

Comments and Suggestions on the NAC recommendations on PVTGs

Submitted by Kalpavriksh and Vasundhara¹

2nd July 2013

We appreciate the draft as it contains a number of very important recommendations for the PVTGs such as a focus on rights based legislations and traditional skills and education. At the same time, we would like to submit some specific suggestions for strengthening these recommendations towards an over-all approach which focuses on a multi-dimensional well-being, livelihood security and decentralized governance.

1. Suggestions for Recommendation 1 (*Create an environment in which the state and non-state actors realize their responsibilities to respect, protect, and fulfill PVTGs' rights*),

While talking about rights-based legislations for PVTGs there should be a specific recommendation to implement the provision under Forest Rights Act for recognition of habitat rights of PVTGs. and to work towards a more nuanced understanding and conceptualization of this provision. At present there are many confusions related to habitat rights such as the process of boundary mapping, the implications, and the ambiguity on inclusion of non-forest land within the habitat boundaries. Many of the PVTGs are also nomadic and pre-agricultural communities and it is also of great importance to start a dialogue and fact finding process to clarify issues of their habitat. Additionally, the provisions for rights of such communities under FRA also should be implemented.

A massive grassroots level awareness campaign for PVTGs on such supportive legislations should be launched using a variety of modes of communication (posters, radio, TV, announcements during village meetings) for spreading information and encouraging dialogue regarding these provisions.

There should be sensitisation of implementing/ facilitating agencies for right based legislations regarding the objectives and approach to be used.

2. Suggestions for recommendation 2 (*Develop sustainable livelihood strategies for the PVTGs*)

Articulation of the livelihoods approach is oriented more towards the dominant paradigm of 'beneficiary orientation' and 'mainstreaming' which in fact is a key factor in marginalization of the communities. Instead the emphasis should be to secure the rights of the PVTGs over their means of livelihoods which are land, forests and natural resources. Also, linking to recommendations on livelihoods strategies, there should also be recommendations on governance strategies for the PVTG areas.

¹ For correspondence, please contact Tushar Dash, Vasundhara (094395 42176, 098610 48888, tushar@vasundharaorissa.org) or Shiba Desor, Kalpavriksh (+91-8237216954, desor.shiba@gmail.com). Postal address: Kalpavriksh, Flat no 5, 2nd Floor, Shri Dutta Krupa, 908, Deccan Gymkhana, Pune 411004, Maharashtra, <http://www.kalpavriksh.org/>
Vasundhara, Plot no. – A-70, Sahid Nagar, Bhubaneswar, Odisha – 751007, <http://vasundharaodisha.org/>

Some specific suggestions in this regard are:

In point 1, when talking about adopting a 'habitat approach' for socio-economic and cultural requirements, it could be added: 'the provision of habitat rights within Forest Rights Act should be explored for this.'

Point 3 talks about 'a transition phase from pre-agricultural level of technology to settled agriculture level of technology'. The language makes it seem like transition of all livelihoods to settled agriculture is both inevitable and necessary whereas we feel that it is important that a diversity of livelihood styles including practices such as shifting cultivation, transhumance and other nomadic ways of life can be as relevant and valuable in the present time as settled agriculture and in fact this diversity of livelihoods are now protected as rights under FRA. Such getting 'them settled to an agricultural economy' is also mentioned in point 6. This recommendation needs to be removed or suitably changed as it negates the right based approach suggested in this draft.

In point 4, when talking about conservation and reorganisation of traditional skills, it can be added: 'Such an attempt can help provide context based local livelihoods that take into account their traditional knowledge and cultural heritage'. Many of the income generating schemes and programmes do not match with the local livelihoods, traditional knowledge and capacity of the PVTGs. Such programmes need to be evaluated for their relevance for PTGs and redesigned.

In point 14 regarding making efforts for ensuring recognition of FRA rights, it can be added: "and that such rights are not over-ridden by development projects. Diversion of forest land for various development and industrial projects has severely affected habitats of PVTGs, their rights and livelihoods and has added to their vulnerability. The government should ensure that protective legislations such as FRA and PESA are duly complied before implementing any development projects. These legislations make it mandatory for the State governments to ensure recognition of rights under FRA and to obtain free prior informed consent of the Gram Sabhas of not only villages facing direct relocation but also villages whose other rights (such as NTFP collection, grazing, and cultural and religious rights) are being affected. Non recognition of rights of PVTGs living in protected areas and tiger reserves and relocations without following legally mandated procedures must be addressed in accordance with the provisions of FRA.

Additionally, this point can be added: the education model for PVTG areas should also incorporate features that can be more directly linked with (and be useful for) local knowledge, culture and livelihoods.

Right based legislations such as FRA and PESA by conferring habitat rights and by recognizing customary and community based governance systems demand a reorientation of the existing official system of governance and administration of the PVTG areas. This would require wider consultation with the PVTGs and their traditional community institutions.

3. Suggestions for recommendation 3 (*Participatory development approach should be followed*)

The following should be clarified in the beginning of the first paragraph,

"The definitions and targets for 'development', especially in the case of PVTGs, have to be redefined with a focus on multiple dimensions of well-being rather than conventional indicators such as a rise in income. The programmes and plans for achieving development or well-being need to be based on both traditional and modern knowledge and with inputs from the PVTG in question at every stage. Because of this, while an overarching basic policy may work, there will be a need of having more detailed and context specific programmes for different PVTGs and different regions based on consultations with them."

4. Suggestions for Recommendation 4 (*Evolve effective service delivery mechanism for the development of the PVTGs*)

At present, the focus within this recommendation is on measures for retaining external service providers. There should additionally be provisioning of financial and knowledge resources to facilitate and support possibilities of PVTGs providing basic services of health, and education on their own as best as possible through their traditional systems. There are already successful examples of this emerging in different parts of the country such as in Pastapur in Andhra Pradesh and communitisation in Nagaland.

5. Suggestions for recommendation 7 (*Prepare vulnerability indices of the Particularly Vulnerable Tribal Groups (PVTGs)*)

While we appreciate the suggestion of a vulnerability assessment and preparation of vulnerability indices, we feel that recommendation of mere budget allocation in accordance with the vulnerability index is not a sufficient measure to address vulnerability. Based on the assessment and the indices, the policies and programmes for different PVTGs in different regions need to be regularly reviewed to see whether any actions are being taken to address the specific issues of vulnerability for the group in question.

6. Suggestions for Recommendation 9 (*Launch special drive to improve educational status of the PVTGs*)

The following should be made explicit: 'The overall curriculum for education should be locally relevant, culturally sensitive and communicated in innovative ways and in vernacular languages'.