

# ***Primitive Tribal Groups (PTGs): THE BIGGEST VICTIM OF DEVELOPMENT, THEIR DISPLACEMENT AND REHABILITATION IN INDIA.***

**POONAM TRIPATHI**

Research scholar, department of anthropology, University of Lucknow, Lucknow, India

Email - poonam9999.au@gmail.com

**Abstract:** *This paper discusses the issue of tribal development, displacement, rehabilitation and resettlement policies, and implementation in different parts of the country. These groups are traditionally shifting cultivators and popularly known as the Primitive Tribal Groups (PTGs) in the government records. It is estimated that development schemes like dams, mines, industries and various projects have resulted in the displacement of about 40 per cent tribals between 1951 and 1991. The illiterate and powerless tribals have been compelled to leave their resource-rich regions and migrate to other places. This has resulted in the problem of their resettlement. The paper focuses on various issues of displacement and rehabilitation of the oustees, displaced by various developmental projects. The impact of displacement and various measures taken by the government for their resettlement. The analysis is based on secondary data such as Census report of India, 2011, govt. websites, journals etc.*

## **1. INTRODUCTION:**

After independence, when India launched the task of nation building, it chose the path of planned development, which was flagged off with the launching of the five-year plans. Since economic development was conspicuously low, the planner focused more on economic development and development defined mainly as growth of GNP, which was symbolised by the new factories, dams, mega projects, mining etc (Kaviraj: 1996, 116). They were even referred as the "temples of modern India" and symbol of progress and prosperity. Though these mega projects have provided power to growing industries, irrigation to thirsty lands and, above all, have brought economic prosperity to the nation, nevertheless, these mega development projects have led to forced displacement of thousands of people from their ancestral lands. The "temples of modern India" have become "temples of doom" for the uprooted people.

Such projects have changed the patterns of use of land, water and other natural

resources that previously prevailed in the areas (Goyal: 1996). People dependent upon the land, forest and other natural resources for their livelihood have been dispossessed of their subsistence through land acquisition and displacement.

In recent times the large scale industrialization, privatization and globalization for sake of "development" has emerged as the biggest threat to tribal's survival – ironically, the so called "modern civilized society" has become a predator of their age-old eco-friendly, peaceful and harmonious lifestyle. The tribals, their lands, and other resources are now exposed to the exploitative market forces, mostly due to the State and Multi National Companies (MNCs) sponsored developmental projects to exploit minerals and other natural resources. Land alienation of the tribals by the powerful entities has become common phenomena. It is most unfortunate that "the freedom to live in their own traditional ways" as guaranteed by the constitution is flouted by those who understand the constitution better. The state ownership of the tribal community land, called common property resources (CPR) land, (which the government owns and involves no compensation when taken over) provides a convenient entry point to project managers. In order to reduce the project cost, they deliberately choose the administratively neglected backward areas with high CPR component and where legal compensation for the private owned land is low. Bureaucrats are of course ever willing to serve the cause of the rich and powerful.

These so called "developmental" activities, which do not confer any direct benefit to the tribals, merely leave them landless and without means for survival. Monetary benefits do not really count when the lifestyle for generations is changed irreparably. Displacement from their traditional habitations leaves them under acute trauma and uncertainty – there is institution in India that is interested in alleviating indescribable human sufferings of the tribals left to struggle for survival with any dignity.

## **2. TRIBES OF INDIA :**

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

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

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

### **3. Impact of Development Project on Displaced Tribals :**

1. Decline in Joint Family System: Both tribal and non-tribal families show the same trend of breaking down of joint family to nuclear families.
2. Landlessness: India being a farm dominated society with agriculture as the main occupation, displacement from land, removes the main foundation on which people's productive systems, commercial activities and livelihood are based. Unless this foundation is reconstructed elsewhere or replaced by steady income-generating employment, landlessness sets in and the affected families are impoverished. In most of the cases/ projects, land for land, norm could not be followed. But cash compensation is inadequate to make up for the loss of land.
3. Joblessness and increase in the proportion of workers: When people were displaced from their habitat, they lose their means of livelihood. Creation of new jobs or alternative sources of income for them becomes very difficult since the oustees do not possess any skill to learn new methods of earning their livelihood.
4. Homelessness: Loss of house and shelter may be only temporary during the transition period for most of the displaced. But for some, homelessness remains a permanent feature.
5. Food insecurity: Forced displacement increases the risk of chronic food insecurity. In India, crops are grown to provide food to the family while vegetables are grown in the kitchen gardens that take care of the food needs of the family. Surplus is also sold in the market. But forced displacements deprive the oustees from their former resource of livelihood rendering them landless. Even when homestead land was provided, the oustees could not properly reclaim and level the hilly area.
6. Loss of access to common property: For the poor people, particularly, the landless and otherwise asset less people, loss of access to common property (forest lands, water bodies, grazing land, etc.) leads to a major deterioration in their income and livelihood levels. Such lost resources are rarely compensated by the Government in the relocation sites. There are also frequent conflicts between the host population and new settlers over the use of forestland and other government land. As a result, the resettled do not get fuel wood and other minor forest produce, which they used to collect from the forests in their old habitat.
7. Social Disintegration: Forced displacement tears apart the social fabric of the oustees. Production systems are dismantled, kinship groups and family systems are often scattered and cultural identity of the people is under threat. Social and community networks that help people to cope with poverty through exchange of food and clothing, mutual help with farming, building houses and caring children are disrupted. Social disintegration has been a major impoverishment risk in all the projects undertaken.
8. Increased Morbidity and Mortality: Loss of ancestral and homestead land, less no access to health care facilities, the psychological trauma caused thereby and the food insecurity together often leads to serious diseases. There is also the danger of parasitic and vector born diseases in the relocated sites because of unsafe water, poor sewerage etc. In fact, lack of food, unhygienic living and environmental degradation in the new place were found in the project area to have a serious impact on the health of the oustees.

### **4. CONSTITUTIONAL PROVISIONS:**

Article 46 of the constitution places an obligation upon States to promote the interests of Scheduled Castes and Scheduled Tribes and protect them from social injustice and all forms of exploitation. It must be mentioned that displacement of tribals from their lands amounts to violation of the *Fifth Schedule* of the Constitution as it deprives them of control and ownership of natural resources and land essential for their way of life. Unsystematic and piecemeal approach to development has resulted in depletion of the environment and loss of ecological balance. It is

suggested that this unsystematic displacement of humans amounts to a gross violation of Article 21 of the Constitution of India. The judiciary has further played an important role in protection of environment by incorporating "right to clean and healthy environment" under Article 21.

The founding fathers of the Constitution, under Article 39, imposed a mandate on the state towards distribution of resources so as to sub serve common good. However, the law which has been consistently invoked for land acquisition is a pre-constitutional law dated 1894 with 'compensation' as the only remedy for the persons affected by such acquisitions and having no provisions for rehabilitation and resettlement.

Also, the Article lays emphasis on various international policy guidelines and mechanisms, designed to safeguard those who are internally displaced as a result of development projects. In the light of the above-mentioned problems, the authors suggests that a comprehensive National Policy on Rehabilitation and Resettlement (NPRR) of displaced population be framed replacing the anomalies of NPRR, 2007.

## 5. NATIONAL POLICY ON TRIBES OF INDIA

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

The policy seeks to bring Scheduled Tribes into the mainstream of society through a multipronged approach for their all-round development without disturbing their distinct culture. There are 67.8 million Scheduled Tribe people, constituting 8.08 per cent of India's population. There are 698 Scheduled Tribes spread all over the country barring States and Union Territories like Chandigarh, Delhi, Haryana, Pondicherry and Punjab. Orissa has the largest number – 68--of Scheduled Tribes.

### 5.1 Displacement and Resettlement:

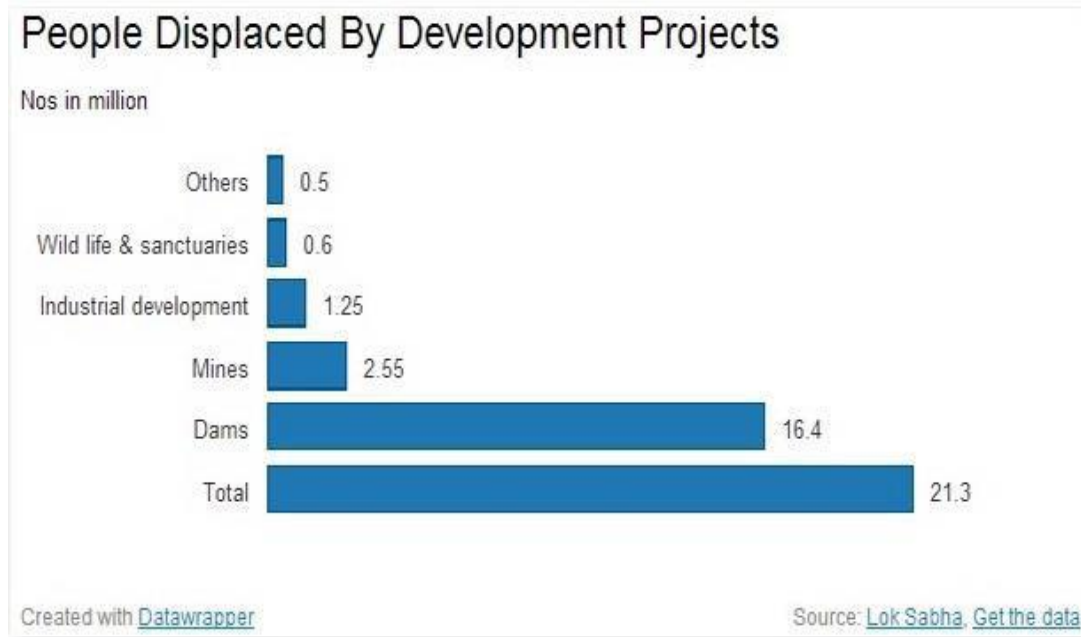
Displacement of people from traditional habitations causes much trauma to the affected people. Compulsory acquisition of land for construction of dams and roads, quarrying and mining operations, location of industries and reservation of forests for National Parks and environmental reasons forces tribal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

Nearly 85.39 lakh tribals had been displaced until 1990 on account of some mega project or the other, reservation of forests as National Parks etc. Tribals constitute at least 55.16 percent of the total displaced people in the country. Cash payment does not really compensate the tribal for the difficulties they experience in their living style and ethos. Displacement of tribals from their land amounts to violation of the Fifth Schedule of the Constitution as it deprives them of control and ownership of natural resources and land essential for their way of life.

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

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

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



## 5.2 Defects in Compensation, Rehabilitation and Resettlement Policy:

For the Government and its agents of development, cash compensation seems to be the only panacea for the problems induced by displacement and only policy for rehabilitation. It's hard to believe that how land, natural resources, means of livelihood, social and cultural loss resulting from displacement can be quantified and compensated in monetary terms? Moreover, the manner in which the law is framed and interpreted ensures that the displaced land-owner or house-owner is always the loser. The limited provisions in the Land Acquisition Act to challenge the rate of compensation are, in practice, inaccessible to the indigent and illiterate oustees. Even, only those landowners who were familiar with the legal details of the Land Acquisition took their cases to court. The value of the land is calculated, as on the date of the gazette notification and interest is liable to be paid only from the date of taking possession up to the date of payment of full compensation. The LAA thus does not take into consideration the escalation of the market value between the time of notification and the date of actual possession.

The ill-effects of the displacement induced by development ought to be taken care off by the state and necessary arrangement thereof made, i.e. the displaced persons be resettled in a safe habitat wherein they can start their life afresh. However, this would require more than mere allocation of certain piece of land for resettlement or mere construction of make shift camps for temporary settlement. What is needed is the "rehabilitation" of the persons affected by the projects; rehabilitation means to "restore to the former condition", and thus, all that was lost by displacement, the emotional, cultural, social, political and economic losses must be restored at a priority basis than to the Project itself, which is the cause of the impoverishment.

**Land Alienation:** Scheduled Tribes being simple folk are often exploited to forgo their foremost important resource – land – to non-tribals. Although States have protective laws to check the trend, dispossessed tribals are yet to get back their lands. Yet, another form of land alienation takes place when States promote development projects like hydroelectric power stations and mining and industries. These developmental activities, which do not confer any benefit on tribals directly, render them landless. The National Policy for Tribals seeks to tackle tribal land alienation by stipulating that

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

## Features of the Latest Land Acquisition Bill and Rehabilitation Policy

The Land Acquisition, Rehabilitation and Resettlement Bill, 2011 was introduced in the Lok Sabha on September 7, 2011 by the Ministry of Rural Development but was never taken up for discussions. The Bill proposed a unified



legislation for acquisition of land and adequate rehabilitation mechanisms for all affected persons and replace the Land Acquisition Act, 1894. But in view of objections from certain states the Centre decided to revise the draft bill-incorporating suggestions made by State governments to protect the interests of tribals and the sanctity of the Gram Sabhas. The government intended to reintroduce it in the monsoon session of 2012 but failed, despite the verbal noise by ruling politicians. Let us what happens in coming months or years!!

The Bill would protect the interests of farmers/land owners and not bar purchase of land by the private companies, corporates among others. It would enable acquisition of land for industries, industrialization and some form of urbanization. It also makes it mandatory that Gram Sabhas are consulted and the R&R package is executed before the acquired land is transferred. Under the proposed law, the R&R package would necessarily have to be executed for land acquisitions in excess of 100 acres by private companies. It also prohibits private companies from purchasing any multi-cropped irrigated land for public purposes.

### 5.3 Participatory Approach:

The National Policy recognizes the importance of participatory approach to development. Non- Governmental Organisations (NGOs) and Voluntary Agencies (VAs) act as catalysts in reaching benefits of Government programmes and policies to the grass-root level and thus optimize the desired accomplishment. Such organisations have direct linkages with people and are conversant with their problems. NGOs can undertake and promote family and community based programmes and mobilise resources in tribal areas. Some well-established NGOs are eager to take part in the development of Scheduled Tribes in general and Primitive Tribal Groups in particular. The National Policy, therefore, seeks to enlist and encourage NGOs in tribal development activities. They can play an important role in the opening of residential and non-residential schools, hostels, dispensaries, hospitals and vocational training centres, promotion of awareness programmes and capacity building.

## 6. CONCLUSION:

As said by The Parliamentary Standing Committee on the Welfare of Scheduled Castes and Scheduled Tribes in a report submitted to the Lok Sabha on 23 October 2008 observed, “*Notwithstanding Act and regulations to control alienation of tribal land, tribal people are being alienated from their land in the name of development and due to insufficient amount given to them for their land, they migrate to other places in search of livelihood.*”

It further stated that “*tribals should not suffer in the name of development*” and recommended that “*the Ministry of Tribal Affairs should take immediate su-moto action whenever it is reported that tribal people are agitating against displacement and endangerment to their lives.*”

These so called “developmental” activities, which do not confer any direct benefit to the tribals, merely leave them landless and without means for survival. Monetary benefits do not really count when the lifestyle for generations is changed irreparably. Displacement from their traditional habitations leaves them under acute trauma and uncertainty – there is institution in India that is interested in alleviating indescribable human sufferings of the tribals left to struggle for survival with any dignity.

Therefore all such activities should be stopped and if projects are to be carried out tribal welfare should be considered first.

## 7. Recommendations:

Ill-consequences of the displacement lead to the requirement of policies and legislations that address the issues of not only development-induced displacement, but also about rehabilitation and resettlement. Following are some suggestion and recommendations to deal with problem of displacement caused by development:

1. States should ensure that eviction impact assessments are carried out prior to the initiation of any project which could result in development-based displacement, with a view to fully securing the human rights of all potentially affected persons, groups and communities.
2. States should fully explore all possible alternatives to any act involving forced eviction.
3. Sufficient information shall be provided to affected persons, groups and communities concerning all State projects as well as to the planning and implementation processes relating to the resettlement concerned, including information concerning the purpose to which the eviction dwelling or site is to be put and the persons, groups or communities who will benefit from the evicted site.
4. The State must provide or ensure fair and just compensation for any losses of personal, real or other **property** or goods, including rights or interests in **property**.
5. Resettlement must occur in a just and equitable manner and in full accordance with international human rights law.
6. States should ensure that adequate and effective legal or other appropriate remedies are available to any persons claiming that his/her right of protection against forced evictions has been violated or is under threat of violation

7. To make new Law on rehabilitation and change the LAA (1894), since it goes against the rights of the poor. Rehabilitation should not be separated from land acquisition and that the LAA (1894) should be changed in such a manner as to minimize displacement and turn rehabilitation into an integral part of such acquisition.

8. The very basis of the Land acquisition policies in its legal premises is required to be compatible with constitutional frame of Fundamental Rights, Directive Principles of State Policy and Special Provisions for the Scheduled Castes / Tribes and weaker sections.

The effects of displacement spill over to generations in many ways, such as loss of traditional means of employment, change of environment, disrupted community life and relationships, marginalization, a profound psychological trauma and more. The issue of Displacement is an example of how law has to be consistent with socioeconomic and political circumstances, and it appears to have failed in doing so. To conclude, there is a strong need to put legal thought into issues concerning the land acquirers as well as to thoroughly investigate issues regarding removing the imbalance from the system.

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