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Adivasis And The Indian State: Successive govts distorted Tribal Sub Plan policy, denied community fair share of budgetary reserves

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Abhay Xaxa | August 27, 2019 21:05:34 IST



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This decision massively robs tribal communities of their development rights.

Despite clear guidelines, the TSP remained under-allocated for all the 45 years of its implementation.

The government has totally ignored the foundational linkage between PESA and TSP, and hence engineered a robbery of unimaginable proportions.

Editor's Note: In this eighteen-part series, we will attempt to address the tropes associated with the communities in question from an Adivasi perspective while also

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exploring the contemporary relationship of Adivasi citizens with the Indian government. This is part five of the [series on Adivasi communities](#) in peninsular India.

While 'Sabka Saath, Sabka Vikas' has become the slogan of the development vision of the current NDA government, the Tribal Sub Plan, which was a critical element of financial policy for managing tribal affairs in India, has been given a quiet burial. The plan was replaced with Development Action Plan for Scheduled Tribes (DAPST) in December 2017. This decision to replace TSP not only marks a pendulum shift from the sub-plan approach towards the long-discarded welfarist model, but also massively robs tribal communities of their development rights. To understand the serious implications of how tribals of the country have been denied social justice and their rightful financial allocations, we need to revisit the mandate held by Tribal Sub Plan, and how it has been systematically dismantled.

How did the TSP robbery unfold?

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Since its inception, TSP was considered as a vital cog of tribal empowerment. Based on the Nehruvian principle of tribal development, the sub-plan policy for tribals had set up a roadmap by affirming that there is no uniform solution to the variety of problems facing tribal regions and tribal communities. The policy sought to accept the uniqueness of these regions and communities, and formulate policies, programmes and schemes to suit each individual situation, especially for the most vulnerable tribal communities. It was a revolutionary idea for tribal empowerment, but subsequent governments tried to defeat its purpose.

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Despite clear guidelines, the TSP remained under-allocated for all the 45 years of its implementation. More importantly, whatever allocations were done under the Tribal Sub Plan remained largely notional, which means they were confined to budget books, and the allocations didn't translate into actual outcomes. Other serious problems about the implementation of TSP was that in most of the years, there remained significant unspent amounts because of the huge disconnect between planning and implementation.

In the past two decades, things had gradually begun to change in a positive way. Important guidelines formulated by Narendra Jadhav were adopted for earmarking funds. Efforts to make TSP non-lapsable and non-divisible were made. TSP funds were codified in budget books to segregate them from the general schemes. As a result, monitoring of fund-flows for individual schemes became possible. Taking these positive steps forward, state governments of Andhra Pradesh, Telangana, Karnataka and Uttarakhand gave a legal mandate to TSP.

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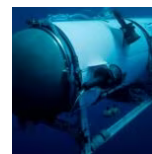
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But with the FY 2017-18, India witnessed radical changes in budgetary formulation. The unique distinction of plan budget and non-plan budget was abolished, and it has totally changed the foundations of the sub-plan policy. Since TSP was calculated and allocated solely on the basis of a planned budget, it has been struggling for justification in its present form. The new guidelines by NITI Aayog have converted TSP into "allocation for welfare of scheduled tribes" which will be now calculated from centrally sponsored schemes and central sector schemes. But in reality, the very basis of TSP has been permanently removed, resulting in overwhelming losses, amounting to thousands of crores worth of development funds, for the tribal community.

What is TSP?

The Tribal Sub Plan was an important financial policy aimed for targeted planning of financial allocations and expenditures, with the specific objective of bridging the development gap between Scheduled Tribes and the general population. The TSP was initiated during the fifth five year plan (1974), with a clear commitment of population-proportionate allocation (8.6 percent), and was non-lapsable and non-divisible in nature. Apart from this, the TSP was essentially meant to be supplementary financial allocation accompanying general scheme allocations, with a targeted approach towards tribal development. The TSP's role was to allocate financial resources for special schemes which are implemented in Scheduled Areas or the areas in which the majority of the



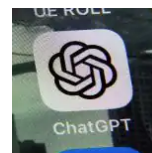
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'Gaddar Divas': The fresh tension between Sena (UBT) and Shinde-led faction explained

The Uddhav Thackeray-led UBT has called for 20 June – the day last year that Eknath Shinde raised a banner of revolt – to be marked as 'Gaddar Divas' with Sanjay Raut even tweeting a letter to the United Nations demanding the same. Shinde in turn has accused Uddhav of being a traitor for 'betraying

population belongs to Scheduled Tribes. To understand the unique role of TSP in the domain of tribal rights, we need to go back to the historical mandate with which this special policy was formulated.

TSP and Tribal rights:

The late BD Sharma, who was instrumental in shaping government policies for tribals had asserted that “fifth schedule (of the Constitution — which deals with administration of Scheduled Areas and Scheduled Tribes) and the tribal sub plan are two co-equal pillars of tribal empowerment.” The TSP was first presented as the magic solution by the UN Dhebar Commission in response to serious challenges faced by the government in managing massive tribal unrest in central eastern India due to land alienation, poverty, indebtedness, and exploitation by non-tribal dominant groups. Apart from these burning issues, one key context which the commission members had to deal with was the growing demand of increasing the peripheries of Scheduled Areas which were originally marked in 1950.

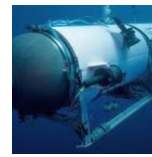
The reason behind such demands by various tribal experts was that there had been significant demographic changes in the tribal population, as result of which several tribal majority areas were not covered under the fifth schedule. Hence, any kind of development intervention was not reaching eligible tribal communities, thereby widening inequality. But there was a resistance to the idea of increasing the coverage of Scheduled Areas by policymakers who favoured the approach of tribal assimilation into mainstream society. Also, the constitutional protection provided to tribal communities in scheduled areas was gradually choked of financial resources due to inadequate funding. All these reasons created an environment of distrust and marginalised large sections of tribal communities. As urgent interventions were called for, the TSP came into existence. The members of the UN Dhebar Commission envisaged the sub-plan approach as a game-changer that could unlock the potential of fifth schedule provisions by strengthening self-governance and the rights of tribal communities over natural resources. At the same time, TSP could also promote tribal development by enhancing their human resources, livelihoods, social security and developing physical infrastructure in their localities.

By its design, what the TSP practically did was to resolve the important demand of increasing the Scheduled Area provisions. Despite strong recommendations by the commission, the government refused to include any additional area within the Scheduled Areas’ list. However, it came to an agreement that the tribal majority areas would subsequently be called sub plan areas and become “coterminous” with the fifth schedule in their legal nature and application of tribal-related laws. The TSP was supposed to be used to extend the provisions fifth schedule areas to the “sub-plan areas”. The twin objectives of protection and development for tribal communities were to be the backbone of the TSP. But unfortunately, at present, it has been reduced to a mere accounting exercise of general schemes, hence robbing tribals of their development rights.

Misplaced priorities for tribals

When we think of existing legal provisions which encapsulate tribal rights, the PESA [Panchayats (Extension to Scheduled Areas) Act 1996] and the FRA (Forest Rights Act, 2006) are undoubtedly the most important legislations. The former is designed to facilitate autonomous governance in tribal areas, and latter one is aimed at correcting historic injustices by legally recognising tribal rights over traditional land and forest resources. But unfortunately, there is not a single scheme or allocation from a total of 332 TSP schemes, which can directly link to tribal rights.

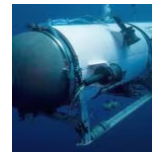
Let's take the example of FRA. Forest rights experts share a long list of problems faced in its implementation so far. These include no financial assistance for FRA claimants, no



Why Titanic tourism draws people in despite dangers

Many people on social media are wondering why

the five passengers who died on the tourist submersible would risk their lives to view the wreckage of the Titanic. For some, the trip to the floor of the North Atlantic has become an obsession, while others are searching for an adrenaline rush



Explained: The 'catastrophic implosion' of the Titan submersible

The implosion itself

would have killed everyone within less than 20 milliseconds. In fact, the human brain can't even process information at this speed. As much as the news is devastating, perhaps it is somewhat reassuring the Titan's passengers would not have suffered a terrifying and drawn-out end

support for legal expenses, no allocations to facilitate evidence collection and inadequate data on claims and settlements. TSP funds could have been easily used for effective implementation of the FRA. But there is not a single allocation in this regard. It is a similar story with PESA. There has been a long-standing demand to allocate at least 5 percent of the total TSP as “nucleus fund” to every gram sabha in tribal areas, which can empower them to take decisions. But nothing materialised. Training of tribal leaders and officials is important, but there is no such scheme.

At present, five key Union ministries — agriculture, tribal affairs, health and family welfare, rural development and school education — take more than half of the financial resources at the disposal of TSP. However, except for the tribal affairs ministry, none of them have any specific scheme catering to the needs of the tribal communities.

Ministry / Department Name	Total Scheme Allocation (Rs.Under in Crores)	Allocation TSP (Rs. in Crores)	% TSP to Total Allocation	% TSP Sanctions to TSP Allocation
Department of Agriculture, Cooperation and Farmers' Welfare	129012.00	11095.05	8.60	13.63
Ministry of Tribal Affairs	6479.89	6479.89	100.00	0.66
Department of Rural Development	117499.62	5984.12	5.09	0.00
Department of School Education and Literacy	48063.60	5487.94	11.42	7.07
Department of Health and Family Welfare	45751.00	3934.59	8.60	30.83
Ministry of Road Transport and Highways	82861.39	2610.00	3.15	0.00
Ministry of Women and Child Development	28914.37	2486.64	8.60	80.15
Ministry of Drinking Water and Sanitation	18200.66	1820.07	10.00	1.73
Department of Higher Education	11664.85	1585.00	13.59	22.15
Ministry of Development of North Eastern Region	2981.75	1015.50	34.06	0.00

What is more questionable is the fact that these allocations are made in schemes which are of a general nature, with no serious thought given to the end result or its implications on tribal development. There have been several instances, where TSP funds are actually used in forcing tribal displacement from government projects or sites for extraction of

minerals. A major share of TSP funds is also allocated in the building of highways that are used by mining companies to transport minerals from tribal areas. The worst cases of TSP misuse including purchasing choppers and repairing jail buildings in Jharkhand.

There are numerous critical needs of tribal communities which demand immediate attention but have been continuously ignored for TSP allocations. For example, in 2018, the Ministry of Health and Family Welfare set up a committee to prepare a comprehensive report on the health status of tribals in India. A list of very important recommendations was spelt out, for which a budget of Rs 15,676 crore was requested annually from TSP allocations. This demand has been ignored in the current budget.

The NCDHR (National Campaign for Dalit Human Rights) organised a series of community consultations with different sections of tribal community about their expectations from the TSP. The list of recommendations from these consultations don't match with the actual TSP utilisations. A few examples of what tribals want are land development programmes, adequate scholarships in school and higher education, processing units for minor forest produce, credit facilities for tribal women, minor irrigation facilities, support for tribal sports talent, sufficient funds for tribal research institutes and universities, land distribution and special courts for expediting pending cases, and promotion and protection of tribal languages. Instead, what tribals get is merely a repeated and ineffective accounting exercise of putting tribal budgets into unimaginative schemes which by design don't give any tangible benefits to tribal communities.

For example, sample some of the schemes put under TSP. These include optical fibre cable-based network for defence services, Project Tiger, National School of Mines, improvement of salary scale for college and university teachers and compensation to service providers for telecom infrastructure. The list of such irrelevant schemes goes on and on. The nature of schemes included under TSP tells us something about the priorities of the government. It has no space for tribal diversity, or for tribal rights to self-governance, PESA, FRA or their sustainable development.

Budget for Scheduled Tribes - 5 Yr Trend Analysis of Union Budget FYs 2015-20 (Rs.Cr)

S.No.	Financial Year	Total plan Outlay/ CS+CSS Schemes (A)	Due Allocations (B)	ST Allocation of Earmarked (Statement to B of BE) (C)	Proportion Allocation of ST schemes (C% to A) (D)	Gap in Allocation - ST [B-C] (E)	Total Targeted Schemes - ST [F]	Total Non-Targeted Schemes - ST (G)	Total Targeted Schemes (H)
1	2015-16 (BE)	465,277	40,014	20,000	4.30%	20,014	7,469	12,531	3
2	2016-17 (BE)	550,010	47,301	24,005	5.36%	23,295	8,791	15,215	3
3	2017-18 (BE)	588,025	50,570	31,920	5.43%	18,651	15,643	16,276	3
4	2018-19 (BE)	784,881	64,486	39,135	4.99%	25,351	19,623	19,512	4
5	2019-20 (BE)	947,228	76,592	52,885	5.58%	23,707	21,628	31,257	5
Total									

* 2015-16 & 2016-17 the due allocations are calculated as per the Jadhav Committee Guideline issued in 2010

*2017-18 & 2018-19 in the post merger of Plan Non-Pan Budgets the due allocations are calculated as per the Budget Circular of the respective years.

*2019-20: The Due amount has been calculated by the new guideline issued by Finance

Ministry No-F.2(21) B(P&A)/2016, Govt of India, Ministry of Finance, Dept of Economic Affairs Budget division, Dated 26 December 2017. This Guideline gives Ministry wise allocation for SC and ST and has named it as DAPSC (Development Action Plan For Schedule Caste) vide. As per the Guidelines each obligatory Ministry/Department is given a set proportion of the CS+CSS to be earmarked as the Budget for SC and ST schemes.

Source: NCDHR Dalit Adivasi Budget Analysis 2019-2020

Looking at the trend analysis of TSP for the past five years, even while knowing that most of these figures are notional, one sees a trend of increase in allocations. After the merger of plan and non-plan expenditure, the numbers have drastically, and expectedly, jumped by 20 percent. However, allocations are still low, at 4.27 percent as compared to the proportion of tribals to the total population — 8.6 percent.

In the light of new guidelines issued by the Ministry of Finance, now funds will be earmarked from separate pools of schemes categorised as CS (central sector) and CSS (centrally sponsored schemes), which is grossly confusing. Even though with the new arrangement, the funds for STs appear to be swelling at least in the budget books, in reality, there is hardly anything allocated or spent on schemes specifically focusing on tribal communities. Majority of the enlisted schemes for tribals have become general in nature due to new arrangements. It appears that the government's commitment towards tribal development has magically disappeared without a trace.

While restructuring the TSP guidelines, no attention has been given to provisions in Part IX of the Constitution regarding the panchayats and the provisions of the PESA Act.

It may be recalled that the rationale behind PESA was to empower gram sabhas to approve and sanction all matters pertaining to tribal society and economy, including the planning, management and implementation of TSP. The government has totally ignored the foundational linkage between PESA and TSP, and hence engineered a robbery of unimaginable proportions of tribal development rights.

Abhay Xaxa works with National Campaign for Adivasi Rights and writes on issues of Indigenous Peoples in India.

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