but simultaneously resulted in aggravating the problem of exploitation of tribals by non-tribals.

4.2 TRIBAL ADMINISTRATION IN PRE-INDEPENDENCE PERIOD

Prior to the advent of the British, tribes were never fully subjugated by the invading Muslim rulers, who preferred to make settlements with the local non-tribal princes or with tribal chieftains. They did not intervene in tribal customary laws, lifestyles and economic fabric. As a result, tribal life was not influenced by political changes due to Muslim rule. Till the entry of the British, the tribals were the masters of the forests and their ancestral lands.

Under the British rule, the contact of the British officials with the tribal people remained difficult due to the rather inaccessible habitats of the tribals, such as remote hills, marshy or malarial forests and inhospitable tracts. The British depended on Christian missionaries for information and followed a policy of '*let them alone*'. They tried to consolidate their power on the majority of the accessible Indian population rather than on minor tribal groups. Thus, they maintained the isolation of the tribal people from the rest of the country. They were not bothered to save them from the clutches of moneylenders, landholders and contractors or from the influence of missionaries.

But within a short span of their rule, the British encountered a major turbulence from the hill tribes Mal Pahariya of Rajmahal hills in Bengal. Local landlords or feudal zamindars had been slowly encroaching upon the neighbouring tribal lands in connivance with corrupt officials and forcing the tribals to accept slavery. The condition of tribals worsened due to exploitation by local traders, businessmen and moneylenders. It created a great discontent among the hill men who finally revolted against the Hindu zamindars in 1772 and launched a violent struggle in some areas.

In 1793, Lord Cornwallis introduced a land tenure system in India for the benefit of the class of people who were strong supporters of British domination in India. The new land tenure system declared zamindars to be owners of land, and required them to pay rent revenue to the government. Thus, zamindars were able to use land as private property as well as commodity in the market. This system divided land into small fractions and different feudal lords got possession of land parcels. This new land tenure system caused much unrest among the tribals. The unrest was due to the following reasons:

- Traditional economy of the tribals was challenged and their right over agricultural lands was lost. To mitigate the problem, the British government enacted the first tenant law in 1859 but it failed to lessen the problems of poor peasants and tribals.
- Retired army personnel were allowed to settle on the fringes of certain tribal areas in an effort to contain tribes indulging in clashes with settled farmers. The colonial policy thus created a gulf of mistrust and suspicion in the minds of tribal people against the neighbouring non-tribals.

- Forests, which play a vital role in procuring sustainable livelihoods, were now reserved. Most tribal communities depend on forests for their survival in the form of collection of firewood, roots, tubers, vegetable leaves, medicinal herbs, fodder etc. Hunting wild game provides an important source of protein.
- Shifting cultivation was restricted in the name of conservation of natural forests. This curtailed the tribal rights on forests without providing alternative livelihood to the tribes. To restrict environmental exploitation, the British government designed a policy on forest reservation known as First Forest Policy of 1894. It affected the tribal way of life in many respects. Tribals, once the lords of the forests, slowly lost control over them, which steadily went into the hands of the Forest Department. Their traditional right on forest was no longer recognized and their free movement inside the forest was restricted. This forceful displacement of tribes from their original habitat pushed them to resort to criminal activities. Subsequently, British administration labelled such tribes as criminal tribes.
- Further, tribal art and crafts were denied incentives, which created a feeling among the tribals that their products were not up to the mark.
- Due to industrialization, a large number of tribals were recruited in mining and steel companies at minimum wages. In order to make ends meet, they had to borrow money. The moneylenders introduced forced and bonded labour in lieu of their debts.

The outcome of the British policy of administration was a considerable discontent among the tribal communities which often took the form rebellion. Some of the notable rebellions are:

- Kol rebellion in 1831-32 against the forceful dispossession of the tribal land, enhancement of rent and forced labour.
- Santhal revolt in 1885.
- Bastar Resurrection in 1911.
- Civil disobedience by Kond Maliahs and Tana Bhagats in 1920s.

Thus, British policy of administration proved to be disastrous for tribals.

Check Your Progress

- 1) Who introduced a land tenure system in India? Who were the owners of land in the new land tenure system?

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4.3 LEGISLATIONS OF BRITISH

To counter the tribal unrest, British administrators adopted new executive and legislative policies. At first, they tried to tackle the rebellious tribes with arms and bribed some tribal leaders by giving monetary allowance. Retired military officials were encouraged to settle down around the tribal habitation as they are more effective than civil officers in suppressing the agitation. In 1782, Augustus Cleveland, the administrator of Rajmahal hills, decided to withdraw this area from normal administration. As a result, local leaders got the power to supervise civil and penal jurisdiction over the hill tracts in local courts. Thus, Mal Pahariya people were freed from the clutches of zamindars and were able to enjoy rent-free land directly from the government. Further, a tribal assembly was formed for conducting the affairs of the Pahariyas with their customary laws and procedures.

Based on the Pahariya model, a universal regulation for the tribes known as 'Regulation I' was promulgated by the government in 1796. But due to corrupt landlords, this Act could not continue for long. This Act came to an end in 1827 and a new regulation was accepted, bringing the Mal Pahariya under the jurisdiction of ordinary courts.

Following the outbreak of the Santhal revolt in 1855, special administrative stipulations for the affected areas known as The Indian Councils Act came into existence in 1861. The provisions of this Act, meant to suppress tribal unrest through legislation, were made a part of the day-to-day administration.

Subsequently, British rulers felt the necessity for a special type of administration for tribal areas, ignoring the existing atmosphere of suspicion among tribals and the need for cautious approach. In 1874, Act XIV was passed in British India, popularly known as The Scheduled District Act, to exclude specific areas from ordinary laws, in order to save them from exploitation.

Later on, the Government of India Act 1919 did not change the policy of isolation towards tribals but it tried to define the limit and extent of isolation. It gave rise to two types of tribal areas:

- Wholly excluded areas: Areas totally excluded from the purview of British laws. For example, North East frontier tracts (Sadiya, Balipara, and Lakhimpur) tracts Naga Hill District, and the Lushai Hill District. In these areas the power of legislation rested in the hands of the Governor. Neither the central nor provincial legislatures were given any power to make laws in these regions.
- Partially excluded areas: Areas partially excluded from the purview of British laws. For example, tribal tracts in Bihar, Bengal, Orissa, Madhya Pradesh, Uttar Pradesh, Maharashtra and Madras.

The Government of India Act 1933 (based on recommendations of Simon Commission) demarcated tribal areas as excluded areas and partially excluded areas, which were beyond the purview of federal and provincial legislations. Legislative law could be applied to those areas only on the direction of the governor. In excluded areas and other areas the governor acts on the advice of the council of ministers.

Thus, the administrative policy of British excluded tribes from the mainstream for many years.

4.4 TRIBAL ADMINISTRATION IN POST- INDEPENDENCE PERIOD

After independence the government of India adopted the policy of isolation in a slightly modified form. In the partially excluded areas, they undertook welfare measures. Verrier Elwin recommended creating “national parks “for tribal people where they could live in isolation. This idea was supported by A.V. Thakkar who emphasized that the aborigines must be protected from exploitation by non-tribes. The Constituent Assembly recommended isolation of some areas as tribal and scheduled areas. The government machinery remained confined to scheduled areas and tribals living outside the areas were not duly protected. Constitutional safeguards and the inclusion of tribes in the Fifth schedule created a gap between the general population and the tribes. In the five-year plans, tribal development also got financial separation.

But isolation of the tribal people attracted severe criticism. Subsequently the government sought their assimilation with the rest of population. The unabated contact with mainstream population wrought many changes in the lives of the tribes.

On the whole, a national policy tried to integrate and level up the tribes in a common national social order. This integration policy of tribes was adopted by Jawaharlal Nehru, popular as ‘*Panchsheel*’ i.e., five fundamental principles for tribal upliftment. They are the following:

- i) Non-imposition: The tribal people should develop along the lines of their own genius and nothing should be imposed on them.
- ii) Respect of tribal customs: Tribal rights to land and forests should be respected.
- iii) Development of tribal youth: Tribal youth should be trained and a team of their own people should be built to do the work of administration and development.
- iv) Simplicity of Administration: One should not over-administer these areas or overwhelm them with a multiplicity of schemes.
- v) Emphasis on human growth: One should judge the results not by statistics but by quality of human character that is involved.

With these principles, administration in tribal areas got a new momentum for rebuilding of new India. The principle of charity as recognized by missionaries was substituted by the spirit of development. The constitution order of 1950 under Article 342 defined the Schedules Tribes and declared 212 tribes located in 14 states as Scheduled Tribes. The directive principles of state policy on tribal welfare also stress that ‘state shall promote with special care the educational and economic interests of the downtrodden communities including Scheduled Tribes.’

Article 244 (Part IV) empowers the President with the right to declare any area as a Scheduled Area where substantial population of tribal in fifth Schedule Area. The Fifth Schedule confers uncommon powers of governance in scheduled areas

on the governor of a state having scheduled areas. The administration in north-eastern states was incorporated in the Sixth Schedule. With the newly created administration, tribal development was taken up in different Five-year plans. A new approach was introduced in the fifth Five-year plan for integrated development of tribes i.e., Tribal Sub-Plan. It is implemented in different states and union territories. Despite these measures, a universal development for all tribes has not yet been achieved.

Check Your Progress

2) What are the five fundamentals principles for tribal development?

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4.5 ADMINISTRATION AT CENTRE AND STATE LEVEL

Independent India visualized integration of tribals into national mainstream. To promote integration of tribes, the Union government introduced a tribal welfare department in 1951 for protection and upliftment of Scheduled Tribes. With the help of various provisions of the Constitution, a new line of administration was set up by creating Fifth Schedule (Scheduled Area) and Sixth Schedule (Tribal Area) through Article 244.

The Fifth Schedule of the Constitution mentioned that the President may, by order, declare tribal areas to be Scheduled Areas. The President may make any changes in the Scheduled Areas after consultation with the Governor of the state. These areas are administered as part of the states in which they are situated but the Governor is given powers to modify Centre and State laws in their application to these areas. Further, he has the power to frame regulations for peace and good governance of these areas, particularly with regards to protection of land rights, settlement of wasteland and safeguards against moneylenders. In framing the regulations, the Governor is required to consult the Tribes Advisory Council (TAC) of the state. The recommendations further required to submit to the President of India an annual report or a report at such intervals as may be required by the Union government. The Scheduled Areas were constituted to assist the tribals in enjoying their existing rights and to develop the areas to promote economic, educational and social progress of the Scheduled Tribes.

The Fifth Schedule visualizes a division of responsibility between the State and Union government in matters of administration. It is the responsibility of the state government to implement schemes for development of tribes inhabiting within its boundaries. The central government provides guidance to the state government regarding administration and also makes available funds.

The Governor has been vested with powers to make regulations for the peace and upliftment of tribals. He also has the power to direct whether or not state and

central laws shall apply to the Scheduled Areas, or shall apply only with modifications.

Tribal areas cover only those areas which are specified in the Sixth Schedule in the states of Assam, Meghalaya, Mizoram and Tripura. They enjoy full autonomy in respect of matters falling within their jurisdiction and hence they are called a state within a state. It also provides the tribals the power of self-management through autonomous districts and regions. There are nine autonomous districts in the Tribal Areas of four states:

- two in Assam
- three in Meghalaya
- three in Mizoram
- one in Tripura.

The Acts of parliament or state legislature do not apply to these areas by default, unless they are specifically extended to these areas by notification of the Governor.

Further, a National Commission for Scheduled Tribes has been instituted through Article 338 which is operational at central level, to oversee the implementation of safeguards provided to scheduled tribes. The Ministry of Social Justice and Empowerment was bifurcated in 1999 to form a separate Ministry of Tribal Affairs, which acts as a nodal agency for overall policy, planning and coordination of programmes for development of scheduled tribes. However, implementation of sectoral programmes is the responsibility of the concerned central ministry/department, state government or union territory administration, as the case may be. The Ministry of Panchayat Raj has extended the Panchayat Raj Institutions to Scheduled Areas through the Panchayats Extension to Scheduled Areas (PESA) Act 1996.

Activity

When you visit a Scheduled Area or Tribal Area, try to observe the administrative mechanism in the respective locality. Integrated Tribal Development Agency (ITDA) is the best example of such special administrative mechanism in Scheduled Areas.

4.6 ISSUES OF ACCULTURATION

Generally tribal communities are backward in socio-economic and technological aspects. Contact with neighbouring agricultural and occupational groups has led them to adopt the customs and practices of the outside population and acquiring new skills. A tribe in contact with civilized people acquires a variety of cultural traits. Thus tribes such as Munda, Oraon and Bhil have adopted many Hindu cultural traits. Further a large number of tribals are now engaged in agriculture which is more productive system than the traditional tribal way of life.

Changes in socio-economic frontiers are gradually transforming the culture of tribals. These changes are being facilitated by factors such as:

- increased means of communication,
- contact with city life,

- economic and political policies of the British,
- initiation of religious missionaries,
- philanthropic agencies,
- non-governmental organizations.

Though the process of acculturation was started early in the colonial period, it got a big boost with the variety of developmental programmes undertaken for the benefit of tribals in the period of post-independence. However, the rate of acculturation has been different for different tribal groups.

Activity

Try to observe the working scheduled tribes to find out the acculturation process and adoption of new cultural traits, food habits, dress patterns etc., that are alien to them in hilly forests.

2.7 ASSIMILATION

G.S. Ghurye was a pioneer in the approach favouring assimilation of tribal people. He saw tribes as backward Hindus. The assimilation of tribal communities with the rest of the population is a continuous process due to the above-mentioned acculturation and culture contact with neighbouring agricultural communities. They have had a continuous contact with Hindu, Christian and Muslim people since generations and experienced different degrees of culture contact leading to varying levels of assimilation in different parts of the country.

D.N. Majumdar categorized tribes on the basis of influence of Hinduism:

- Real primitive tribes
- Primitive tribes with a degree of association with Hindu castes
- Hinduised tribes.

Verrier Elwin classified tribes on the basis of external influence:

- Most Primitive
- Individualistic and used to outside life
- Detribalized
- Tribal aristocrats.

S.C. Dube divided tribes into five categories based on the current habitation and their association with the new communities with which they came into contact:

- Aboriginals living in isolation
- Tribal groups with some village-level folk association
- Tribals living in mixed villages
- Tribals forced to live as untouchables
- Tribals enjoying high social status

G.S. Ghurye divided the tribes based on their nature of contact:

- Tribes having high status within Hindu society
- Partially Hinduised tribes

- Hill sections

Many tribal groups are in varying degree of assimilation with neighbouring castes and other ethnic communities and have been in close association with their socio-cultural, economic and religious frameworks. Total and partially assimilated tribes come under the civil administration at par with their neighbouring communities but the remote and isolated tribes are still covered under the special administration process meant for them.

4.8 INTEGRATION

In contrast to extreme isolation and assimilation, anthropologists, social reformers, and policy makers considered integration as the best strategy for upliftment of tribes in view of their diversity in the country. According to Nirmal Kumar Bose, neither the policy of complete isolation nor of assimilation can solve the problems in tribal areas. As tribal populations are heterogeneous, a policy of complete assimilation will destroy the rich cultural heritage of tribes. On the other hand, integration with the mainstream would discourage the separatist tendencies among the tribals and bring them more opportunities. Bose suggests that tribal development policies should aim to integrate tribals with the mainstream.

In spite of these efforts, tribal development could not succeed for all the target population. Still many tribals are not in the reach of the administrative machinery of central as well as the state governments. Lack of coordination among different agencies engaged in implementing tribal development schemes is one of the reasons for underdevelopment. A large number of schemes relating to agriculture, animal husbandry, cottage industry, health, education, family planning, etc., are usually implemented through various departments. This has led to overlap of different schemes creating confusion in the minds of the simple tribal communities. Hence, policy makers should plan integration at national and regional levels according to each tribe's aptitude.

Nowadays the following methodology is used for development of tribal communities:

- single window administration
- small administrative divisions to overcome communication difficulties
- area development approach.

4.9 SUMMARY

Administration in tribal areas since from the advent of British to the present time has witnessed many changes in the lives of tribes from extreme isolation to acculturation, assimilation and integration into mainstream. The colonial policy of 'let them alone' led to the exploitation of tribes by contractors, moneylenders, traders, and other outsiders. This led to unrest among the tribal people leading to a number of movements. Consequently, many changes were brought in the tribal administration and new legislations for the protection and development of the tribes were passed. Post-Independence, India also followed the same administrative process as the colonial rulers with slight modifications. However, later, tribal integration was considered as the appropriate strategy for overall development of the tribes.

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4.11 ANSWERS TO CHECK YOUR PROGRESS

- 1) In 1793, Lord Cornwallis introduced a land tenure system in India for a class of people who were strong supporters of British domination in India. The new land tenure system declared the zamindars to be the owners of land who in turn were required to pay rent revenue to the government.
- 2) The five fundamental principles for tribal upliftment are:
 - i) Non-imposition: The tribal people should develop along the lines of their own genius and nothing should be imposed on them.
 - ii) Respect of tribal customs: Tribal rights to land and forests should be respected
 - iii) Development of tribal youth: Tribal youth should be trained and their team should do the work of administration and development
 - iv) Simplicity of Administration: One should not over-administer these areas or overwhelm them with a multiplicity of schemes.
 - v) Emphasis on human growth: One should judge the results not by statistics but by quality of human character that is involved..

UNIT 5 TRIBAL PROBLEMS*

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* Contributed by Dr. K. Koteswara Rao, Assistant Professor, Department of Humanities and Social Sciences, National Institute of Technology, Rourkela.

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Learning Objectives

In this unit, you will learn about the following problems of tribal people:

- Alienation of land
- Debt-bondage
- Education
- Health
- Displacement and rehabilitation
- Issues of environmental degradation.

5.0 INTRODUCTION

Tribal people are the most vulnerable section of human society. This is because of their:

- resource-based livelihoods,
- location of their homes in vulnerable environments
- poverty
- marginality.

They face numerous problems, ranging from the decades-old issues of land alienation and debt-bondage to the recently emerging issues of environmental change and degradation.

5.1 LAND ALIENATION

5.1.1 Land for Tribals

Land is a vital natural resource for human life. Land, for most people including tribals, is not merely an economic resource (source of livelihood), but also a symbol of social status and identity (individual identity and identity of community inhabitation, e.g., Nagas, Khonds, Savaras, Konda Reddis), security and self-reliance. However, landholding patterns in tribal areas today reflect a form of unequal distribution and/or alienation of land.

5.1.2 Land Ownership

Traditionally, tribals had a three-tier land ownership and control system:

- Community land
- Individual land
- Clan land.

Every community had well-defined boundaries and traditional administration systems based on customary laws. There were definite rules, generally controlled by the village council, on who could cultivate what land and in which season. They performed many social activities and rituals related to land and agriculture in their society.

5.1.3 Land Alienation

Since land is a marketable commodity, its alienation or transfer happens. Land alienation means transfer of title and possession from one person to another. In the context of tribals it means the tribal community losing ownership and control of tribal land.

5.1.4 Forms of land alienation

As alienation of land happens both within and outside the tribal community, we can classify land alienation into two types. These are:

- internal transfer of land (by tribals)
- land alienation by external forces.

Check Your Progress

- 1) What are the forms of land alienation?

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5.1.4.1 Internal Transfer of Land

In such alienation, land is transferred from a tribal landowner to another tribal. This internal transfer of land or mortgage is necessitated by need for money for medical care, education, etc. It results in internal disparity (inequalities in its distribution and control), which is one form of land alienation within the community (High-level Committee 2014). However, this is a minor issue when compared with land alienation by external forces.

5.1.4.2 Land Alienation by External Forces

Land alienation by external forces is of two types:

- 1) Alienation of land by non-tribals. Migrants and outsiders encroach on tribal lands, resulting in tribal people losing control over their lands.
- 2) Alienation of land by development projects in the tribal region.

Majority of land alienation happens by external forces and is a major problem for the scheduled tribes of India.

Check Your Progress

2) What are the types of tribal land alienation by external forces?

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5.1.4.2.1 Alienation of Land by Non-tribals

In spite of constitutional safeguards and legislative measures for protection of tribal land, like the State Scheduled Area Regulations and Tenancy laws, land alienation by non-tribals in connivance with the instruments of the state continues. According to Kamal K. Misra (2002) in “Study of alienation of tribal lands in Schedule V Areas” of Andhra Pradesh, undivided Madhya Pradesh and Odisha, tribal-to-tribal transfer of land accounted for 14.04%, while tribal-to-non-tribal transfer was 85.95%. There were eight methods adopted by land transferees in the study villages:

- 1) sale
- 2) mortgage
- 3) benami transfer
- 4) forcible occupation
- 5) oral transfer of possession
- 6) marital alliance
- 7) buying land in the name of concubines
- 8) other fraudulent means.

Tribals fall into indebtedness on account of

- religious and social obligations
- litigations
- medical treatments
- alcoholism

The study showed that prolonged indebtedness of the tribal households was the main cause of tribal land alienation. The study describes the apathy and insensitive attitude of officials handling land issues of tribals. The study also highlights that tribals were less politically organized and unaware of their constitutional rights. More than 85 percent did not know that there were laws against transfer of tribal land.

5.1.4.2.1.1 Methods of land alienation by non-tribals

The following are important ways land is alienated by non-tribals.

a) *Leasing and mortgaging*

Land sustains the livelihood of tribals, who have very few other assets. Tribals need to borrow money from moneylenders on occasions such as:

- marriages and death rituals,
- medical emergencies involving family members
- continuous crop failure due to the dependence on seasonal monsoon and poor irrigation

To meet their needs, the poor and helpless tribals are forced to borrow money by mortgaging their land to local moneylenders at high-interest rates. When the tribal people fail to pay back the borrowed money, the land is transferred to non-tribal creditors.

b) *Encroachment*

Outsiders befriend local leaders and bribe them to get ownership of land. The new entrants, who are economically well off, slowly occupy the tribal land and establish themselves by procuring *patta* by networking with government officials. This becomes a significant threat to the tribal people, who are illiterate and unaware of modern land record management systems in the country.

c) *Marital alliance*

Outsiders make use of marital alliances or concubine age with tribal women to buy land in the name of their tribal wives or concubines. They thus escape the law and grab tribal land. This method is more prevalent in areas that are closer to non-tribal areas.

d) *Fictitious adoption of the non-tribal by the tribal family*

Outsiders adopted fictitiously on paper by tribals enjoy the tribal land and escape the provisions of land transfer regulations.

e) *Benami transfer*

Transfer of land through *benami* is another important method of land alienation by outsiders.

5.1.4.2.2 Alienation of Land by Development Projects

The High Level Committee report (2014) considers development projects as one of the main causes of tribal land alienation. Because of high demand for land for development projects, the state acquires land in the name of “public purpose” without a compulsory “land for land” provision for rehabilitation. The report further says that land alienation is also due to:

- collusion of revenue officials,
- incorrect interpretation of laws,
- manipulation of records and permissions accorded to alienate land.

It also says that most state tenancy laws recognize only individually owned registered lands. Community lands are recorded as government lands in survey and settlement operations. Such lands have not been fully surveyed, and there is no record of user practices.

5.2 DEBT-BONDAGE

Indebtedness or debt-bondage refers to an obligation to pay money to another party. Debt-bondage among tribals is a significant problem, often leading to situations of bonded labour.

5.2.1 History of Debt-bondage

The origin of the problem of debt-bondage can be traced back to the time when monetary economy in tribal areas was introduced by non-tribal outsiders. The outsiders penetrated tribal areas during the British colonial times. The monetary economy gradually substituted the barter economy of the tribal areas. Originally the tribes had a self-contained economy and were masters of large tracts of lands. During British times, non-tribal people who entered these areas found the tribal people easy prey for their schemes of exploitation. They started lending money to the tribal people against the security of their lands. They charged exorbitant rates of interest (100 to 300 percent).

The tribals were illiterate but honest. They became victims of dishonest and unscrupulous methods of money lenders. Among the tribals, debt became a continual process that would pass on from father to son to grandson. It is generally said that tribals once in debt were always in debt. Debt-bondage made the tribals bonded labourers of moneylenders on their own lands (Verma 2017).

5.2.2 Problems after Independence

Nation-wide, around 85 percent of tribal families have been affected by debt-bondage. According to a survey, average debt liability per household increased from Rs. 419 in 1975 to Rs. 8,500 in 2004.

Tribal people borrow money from two sources:

- 1) Organized or institutional sources (e.g., banks and co-operative societies)
- 2) Unorganized sources (e.g., private moneylenders, shopkeepers, friends and relatives).

Among unorganized sources, 72 per cent of tribal people were indebted to private moneylenders; and the remaining people met their credit and consumer requirements from shopkeepers, friends and relatives (Verma 2017).

5.2.3 Methods Followed by Non-tribal People for Lending Money to Tribal People

There are four such methods:

- 1) **Short-term loan:** The repayment of a loan, which is at an excessive rate of interest, is made in kind by way of agriculture produce. Such a loan is mainly for clothes and food grains.
- 2) **Medium-term loan:** This loan is repayable with compound interest at yearly or half-yearly periods. Such a loan is given against the security of land.
- 3) **Long-term loan:** This loan is given for a fixed number of years against the lease of land. This land is to be cultivated by the tribal debtor for delivering products to the moneylender, until the repayment of the entire loan.

- 4) **Usufructuary mortgage:** Here loan is given on mortgage of land at compound interest. The moneylender remains in possession of the land and enjoys the produce from the land. The tribal person works as labour on his/her own land for the benefit of the unscrupulous moneylender. In case of default, the moneylender takes possession of the land (Verma 2017).

5.2.4 Causes of Debt-bondage

There are many causes of debt-bondage. According to Verma (2017), debt-bondage is attributed mainly to the following:

- 1) Extreme poverty,
- 2) Loopholes in the money lending laws,
- 3) Lack of awareness among tribals about sources of institutional finances (such as banks and co-operative societies),
- 4) Indifferent attitudes of officials (government and banks),
- 5) Absence of any regulatory control against private moneylenders,
- 6) Weak public delivery system of essential commodities and agricultural inputs, and
- 7) Lack of employment opportunities for tribals.

5.2.5 Constitutional and Legal Provisions

Special provisions under the Fifth Schedule of the Constitution empower the Governor of a State having scheduled areas to make the following regulations:

- 1) to regulate the business of money lending
- 2) to provide protection against exploitation of Scheduled Tribes by moneylenders.

Some examples are the Andhra Pradesh (Scheduled Areas) Money Lenders Regulation, 1960; and the Andhra Pradesh (Scheduled Tribes) Debt Relief Regulation, 1960, 1970.

5.2.6 Problems in Implementation of Legislations

Though some legislations or regulations were made, there is no adequate machinery for enforcement of such legislations or regulations. Further, licenses for regulation of the business of money lending have not been issued.

5.2.7 Alternative/Remedial Measures

As remedial measures, alternative credit facilities have been provided for short-term and long-term loans. Procedures are simplified for speedy payment of loans. LAMPS (Large Area Multi-Purpose Co-operative Societies) and PACS (Primary Agriculture Co-operative Societies) have been started to meet loan and other consumer requirements in tribal areas. However, these societies have failed because of financial constraints and lack of administrative will.

5.3 EDUCATION

In this section, you will learn about the existing provisions in the Constitution of India and government policy on education for tribals, and the actual status of education among them.

5.3.1 Constitutional Mandate on Education to STs

The Constitution of India provides specific provisions under the following articles for promotion of education among the backward and weaker sections of the society.

Article 15(4) empowers the State to make any special provision for advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

Article 41 empowers the State to make effective provision for securing the right to work, education and public assistance in [certain] cases of unemployment, old age, sickness and disablement...

Article 45 empowers the State to provide, within a period of ten years from the commencement of Constitution, free and compulsory education for all children until they complete the age of fourteen years.

Article 46 empowers the state to promote educational and economic interests of SCs, STs and other weaker sections. "The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."

Thus, the provisions pertaining to education existed but mainly in the Directive Principles of State Policy. However, the Right to Education has now been made a Fundamental Right under Article 21A of the Constitution (Eighty-sixth Amendment) Act, 2002.

Article 21A: Under article 21A, the Government of India enacted a legislation called the "Right of Children to Free and Compulsory Education Act, 2009". It is simply known as the Right to Education Act (or RTE). "The State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine."

Subsequently Article 45 has been amended and substituted by the Constitution (Eighty-sixth Amendment) Act, 2002, as —"45: *Provision for early childhood care and education to children below the age of six years.*—The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years."

Despite such provisions, there is wide gap in terms of percentage of literacy between tribals and general population. For instance, according to 2011 Census, total percentage of literacy among general population is 73, whereas among scheduled tribes it is 59.

5.3.2 Main Causes of Low Literacy in Tribal Areas

The following are the main causes of low literacy among tribal people, according to Verma (2017):

- 1) Poverty of the parents,
- 2) Medium of instruction,
- 3) Contents of education,
- 4) Inadequate infrastructure and supporting services,
- 5) Absenteeism of teachers,
- 6) Lack of education policy, and
- 7) Socio-cultural factors.

5.3.2.1 The Poverty of the Parents

For poor parents, children's education is a luxury, which they cannot afford. Grown-up children assist parents in earning a livelihood; they look after younger children. Absence of childcare centres (creches, balwadis) in tribal areas also deprives children from poor families from education.

5.3.2.2 The Medium of Instruction

Since tribal children are taught in a language which is not their mother tongue and is new to them, there are high drop-outs from schools and the literacy is low. Article 350A of the Constitution empowers the state to provide adequate facilities for instruction in the mother-tongue at the primary stage of education, to children belonging to linguistic minority groups. Though the tribals are entitled to instruction in their mother tongue, they have not been provided such facility, not even at the primary school stage.

5.3.2.3 Contents of Education

The general curriculum or contents of education is extended to tribal areas. Most of the curriculum is not relevant to the tribal people as it does not consider their needs and aspirations.

5.3.2.4 Inadequate Infrastructure and Supporting Services

Tribals face the problem of inadequacy of educational institutions, boarding and lodging facilities. Supporting services, such as incentives in terms of scholarships and book banks are insignificant to attract the children.

5.3.2.5 Absenteeism of Teachers

Teachers are absent for days because there is little or no supervision over them and they are not dedicated to the education of tribals. So the children often drop out of school.

5.3.2.6 Lack of Education Policy

Lack of administrative policy regarding the educational institutions in tribal areas affects the education of tribals.

5.3.2.7 Socio-cultural Factors

The general education system does not respect tribal culture and traditions; instead, it presents a negative picture about tribal culture.

5.3.3 Suggestions to Improve Tribal Education

The following are suggested to improve tribal education:

- 1) Making education value-based,
- 2) Improving infrastructure and supporting services,
- 3) Creating non-formal and vocational education centres,
- 4) Teaching in mother tongue at the primary stage,
- 5) Setting up sports training centres (Verma 2017), and
- 6) Providing economic assistance to needy children and families.

5.3.3.1 Making Education Value-based

Provide job-oriented education and make proper arrangements for vocational education. Include traditional local skills and crafts in education. Teach elementary civics to familiarize children with their rights and duties.

5.3.3.2 Improving Infrastructure and Supporting Services

Opening of educational institutions and construction of school buildings must get priority under NREGS. Provide residential (hostel) facilities to all (who walk more than 4 km) to attend school. Establish childcare centres (creches, balwadis) in tribal areas and provide suitable nutritional programmes in such centres.

5.3.3.3 Creating non-formal and Vocational Education Centres

Set up non-formal and vocational training centers to meet local needs (projects in tribal areas).

5.3.3.4 Providing economic Assistance to Needy Children and Families

Provide temporary economic help to low-income families to replace the loss of labour of their children.

5.3.3.5 Teaching in Mother Tongue at the Primary Stage

Teaching in mother tongue makes children follow and understand instructions quickly and encourages them to continue their schooling.

5.3.3.6 Setting up Sports Training Centres

Sports training centres will help tribal children promote their talents.

5.4 HEALTH

This section deals with the status of health, cultural factors in health and medicine, and modern health care among tribals.

5.4.1 Health status

The status of health among tribals is in general very poor. This is predominantly so among the Particularly Vulnerable Tribal Groups (PVTGs). This is mainly because of their relatively isolated and remote living, unaffected by the process of development. Tribals are highly vulnerable to diseases. Their misery is increased by poverty, illiteracy, ignorance of causes of diseases, difficult geographical terrains and harsh climatic zones, lack of safe drinking water, poor sanitation and certain blind beliefs.

5.4.2 Cultural Factors in Health and Medicine

Culture plays an important role in tribal health and medicine. Attitudes, beliefs and values affect the willingness of tribal people to take voluntary action concerning their health and that of other members of their family. Non-biological human factors (social, cultural and behavioural factors) are essential to determine many diseases. How people live, what they eat, believe, value, and what resources they have at their end, are significant determinants of their individual and collective health. For instance, see the case below.

5.4.2.1 Case: Health-seeking Behaviour Among Birhors in Madhya Pradesh

According to Pandey et al. (1999), the Regional Medical Research Centre for Tribals (now National *Institute of Research in Tribal Health* (NIRTH)), Jabalpur, did a study among the Birhors in Madhya Pradesh during 1993-94.

The Birhor is a Particularly Vulnerable Tribal Group. Their population was diminishing overtime. It was found that their demographic status was associated with their health status, which in turn, was related to their health-seeking behaviour. Their health-seeking expression was associated with beliefs, customs and practices, since the majority of their population was illiterate, impoverished and lacking access to modern health facilities. According to their belief system, sickness was caused due to the evil spirit or displeasure of God. They relied on *gunia*, the tribal doctor (Pandey et al. 1999).

5.4.2.1.1 Antenatal and Post-natal care Among Birhors

As per Pandey et al. (1999), pregnant women were prohibited from eating fish because it was believed that just as fish swings upwards and downwards in water, the child at the time of delivery may also go upwards and downwards.

Delivery was conducted in an open space outside the house in a nearby hut (*tada*) made especially for delivery, irrespective of the season. It was believed that their god becomes annoyed if the delivery takes place inside the main house.

The umbilical cord was cut (by mother) with the help of a bamboo strip (40% of cases), new blades (15% of cases), knife (6% of cases), shells (9% of cases), and stone (3% of cases). They preferred to cut the navel cord with a bamboo strip. Because they believed, if a knife or blade cuts it, the affected place is likely to be swollen. They also opined that if the navel cord is cut with the help of an iron-made instrument, it may inject poison into the body of the child.

There was little awareness about immunization of the mother during pregnancy and of the child after delivery (9.6%). For example, a woman aged 31 years narrated the following: “I have four children. I did not take any injections or tablets during pregnancies. As I learnt from my mother-in-law, those are harmful to the foetus and may even lead to abortion or stillbirth” (Pandey et al. 1999).

People were aware of free medicines available at the Primary Health Centre (PHC) but claimed that the doctor did not treat them properly. Under these circumstances, the Birhors preferred to go to local healers. They were superstitious and lacked faith in modern medicine. Some practices prevailing in the tribe related to antenatal care, natal and post-natal care (including immunization) were likely associated with the high mortality (particularly infant mortality) (Pandey et al. 1999).

5.4.3 Modern Health Care

Compared to others, tribals have relatively less access to modern health care facilities. Most of them experience unsatisfactory services of health care providers. Nevertheless, the importance of modern medicine is being realized due to various reasons. These include changing conditions in tribal areas and growing awareness about advanced health care. People are seeking modern health care and medicine for specific health issues, for which they have no other effective remedies.

5.5 DISPLACEMENT

5.5.1 What is Displacement?

Displacement refers to the action of moving something from its place or position. It is a situation in which people are forced to leave their original place of living (homes). It is the enforced departure of people from their native lands - ancestral/original homes, villages, habitats in the affected areas - because of war, persecution, natural disaster, eviction/dispossession etc. Displacement of people in India is largely triggered by factors such as development projects, natural disasters and political conflicts.

5.5.2 Forms of Displacement

Displacements are of three main types:

- 1) Development-induced displacement
- 2) Disaster-induced displacement
- 3) Conflict-induced displacement.

5.5.3 What is Development-induced Displacement?

Development-induced displacement is displacement due to development projects such as dams, industries, and mines. Development projects cause people to lose land and other assets, or access to resources. Displaced people may have to suffer physical dislocation, loss of income, and other adverse impacts.

3) What is development-induced displacement?

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This displacement forces individuals and communities out of their homes, often also their homelands, for economic development. As coercion or force of any nature by the state is central to the idea of development-induced displacement, it is involuntary or forced displacement. This force is exercised by the public authorities of the state. Forcibly displaced people for development projects are designated as project displaced persons (PDPs), project-affected persons (PAPs), oustees, evictees etc.

5.5.4 Development-induced Displacement Among Tribals

Existing studies reveal that most of the people displaced due to development projects are tribals because tribal areas are rich in natural resources. The magnitude of the problem of displacement is known from various projects. We can easily understand from the latest, popular and major projects such as the Narmada (SardarSarovar) and Polavaram projects.

- The Polavaram project of Andhra Pradesh, in which a dam is under construction, submerges 94,357 acres of land in the tribal areas and 277 villages. It affects a total of 2,37,000 people in 277 villages of the state. It displaces a total of 1,50,697 people from 42,701 families, out of which about 50% are tribals, from 226 villages.
- In Upper Indravati project of Odisha, out of 18,500 displaced people, 89% were tribals.
- In the Koel Karo project of Bihar, out of the 66,000 displaced people, 88% were tribals.
- In the Sardar Sarovar project, out of 2,00,000 displaced people, 58% were tribals.

5.6 REHABILITATION

5.6.1 What is Rehabilitation?

Rehabilitation is the process to restore displaced tribals to their earlier status (restoration to the former state).It is the action of restoring something that has been damaged to its former (prior good) condition. It is a process by which those adversely affected are assisted in their efforts to improve, or at least to restore, their incomes and living standards. Rehabilitation is provided for the people displaced due to development projects. And, resettlement refers to the process of settling people in a new area,

5.6.2 Rehabilitation and Resettlement: Policy and Problems

Rehabilitation and resettlement (R&R) problems persist even today. There was no national R&R policy until 2003. The colonial Land Acquisition Act of 1894 remained in force until 2014 when the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” came into force.

All through the years when there was no policy of rehabilitation, the rights of project displaced people had been neglected and they were put to several forms of deprivation. Even after policies of R&R came into force, project oustees continue to face problems due to problems in operation and ineffective implementation of these policies.

Such problems are over and above the unanticipated issues faced by the affected people due to their displacement from original lands to new locations, where they are generally treated as “intruders” by locals (with different culture and language).

5.6.3 Rehabilitation of Tribals

Tribals are displaced from their ancestral and native homes, villages and lands due to various development projects in tribal areas. They are deprived of their tangible and intangible assets, livelihoods and resource base. Such dispossession has inevitable psychological, social and cultural consequences. Multi-dimensional trauma of this kind cannot be easily compensated. The adversely affected oustees are expected to receive proper assistance to reconstruct and improve their living conditions. However, they face various problems of rehabilitation and resettlement. This was and continues to be the situation with most of the projects in tribal areas. Such issues can easily be understood with a few case studies. For instance, see the following.

5.6.3.1 Case: Polavaram Project

In the Polavaram project, the villages located at the dam construction site that were submerged, fall under its first phase of relocation and rehabilitation. There were five such villages. It was reported that a majority of the displaced people were unsatisfied with the compensation and rehabilitation and resettlement.

Majority of the displaced people have reported facing numerous problems at the rehabilitation and relocation centres, which are far away from the original habitations.

The displaced people have faced problems such as:

- lack of proper infrastructure at the rehabilitation and resettlement centres such as drinking water, electricity, roads, schools and healthcare facilities.
- lands provided as compensation are far from their homes at the rehabilitation and resettlement centres.
- coping with the host population at the new settlement centres because of differences in culture and socio-economic lifestyles.
- Ousteers have lost access to natural forest resources and forest products.

5.6.3.2 Case: Narmada (Sardar Sarovar) Project

In this inter-state project built in Gujarat, the losses due to submergence and the quantum of displacement were underestimated and undervalued. Though there are diverse views on rehabilitation, the problems of displaced people in the new locations were:

- Inadequate land compensation: Some people were provided with inadequate land as compensation, contrary to that specified in the policy.
- Fuel and fodder: All the displaced families suffered acute problems of fuel and fodder.
- There were also problems pertaining to infrastructure facilities in the new location sites.
- Modern agriculture: Tribals of Nayakada, Bhil, Nayaka and Vasava, who came from interior villages, found it challenging to adapt to modern agriculture.
- Poor quality of land: Poor quality of allocated land forced some affected people to go back to their original, submerging villages.

5.7 ISSUES OF ENVIRONMENTAL DEGRADATION

Environmental degradation has been a significant concern for our country for the past few decades. Proper management of the environment and natural resources is essential, as our survival and well-being depends on them. Degradation of the environment or resource base may lead to decreased production. For instance, reduced fertility of soil may result in lower yields, and deteriorated quality of water may affect the quality and quantity of fish in the natural water bodies as well as our health. Such problems are a matter of great concern particularly to the tribals, as they have a direct impact on their livelihood, food security, health and well-being.

5.7.1 Forms and Causes of Environmental Degradation

Environmental degradation takes different forms, such as:

- **forest degradation**
- desertification
- land degradation
- water pollution.

Environmental degradation is caused mostly by anthropogenic (human-made) activities, rather than natural phenomena. The causes include:

- overpopulation
- deforestation
- unsustainable agricultural practices
- over-consumption
- pollution of air and water
- maldistribution of wealth.

Significant consequences of environmental degradation and destruction of resources include increased poverty, overcrowding, famine, weather extremes and species loss.

5.7.2 Forest Degradation

Degradation of the forests is an important form of environmental degradation. Some of the degrading effects are:

- It causes loss of diversity in species and natural resources, and leads to man–animal conflicts in tribal areas.
- It affects the forest eco-system and tribal economy, for instance, loss of forest products and livelihoods to the forest-dependent tribal people.
- Certain diseases of wild fauna, which were once limited to forest areas, are now affecting our health and life, because of forest degradation. Millions of people are now getting affected by many such zoonotic diseases. For example, Ebola and COVID-19 are such zoonotic disease-causing viruses, which have emerged as a grave risk to public health. In other words, loss of forests is considered to lead to zoonotic diseases, which affect human society.

5.8 SUMMARY

This unit provides a brief understanding of various problems faced by tribal people.

- Land alienation: Alienation of land is a major, old and persistent problem. It is mainly caused by external forces such as non-tribals and development projects in the tribal areas.
- Debt Bondage: Debt-bondage is an important problem, which made the tribals bonded labourers of moneylenders in their own lands.
- Educational and health statuses: Educational and health statuses are reported to be deficient among tribal communities.
- Displacement and rehabilitation: Tribals face problems of displacement and rehabilitation due to development projects in their areas.
- Environmental degradation: Degradation of the environment is an emerging problem faced by tribal people.

The reasons for such problems are many and mainly due to factors external to the tribal community, i.e. the outside world.

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5.10 ANSWERS TO CHECK YOUR PROGRESS

Answer 1

Land alienation is in two forms. 1) Land alienation within the tribal community or internal transfer of land, 2) Land alienation outside the tribal community or alienation of land by external forces.

Answer 2

There are two types of external forces that cause land alienation in tribal areas, and thus two types of land alienation by external forces. These are: 1) Alienation of land by non-tribals, and 2) Alienation of land by development projects.

Answer 3

It is a process by which development projects cause people to lose land or other assets, or access to resources. This may result in physical dislocation, loss of income, or other adverse impacts.

UNIT 6 TRIBAL WELFARE: CONSTITUTIONAL PROVISIONS AND DEVELOPMENT MEASURES*

Contents

- 6.0 Introduction
- 6.1 Constitutional Provisions and Protective Measures
 - 6.1.1 Constitutional Provisions
 - 6.1.2 Fifth Schedule and Sixth Schedule
 - 6.1.3 Committees and Commissions
 - 6.1.4 Planning Commission and NITI Aayog
 - 6.1.5 Development Measures
- 6.2 Summary
- 6.3 References
- 6.4 Answers to Check Your Progress

Learning Objectives

In this unit you will learn about:

- The foundation of tribal welfare initiatives;
- Constitutional provisions for tribal welfare;
- Different committees and commissions for tribal people; and
- Development measures by the government for tribal people.

6.0 INTRODUCTION

The Constitution of India provides its people accountable and accommodative governance. The state has to guarantee the well-being of the people. The state has to guard them from all forms of exploitation, exclusion, and discrimination and thus promises to provide affirmative action policies for their upliftment. Further, the state is also required to uphold social order in which social, economic and political justice prevails. Thus the state since independence, has directed its policies to secure all its citizens the 'right to have satisfactory means of livelihood', or in other words 'Right to Livelihood'.

All sections of people inhabiting any part of India are guaranteed the right to preserve their diverse or distinct language, script and culture. It is the responsibility of the state to endorse the 'educational and economic interests' of the weaker sections of society, for instance the scheduled tribes of India. The state has to protect them from social injustice and all forms of exploitation. In the Constitution, equality of opportunity is mandated under Article 16, which states that 'state can make a provision of reservation in appointments or posts in favour of any backward classes of citizens'; in other words to have affirmative action policies.

* Contributed by Dr. Kasi Eswarappa, Assistant Professor, Department of Tribal Studies, Indira Gandhi National Tribal University, Amarkantak.

6.1 CONSTITUTIONAL PROVISIONS AND PROTECTIVE MEASURES

6.1.1 Constitutional Provisions

There are different provisions which help people in matters of their development and welfare (NCST, 2015). Some of the important provisions are given below:

- Statutory recognition of tribal communities
- Creation of scheduled areas for thorough development of the tribal people
- Special representation of tribal people in Parliament, in legislative assemblies and local bodies
- Reservation of a certain percentage of posts in government services and seats in educational institutions
- Recognition of the right to use local language for administration and other purposes and to profess one's faith.

6.1.2 Fifth Schedule and Sixth Schedule

There are further provisions in the Constitution to protect the interest of the scheduled tribes with regards to land alienation and other social factors. Notable among these are the Fifth Schedule and the Sixth Schedule.

The Fifth Schedule of the Constitution has given the power to the Union executive for giving direction to the States in matters relating to administration of Scheduled Areas. The Fifth Schedule of the Constitution (which amended Article 244 (1)), laid out provisions for administration of Scheduled Areas (areas within a state dominated by tribal groups and administered by the federal government) and Scheduled Tribes in designated states. The amendment also created the Tribes Advisory Councils for advising and planning (Verma, 1995; NCST, 2015). The provisions of the Fifth Schedule apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any state other than the states of Assam, Meghalaya, Tripura and Mizoram. The Fifth Schedule notified districts or parts thereof in 10 states: Himachal Pradesh, Rajasthan, Gujarat, Maharashtra, Andhra Pradesh, Telangana, Odisha, Jharkhand, Chhattisgarh and Madhya Pradesh.

The Sixth Schedule of the Constitution (which amended Articles 244 and 275) designated certain tribal areas in specific states as Autonomous Districts and Autonomous Regions. It further established 'District Council, Autonomous Councils, and Regional Councils for administrative purposes with powers to make laws' in relation to the following (Verma, 1995; Choudhury, 2016):

- management of lands
- management of forests
- shifting of cultivation
- appointment or succession of chief and headman
- inheritance of property
- marriage and divorce
- social customs and
- matters relating to village or town administration.

Article 275 (1) of the Constitution provides for ‘grant-in-aid from the Union to the States for promoting the welfare of the Scheduled Tribes’ or for raising the level of administration of the Scheduled areas. The Sixth Schedule to the Constitution of India contains provisions related to the administration of tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.

Check Your Progress

- 1) Name the states where the sixth schedule is applicable.

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6.1.3 Committees and Commissions

The Constitution provides for appointment of a commission for safeguarding the interests of the scheduled tribes (Bhuria Report, 2004). The Government of India appointed many committees and commissions on scheduled tribes.

Articles 342 and 366 introduced the concept of “Scheduled Tribes.” In 1950, in accordance with the Constitution of 1949, the Constitution (Scheduled Tribes) Order listed all tribes notified as scheduled tribes. These scheduled tribes were granted special privileges, primarily in the form of reservation of seats (quota system) in

- educational,
- government (executive and legislative branches), and
- private sector institutions.

The framers of the Constitution also recognized the need for effective implementation and oversight to ascertain that required entities were complying with the law. In light of this, Article 338 mandated the appointment of a special officer for scheduled castes and scheduled tribes (ST) “to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards...” (ibid).

It was soon realized that the existing mechanism under Article 338 was inadequate. It was decided to amend the article to replace the special officer with a committee of members. In July 1978, the Ministry of Home Affairs established a commission for schedule castes and scheduled tribes through Resolution No.13013/9/77-SCT (1). The duties of this new commission were fundamentally similar to those of the special officer.

In 1987, through Ministry of Welfare’s Resolution No. BC-13015/12/86/SCD VI, the commission for SCs/STs was renamed the National Commission for Scheduled Castes and Scheduled Tribes (NCSCST). The resolution also established the commission as a “National Level Advisory Body to advise the Government on broad policy issues and levels of development of Scheduled Castes and Scheduled Tribes” (ibid).

The commission was further strengthened in 1990 with the 65th Amendment to the Indian Constitution. It was “felt that a high level five-member Commission under Article 338 would be a more effective arrangement in respect of the constitutional safeguards for Scheduled Castes and Scheduled Tribes...” The amendment provided a statutory backing for creating an NCSCST (as opposed to an administrative decision by the Ministry of Welfare). It also delineated the structure, functions, and specific powers of this commission.

The Ministry of Tribal Affairs prepared Draft of the National Policy in 2006. The proposed policy was to address the issues such as the following:

- enhancement of human development index of scheduled tribes,
- improvement of infrastructure in scheduled tribes dominated areas,
- ensuring scheduled tribes’ control over the natural resource base,
- displacement from their habitat and resettlement,
- distribution of wealth and opportunities among tribals and empowerment (Srivastava, 2008).

The Government of India formulated Scheduled Tribes and Other Traditional Forest Dwellers Act (popularly known as Forest Rights Act) which was passed in December 2006 and came into force on 1 January 2008 with the notification of its administrative rules. The Forest Rights Act (FRA) provides for restitution of traditional forest rights to forest dwellers across India, including

- individual rights to cultivated land in forested landscapes and
- collective rights to control, manage and use forests and its resources as common property.

It also stipulates the conditions for relocation of forest dwellers from ‘critical wildlife habitations’ with their ‘free informed consent’ and their rehabilitation in alternative land (Bhullar, 2008).

The Government of India appointed a high-power committee under the chairmanship of Prof. Virginius Xaxa in the year 2013. The committee consists of five members from different disciplines including anthropology, whose representative was Prof. Kamal Kant Misra. The committee was mandated to study the socio-economic, health and educational status of tribal communities of India (Srivastava, 2018).

The Government of India established in 2014 a National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNT) for a period of three years. The Government framed schemes for grant of pre-matric and post-matric scholarships and construction of hostels for DNT students:

- Dr Ambedkar Pre-matric and Post-matric Scholarship for DNTs
- Nanaji Deshmukh Scheme for construction of hostels for DNT students.

As regards the grant of Scheduled Tribe status to DNTs, the Renke Commission in its report has indicated that around 97% of Denotified and 86% of the Nomadic Tribes come under SC, ST, or OBCs. As per the terms of reference of NCDNT, the commission was tasked to identify the castes belonging to denotified and nomadic tribes which have not been included in the lists of Scheduled Castes, Scheduled Tribes and the Central List of Other Backward Classes and to pursue

their case for inclusion in these lists depending on the modalities laid down for the purpose (NCST, 2015).

Under the 65th Amendment, the new commission replaced the one set in place by the Ministry of Welfare Resolution. Four such commissions were set up from 1992 to 2002:

- First Commission, headed by Ram Dhan, from March 1992 to October 1995
- Second Commission, headed by H. Hanumanthappa, from October 1995 to December 1998
- Third Commission, headed by Dileep Singh Bhuria, from December 1998 to March 2002
- Fourth Commission, headed by Bizay Sonkar Shastri, from March 2002 to February 2004

In 2003, the 89th Amendment to the Indian Constitution split the NCSCST into two separate commissions:

- National Commission for Scheduled Castes (NCSC) and
- National Commission for Scheduled Tribes (NCST).

The Ministry of Tribal Affairs (MTA) took jurisdiction of the NCST.

National Commission for Scheduled Tribes (NCST)

The first NCST commission served from March 2004 to March 2007, the second from June 2007 to January 2010.

Roles and Responsibilities of NCST (2015):

- To monitor, evaluate, and ensure the effective implementation of all constitutional safeguards. In this role, its mandate extends to investigation of violations of these safeguards or laws.
- To enquire and investigate specific complaints about rights violations, atrocities, or related issues that affect scheduled tribes.
- To participate and advise in the planning process about the socio-economic development of scheduled tribes and further “to evaluate the progress of their development under the Union and any state.”

Headed by a chairperson, NCST carries out its duties from its headquarters in New Delhi and six regional offices, each in a different state. The New Delhi office consists of six units:

- Administration,
- Coordination,
- Research Units I,
- Research Units II,
- Research Units III,
- Research Units IV.

The administration unit undertakes personnel management and other administrative duties. The Coordination unit oversees communication between the headquarters and the six regional offices. Research Units carry out most of

the work. Each of the four units handles different ministries (including their departments, autonomous bodies, and other bodies under the ministry's administrative control) and states. These units monitor the implementation of all the constitutional safeguards as well as other laws, policies, schemes, and programs related to scheduled tribes.

NCST is responsible for the following constitutional safeguards:

- Article 14, which guarantees equality before law.
- Article 15, which prohibits discrimination as well as enables government to reserve seats for scheduled tribes .
- Article 16, which mandates equality of opportunity for employment as well as permits the government to reserve seats for scheduled tribes .
- Article 46, which mandates that the “State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.”
- Article 275, which provides grants from the Consolidated Fund of India to promote scheduled tribes welfare and administration of scheduled areas.
- Articles 243, 330, and 332, which reserve seats for scheduled tribes at the local, state, and national legislative bodies.
- Article 335, which mandates that “The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration”.
- 73rd and 74th amendments, through provisions in the Panchayats (Extensions to the Scheduled Areas) Act, 1996, facilitates political participation of the tribal groups.
- The Fifth Schedule.
- The Sixth Schedule.

The central government enacted various laws specific to scheduled tribes, to bolster their constitutional protection. Some of the better-known laws include:

- The Protection of Civil Rights Act, 1955
- The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
- The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996
- The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

NCST also monitors state-specific laws, and particularly the laws that relate to “prevention of alienation and restoration of tribal land, money lending, and reservations.” Additionally, as the status and recognition of scheduled tribes is state-specific, the commission monitors both demographics and recognition requests for scheduled tribes (NCST, 2015).

Besides reservation policies to guarantee scheduled tribes representation in political and educational institutions, the Indian government's scheduled tribes

policy also aids them in socio-economic development. This includes the following:

- ensuring ownership rights for their home area and
- helping them profit from minor forest produce;
- protecting natural resources (water, land, forests, etc.) of scheduled tribes dominated areas;
- enacting employment schemes and vocational training programs;
- relocation and financial compensation of displaced scheduled tribes; and
- protecting overall development by encouraging sustainable development (ibid).

Whereas these measures of the commission address specific issues and circumstances, the most overarching socio-economic development policy of the government, and one that the commission pays special attention to is the Tribal Sub-Plan (TSP).

Additionally, the commission also oversees the implementation of the schemes and programs of the National Scheduled Tribes Finance and Development Corporation (NSTFDC). NSTFDC is a financial institution under the Ministry of Tribal Affairs aimed at providing financial assistance to scheduled tribes and scheduled tribe related projects (ibid).

There are other committees and commissions appointed by the government in order to seek expert advice on the matters and issues related to tribal people and for their development (Bhuria, 2004). For instance:

- The Scheduled Areas and Scheduled Tribes commission set up under the chairmanship of Mr. U.N. Dhebar in 1961. The committee stressed on an integrated approach. According to them, ‘the problem of economic development for the bulk of the tribals cannot be solved unless that resources of lands, forests, cattle wealth, cottage and village industries are all mobilized in an integrated basis’.
- In 1972 Planning Commission set up a Task Force on Development of Tribal Areas with L.P. Vidyarthi as its chairman. In their report, the task force observed that ‘in spite of various kinds of investments by the State and Central governments for tribal development in successive plans, the problem of the tribals reflected in primitive methods of agriculture, land alienation, indebtedness, adverse effects of industrialisation, low levels of literacy, poor health and nutrition etc., had not been solved.’ The committee opined that one of the important factors for the lack of impact so far was that development of scheduled tribes and tribal areas had been looked upon as a problem of ‘welfare’ as distinguished from ‘development’ (Panda, 2006).
- In 1972 under the chairmanship of S.C Dube, an expert committee was set up by the Ministry of Education and Social Welfare for advising on the formulation of a new strategy during the Fifth Five-Year Plan period. The strategy is known as Tribal Sub-Plan (TSP).

Tribal Sub-Plan (TSP)

Salient features of TSP, according to Renganathan (2018), are the following:

- Preparation of plan meant for the welfare and development of tribals within the ambit of a state or a union territory plan is a part of the overall plan of a state or union territory and is therefore called a sub-plan.
- The funds provided under the TSP have to be at least equal in proportion to the scheduled tribe population of respective state or union territory.
- Tribals and tribal areas of a state or a union territory are given benefits under the TSP in addition to what percolates from the overall plan of the state or union territory.
- The sub-plans identify the resources for TSP areas, prepare a broad policy framework for development and define a suitable administrative strategy for its implementation.
- The TSP strategy has been in operation in 21 states and two union territories. Goa was included in the list during 2006-07.
- The TSP concept is not applicable to the tribal majority states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland and in the union territories of Lakshadweep and Dadra & Nagar Haveli where tribals represent more than 80% of the population, since the Annual Plan in these states or union territories is itself a tribal plan.

The long-term objectives of the TSP are to narrow the gap between the levels of development of tribal and other areas, and to improve the quality of life of the tribal communities. The TSP is not a scheme; it represents a new approach. The strategy clearly spelt out the problem of tribal development into two-parts (ibid):

- areas of having more than 50% tribal concentration and the scheduled areas
- areas with dispersed tribal population.

Besides these two categories, primitive tribal communities at the pre-agricultural level of technology were identified as a special group.

The main components of TSP strategy are:

- Integrated Tribal Development Agencies/Integrated Tribal Development Projects
- Modified Area Development Approach (MADA) Pockets
- Clusters
- Primitive tribal groups (PTGs) and since 2006, particularly vulnerable tribal groups (PVTGs)
- Dispersed tribal groups, now known as de-notified, nomadic tribes and semi-nomadic tribes (DNT&ST).

Originating in the Fifth Schedule, the commission describes the TSP as the “lifeline for socio-economic development of the tribal people.” TSP is a state-specific and a union territory-specific plan which requires each state to identify the resources needed for TSP areas, prepare a broad policy framework for development, and offer a suitable administrative strategy for that framework’s implementation (NCST, 2015).

TSP is part of overall plan for each state. Funding for this comes from state treasuries as well as special central assistance (SCA), central government

ministries and departments, and institutional financial organizations. The commission oversees the proper allocation and implementation these funds (ibid).

Check Your Progress

2) Describe various laws to bolster constitutional protection for scheduled tribe.

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6.1.4 Planning Commission and NITI Aayog

Planning Commission

“The Planning Commission was established by a resolution of the Council of Ministers in 1950. Since its inception, the Chairman of the Commission has been the Prime Minister of India. The day-to-day work of the Commission is looked after by a full-time Deputy Chairman, who is in the rank of a Cabinet Minister” (Shodhganga, p. 35).

“There are four full-time members of the Commission. Some Cabinet Ministers are part-time members, the Finance Minister being the Ex-Officio Member. The Commission also has a Secretary and an Additional Secretary. Further, there are some senior officers in the ranks of Deputy Secretaries and Under Secretaries. The Prime Minister, in his capacity as the Chairman, gives policy directions to the commission on all important issues relating to planning in the country” (ibid).

“The Commission consists of several General Divisions, Subjects Divisions, Co-ordination Divisions, Evaluation Divisions and a Special Development Programme Division.

- The General Divisions deal with financial resources for the implementation of the Plan, economic policy and growth, international trade and development, perspective planning, statistics and surveys etc.
- The Subjects divisions deal with agriculture and allied sectors such as irrigation, and village industries, education, health, housing, social welfare.
- The Co-ordination divisions co-ordinate the plans for the various states and the functions of various divisions of the Planning Commission” (ibid).

Planning Commission of India has following main functions (ibid: 36):

- Assess periodically, the countries’ natural resources which are scarce compared to its urgent requirements and human resources, and investigate the possibility of harnessing them effectively and improving upon them for ensuring rapid economic growth with stability.
- Formulate, successfully, for instance once in 5 years, a plan for the most effective and balanced utilisation of the assessed resources of the country.

- Determine priorities to be accorded in the Plan.
- Identify the factors which impede development and find out measures to be adopted to get over them to ensure successful implementation of the Plan.
- Determine the nature and organisational structure of the Planning machinery which would be essential for the successful implementation of the Plan at every stage.
- Appraise the progress recorded in regard to the implementation of the Plan and recommend suitable changes to be made in the relevant policies of the Government for the effective implementation of the Plan and
- Make any other interim recommendations that may be found essential.

In the discharge of its duties, the Planning Commission is assisted by several outside agencies such as working groups, advisory bodies, associate bodies, evaluation committees, research institutions, and the National Development Council (NDC). The NDC co-ordinates between the Planning Commission and the various states in the country (ibid).

Summary of Five-Year Plans

The Planning Commission of India has formulated 12 five-year plans from 1950 to 2014. According to Srinivas (2017),

- The First and Second Plans aimed at raising public resources for investments in public sector.
- The Third Plan focused on increased emphasis on exports.
- The Fourth Plan, formulated at a difficult period of balance of payments crisis, focused on agricultural development.
- The Fifth Plan provided enhanced allocations for social sector spending.
- The Sixth and Seventh Plans prioritised infrastructure plans, focusing on raising plan resources for infrastructure spending.
- The Eighth Plan, formulated in the midst of economic reforms, achieved 6.7 percent growth.
- The Ninth Plan period witnessed a sharp decline in economic growth to 2.4 percent.

The Tenth and Eleventh Plans, implemented in the 2004-2014 period, witnessed economic growth, especially with inclusive growth strategy, trajectory of above 9 percent.

The NITI Aayog,

The NITI Aayog, established in 2015, is one of Indian democracy's youngest institutions. It has been entrusted with the mandate of re-imagining the development agenda by dismantling old-style central planning. As the Indian economy rapidly integrated with the global economy, contradictions arose between central planning and increasing private capital flows' (ibid).

The NITI Aayog was mandated to:

- foster cooperative federalism,

- evolve a national consensus on developmental goals,
- redefine the reforms agenda,
- act as a platform for resolution of cross-sectoral issues between Centre and State Governments,
- capacity building, and
- to act as a Knowledge and Innovation hub.

The NITI Aayog has achieved the following:

- formulated the ‘Make in India Strategy for Electronics Industry, a Model Land Leasing Law, laid down a National Energy Policy,
- prepared a Roadmap for Revitalizing Agriculture,
- designed a Developmental Strategy for North East and Hilly areas and
- undertook an appraisal of the 12th Five-Year Plan’.

An over-arching theme of the NITI Aayog was the change in focus from central planning to cooperative federalism. The Prime Minister said “Through the NITI Aayog, India will move away from the one-size-fits-all approach and forge a better match between schemes and needs of states”.

The NITI Aayog made serious efforts for transforming India’s developmental agenda. It sought proposals from all central ministries for accelerated growth and inclusion strategy, employment generation, energy conservation and efficiency, good governance and Swachh Bharat.

In April 2017, the NITI Aayog Governing Council approved the 3-Year Action Plan agenda aimed at shifting the composition of expenditure, by allocating a larger proportion of additional resources to high priority sectors, namely Education, Health, Agriculture, Rural Development, Defence, Railways and Roads.

An agricultural transformation was envisaged with the objective of doubling farmer’s income by 2022. This was to be achieved through a model land leasing law, reform of Agriculture Produce Marketing Committees, a legal framework for contract farming and policies to overcome distortions caused by the MSP scheme. Further the NITI Aayog, monitored the implementation of the Sustainable Developmental Goals (Srinivas, 2017).

6.1.5 Development Measures

There are numerous government policies for ensuring the welfare and well-being of scheduled tribes. The government at state as well as central level has made sustained efforts to provide opportunity to these communities for their economic development by eradicating poverty and health problems and developing communication infrastructure for removal of isolation of their habitats (Ramachandran, 2012; Renganathan, 2018).

For the development of tribes, various models of development have been promulgated in different five-year plan periods. Some of them are (ibid):

- Community Development Programme

- Multipurpose Tribal Blocks
- Tribal Development Block
- Development Agencies
- Primitive Tribal Groups or Particularly Vulnerable Tribal Groups
- Integrated Tribal Development Projects
- Modified Area Development Approach
- Tribal Sub-Plan
- Dispersed Tribal Development Programme and
- Centrally Sponsored Schemes

In the Five-Year Plans, the programmes for the welfare of the schedule tribes aimed at:

- Raising the productivity levels in agriculture, animal husbandry, forestry, cottage and small-scale industries etc., to improve their economic condition.
- Rehabilitation of bonded labour.
- Education and training programmes.
- Special development programmes for women and children.

Check Your Progress

- 3) In the discharge of duties, who are the outside agencies that assisted Planning Commission.

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6.2 SUMMARY

Tribal welfare is the motto of the post-independent nation state of India. In order to develop scheduled tribes, the central government has been implementing a large number of schemes, programmes and development measures, in the Fifth Schedule and Sixth Schedule Areas and other areas where a large proportion of tribal people are present. For instance, Grants-in-Aid of Central Government to some of the states under Article 275 of the Constitution for the purpose of promoting the welfare of the Scheduled Tribes or raising the level of administration of the Scheduled Areas. The backwardness of scheduled tribes affects every aspect of their life. They are economically and educationally most backward of all groups.

An attempt has been made in this unit to explain all the welfare measures of the government for the benefit and development of scheduled tribes in the country.

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6.4 ANSWERS TO CHECK YOUR PROGRESS

- 1) Assam, Meghalaya, Tripura and Mizoram are states in the Sixth Schedule.
- 2) The central government enacted various scheduled tribe specific laws to bolster constitutional protections. Some of the better-known laws are:
 - a) The Protection of Civil Rights Act, 1955
 - b) The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
 - c) The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996

- d) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- 3) In the discharge of its duties, the Planning Commission is assisted by several outside agencies such as working groups, advisory bodies, associate bodies, evaluation committees, research institutions, and the National Development Council (NDC).



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