

Press Release

ADIVASI ADHIKAR SANGHARSH SAMMELAN HELD TODAY: ADIVASIS FROM EVERY REGION OF THE COUNTRY JOIN HANDS TO PROTEST MODI GOVERNMENT'S ATTACK ON THEIR RIGHTS

For the first time since the Modi government was elected to power in May 2014, adivasis from across the country assembled at Mavlankar Hall, New Delhi, in the Adivasi Adhikar Sangharsh Sammelan today. Representatives from four coalitions and more than eighteen states spoke at the Convention. More than a thousand people gathered in the Convention and took out a protest rally subsequently. Speaker after speaker stressed how the Modi government has consistently sought to undercut the basic rights and entitlements of adivasis.* In the name of "development" and "reforms", the right of adivasis to control their lands and forests – under the Constitution, the Forest Rights Act, the PESA Act and so on – is being trampled. * Scheduled Tribes have received only half of the budgetary allocation that they are entitled to under the Tribal Sub Plan in this year's budget. * Adivasi students and youth have been deprived of the schools, hostels and scholarships they are entitled to; all these entitlements have seen their budgets cut.

The Convention was also addressed by Dr. Virginius Xaxa, chair of the High Level Committee on the Social and Economic Status of Tribals, who attacked the government's violation of adivasis' legal and resource rights and called for a moratorium on land takeovers in adivasi areas until all legislations for adivasi rights are fully implemented. Dr. Hrushikesh Panda, former Secretary, Ministry of Tribal Affairs (retired in April 2015), talked of how both Central and State agencies had violated the Forest Rights Act and connived in the seizure of rights from adivasis. Com. Brinda Karat, politbureau member, CPI(M), called for united protests against the criminal violation of adivasi rights by the NDA government and its continuous attempt to eliminate legal protections for adivasis and to slash their welfare entitlements. She pointed out that

adivasis are being imprisoned for defending their rights while corrupt officials roam free; and people like Asaram are being glorified while adivasi culture and history are being denigrated and destroyed. Com. Jitendra Choudhury, MP, Tripura, stressed on the manner in which this government has attacked basic rights that have been won after long struggles.

A delegation from the Convention also met the President, Shri Pranab Mukherjee, and submitted copies of the three resolutions. The delegation stressed that Governors, who are Constitutionally mandated to ensure that tribal rights are protected, have instead been conniving with efforts to violate tribals' rights. The President promised the delegation that he would shortly call a meeting of all the Governors to stress the need for them to take action on these issues. The convention passed three resolutions, which are attached.

Adivasi Adhikar Rashtriya Manch
Akhil Bharatiya Adivasi Mahasabha
Bharat Jan Andolan
Campaign for Survival and Dignity
Contact:36, Pt. Ravi Shankar Shukla Lane, New Delhi 110 001
Ph: 9899644421 (Tapos Mitra), 9873657844 (Shankar Gopalakrishnan)

Press Release

Resolution on resources:

The Convention strongly opposes the loot and plunder of natural resources in adivasis areas. Government policies repeatedly violate specific constitutional provisions and laws which protect the resource rights of adivasis over jal, jangal and jameen, such as the Fifth and Sixth Schedule, the Panchayats (Extension to Scheduled Areas) Act, the Forest Rights Act, Supreme Court Orders and Government Orders. A central area of government attack is on the fundamental democratic rights of Adivasis and of gram sabhas in Adivasi areas over the control and management of these resources for the kind of planning and development they choose. These twin attacks – on the natural resources and democratic rights – are pursued by the Modi Government in the name of "development", to transfer natural resources to private capitalists and enhance private profits.

The convention strongly condemns

- The non-implementation and open violation of the Forest Rights Act and expresses serious concern at continued harassment, extortion and evictions by the Forest Department. Neither people's rights are being recognised nor the consent of the gram sabha being taken prior to diversion of forest land (even as the Environment Ministry seeks to weaken it through backdoor dilutions).
- The passage of the amended Mines and Minerals (Regulation and Development) Act which has been amended to extend private leases by decades, while completely ignoring the rights of adivasis to decide on use of natural resources. The amendment effectively overrides the landmark 1997 Samatha judgement of the Supreme Court which specifically prohibited transfer of land in Scheduled Area by way of lease or renewal thereof to non-tribals, corporation aggregates, etc. The Coal Bearing Areas Act has furthered the privatization and de-nationalization of coal in India. as it once again ignores the rights of adivasis. Environmental and forest clearances are being granted to every applicant at breakneck speed - regardless of the rights of local communities. The amended Coal Act also ignores the rights of tribals and even legitimate protests have been defined as criminal acts.
- The Land Acquisition Amendment ordinance which will have its worst impact on those without recorded land rights - which includes most adivasis.
- The system of time-bound single window clearances for big projects that, in one stroke, reduces due process of environmental and social impact assessment, consultation with and prior informed consent of the gram sabhas of affected persons to a mere formality. Already projects worth Rupees 15-20 lakh crores are in this trajectory.
- The extremely poor implementation of PESAA in almost every state where it prevails. It is either rendered toothless because of weak or no Rules and Guidelines, or has been openly flouted. The Government has also persistently ignored the demand to extend the Fifth Schedule outside and beyond the present 8 states even though it is well known that about one-fourth of the tribal people live outside these areas.

Where people have fought such criminal and undemocratic land grabbing, they have faced police and paramilitary repression, with thousands of adivasis in jail for no crime except defending their rights. The government's own data has now shown that this repressive approach not only leads to massive displacement and drives lakhs of people into destitution; it also benefits no one except the corporate promoters of these projects. The Convention notes with deep concern the growing reports of innocent tribal youth implicated in false cases as Maoists and ultras and incarcerated for long periods without bail, with vast section of adivasis at the receiving end of violence of Maoists and security forces.

The Convention demands

- PESAA be fully implemented and the protection of PESAA should be extended to all development blocks with a high adivasi concentration in all states and districts of India to ensure protection of adivasis over their land, forests, common property resources and against forcible acquisition and displacement, land alienation and money-lending; TSP allocations and extension of PESAA should go hand in hand and complement each other.
- Full implementation of the Forest Rights Act without overt or covert dilution; all evictions of adivasis should be immediately stopped. All claims that have been rejected under FRA should be reassessed without interference by the forest department, and any land rights should be registered under the joint names of the tribal household. The Convention also demands implementation of the 2006 Amendment to the Wildlife Protection Act on the rights of people in tiger reserves.
- Immediate halt to all fast-tracking of project clearances by the Project Monitoring Group under the PMO, and compliance with all clearance procedures as required by the FRA (and upheld by the Supreme Court in the Niyamgiri case).
- The immediate release of all innocent adivasis languishing in jail under false cases and their rehabilitation.
- The restoration of the importance of the gram sabha in all legislations around natural resource rights.
- At the same time, all those anti-tribal development projects that are planned or under construction, such as the Polavaram dam, the Narmada dams, urbanization plans for greater Ranchi/Bhubaneswar etc, the Kanhar dam and the Bodhghat dam (Chattisgarh), which are threatening lakhs of tribal people with displacement and destitution must be reviewed and abandoned.

Resolution from Students:

This Convention condemns the gross under-provisioning of funds for adivasi youth and students by the Modi government, especially in the areas of education and employment. As a result of such policies, ST youth (between the ages of 15 and 29) are facing very high unemployment rates.

The Convention notes with concern the stagnation in the allocations for education for ST students.

- The allocation for such schemes is Rs 1155 crores this year, which in real terms is less than last year's already low allocation.
- The reduction in the amount of money allocated for post matric scholarships for adivasi students. Such scholarships provide a paltry Rs. 230 to 1200 rupees a month, and that too to only 2.1 lakh students. These in turn are being delayed due to non-release of central funds.
- Adivasi students' hostels are also in extremely poor condition in most of the States, including those for secondary school students – particularly for ST girls.
- Despite Prime Minister Narendra Modi's repeated tom-tomming of skill development as a major intervention for youth, esp. SC and ST youth, no coaching centres exist for adivasi youth, and no ITIs have been set up, resulting in the virtual non-existence of skill development plans for adivasi youth and students.
- The constitutional guarantee of reservations has been rendered meaningless by outsourcing and privatisation. The government continues to appease the private sector by not requiring reservations in private employment.

The convention demands that the government

- Immediately increase the allocations for scholarships and hostels; ensure timely release of the funds to the State Governments; review norms for opening schools, hostels, etc. in Adivasi areas

to increase accessibility in remote areas; increase scholarships for ST students in colleges, universities, educational and technical institutions, and so on.

- Ensure that free quality public education is provided in Adivasi areas in a manner that is culturally appropriate and locally controlled by communities.
- Terminate all government funding of Sangh Parivar-affiliated schools that are spreading communal and casteist propaganda in Adivasi areas.
- Abolish the income ceiling in respect of the parents of all tribal children studying in classes from I to XII in schemes for providing scholarships to tribal students at pre- or post-matric levels; treat adivasi students who are forced to live in rented accommodation due to non-availability of hostel accommodation on par with hostellers and provide them with equivalent scholarships.
- Extend the Central assistance for cooked mid-day meal during summer vacations (currently applicable only to school children in drought affected areas) to all adivasi areas. Extend the mid-day meals scheme up to the high school level in adivasi areas.
- Increase the number of hostels for girls, ashram schools, and Kasturba Gandhi Balika Vidyalayas in adivasi concentration blocks. Increase the number of government schools of excellence in States/UTs which have sizeable ST populations.
- Enact a central legislation to provide reservations in the private sector for STs. Fill all backlogs in reserved seats and posts, as well as in promotions, through a special time-bound recruitment drive.
- Create vocational training facilities for scheduled tribe youth.
- Ensure credit facilities for all self employed tribals and scheduled tribe enterprises and assist in developing market linkages.

Resolution on Tribal Sub-Plan (TSP):

The Convention condemns the continuing and repeated violation by the union government, and most of the state governments, of the allocation guidelines that require that a minimum allocation of plan funds (in proportion to the ST population share) should be spent in adivasi areas in order to address the persistent and deepening problem of underdevelopment, backwardness and deprivation of the adivasi people (as reflected in all social and economic parameters). This was initiated by the Planning Commission in the 1970s along with the Scheduled Caste Sub Plan (SCSP). The total budget allocation for TSP in the current budget has been reduced to Rs 20,536 crores (4.3% of the total budget) from Rs 26,715 crores in 2014. As per the rules, over Rs.40,000 crores should have been allocated. This massive cut has resulted in a huge denial of and diversion of financial resources which are the rightful entitlement of Adivasis. This diversion amounts to 3 to 4 per cent of plan expenditure each year or Rs 70,000 crores in the last three years alone.

The Convention also notes with alarm the fact that TSP funds have been used (in the name of “convergence”) to finance the wage component of other department’s projects, and ironically have even been used to subsidise the wage component of mega projects that have displaced tribal people and encroached on their land and resources. Funds meant for the TSP have even been diverted to other sectors. More than 40 ministries are not allocating anything at all for STs. Adding salt to the wound, there has been poor utilisation of funds allocated for the welfare of STs, with utilization varying from 30% to 40% in many schemes.

This Convention demands

- A law should be passed to enforce the mandatory earmarking of funds for the tribal sub plan (in proportion to their share in the population) at the central and state level. All extra budgetary fund transfers and resources mobilized must also be strictly brought within these requirements. These funds should be maintained in the form of a non-lapsable pool and the accumulated corpus must be shown under a separate head in the budget. The Tribal Welfare Ministry/Department should oversee and monitor the allocation and expenditure of these funds. It must require all development related ministries to implement the TSP.
- Funds exclusively meant for the welfare of STs should not be diverted to other sectors; TSP funds should be spent only on schemes where concrete and direct benefits ensue for Scheduled Tribe individuals, families, communities or settlements/localities.
- Funds under the TSP should be managed as per the PESA Act, with gram sabhas and gram panchayats exercising financial, functional and administrative control, including over the ITDP/ITDA structure. Schemes should be identified through decentralized planning and need appraisal, and priority should be given for providing social and economic services as well as infrastructure for basic needs.
- The ministries and departments of the Union and State governments that have not yet allocated the required funds for SCSP and TSP must do so. Annual Plans of the Ministries/Departments should not be approved if TSP funds have not been earmarked.