



An Overview of the Tribal Development Policy of India

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Abstract:

In the present study an attempt is made to present the different dimensions relating to tribal development policy adopted by the Government of India during the period of economic planning. The analysis broadly presented in four different parts. The first part deals with the tribal Policy adopted by the British Government. The next part is devoted to discuss about the basic features of the Policy of the National Government during the post Independence period. The third part is devoted to analyze the approaches adopted for Tribal Development during different Five Year Plans and the last part is confined to examine in the Implementation aspects of tribal development strategies in the Indian Economy. It is concluded that during the Plans the primitive conditions of the tribe's life, their vulnerability to economic exploitation, and the existing socio – psychological barriers due to isolation necessitated a cautious and phased approach for the development of PTGs. A special approach has been formulated by the Indian Government with protection and integration of tribes as its principal objective. Following this approach, developmental institutions were established to look after the all-round development of tribes. . Due to the many flaws the Draft National Policy on Tribals should be replaced as soon as possible, by an appropriate National Tribal Policy. While preparing an appropriate National Policy, Tribal Policy based on consultations that have taken place with so many organizations has to be taken care of.

Key words: tribal development, British Policy, Zamindars, Money lenders, Five Year Plans



Introduction:

The forest area in the country is 74.74 million hectares covering 22.7 percent of total geographical area. At present 94 percent of the forest dwellers are tribes and their economy is depending on forest to a great extent. They exploited the forests for fulfilling their basic needs by hunting wild life and collecting roots and fruits. A United Nations report on tribal development pointed out that tribal people in general derived, either directly or indirectly, a substantial amount of their livelihood from the forests. They subsist on edible leaves and roots, honey, wild games and fish. They build their houses with timber and bamboo and practice cottage crafts with the help of local raw materials. They use herbs and medicinal plants available in the forest to cure their diseases. Even their religion and folklore woven round the spirits of the forests. This dependency for their livelihood on the forests creates in the tribes an equally strong attachment to the forests.

Tribals residing in or near the forests collect various minor forest produces (MFP) during the seasons

of their availability both for their own use as also for sale either to government agencies or to contractors. Tendu leaves are collected during April – May when they mature. Sal seeds are collected in pre – monsoon period. Harra (chebulic myrabolan) is collected when it ripens in early winter. Gum and lac are collected throughout the year except when it rains. Pine trees are tapped for resin during warm and hot seasons. Various edible products, are collected whenever they become available. Thus the collection of minor forest produce goes on throughout the year, though certain months of the year are busier for the collectors.

I. Policy of the British Government:

The tribal areas were the last to come under the British rule due to their inaccessibility. To avoid troubles from violent tribes, the British Government adopted a policy of pacification through indirect rule with respect to tribal areas and treated them differently from the rest of the country. Accordingly the following measures were taken. The Schedule Districts Act of 1874 was enacted to keep large tracts of tribal



areas outside the jurisdiction of normal administration. For these areas the executives were endowed with wide powers. The administrative policy was based on the principles of non – interference into the affairs of the tribes and isolation. All these provinces were provided with autonomy to rule the tribal areas under their control following broad guidelines formulated for this purpose. In accordance with the Policy, Agency Rules have been formulated in the year 1924 by the Government of Madras Provinces suppressing all the existing rules. The Agency Rules provided for the Revenue and Judicial administration of the tribal areas acquired linkages with the higher levels as their positions were recognized for administrative purposes.

The Excluded and Partially Excluded Areas Act which came into existence in 1935 resulted in the non-applicability of any legislation of the Provincial Government to tribal areas except on the direction of Central Government. The outcome of British administrative policy can be broadly summarized that the administration in tribe's

areas during pre – independence days was not formalized. The decision making level, both in British India and Indian States, was near enough to the common-man. Maintenance of order and protection from unwanted elements where necessary, were the main objectives of administration.

The British Policy of isolating the tribes led to the misery of the tribes as it freely left them to the exploitation of zamindars, money lenders, and local chiefs. The policy of conservation of forests resulted in curbing age old practices of tribes like shifting cultivation, hunting, and others. The entry of merchants and money lenders further affected the tribes who were already facing many odds such as Vagaries of nature, denudation of hills and loss of soil fertility. Under these conditions, the policy of non interference of the British with regard to tribal areas helped only to perpetuate the socio – cultural gulf between the tribes and non – tribes besides exposing them to the nefarious practices of merchants and money lenders. Even during the British rule, the miserable plight of the tribes and the exploitation to



which they were subjected was recognized by the Governments. These regulations of the British Government suffered severely with the problems of implementation. Hence they could not do anything to change the plight of tribes. The result is seen in further worsening the situation. The British policy resulted in exploitation and encroachment of tribal lands and thus they have lost command over the natural resources in their own habitat. The British administrators have neglected the tribal areas.

II. Policy of the National Government:

The founders of the Indian Constitution were deeply conscious of the miserable conditions of the tribes who were segregated from the national main stream. The social scientists of this period also focused their attention towards the conditions of the tribes and began to discuss how best to deal with them. One school of thought led by Elwin argued to protect the aboriginals by completely isolating them from rest of India and later he shifted his stance. A second school of thought led by Ghurye opined assimilation of the tribes into national main -

stream as essential. A third school believed that tribes should be integrated into the Indian society but not necessarily assimilated which means that it aims to preserve their identity. Ghurye (1963) made an elaborate discussion on the three solutions suggested for tribals' problems; no change and revivalism: Isolationism and preservation; and Assimilation (1963:133 - 173). Dube (1968) and Vidyarthi (1968) discussed various approaches from anthropological point of view.

The Government of India came to the stand that the tribal population cannot be left to lag behind and isolated. Nor the natural resources in tribal areas can be neglected. Integration of tribes into the national mainstream was considered to be the solution. The policy is to bring the tribes into the main stream in a phased manner. This policy also cautioned that the tribes should not be allowed to get exploited in this process. Late Jawaharlal Nehru spelled out the policy as follows: "We cannot allow matters to drift in the tribal areas or lest not take interest in them. At the same time we should avoid over



administering the areas and in particular sending too many outsiders into the territory. It is between the two extreme positions we have to function". The Government of India appointed a sub - committee in 1947 with Thakkar Bapa as its chairman to study the position of Excluded and Partially Excluded Areas of the erstwhile British Government. The committee made several recommendations. One of the important recommendations was that the state should bear the responsibility of the tribal people. It laid emphasis on the protection of tribal lands and prevention of exploitation by money - lenders. It also suggested certain statutory safeguards for the protection of tribes.

A. Constitutional Safeguards and Protective Legislation for Tribals:

After independence the British Policy of isolation and non - interference was replaced by a policy of integration through development. Accordingly several provisions were made in the Indian Constitution. The most important provision of the constitution is the Article 244,

which provides for administration of scheduled areas in accordance with the Schedule V to the constitution and the administration of tribal areas (Assam State) under Schedule VI. Articles 5, 16, 19, 46, 244, 275, 330, 332, 335, 339 and 342 of the Indian constitution provided specific provisions for the advancement of Scheduled Castes and Scheduled Tribes. There are reservations in educational institutions, services, political bodies, special relaxations in age, qualifications, etc. Further the provisions are allowed for the necessary funds for Tribal Development Programmes. Many special provisions were made in Schedule V to the constitution in the interests of the Tribal areas. Clause "6" of the Schedule V empowered the President of India to declare any area where there is predominant concentration of tribal people as Scheduled area.

The constitution of scheduled areas has two clear objectives: To assist the tribes in enjoying their existing rights unhindered or unobstructed by others; and to develop the areas and promote economic, educational, and social progress among them. The Fifth



Schedule also gave wide powers to State Governors empowering them even to modify the existing enactments and make regulations for the welfare of the Scheduled Tribes. Article 338 of the Constitution provides for instituting a Commissioner for Scheduled Castes and Scheduled Tribes with an object of submitting reports on the administration of tribal areas in general and in particular about the provision of educational and medical facilities and communications in such areas. The Commissioner's report is to be placed before the Parliament. Under the provisions of the Art. 339 of the Constitution, the Government of India has set up the Scheduled Areas and Scheduled Tribes Commission. The commission in its report submitted in 1960-61, specified the policies to be followed towards Scheduled Tribes.

The commission suggested, that the tribal should be assured that his rights in the land are safe and that the Government and Society are there to protect him; that the tribal should be made confident that no one will tamper with his way of life or his benefits

and customs; and that the tribal should be made to realize that change is indispensable without which no development is possible, and the development is intended to secure for him and his family greater opportunities of life along with the rest in the country of which he is an inseparable part.

The founding fathers of Indian Constitution laid a firm policy of tribal development by incorporating various provisions on the doctrine of "compensatory discrimination". Consequent to the National Policy on Tribal which envisaged for protection and integration of tribes, several protective legislations were passed to provide protection and to safeguard the interests of tribes. These acts and regulations emanate from various constitutional provisions. Some of the Central Acts are: Protection of Civil Rights Act, 1955. Bonded Labour System (Abolition) Act, 1976. Child Labour (Prohibition and Regulation) Act, 1986. Forest conservancy Act, 1980, and SCs and STs (Prevention of Atrocities) Act, 1989.



B. Commissions and Committees:

The Government of India appointed several commissions and committees from time to time to report on the development of tribes. The foundation for the Tribal Development Policy was laid by the first Prime Minister of India Late Sri. Jawaharlal Nehru, who enunciated the policy of 'Panch Sheel' for tribal development. The essence of this policy is that Tribal Development should be along the lines of the genius of the tribal community and nothing should be imposed upon them. i) Verrier Elwin Committee – 1960, (to report on Special Multi –Purpose blocks). This committee suggested for the protection of the tribes through enacting of legislations for curbing money lending, scaling down of past debts, and automatic discharge from agreements in the matters of bonded labour and adequate alternative sources of credit. While legislations were made to prevent land alienation and money lending, co-operatives were planned through the Tribal Development Blocks as alternate sources of Credit. Considering inadequacies of the

individual co-operatives due to lack of sufficient financial base and operational efficiency the State Government of Andhra Pradesh established a State level Co-operative body, 'The Girijan Co-operative Corporation' (GCC) to combine co-operative credit and marketing in the interests of the tribes. The different Committees constituted by the Government of India conducted specific studies and dealt with selected subject like personnel policies, Land alienation, credit structure etc.

III. Five Year Plans – Approaches for Tribal Development:

After independence, India has launched Five Year Plans for the planned and rapid development of the country. As designed by the leaders, a Five Year Plan is a comprehensive document with specified aims and objectives for achievement within a period of five years. Thus the socio – economic goals of the Government are planned to be achieved through the Five Year Plans. As part of the Governments strategy, the various five-year plans have been designed



to achieve all-round development of tribes and tribal areas.

It was during the First Five Year Plan, (1951-56), that the policy for tackling the tribal problem took a clear shape as it was aimed to assist the Tribal people to develop their natural resources and to evolve a productive economic life where in they enjoy the fruits of labour and will not be exploited by more organized economic forces from outside. It was decided not to bring about changes except at the initiative of the people themselves and their willing consent, as far as their religious and social life were concerned. At the national level during the plan period, out of the total outlay of Rs. 1960 crores one percent of the total plan outlay was spent for the tribal development.

During the Second Five Year Plan Period (1956-61), the First Five Year Plan approach remained same with new schemes to tackle the tribal problems on a wider canvass. It was once again emphasized welfare programmes for tribal people have to be based on respect and understanding of their culture and traditions and appreciation of their social, psychological and

economic problems with which they are faced, For the first time Minor Irrigation was emphasized by allocating special funds. During this period, the Government spent 0.92% of the total plan outlay for the purpose. During the end of Second Five Year Plan, some committees, like Renuka Roy Committee, Elwin Committee and Dhebar Commission were appointed to study the progress of the tribal welfare programmes.

The suggestions made by these committees were given due consideration in evolving tribal development programmes in the Third Five Year Plan (1961-66). While continuing old schemes, special emphasis was laid on Cottage Industries, Agriculture, and Education etc. During this plan period 20 tribal development blocks were established in addition to already existing four multi-purpose blocks. The total outlay spent for tribal development during this period was only Rs. 50.53 crores, constituting 0.6 percent of the total plan outlay. After Third Five Year Plan, three annual plans were formulated for 1966-69 and during



this period more or less the earlier schemes were continued.

The Fourth Five Year Plan (1969-74) which was some significant, as it initiated important schemes for tribal development. In addition to manifold increase in the budgetary allocations for tribal development, areas of unrest were identified and special projects were started in the country. Girijan Development Agency (GDA), was established in Srikakulam District, is one among them with special assistance of Rs. 1.5 crores from Government of India. The working of the various Protective Regulations was reviewed and it was found necessary to amend them in order to make them more effective and also to remove certain practical difficulties in the way of implementation. The Land Transfer Regulation Act, 1959 was amended placing absolute prohibition on transfer of immovable property in schedule areas to persons other than tribes. Institutional credit facilities were provided on a large scale for the first time by obtaining special credit facilities from Reserve Bank of India.

The Fifth Five Year Plan (1974-78) marked a significant change in the strategy for tribal development. The plurality of occupations, marked variations in the levels of development and varied geo-ethnic milieu of various tribes gave rise to plethora of problems, which are not amenable to uniform approach for their development. Therefore, area, community and problem specific strategies have been evolved to develop tribes as envisaged by the constitution. As 60 percent of the tribal population has inhabited in the scheduled areas, which are endowed with rich natural resources and the development of the people inhabiting in this area is linked with the development of the area. Hence area approach was adopted for the development of the scheduled tribes living in the scheduled areas of the country. The following strategies are evolved for the development of these three different groups. Tribal Sub Plan (TSP) at macro level and ITDAs (or) ITDPs at micro level (or) District level as main nodal centers of development in areas of tribal concentration. Modified Area Development Approach (MADA) –



for development of tribes outside TSP area, and Primitive Tribal Groups (PTGs) for those who are at the Pre-Agricultural stage of economy. The approach after Fifth Five Year Plan remained same. The strategies and schemes formulated during V Five Year Plan were continued with more funds and schemes. Hence the approach for development of tribes remained unchanged during the period of subsequent plans.

The strategy of tribal development envisaged during Fifth Plan has been broadly continued during the Sixth Plan (1980-85). The strategy has, however, been improved upon in some respects. During Sixth Plan, 235 pockets of Tribal Sub-Plan (TSP) are identified. Special programmes were chalked out for those areas and Special Central Assistance (SCA) was provided for development of these pockets. To make the programmes result oriented, much greater emphasis was laid on family oriented programmes in economically benefiting sectors than in earlier plans. The various programmes in the Sixth Plan are mainly intended to achieve the

objective of narrowing down the gap between the levels of development of tribal areas and other areas and also to bring more rapidly a qualitative change in the tribal communities.

The strategy adopted for tribal development has marginally changed during the Seventh Plan (1985-90). The approach is a judicious mix of beneficiary oriented programmes, human resource development and infrastructure development. The new strategy is oriented for creation of assets under agriculture, horticulture and sericulture by taking up programmes in an integrated manner. Further focus will be given on universalisation of education and provision of quality education by opening full-fledged residential schools and public schools. In the Eighth Plan (1992-97) the Government while revising the strategies of tribal development was emphasized the problems of the tribes have to be tackled by suitably strengthening the mechanism of planning and implementation of programmes of Tribal Sub-Plan.

In the Ninth Plan (1997-2002) emphasis is laid on a total integrated effort for all round tribal



development and massive efforts have been made for the socio-economic development of tribal people by the government through organized economic planning. It can be visualized that in the approaches to tribal development, the emphasis is laid down on increasing the living standards of tribes through strategy of growth of core sectors and area development through investment in infrastructure. The Ninth Plan aimed to empower STs by creating an enabling environment conducive for them to exercise their rights freely, enjoy their privileges and lead a life of self-confidence and dignity, on par with the rest of society. This process essentially encompassed three vital components viz. (i). Social Empowerment, (ii). Economic Empowerment and (iii). Social Justice. To this effect, while ST related line Ministries / Departments implement general development policies and programmes, the nodal Ministry of Tribal Affairs implements certain ST specific innovative programmes related to education and literacy.

In the Tenth Plan (2002-07) an attempt is made towards empowering tribes through

continuing the on-going provided strategy of social empowerment; economic empowerment and social justice through taking effective steps to prevent the serious problem of displacement of tribes and ensuring their effective rehabilitation through a laid-down rehabilitation policy. This plan tends to expend an amount of Rs. 1754 crores (which excludes Rs.2500 crore as SCA to TSP and Rs.1500 crore as GIA. This plan tied to expedite the finalization of the National Policy for Rehabilitation of the displaced persons with a special focus on the displaced tribes, by providing them land for land and item for item, last possessed before displacement. The Tenth Plan accorded high priority to prevent and restore the alienated land to the tribes and, if possible, to put a total ban on the transfer of tribe land to non-tribes. The Tenth Plan endeavored to boost agricultural production in tribal areas through the extension of the irrigation facilities through promotion of micro-irrigation systems, and by creating awareness among the tribes for effective water resource management. This plan tried to adopt an effective strategy



that takes into account the prospects of the tribes as well as forests together complementing each other. This plan tends to channelize the efforts to ensure that the interests of the tribes protected and linked with the bio-diversity and environment restoration projects. Primary health care services in tribal areas are extended by involving local NGOs to cover all terrains in all seasons with a special focus on women, children and PTGs. Indigenous medicines, traditional knowledge and methods of healing are encouraged in attending to the health needs of the tribes.

The Eleventh Plan (2007-12) is entitled as 'Towards Faster and Inclusive Growth'. The strategy of this plan for the development of the scheduled tribes is based on inclusive growth. Under this approach development and empowerment of socially disadvantaged groups and bringing them at par with the rest of the society is given top priority. In his context this plan considers education is the one of the most effective instruments of social empowerment and is vital for securing horizontal and vertical

mobility. Hence schemes for the educational upliftment of the STs have borne fruit although the gap between the general population and STs are still at unacceptable levels. An educational scheme in favour of these sections is going to be continued with redoubled vigour. While bringing the STs to the national level may take time, certain aspects of the backwardness need to be immediately set right. Total eradication of the practice of bonded labour, which especially targets the STs, will be achieved in the 11th Plan. For this, intense efforts will be made to identify and rehabilitate bonded labour and their children. The Special Component Plan (SCP) for Scheduled Castes and the Tribal Sub-Plan (TSP) are two strategic policy initiatives to secure overall development of the STs and to remove all socio-economic and educational disparities between them and the rest of the population. It is disturbing to see that both these schemes have not been implemented with a full sense of commitment and involvement, either by the Central or by the State Governments.



Approach in the Twelfth Five Year Plan:

Towards promoting education the Plan taken in to account various issues like, while teachers appointed in schools located in tribal habitations are unable to understand the dialect of the ST children, the children are also unable to understand the dialect of teachers. Care therefore has to be taken for appointing ST teachers in schools located in tribal areas. Adequate attention also should be paid to regional language so that children are not handicapped in higher classes. Timely distribution of fellowships, scholarships, textbooks, uniforms and school bags to students is required. The ICDS/Anganwadi schemes for tribal areas should be evaluated and shortcomings eliminated. Requisite number of primary schools needs to be established in areas that have less number of schools. All schools should have proper school buildings, hostels, water, toilet facilities (particularly for the girls' schools). Residential high schools for ST boys and girls will have to be set up at suitable places. At the Gram

Panchayat level, wherever feasible girls' hostels will have to be attached to existing primary/elementary schools that do not have hostels

Intensive efforts should be mounted to reconstitute, vitalize and expand agricultural sector for making existing tribal livelihoods more productive. Training centers will be opened to improve skills of tribals for diverse occupations. Efforts should be made to promote horticulture, animal husbandry, dairy farming, sericulture and cottage and small industry by extending necessary technology and credit, marketing and entrepreneurial information, and training. TRIFED has to shoulder the task of marketing to ensure remunerative prices to STs.

There is a need to encourage traditional arts and culture and protect Tribal Rights in Land and Forests of STs. There is a need for increasing financial Institutions in these areas as the communities are unable to access institutional credit. ST corporations which are intended to provide financial support for these communities does not materialize as funds get diverted to



other activities not related to these communities, corruption, lack of planning, non-existence of Development Planning, non-organization of Entrepreneur Training Programmes, unwillingness etc. Hence, they are largely unable to become entrepreneurs, Industrialists or start productive Businesses. iv). ST welfare and National Commissions instituted for the purpose of bringing about improvement in STs were ineffective as they had only recommendatory power and their findings were not mandatory. Available safeguards like Sub-Plans must be leveraged for economic and social empowerment of the underprivileged as this will not only help to alleviate poverty but also generate asset creation of these sections in future. It is found out that budgetary allocations are not in true with the directives of the planning commission. As STs seeking a fair share of the wealth of nation is gaining ground, there is a need for allocating and spending funds in proportion to the population of Scheduled Tribes. The 12th Plan will ensure that they be implemented with further

innovations and deeper commitment.

Over a period of time a large number of people, particularly tribal groups, have severely suffered from the brunt of mega development projects. In this context, efforts therefore are planned during the 11th Plan to prepare a comprehensive and integrated national policy for land acquisition, compensation, and resettlement. During the plans the primitive conditions of the tribal life, their vulnerability to economic exploitation, the existing socio – psychological barriers due to isolation necessitated a cautious and phased approach for the development of tribes. A special approach has been formulated by the Indian Government with protection and integration of tribes as its principal objective. Following this approach, developmental institutions were established to look after the all-round development of tribes.

IV. Draft National Policy on Tribals

The Draft National Policy on Tribals seeks to bring Scheduled



Tribes into the “mainstream of society through a multi-pronged approach for their all-round development without disturbing their distinct culture”. This implies that an attempt is being made, to impose, through such a policy, a Homogenous Way, on all of Indian society. Instead of celebrating and encouraging the diversity that makes up our great Nation, the policy attempts to introduce a new phrase, ie, “mainstream of society”. As diverse natural resources are being razed to the ground by the demands and excesses of capitalism, even tribals who have managed to protect pockets of the earth so far, are being cornered into do-or-die situations where they are forced to abandon their cultural practices, traditional livelihoods and systems of health. Scheduled V areas are opened up to mining by multi-national companies, mass displacement takes place for so-called developmental projects, thousands of livelihoods are lost. In fact, the conditions that tribals have faced in some cases, especially in the state of Orissa, fall short of ensuring the components of the Right to Life

that the Constitution guarantees to all citizens.

Our Constitution guarantees us the Fundamental Right to Equality. With this, must come the understanding that each individual's opinion and experience is as significant as the other's and can only be judged against the basic structure of our Constitution. The motives of Assimilation and Mainstreaming are offensive, and need to be done away with. The draft policy states that the Nehruvian Panchsheel was long on generalities and short on specifics. The Nehruvian Panchsheel is a set of Principles.

The draft policy states that formal education is the key to all-round human development. As is commonly known, formal education has, on occasion, involved the saffronization of the syllabus. At a conceptual level, it would be more accurate to perceive formal education as a potential tool for progress, and not as the sole, infallible answer to every aspect of human development. However, formal education and literacy are also two different tools for empowerment. In the draft policy,



the discussion on formal education is interspersed with statistics pertaining to literacy. The distinction between these aspects of education should be articulated and dealt with separately in the section on education. In addition to this, schemes for non-formal education should not be introduced in lieu of formal education for tribals, as that would deny them the immediate benefits of formal education that are imparted to other sections of society. The draft policy states that the policy will ensure that "education will be linked with supplementary nutrition". While this is a positive move for trying to ensure that children attend school, it should not distract from, derail, or act as a substitute for the government's larger responsibility related to providing nutrition which is linked to the agricultural policy, the public distribution system, trade systems, land and water use etc.

The draft policy aims at preserving and documenting tribal languages. In addition to this, the option of education in the mother tongue at the primary level should necessarily be made available to students. Tribal languages which

are not scheduled so far should be converted into official languages in order to empower tribals in many ways, including in the various stages of democratic decision-making. Even languages without a script should be accommodated in this effort to the extent possible. Officials should be required to acquire a basic knowledge of the local tribal language of the tribal area in which they are posted.

The draft policy states that the invaluable knowledge of the tribals (pertaining to medicinal plants and a number of other subjects), should be documented, and that such knowledge should be transferred to non-tribal areas. At present, there exists a Patent Regime that is completely tilted against the interests of tribals and small farmers. The documenting of tribal knowledge under present circumstances will only create easy room for theft, piracy, or abetment of the same. Open access to knowledge, to benefit all of humanity, are the ideals to reach for, at least in the context of indigenous knowledge related to medicinal plants, and the use, documentation, transfer and



ownership of such knowledge and further value that might be added to such knowledge. Until this is achieved, however, the interests of local communities, including their intellectual property rights, need to be protected.

The draft policy does mention that there is “no legal and/or institutional framework to safeguard their intellectual property rights”, and that the policy will “aim at making legal and institutional arrangements to protect their intellectual property rights and curtailing the rights of corporate and other agencies to access and exploit their resource base.” Such legal and institutional arrangements will only be meaningful ones if they are prepared after revising policies and existing statutes that deal with these subjects, such as the existing Biological Diversity Act, 2002, and Rules under the said Act which unfortunately seem to create room for biopiracy rather than for protection.

The Biological Diversity Act provides for the establishment of a National Biodiversity Authority (NBA), State Biodiversity Boards, and for local Biodiversity

Management Committees in order to 'provide for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources, knowledge and for matters connected therewith or incidental thereto' by regulating access to biological diversity.

It was hoped that over-exploitation of biological resources, especially commercial exploitation by industrial sectors, would be checked by such an Act, and that the survival of tribals, other forest dwellers and small farmers and their symbiotic lifestyles would be ensured. Far from regulating the obtainment and transfer of biological resources in an equitable fashion, the Act, in its present form, succeeds only in creating a legal channel for the industrial sector, including multi-national concerns, especially the pharmaceutical industry, to amass unfair economic gains from exploiting biological resources that traditional forest dwellers, adivasis and small farmers depend on. The Act, in its present form, along with a set of Rules, creates a 'license raaj' under the



guise of conservation, sustainable use and equitable sharing. It creates situations through which unfair exploitation of resources and traditional intellectual properties are likely to continue, except for the fact that such activities will now be legalized.

The draft policy says that "Although tribal people live usually close to nature, a majority of them need health care on account of malnutrition, lack of safe drinking water, poor hygiene and environmental sanitation and above all poverty". Here, it must be noted that malnutrition, unsafe drinking water, and poverty are the results of external influences. It is an incorrect understanding to see these ingredients as inherent negative aspects of life close to nature, and the policy should not introduce such propaganda. The free and compulsory provision of high quality healthcare through government hospitals should be a prominent aspect of government policy. The policy should address the issue of allopathic and other medicines becoming out of reach for poor communities including tribals due to

the related intellectual property rights and trade regime.

Some factors that would have an impact on use, control, ownership, and management of land are dealt with in the draft policy in the contexts of Displacement and Resettlement; Forest Villages; Shifting Cultivation; Land Alienations and Scheduled Areas. However, there are significant problems as well as omissions in these sections of the draft policy.

The draft policy fails to mention that there are a number of pockets which have a significant tribal population, but which have not been declared as Scheduled Areas. For example, a list of additional villages to be declared as Scheduled Areas in Andhra Pradesh was said to have been pending with the central government for clearance for a number of years. It has been learnt that the UPA government has asked for an updated version of the said list. Because of the unusual level of detail that the draft policy has gone into, it would be an omission to not deal with the issue of long- pending scheduled area declarations that need to be expedited in the policy



document. In the context of the evolving economic policy, the protection of scheduled areas needs to be ensured. A number of people, experts and organizations have drawn attention to the negative aspects of the recent opening up of Scheduled Areas to services under the World Trade Organization's General Agreement on Trade in Services (GATS). This situation could have been avoided if there had been a policy-level articulation in place in the form of an appropriate National Tribal Policy.

The 73rd Amendment to the Indian Constitution was brought about in order to strengthen the Panchayati Raj system. These provisions were extended to Scheduled Areas through the Panchayat (Extension to Scheduled Areas) Act, (PESA), 1996. Under PESA, there is a list of subjects over which village bodies are supposed to have decision-making powers. However, land under Scheduled Areas is supposed to be protected from being sold or leased out to non-tribal people or entities. While there exists a landmark judgement, Samatha Vs. State of A.P. that upholds this view, there have been

judicial decisions as well as government actions, thereafter, which have circumvented the Samantha judgment. The PESA itself has been misused, to give out Scheduled Area land even to multi-national companies. The PESA represents welcome first steps towards empowering the gram sabha (village community) by recognizing a list of subjects that fall under the purview of local bodies for decision-making. The draft policy talks about the introduction of schools and hospitals in tribals areas. However, it does not talk about government schools and hospitals. Instead, a 'participatory approach' is mentioned, wherein NGOs are accorded a key position. While NGOs should play a role, it is important to note that the gram sabhas should deal with and make decisions on government funds that come into a particular area. To ensure true "participation", there is an urgent need for further reforms in the Panchayati Raj set-up.

An appropriate National Tribal Policy should articulate the criteria, meaning and purpose, based on which Scheduled Tribes and Primitive Tribal Groups are



declared in India today, and alter any aspects which seem to be too steeped in colonial biases. Also, as of now, legislation and policy does not distinguish between members of the same tribe in the same area who display varying levels of 'development indicators'. Economic criteria do not disqualify a person from being a member of a tribe, and being a descendant of the traditional chief or ruler of a tribe also does not disqualify a person from being a member of the tribe. This is the law as it stands today.

While it is obviously not logical to de-recognize a person's tribal identity for the reasons mentioned above, criteria for varying degrees or kinds of benefits/entitlements could be formulated. This needs to be debated upon and discussed widely, and reflected in the policy.

Conclusion:

During the British regime, the Government did not pay much attention on the tribes living in the interior forest areas. The British rulers enforced law and order with an iron hand. Their attitude towards the tribes was

otherwise paternalistic and protective. Thus, a money economy was introduced among the tribe communities. After Indian independence, a number of policies and programmes were initiated in the tribal areas, which had far reaching consequences. As a result of the national forest policy of 1952 the government began to discourage shifting cultivation. In 1956 shifting cultivation was restricted on certain gradients of hills in the study area, shaking the basic economic system of a large section of the tribes. The Government on the other hand introduced the special Multi Purpose Project (MPP) in 1956 for developing tribe economy on a special footing. The activities of various other government departments forest, soil and water conservation, roads and buildings, the Girijan Co-operative Corporation, the silk farm etc. have greatly increased employment potential in the tribal areas.

The Fifth Plan marked a significant change in the process of tribal development. The plurality of occupations marked variations in



the levels of development and varied geo-ethnic milieu of various tribes give rise to plethora of problems, which are not amenable to uniform approach for their development. Therefore, area specific strategy has been evolved basing on the recommendations of expert committee set up by the Ministry of Education and Social Welfare in 1972 under the chairmanship of Prof. S.C Dube for the rapid socio-economic development of tribal people inhabiting the scheduled areas where more than 60 percent tribal population are living. The main objectives of Tribal Sub-Plan (TSP) are: socio-economic development of STs and protection of tribals against exploitation. Similarly, the salient features of TSP are: it falls within the ambit of State Plan meant for the welfare and development of tribals. Such a plan is a part of the overall plan of a State and is therefore called a Sub-Plan. The benefits given to the tribals and tribal areas of a State from the TSP are in addition to what percolates from the overall plan of a State. The Sub-Plan identifies the resources for TSP areas, prepare a broad policy

framework for the development and define a suitable administrative strategy for its implementation.

After the introduction of Sub-Plan area programme during the successive Plans there is a tremendous decline in the dependency of different tribes on the collection of forest produce and hunting while decline in hunting activity is the direct result of the forest policy. Decline in food gathering activity is mainly due to the fact that several tribes are now wholly engaged in the cultivation of modern crops. However the impact of money wages and modern farm technology is negligible in the remote and interior tribal areas. Enforcement of existing legal/protective measures is resorted to along with the provisions made under the Fifth Schedule to prevent tribe indebtedness, bonded labour and other exploitation. Involving tribes especially those engaged in shifting cultivation, closely and gainfully involved in joint forest management, social forestry, agro-forestry etc., are intended to facilitate rightful collection and



gainful disposal of minor forest produce and other produce.

Strengthening the grass root democratic institutions viz., PRIs and Gram Sabhas as per the provisions of 73rd and 74th amendments and PESA Act, 1996, resulted in solving the persisting problems through. Providing basic minimum services. The XI Plan giving much focus on "inclusive growth" is ultimately focusing upon the tribal communities who have not joined in the process of growth. During the plans the primitive conditions of the tribe's life, their vulnerability to economic exploitation, the existing socio – psychological barriers due to isolation necessitated a cautious and phased approach for the development of PTGs. A special approach has been formulated by the Indian Government with protection and integration of tribes as its principal objective. Following this approach, developmental institutions were established to look after the all-round development of tribes. Due to the many flaws the Draft National Policy On Tribals should be replaced as soon as possible, by an appropriate National

Tribal Policy. While preparing an appropriate National Policy, Tribal Policy based on consultations that have taken place with so many organizations has to be taken care of. In order to create a situation where such an appropriate National Tribal Policy is meaningful and adhered to, policies of other departments and ministries such as some aspects of the economic policy would necessarily need to be revised.

Abbreviations : MFP (Minor Forest Produce); MPPs (Multi Purpose Projects); GCC (Girijan Co-operative Corporation); ITDA (Integrated Tribal Development Agency); MADA (Modified Area Development Approach); PTGs (Primitive Tribal Groups); TSP (Tribal Sub-Plan); SCA (Special Central Assistance); SCP (Special Component Plan); ICDS (Integrated Children Development Scheme)

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