

GOVERNMENT OF HIMACHAL PRADESH

Himachal Pradesh Forest Department

Himachal Pradesh Forests for Prosperity Project
The World Bank assisted

SOCIAL ASSESSMENT and MANAGEMENT FRAMEWORK

**Tribal Development Framework/
Transhumant Development Framework
Final Report
November 2018**

Submitted By
Samaj Vikas Development Support Organisation
with
Center for Excellence in Management and Technology Pvt. Ltd.

Table of Contents

Executive Summary.....	5
1. Tribal Development Framework	9
1.1 Introduction	9
1.2 Objectives	10
2. Scheduled Tribes of Himachal Pradesh.....	12
2.1 Introduction	12
2.1.1 Gaddis	13
2.1.2 Gujjars.....	13
2.1.3 Kinners or Kinnauras	13
2.1.4 Lahulas	13
2.1.5 Pangwals	13
3. Scheduled Tribes in HP.....	14
3.1 ST Population in HP.....	14
3.2 Education.....	14
3.3 Infrastructure – Roads	15
4. Legal and Institutional Framework.....	17
4.1 Constitutional Safeguards.....	17
4.2 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.....	18
4.3 The Scheduled Castes and Scheduled Tribes: (Prevention of Atrocities) Rules, 1995	19
4.4 Protective and Anti-exploitative Measures	19
4.4.1 Land Alienation	19
4.4.2 Money lending, debt relief and Bonded Labour	20
4.4.3 Agriculture and Forest Sector	20
4.4.4 Excise Policy.....	20
4.5 Provision of Scheduled Areas under Fifth Schedule of Constitution.....	20
4.5.1 Scheduled Areas of HP	21
4.5.2 Fifth Schedule Areas	21
4.5.3 Pockets of Tribal Concentration	21
4.5.4 Dispersed Tribes in Non-Scheduled Areas	22
4.5.5 Purpose and Advantage of Scheduled Areas	22
4.5.6 Modified Area Development Approach (MADA) Pockets and Clusters	22
4.6 Devolution of power and system of local self-governance	23
4.6.1 HP Panchayat Raj Act, 1994.....	23
4.6.2 Panchayat Extension to Scheduled Areas (PESA) Act.....	23
4.7 The National Forest Policy 1988.....	24
4.8 State Strategy for Tribal Development.....	24
4.9 Department of Tribal Development	25
4.10 Relevant Schemes of Scheduled Tribes Development Department	25
4.11 Scheduled Caste/Scheduled Tribe Development Corporation	27
4.12 Forest Department and Programs for Tribal Development	27
4.12.1 Objectives of Forest Department aimed at Tribal Development	28
5. Tribal Development Framework	30
5.1 Problems Faced by Tribals in HP	30

5.1.1	Issues from Consultations	30
5.1.2	Other Issues.....	31
5.2	Components of the Tribal Development Plan	31
5.3	Implementation Arrangement for the TDP	35
5.4	Budget for implementing the TDP	36
6.	Annexures	37

List of Tables

<i>Table 1: Project Districts and Tribal Population</i>	<i>9</i>
<i>Table 2: District-wise Scheduled Tribe Population in Himachal Pradesh -2011 Census. 14</i>	<i>14</i>
<i>Table 3: Literacy Percentage among ST Population in HP</i>	<i>15</i>
<i>Table 4: District-wise Road Length</i>	<i>15</i>
<i>Table 5: PRI Constitution.....</i>	<i>23</i>
<i>Table 6: Powers given to Gram Sabhas under PESA Act</i>	<i>24</i>
<i>Table 7: Schemes implemented in the ITDPs</i>	<i>25</i>
<i>Table 8: Schemes implemented by SC/ST Development Corporation.....</i>	<i>27</i>
<i>Table 9: List of issues and expectation.....</i>	<i>30</i>
<i>Table 10: Components of TDP</i>	<i>32</i>
<i>Table 11: Budget for implementing the TDP.....</i>	<i>36</i>

Executive Summary

Introduction

Out of total 55,673 square kilometer geographical area of HP, about 23,655 square kilometer area falls in Scheduled V area, which constitutes 42.49 percent of the total area of the state. The total population living in the Scheduled Area is 173,661 of which 123,585 are tribals which constitute nearly 71.16 percent of the total population living in this area. As per the Socio Economic Caste Census of 2011, tribals of HP are better off among Scheduled Tribe (ST) households in the rural areas of India. Nearly 21.37 percent ST rural households have an income of more than Rs 10,000 per month and as many as 42.76 percent tribal households own irrigated agricultural land. Among salaried government jobs too, HP tribals are ahead of other states with 23.72 percent such households with at least one member in a government job.

However, owing to their presence in remote and geographically challenging areas (Lahaul, Spiti, Kinnaur and Chamba districts) their access to public services is very low, which reflects in the poor health and education infrastructure in tribal areas as well as low human development attainments. The average landholding size in tribal areas is around 1.16 hectares but over the years the cropping intensity of these farms has fallen from 136 to 124 percent due to water scarcity, low availability of irrigation facilities and low returns. The official list of scheduled tribes in Himachal Pradesh includes a) Gaddis, b) Gujjars, c) Kinnara or Kinnauras, d) Lahaulas and e) Pangwalas apart from some other smaller tribes groups like Bhot/Bodh, Beda, Jad/Lamba/ Khampa, and Swangla. The Himachal tribes generally have their abode in the upper and middle level of the hills. It is believed that most of the tribal groups of HP migrated from plains and adjoining areas from time to time.

The ST population is quite dominant in Lahul & Spiti and Kinnaur – two rural districts of the state, where they contribute to 81% and 58% of the total population of the districts respectively. In 2011 the overall literacy rate in these areas was about 82% with male literacy rate of 89% and female literacy rate 75%. Literacy percentage among Scheduled Tribes has increased from 65.5% in 2001 to 73.64% in 2011; the male literacy rate was 83.17% while female literacy rate stood at only 64.20% in 2011, well below the state average and far less than that of their male counterparts. Poor road connectivity in predominantly tribal areas, primarily owing to difficult and challenging topography creates geographical isolation, restricts access to basic public goods and services, markets and creates high dependence on natural resources for livelihoods.

The Project Development Objective (PDO) of the Forests for Prosperity Project is to improve forest management and communities' access to markets in selected watersheds in Himachal Pradesh. Short- to medium-term outcomes captured by the PDO are expected to contribute to improved water flow and sediment regulation in the targeted watersheds in the long term.

The project will have the following PDO indicators:

- PDO indicator #1: Selected forest land managed in accordance with site-specific management plans (ha)
- PDO indicator #2: Productive alliances operational according to a business

- plan (number); target of 50 percent with women-only groups
- PDO indicator #3: Share of target beneficiaries with rating 'Satisfied' or above on process and impact of project interventions (percentage, disaggregated by gender)

This Tribal Development Framework for the project is informed by an extensive literature review, discussions with project stakeholders as well as community consultations in predominantly tribal areas of the state (Kinnaur district)

Constitutional, Legal and Institutional Safeguards

The Constitution of India has made the provisions for Scheduled Tribes in the country considering the challenges faced by them and lack of access to development facilities in the geographic regions where they reside. The main safeguards include promotion of educational and economic interests and their protection from injustices and all forms of exploitation. The constitutional safeguards related to tribals are a) Article 14, related to equal rights and opportunities, b) Article 15, prohibits discrimination on grounds of sex, religion, race, caste etc., c) Article 15 (4), makes special provisions for the STs, d) Article 16 (3), empowers states to make special provisions for reservation in appointments or posts in favour of STs, e) Article 46, to promote with special care educational and economic interests of STs, protection from social injustice and exploitation, f) Article 275 (I), grant-in-aid for promoting the targeted welfare of STs, g) Article 330, 332, 335, related to the reservation of seats for STs in Lok Sabha and State Assemblies and h) Article 339, 340, related to Control of the Union over the Welfare of STs and powers to investigations thereof.

Some important Acts which ensure Social Safeguards of the STs is "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, HP Panchayat Raj Act, 1994, Panchayat Extension to Scheduled Areas (PESA) Act, The National Forest Policy 1988, etc. Some of the acts that recognize and protect tribal interests vis-à-vis forests are a) The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and b) The Scheduled Castes and Scheduled Tribes: (Prevention of Atrocities) Rules, 1995. There are several protective and anti-exploitative measures against Land Alienation, Money lending, debt relief and Bonded Labour, etc. In additions to these the Himachal Pradesh Tenancy and Land Reform Act, 1972 has put an end to all forms of tenancy on tribal lands except under certain conditions. Through these provisions the constitution also creates a separate institutional set-up (Integrated Tribal Development Projects- ITDPs) and parallel budgetary arrangements (Tribal Sub-Plan-TSP) for ensuring availability of adequate finances (in proportion to the tribal population) and dedicated cadres for implementing certain programs for tribal development and providing oversight/ monitoring of schemes and programs implemented by other departments.

Scheduled Areas under Fifth Schedule of Constitution

In order to protect the interests of the Scheduled tribes, the provision of "Fifth Schedule" is enshrined in the Constitution under article 244 (2) which identifies certain areas with predominant tribal population that require special protection and measures for conserving their population and culture and provides administrative arrangement and consent of the Gram Sabha to implement development programs in these areas. These notified areas in HP are 3 Schedule V Districts (Fully &Partly covered), 2 Schedule V Districts (Fully covered) (Lahaul & Spiti, and Kinnaur), 1 Schedule V District (Partly

covered) (Chamba), 7 Blocks in Schedule V area, 151 Gram Panchayats in Schedule V areas and 806 Revenue Villages in Schedule V areas. The Kinnaur and Lahaul-Spiti districts, in their entirety, and Pangi and Bharmour (now tehsil Bharmour and sub-tehsil Holi) Sub-Divisions of Chamba district constitute the Scheduled Areas in the State.

State Strategy for Tribal Development

Coupled with tribal areas, 100% of ST population was covered under Sub-Plan treatment. For equitable flow of funds to the 5 ITDPs, the State has evolved an objective formula for distribution of funds based on a weightage of 40% to population, 20% to area under Schedule V and 40% to relative economic backwardness for each ITDP. Based on this formula, the share of each ITDP is a) Kinnaur-30%, Lahaul-18%, Spiti-16%, Pangi-17% and Bharmour-19%.

Department of Tribal Development works for the social and economic upliftment of Scheduled Tribes of the state. There are several schemes of Scheduled Tribes Development Department which include a) Special Central Assistance to Tribal Sub- Plan, b) Grants in Aid under Article 275 (1), c) Skill Development for Tribal Communities, d) Vocational Training in Tribal Areas (VTC), e) Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP, f) Institutional Support for Development and Marketing of Tribal Products / Produce and g) Support through Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) for skill development and marketing of tribal artifacts/ MFPs. The major function of the department is to promote and protect rights of tribal communities, implement programs for educational and economic development, prepare tribal sub- plan of the state, act as the channelising agency for these funds, coordinate and monitor use of funds by various line departments in tribal areas and implement works in the ITDPs.

The Scheduled Caste/ Scheduled Tribe Development Corporation works for the economic empowerment of the tribal communities by identifying opportunities for self-employment and income generation for tribals, extending skill upgradation, institutional and marketing support for them to enter those vocations or improve them and most importantly provide concessional finance for viable income generation schemes through SCAs and other schemes.

The Forest Department also has several programs that contribute to tribal development. Tribal communities participate in raising plantations on forest land and have the right to collect fuel and fodder from the plantations so raised. The local communities, including tribal, have the right to extract NTFP and also receive timber from the government owned forests periodically. However, these forests have come under heavy pressure for meeting the demand of timber for the ever - increasing population. The transhumant as well as sedentary communities in these areas rear large herds of animal population for meeting their requirement of wool, meat, etc. and have enjoyed traditional access to the forests and government owned pastures. Some of these pastures and forests are also visited seasonally by the migratory grazers or transhumants.

Tribal Development Framework and Implementation

Several issues have emerged from the assessment and consultations. The major suggestions of communities residing in the tribal areas were related to 1) greater information need

regarding forest management, rights and entitlements of communities, 2) opportunities for engaging in forestry operations like raising of nurseries, development of plantation sites, to supplement incomes, 3) greater benefits from the forests in the form of timber distribution, 4) inclusion of community preference / choice of species in plantations or when planning silvicultural operations in an area. Other issues to be addressed under the TDF are a) Infrastructure needs, b) Produce Storage/ Processing / Marketing related, c) Employment Opportunities related and d) Grazing Issues.

The proposed components under the TDF are a) Awareness Generation, b) developing a tribal Socio-Economic Baseline, c) conducting Social assessment of sub-projects, d) complying with principles of Inclusion and Representation, e) Training and Capacity building, f) Convergence with other relevant schemes, g) assistance in implementation of the TDF and h) Monitoring the implementation of TDP.

The implementation responsibility for the TDP will be in sync with the overall implementation strategy of the project, with the Social Safeguards Specialist and Gender and Social Development Specialist being responsible for its implementation under the overall guidance provided by Chief Project Director (CPD). In the field, the Community Facilitators deployed at the beat level (approx. 38) will be responsible for mobilizing the community for organizing consultations, creating awareness about the project and likely interventions, seeking Free Prior Informed Consent (FPIC) of tribal communities on proposed project activities, for understanding and documenting the community needs /priorities, and supporting preparation and implementation of the TDF. In addition, an external consultant will be hired (for a period of 2 years) for preparation of the Tribal Development Plan with support from the community facilitators and the field offices located in the forest divisions and ranges. The budget provision for implementing the TDF is Rs. 1.8 Crores.

1. Tribal Development Framework

1.1 Introduction

The Himachal Pradesh Forests for Prosperity Project aims at improved governance, management and community use of forests and pastures at selected sites in the state of Himachal Pradesh and the project will be implemented in 7 districts falling in the Satluj basin (Kinnaur, Kullu, Mandi, Shimla, Solan, Una and Bilaspur). Kinnaur district has the highest concentration of tribal communities (58 percent) followed by Solan (5 percent) while being dispersed and present in small numbers in other districts (Shimla and Mandi 1 percent each). Owing to their presence in the project area, and since the grazing route of the transhumant communities of the state falls in the proposed project area, World Bank's Policy OP/BP 4.10 on Indigenous People is triggered and these communities are likely to be impacted by the project interventions.

Table 1: Project Districts and Tribal Population

Project Districts	Scheduled Tribe Population-Percent			Scheduled Tribe Population-Total
	Total_ST	Male_ST	Female_ST	
Bilaspur	3%	3%	3%	10,693
Kinnaur	58%	51%	66%	48,746
Kullu	4%	4%	4%	16,822
Mandi	1%	1%	1%	12,787
Shimla	1%	1%	1%	8,755
Solan	4%	4%	5%	25,645
Una	2%	2%	2%	8,601
State Average (HP)	6%	6%	6%	392,126 (Total)

To enable the inclusion of tribal and other vulnerable communities in the project and to achieve the best possible outcomes of the project for tribal communities in terms of their participation in project activities and to avoid, to the extent possible, any adverse social impacts of the project this tribal development framework has been prepared. Since the exact locations and sites where the project investments will take place are not known, this framework has been developed to inform the preparation of future tribal development plan, after screening to assess if OP/BP 4.10 comes into effect.

This Tribal Development Framework assesses the development attainments of tribal communities in the state, the legal and regulatory instruments available to safeguard and protect the lives and livelihoods of tribal communities, state support available for development and conserving their customary rights and practices and

the institutional set up for extending that support in the state. It identifies the risks of adverse impacts that the project investments could present and recommends screening mechanisms, avoidance and risk mitigation strategies to be applied to maximize participation and accrual of benefits to the tribal communities. The communication strategy and institutional arrangement for the implementation of the framework, the responsible parties for implementing them are spelt out along with the budgetary requirements for financing these activities. The TDF will be applicable to all seven project districts that have a tribal population based on the World Bank screening criteria for indigenous populations. The scale of operations will be proportionate to the extent of tribal population and subject to the overall project.

1.2 Objectives

The Project Development Objective (PDO) of the Forests for Prosperity Project is to improve forest management and communities' access to markets in selected watersheds in Himachal Pradesh. Short- to medium-term outcomes captured by the PDO are expected to contribute to improved water flow and sediment regulation in the targeted watersheds in the long term.

The project will have the following PDO indicators:

- PDO indicator #1: Selected forest land managed in accordance with site-specific management plans (ha)
- PDO indicator #2: Productive alliances operational according to a business plan (number); target of 50 percent with women-only groups
- PDO indicator #3: Share of target beneficiaries with rating 'Satisfied' or above on process and impact of project interventions (percentage, disaggregated by gender)

The objective of this Tribal Development Framework is to ensure that the proposed project investments and objectives uphold the social and cultural norms and constitutional rights of the tribal communities, while engaging with the tribal communities in a free, prior and informed process of consultation so that their meaningful participation in the process of preparation, planning and implementation is assured and they derive full benefits of the project investments in a culturally appropriate and equitable manner. The framework ascertains that the project does not inadvertently induce disempowerment, or increase disparities between the tribal and other communities, and proposes ways for avoiding, minimizing and/or mitigating adverse impacts on tribal households and their livelihoods. The TDF also establishes appropriate strategies for information sharing, communication and capacity building of tribal stakeholders at all stages of the project and proposes additional interventions/ investments that may be required to enhance project benefits and their outreach/ access to the tribal communities.

The TDF will cover all activities under the project and would focus on creating an 'enabling environment' through intensive and extensive awareness creation among community members, mandating their participation in planning, management and operations, ensuring equity in all project interventions and equities.

While some project interventions such as nursery development, production of seedlings, plantations, and improvement of pastures, are broadly identified by location, specific interventions and their exact locations in the tribal areas would be known during the implementation phase and will be planned based on demand assessment and with free, prior and informed consent of the affected tribal communities for which this TDF is being prepared.

The principal objectives of TDF are to:

- avoid or minimize any kind of adverse impact on the tribal community and to suggest appropriate mitigation measures;
- ensure that the project engages in free, prior and informed consultation with tribal people in the entire process of planning, implementation and monitoring of project;
- identify the views of tribal people regarding the proposed project and ascertain broad community support for the project;
- ensure that project benefits are accessible to the tribal communities living in the project area;

2. Scheduled Tribes of Himachal Pradesh

2.1 Introduction

Out of total 55673 square kilometer geographical area of H.P. about 23,655 square kilometer area falls in Scheduled V, which constitutes 42.49 percent of the total area of the state. The total population living in the Scheduled Area is 173,661 of which 123,585 are tribals which constitute nearly 71.16 percent of the total population living in this area. Out of total ST population in the state 68.51 percent resides outside the Scheduled Areas while the rest is dispersed in other districts and regions of the state.¹

As per the Socio Economic Caste Census of 2011, tribals of HP are better off among Scheduled Tribe (ST) households in the rural areas of India. Nearly 21.37 percent ST rural households have an income of more than Rs 10,000 per month and as many as 42.76 percent tribal households own irrigated agricultural land. Among salaried government jobs too, HP tribals are ahead of other states with 23.72 percent such households with at least one member in a government job.

However, this does not represent the complete picture of the scheduled tribes in Himachal. The state's tribal areas have a lower literacy rate at 73.64 percent against the state average of 82.80 percent.² Owing to their present in the remote and geographically challenging areas (Lahaul, Spiti, Kinnaur and Chamba districts) their access to health services is low, which reflects in the poor health infrastructure in tribal areas as well as low health attainments. The average landholding size in tribal areas is around 1.16 hectares but over the years the cropping intensity of these farms has fallen from 136 to 124 percent due to water scarcity and low availability of irrigation facilities.

The remoteness of tribal habitations, while creating barriers in mobility, also pose challenges in the provisioning of basic public services like - primary and secondary health services, school and higher education, banking services- apart from low access to established markets. The state statistical profile of tribal areas vis-à-vis Himachal Pradesh for the year 2014-15 is annexed to this report.

The official list of scheduled tribes in Himachal Pradesh includes a) Gaddis, b) Gujjars, c) Kinnara or Kinnauras, d) Lahaulas and e) Pangwalas apart from some other smaller tribes groups like Bhot/Bodh, Beda, Jad/Lamba/ Khampa, and Swangla. The Himachal tribes generally have their abode in the upper and middle level of the hills. It is believed that most of the tribal groups of Himachal migrated from plains and adjoining areas from time to time.

¹ Source: Directory of Villages with ST concentration, Tribal Development Department, GoHP

² Annual Tribal Sub-Plan 2017-18, GoHP

2.1.1 Gaddis

Of the various hill tribes of Himachal Pradesh, the Gaddi is the most dominant tribe. As compared to the other tribes the Gaddis are most populous. The language of Gaddis is Gadi. The major part of the life of a Gaddi is spent in rearing the sheep and goats which is their main profession, The financial condition of the Gaddis is better than that of their counterparts in other states (Socio-Economic Caste Census, 2011) but since a majority of them lead semi-nomadic, pastoral life practicing transhumance, their standard of living has not improved over time. Maintenance of large herds of sheep and goats and to provide fodder for their cattle is the major occupation of this tribe.

2.1.2 Gujjars

The Gujar tribe in Himachal Pradesh falls in Hindu community as well as in Muslim community. A majority of this tribe leads nomadic life and are also a transhumant community. However, some of them have also settled down at different locations and live in a joint family system. The main occupation of this tribe like the Gaddis, is rearing of cattle which is also their main source of livelihood.

2.1.3 Kinnars or Kinnauras

The Kinnara or Kinnauras tribe lives in the border district of Kinnaur. The main sources of the income of Kinnauras are trade horticulture and agriculture. The other professions of this tribe are settled animal husbandry, weaving, and also work as silversmiths, blacksmiths and wood sculptors.

2.1.4 Lahulas

The tribal inhabitants of Lahaul & Spiti district of Himachal Pradesh are known as Lahaulas. The main sources of the Lahaula's economy are agriculture, trade, horticulture, animal husbandry and various other crafts.

2.1.5 Pangwals

The people of Pangwal tribe inhabit the snowbound areas of the Chamba district of Himachal Pradesh. The main sources of their economy are agriculture, animal husbandry and village crafts.

3. Scheduled Tribes in HP

3.1 ST Population in HP

Table 2: District-wise Scheduled Tribe Population in Himachal Pradesh -2011 Census

DISTRICT	Total ('000)				ST Population								
					Rural			Urban			Total		
	HH	POP	M	F	POP	M	F	POP	M	F	POP	M	F
Bilaspur	80	382	193	189	3%	3%	3%	1%	1%	1%	3%	3%	3%
Chamba	102	519	261	258	28%	28%	28%	7%	7%	8%	26%	26%	26%
Hamirpur	106	455	217	238	1%	1%	1%	1%	1%	1%	1%	1%	1%
Kangra	339	1,510	751	759	6%	6%	6%	5%	5%	5%	6%	6%	6%
Kinnaur	20	84	46	38	58%	51%	66%	-	-	-	58%	51%	66%
Kullu	95	438	225	212	3%	3%	3%	11%	10%	11%	4%	4%	4%
Lahul & Spiti	7	32	16	15	81%	77%	87%	-	-	-	81%	77%	87%
Mandi	219	1000	498	501	1%	1%	1%	1%	1%	1%	1%	1%	1%
Shimla	184	814	425	388	1%	1%	1%	2%	2%	2%	1%	1%	1%
Sirmaur	98	530	276	253	2%	2%	2%	1%	1%	1%	2%	2%	2%
Solan	122	580	309	271	5%	5%	5%	2%	1%	2%	4%	4%	5%
Una	110	521	264	257	2%	2%	2%	0.3%	0.3%	0.3%	2%	2%	2%
HIMACHAL PRADESH ('000)	1,483	6,864	3,481	3,382	374.4	186.9	187.5	17.7	9.2	8.5	392.1	196.1	196.0
% of Total	100%	100%	100%	100%	6%	6%	6%	3%	2%	3%	6%	6%	6%

Source: Census of India-2011.

ST Population comprises of 6% of total population of the state. However the ST population is quite dominant in Lahul & Spiti and Kinnaur – two rural districts of the state, where they contribute to 81% and 58% of the total population of the districts respectively.

3.2 Education

In 2011 the overall literacy rate was about 82% with male literacy rate of 89% and female literacy rate 75%. Literacy percentage among Scheduled Tribes has increased from 65.5% in 2001 to 73.64% in 2011 - the male literacy rate was 83.17% and females literacy rate stood at 64.20% in 2011, which is still well below the state average and far less than that of their male counterparts.

Table 3: Literacy Percentage among ST Population in HP

District	2011 Census		
	Male	Female	Total
1.	5.	6.	7.
Bilaspur	84.6	66.0	75.5
Chamba	80.3	58.0	69.1
Hamirpur	92.6	78.2	85.4
Kangra	82.8	65.7	74.1
Kinnaur	89.2	71.5	80.0
Kullu	90.2	76.0	83.2
Lahul & Spiti	86.9	67.2	76.9
Mandi	83.8	68.2	75.9
Shimla	79.8	70.8	75.5
Sirmaur	69.7	48.7	59.7
Solan	82.5	63.0	73.1
Una	87.8	71.8	80.0
HP	83.2	64.2	73.6

Source: Census of India 2001& 2011.

3.3 Infrastructure – Roads

Table 4: District-wise Road Length

District	2014-15	
	Metalled, Km	Un- Metalled, Km
Bilaspur	1346	336
Chamba	1288	1050
Hamirpur	1636	237
Kangra	5149	733
Kinnaur	484	316
Kullu	959	866
Lahul & Spiti	593	645
Mandi	2763	2466
Shimla	2625	2695
Sirmaur	1380	1594
Solan	1734	1138
Una	1735	147
HP	21692	12223

Note: - Road Length includes National Highways and Border roads. Source: Public Works Department, H.P

As shared above, poor road connectivity in predominantly tribal areas, primarily owing to difficult and challenging topography creates geographical isolation, restricts access to basic public goods and services, markets and creates high dependence on natural resources for their livelihood.

4. Legal and Institutional Framework

4.1 Constitutional Safeguards

The Constitution of India has made the provisions for Scheduled Tribes in the country considering the challenges faced by them and lack of access to development facilities in the geographic regions where they reside. The main safeguards include promotion of educational and economic interests and their protection from injustices and all forms of exploitation. The constitution also safeguards the indigenous communities from the general rights of all Indian citizens to move freely, settle anywhere and acquire property by posing certain restrictions on it, largely to conserve the customs and traditions of these communities. It also permits the States to make reservation in public services in case of inadequate representation and requiring them to consider their claims in appointments to public services.

The constitution provides setting up of separate departments in the States and National Commission at the Centre to promote tribal welfare and safeguard their interests (Art. 224, fifth and Sixth Schedules) and grant-in-aid are provided to the States to meet the cost of such development schemes to be undertaken for prompting the welfare of Schedule Tribes or raising the level of development in the Schedule Areas (Art. 275 (1)). The constitutional safeguards related to tribals are:

- i. Article 14, related to equal rights and opportunities;
- ii. Article 15, prohibits discrimination on grounds of sex, religion, race, caste etc.;
- iii. Article 15 (4), enjoins upon the state to make special provisions for the STs;
- iv. Article 16 (3), empowers states to make special provisions for reservation in appointments or posts in favour of STs;
- v. Article 46, enjoins upon states to promote with special care educational and economic interests of STs, protection from social injustice and exploitation;
- vi. Article 275 (I), grant-in-aid for promoting the welfare of STs;
- vii. Article 330, 332, 335, related to the reservation of seats for STs in Lok Sabha and State Assemblies; and
- viii. Article 339, 340, related to Control of the Union over the Welfare of STs and powers to investigations thereof. One of the important Acts which ensures Social Safeguards of the STs is "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

These provisions create safeguards for the protection of tribal communities while creating an environment for affirmative action to support the mainstreaming of tribal communities and for bringing them at par with the other social communities. Through these provisions the constitution also creates a separate institutional set-up and parallel budgetary arrangements (through a tribal sub-plan) for ensuring availability of adequate finances (in proportion to the tribal population) and

dedicated cadres for implementing certain programs for tribal development and providing oversight/ monitoring of schemes and programs implemented by other departments.

4.2 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

This Act recognizes and vests forest rights and occupation on forest land in forest dwellings to scheduled tribes and other traditional forest dwellers who have been residing in such forests for generations but whose rights could not be recorded. The Act provides for a framework for recording the forest rights so vested and the nature of evidence required for such recognition and vesting in respect of forest land.

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 also known as the Forest Rights Act recognizes the 'rights' of the forest dwellers (mainly scheduled tribes) to access and use the forest and its resources by providing legal sanctity to that rights and also vests these forest dependent communities with the responsibility to sustainably use, conserve and manage these forest resources and contribute towards strengthening the conservation of these vital natural resources. . The Act recognizes the following rights of the ST and Other Traditional Forest Dwellers (OTFDs):

- i. Right to hold and live on the forest land under individual or collective occupation for habitation or for self-cultivation for livelihood by ST or OTFD member or members;
- ii. Community rights over forest resources
- iii. Right of ownership, access to collect, use, and dispose of minor forest produce which has been traditionally collected within or outside village boundaries;
- iv. Other community rights of uses or entitlements such as fish and other products of water bodies, grazing (both settled or transhumant) and traditional seasonal resource access of nomadic or pastoralist communities;
- v. Rights, including community tenures of habitat and habitation for primitive tribal groups agricultural communities;
- vi. Right of access to biodiversity and community right to intellectual property and traditional knowledge related to biodiversity and cultural diversity;
- vii. Any other traditional right customarily enjoyed by the forest dwelling Scheduled Tribes or other traditional forest dwellers

Forest Rights Act, 2006 (FRA) gives the right of ownership, access to collect; use and dispose of minor forest produce which has been traditionally collected within or outside village boundaries. The Act also recognizes the development rights of communities residing within the forests or on forest fringe by providing smooth, encumbrance free access to development facilities in their habitations.

Based on the provisions of the Act, so far 17,503 Forest Rights Committees, 76 Sub Division Level Committees and 19 District Level Committees have been constituted in the state to manage the implementation of the Act. As of July 2017 titles for 7 Community rights and 53 (OTFD) Individual rights over land measuring 1890.11 Hectare and 0.4289 Hectare respectively have been recognized and vested. While the matter was debated for a long time, the state has decided that since community rights in Himachal Pradesh have already been defined in the Record of Rights they will be settled in accordance with the existing 'Record of Rights'.³

The social impact screening checklist for the project will ensure that the project will not be implemented in areas where community forest rights claims have been filed but not settled.

4.3 The Scheduled Castes and Scheduled Tribes: (Prevention of Atrocities) Rules, 1995

This Act provides for specific provisions to prevent atrocities on the Scheduled Castes and the Scheduled Tribes and suggests State Governments to frame rules for the same. These include identification of areas where atrocity may take place or there is an apprehension of re-occurrence of an offence under the Act. The State Government is required to set up a "Scheduled Castes and the Scheduled Tribes Protection Cell" at the state headquarters headed by the Director of Police, Inspector-General of Police. This Cell is responsible for:

- conducting survey of the identified area;
- maintaining public order and tranquility in the identified area;
- recommending deployment of special police or establishment of special police post in the identified area; and
- Restoring the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

The protective provisions safeguard tribal people from social injustices and all forms of exploitation, while the developmental provisions promote special care for the educational and economic interests of the weaker sections like the STs and SCs. Further, administrative provisions under the Fifth and Sixth Schedules give special powers to the state for the protection and governance of tribal areas and the reservation provisions ensure due representation in legislative bodies and government jobs.

4.4 Protective and Anti-exploitative Measures

4.4.1 Land Alienation

³ Minutes of 12th State Level Monitoring Committee(SLMC) Meeting 25 July, 2017

Provision under The Himachal Pradesh Transfer of Land(Regulation) Act, 1968 states that no person belonging to Scheduled Tribe shall transfer his interest in any land including any constructed premises by way of sale, mortgage, lease, gift or otherwise to any person not belonging to such tribes except with the previous permission in writing of the State Govt. This has been done to prevent land alienation of vulnerable tribal communities through exploitative transactions with money lenders and other vested interests.

4.4.2 Money lending, debt relief and Bonded Labour

Himachal Pradesh Registration of Money Lender Act, 1976 regulates money lending in the State which prescribes registration of money lenders and procuring of licenses for doing money lending business.

Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 also provides relief from indebtedness to certain farmers, landless agricultural labourers and rural Artisans of the State. The Act has also put to an end Bonded Labour and any custom / traditions similar in arrangement.

4.4.3 Agriculture and Forest Sector

Himachal Pradesh Tenancy and Land Reform Act, 1972 has put an end to all forms of tenancy except under certain legal disabilities and the law provides suo-moto conferment of propriety rights on such tenants and they are not required to apply for the same. The system of share-cropping is also non-existent. There are no forest villages in the State and minor forest produce exploitation is nationalized. The tribals have recorded rights to collect minor forest produce for their own consumption or sale thereof. Co-operative marketing societies also undertake sale of such forest produce.

4.4.4 Excise Policy

The local population is allowed to manufacture country fermented liquor for home consumption and use on special occasions or to distil liquor from fruits and grains for home consumption but only after a license to this effect is obtained beforehand. This facility is available in all tribal areas except Bharmour.

4.5 Provision of Scheduled Areas under Fifth Schedule of Constitution

In order to protect the interests of the Scheduled tribes, the provision of "Fifth Schedule" is enshrined in the Constitution under article 244 (2) which identifies certain areas with predominant tribal population that require special protection and measures for conserving their population and culture and provides an administrative arrangement to implement development programs in those areas. The criteria for declaring any area as a "Scheduled Area "under the Fifth Schedule are:

- Preponderance of tribal population,
- Compactness and reasonable size of the area,
- Available administrative entity such as district, block or taluk, and
- Economic backwardness of the area as compared to neighboring areas.

4.5.1 Scheduled Areas of HP

The details of notified FSA areas in the State of Himachal Pradesh are as under:

- Schedule V District (Fully &Partly covered) – 3
 - Schedule V District (Fully covered) – 2
(Lahaul & Spiti, and Kinnaur)
 - Schedule V District (Partly covered) – 1
(Chamba)
- Blocks in Schedule V area: 7
- No of Gram Panchayats in Schedule V area – 151
- No of Revenue Villages in Schedule V area – 806

4.5.2 Fifth Schedule Areas

The Kinnaur and Lahaul-Spiti districts, in their entirety, and Pangi and Bharmour (now tehsil Bharmour and sub-tehsil Holi) Sub-Divisions of Chamba district constitute the Scheduled Areas in the State, fulfilling the minimum criterion of 50% ST population concentration in a CD Block.

These are situated in the north and north-east part of the state forming a contiguous belt in the far hinterland behind High Mountain passes with average an altitude of 3281 metre above the mean sea-level. The district of Kinnaur Lahaul-Spiti , Pangi Sub-Division of Chamba district and the Bharmour sub- division of this district form the schedule V area of the state and are characterized by snow glaciers, high altitudes and highly rugged terrain, criss-crossed by fast flowing rivers and their tributaries The most distinguishing mark of the tribal areas in the State is that they are very vast in area but with low population density with the result that per unit cost of infrastructure development is very exorbitant. These areas were declared as Schedule Areas by the President of India as per the Schedule Area (Himachal Pradesh) Order, 1975 (CO 102) and Integrated Tribal Development Projects (ITDPs) were created to manage them. These five ITDPs are Kinnaur, Lahaul, Spiti, Pangi and Bharmour. Except Kinnaur which is spread over 3 Community Development Blocks, rest of the ITDPs comprise one block each.

4.5.3 Pockets of Tribal Concentration

Tribal development envisaged a two- pronged strategy to cover both the concentrated and dispersed tribals. The areas of tribal concentration with 50% or above tribal population were taken up through the setting up of ITDPs. For dispersed tribal groups, Modified Area Development Approach (MADA) was devised to cover such pockets of tribal concentration which had a population

threshold of 10,000 in contiguous areas, of which 50 percent or more were tribals. In Himachal Pradesh, two such pockets Chamba and Bhatiyat Blocks were identified in Chamba district covering an area of 881.47 Sq.Km. and population of 29455 (7.51%) of Scheduled Tribes as per 2011 census. Coupled with tribal areas, 100% of ST population was covered under Sub-Plan treatment.

4.5.4 Dispersed Tribes in Non-Scheduled Areas

To ensure 100% coverage of ST population under its treatment, Tribal Affairs Ministry came out with the SCA supplementation for such dispersed tribes in 1986-87 but because of late receipt of guidelines, the actual adoption was deferred to 1987-88 and in this way, 100% ST population in the State come under sub-plan ambit.

4.5.5 Purpose and Advantage of Scheduled Areas

Scheduled Areas have certain distinct provisions meant to protect and benefit tribal people in a State:

- The Governor of a State which has Scheduled Areas is empowered to make regulations in respect of
 - prohibit or restrict transfer of land from tribals;
 - regulate the business of money lending to the members of STs.
- In making any such regulation, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State, which is applicable to the area in question.
- The Governor may by public notification direct that any particular Act of Parliament or Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to such area subject to such expectations and modifications as may be specified.
- Tribes Advisory Council [TAC] shall be established in States having Scheduled Areas. The TAC may also be established in any State having Scheduled Tribes but not Scheduled Areas on the direction of the President of India.

4.5.6 Modified Area Development Approach (MADA) Pockets and Clusters

Since the 8th Five Year Plan (1992-97), the concept of TSP has been modified by extending the coverage to the entire ST population outside the scheduled areas, but including those who live in contiguous areas. Three criteria are laid down for identification of tribal pockets under MADA approach. These include:

- A minimum population of 10,000
- 50% of ST population in the pockets
- Contiguity of villages in the pockets.

4.6 Devolution of power and system of local self-governance

In 1992, the Government of India enacted the Constitution's 73rd and 74th Amendment Acts to strengthen democratic institutions at the grassroots level and empower the people for effective participation in local governance. Under the Act, a three tier PRI system has been introduced viz. Zilla Parishad at the district level, Panchayat Samiti at the Block level and Gram Sabha at the Gram Panchayat level.

4.6.1 HP Panchayat Raj Act, 1994

The Act provides for the constitution of Panchayat Raj in the state of Himachal Pradesh in a 3 tier system for local governance. The State Panchayati Raj Act has vested Gram Panchayat, Panchayat Samitis and Zilla Parishads with rights to minor water bodies, minor forest produce and management of local markets. The Act also provides for representation of women and members of tribal communities in all the 3-tiers based on proportion of tribal population.

Table 5: PRI Constitution

Level	PRI Body	Constitution
District Level	Zilla Parishad	Head Zilla Parishad. Zilla Parishad Upadhyaksh, ZP Members
Block Level	Panchayat Samiti	Pramukh, Up-Pramukh Panchayat Samiti members
Village Level	Gram Panchayat	Pradhan, Up-Pradhan, Ward members

4.6.2 Panchayat Extension to Scheduled Areas (PESA) Act

Pursuant to the Constitution (73rd Amendment) Act, the State of Himachal Pradesh passed a Panchayati Raj Act in 1994 (HPPRA). Since provision of the PESA did not extend to the state, in 1997, in accordance with the PESA its provisions were through an amendment in the State Panchayati Raj Act to bring into effect PESA to the Scheduled Areas of H.P through "The H.P. Panchayati Raj (Second Amendment) Act, 1997". The Act was promulgated to protect the customs, rights and livelihoods of tribal communities through people-centric governance, planning & implementation, and control over resources.

With the strength and support of PESA Act, 1996 the PRI bodies at the district and village level have been vested special functional powers and responsibilities to ensure effective participation of tribal people in their own development and to preserve and conserve their traditional rights over natural resources. The Act recognizes the customary institutions and practices of the indigenous communities and vests in the Gram Sabha (village assembly) the power to be consulted and sought consent for any development project proposed for the area, consultation before any land acquisition or resettlement, power to manage village markets, restrict operations of money lenders, own and manage minor forest

produce and also prepare plans, at an appropriate level, for their development. A brief summary of powers given to PRIs under PESA Act is given below

Table 6: Powers given to Gram Sabhas under PESA Act

Gram Sabha	Gram Panchayat	Block Panchayat	Zilla Parishad
<ul style="list-style-type: none"> ▪ Listing of development projects for execution through GP. ▪ Identification and recommendation of beneficiaries under poverty alleviation programs. ▪ Any proposal/plan presented by the GP needs prior consultation and approval with the Gram Sabha. ▪ Prior approval for collection of taxes. Wherever necessary asking for information from GP. ▪ Intervene in conflict resolution through traditional and customary traditional methods if required. ▪ Gram Sabha has power to safeguard the cultural identity, community resources and dispute resolution per traditional customs and regulations. ▪ Control and supervision of functions and powers of GP. 	<ul style="list-style-type: none"> ▪ Enforcement of prohibition of regulation or restriction of the sale and consumption of any intoxicant. ▪ The ownership of Minor Forest Produce. Prevention of alienation of land and restoration of any unlawful land of a Scheduled Tribe. ▪ Control over the money lending to the Scheduled Tribe. 	<ul style="list-style-type: none"> ▪ The powers of control and supervision of activities of various organizations and individuals and their office bearers engaged in social work ▪ Consulting the Gram Sabha wherever necessary. 	<ul style="list-style-type: none"> ▪ Approval to obtain concession for raising minor minerals, lease and licenses for mining activities or auctioning of minor mineral products. ▪ Prior approval of Zilla Parishad, for land acquisition or rehabilitation of affected people with or without consultation with the Gram Sabha. ▪ Planning and management of minor water bodies.

4.7 The National Forest Policy 1988

The National Forest Policy 1988 of the Government of India envisages people's involvement in conservation, protection and management of forest. It emphasized that forest produce must go first to the people living in and around forests. Further, in June 1990 a Government resolution supported involvement of non-governmental organizations and the creation of village level institutions in forest management.

4.8 State Strategy for Tribal Development

Coupled with tribal areas, 100% of ST population was covered under Sub-Plan treatment. For equitable flow of funds to the 5 ITDPs, the State has evolved an objective formula based on a weightage of 40% to population, 20% to area under Schedule V and 40% to relative economic backwardness of each ITDP. Based on this formula, the share of each ITDP is as under:-

Kinnaur	30 %
Lahaul	18 %
Spiti	16 %
Pangi	17 %
Bharmour	19 %

4.9 Department of Tribal Development

The department works with the objective of providing special attention to the social and economical upliftment of Scheduled Tribes of the state. The mandate of the department includes:⁴

- All matters relating to planning generally e.g. assessment of resources, formulation of plans, laying down of targets and physical aspects and co-ordination in relation to matters affecting tribal areas and the members of Scheduled Tribes of the State.
- Periodical assessment and evaluation of Tribal Sub-Plan activities in relation to matters affecting tribal areas and members of Scheduled Tribes of the State.
- All policy matters including introduction of new schemes affecting tribal areas
- Tendering advice to other departments on proposals and in relation to all matters affecting Tribal areas and members of Scheduled tribe.
- Overall co-ordination and evaluation of all activities of other departments in relation to matters affecting tribal areas and Scheduled Tribes.
- Providing managerial support to the functioning of Tribal Advisory Council.
- Administration and management of all Integrated Tribal Development Projects- ITDPs in the state.

4.10 Relevant Schemes of Scheduled Tribes Development Department

The major function of the department is to promote and protect rights of tribal communities, implement programs for educational and economic development, prepare tribal sub- plan of the state, act as the channelising agency of funds, coordinate and monitor use of funds by various line departments in tribal areas and implement works in the ITDPs.

Table 7: Schemes implemented in the ITDPs

Scheme/ Fund	Objective
Special Central Assistance to Tribal Sub- Plan	SCA to TSP is a 100 percent grant from GoI to be utilized for the economic development of ITDP, ITDA, MADA, Clusters and dispersed tribal populations. The objective is to invest in the human resource development of tribal communities to enhance their access to education and health; provide basic amenities in tribal areas; reduce poverty and unemployment by creation of

⁴ Source: Tribal Development Department website: <http://admis.hp.nic.in/himachal/tribal/introduction.htm>
info@samajvikas.org cemt@cemt.in

	productive assets and income generating opportunities; and to protect them against exploitation.
Grants in Aid under Article 275 (1)	Grants-in-aid under Article 275(1) are 100 percent annual grants from GoI to be utilised for socio economic development of ITDP, MADA, & Clusters. The objective is the same as that provided for SCA to TSP, but prioritises the use of funds in following areas a) Education - 40 - 50 percent, b) Health - 10 - 15 percent, c) Agriculture and allied sector 20 - 30 percent d) Other income generating schemes to augment Tribal economy 10-15 percent
Skill Development for Tribal Communities	The scheme uses Conservation cum Development Plan funds for livelihood improvement by promoting skill development in agriculture, horticulture, livestock, fisheries, non-farm enterprises, forestry, etc., creating employment/ self-employment opportunities (through establishment of micro-enterprises) and providing market linkages. Scheme covers modern as well as traditional skills.
Vocational Training in Tribal Areas (VTC)	The scheme is to upgrade the skills of tribal youth in various traditional / modern vocations depending upon their educational qualification, market trends and potential- to enable them to be gainfully employed. One-third seats are reserved for tribal girls.
Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of Value Chain for MFP	<p>This centrally sponsored scheme provides social safety to MFP gatherers who are mostly Scheduled Tribes. The scheme seeks to ensure fair monetary returns for their collection, processing, storage, packaging, and transportation efforts and share revenue from the sale proceeds with them. The scheme also aims to work on medium & long term measures like sustainable collection, value addition, infrastructure development, knowledge expansion on MFP, development of market intelligence, strengthening the bargaining power of village institutions- Gram Sabha and Panchayats.</p> <p>The state has recently launched a scheme -<i>Van Samriddhi Jan Samriddhi Yojana</i>- anchored on this scheme to maximise economic returns for households (tribal as well as non-tribal) engaged in collection and sales of NTFPs and Medicinal and Aromatic Plants (MAPs) through formation and strengthening of local collectives- Community User Groups (CUGs).</p>
Institutional Support for Development and Marketing of Tribal Products / Produce	To give comprehensive support on the entire range of production, product development, preservation of traditional heritage, support to both forest and agricultural produce and support is provided to institutions to carry these activities. This includes support for improvement of infrastructure, development of designs, dissemination of information about prices and procurement agencies, support to government agencies for sustainable marketing and for ensuring remunerative prices, hand holding Gram Panchayats and Gram Sabhas through information dissemination and awareness generation
Tribal Cooperative Marketing	TRIFED functions both as a service provider as well as market maker for tribal products, including MFPs. It also imparts

Development Federation of India Limited (TRIFED)	training and capacity building support to ST Artisans and tribal MFP gatherers on sustainable harvest techniques, primary processing and marketing.
---	---

4.11 Scheduled Caste/Scheduled Tribe Development Corporation

The Corporation works for the economic empowerment of the tribal communities by identifying opportunities for self-employment and income generation for tribals, extending skill upgradation, institutional and marketing support for them to enter those vocations or improve them and most importantly provide concessional finance for viable income generation schemes through SCAs and other schemes.

Table 8: Schemes implemented by SC/ST Development Corporation

Scheme	Details
Term Loan scheme	Under this scheme term loan is provided for viable schemes costing upto Rs. 25 lakh for upto 90% of the project cost for tribal entrepreneurs
Adivasi Mahila Sashaktikaran Yojana	This scheme for the economic development of Scheduled Tribe women offers loan upto 90% for scheme costing upto Rs 1 lakh at highly concessional interest rate
Micro Credit Scheme	This scheme exclusively for Self Help Groups is for meeting small loan requirement of ST members. Under the scheme, the Corporation provides loans upto Rs 50,000/- per member and Rs 5 lakh per SHG for meeting their micro- credit requirements.
Tribal Forest Dwellers Empowerment Scheme	The scheme is for generating awareness, providing training to beneficiaries, and also concessional financial assistance, apart from assistance in developing market linkages to the Scheduled Tribes forest dwellers vested land rights under Forest Rights Act, 2006. Under the scheme, loan upto 90% for schemes costing up to Rs 1 lakh is provided at concessional interest rate to the right-holders.
Financial assistance for Skill and entrepreneurial development Programme	This assistance is provided as grant to create opportunities for Self-employment / employment, through skill and entrepreneurial development
Financial assistance for Marketing Support	The Corporation provides financial assistance as grant to meet the working capital requirements of agencies engaged in procurement and marketing of Minor Forest Produce (MFP) and other tribal products.

4.12 Forest Department and Programs for Tribal Development⁵

⁵ Source: Annual Tribal Sub plan 2017-18 GoHP

The tribal people participate in raising plantations on forest land and have the right to collect fuel and fodder from the plantations so raised. The local communities, including tribal, have the right to extract NTFP and also receive timber from the government owned forests. These forests have come under heavy pressure for meeting the demand of timber for the ever - increasing population.

People in these areas rear large herds of animal population for meeting their requirement of wool, meat and milch etc. These animals are grazed in the forests and on the government owned pasture lands. Some pastures and forests are also visited by the migratory grazers or transhumants.

4.12.1 Objectives of Forest Department aimed at Tribal Development

- To raise plantations of fuel, fodder and small timber species including sea buckthorn with involvement of people.
- To improve the existing pastures.
- To introduce economically important species.
- To prolong life of reservoirs of River Valley Projects by taking up soil conservation measures.
- To carry out survey of medicinal and aromatic herbs to conserve and develop them further.

Apart from this other activities of the forest department that directly as well as indirectly have an impact on the local communities, including the indigenous communities include the following:

1. Improvement of forests, tree cover and compensatory afforestation and plantation through Participatory Forest Management.
2. Sustainable management of natural resources and wildlife including man-animal interface/ conflict outside the protected area
3. Reduction of silt load in catchments through Catchment Area Treatment Plans and Externally Aided Watershed Projects (Mid Himalayan and Swan projects).
4. Preparation of forest working plans.
5. Capacity building of community institutions created around forest management including JFMCs and VFDCs.
6. Creating awareness about forests, forestry and bio - diversity.
Forest Conservation and Development- implementing schemes for forest protection to counter the increasing biotic pressure and takes measures for protection of forests. Social & Farm Forestry- development of pastures and grazing land and making them available to tribal communities that have dependence on forest resources for meeting their year round as well as seasonal fodder needs. Under this scheme, high altitude pastures as well as grazing lands adjoining villages are taken care of, by introducing better grasses, raising fodder trees and taking up fodder plantations around villages with concentration of cattle population.
7. The National Afforestation Program (NAP) is being implemented to improve tree cover and involves a) Afforestation- to cover blank areas and bringing them under

tree cover to achieve optimal land use. Both conifer and broad leafed species of indigenous as well as tried and tested species of exotic origin, suitable to the site are planted.

Activities under the program include- Physical and social Fencing of areas, and complementary soil and moisture conservation measures, planting and bush cutting; b) Enrichment plantings for densification of existing forests to improve their stocking and productivity through activities similar to those done under NAP) re- afforestation of scrub areas- to convert areas under scrub including those covered by bushes and weeds into productive forests/ plantations by introducing suitable species of indigenous and exotic origin, through social and physical fencing, soil and moisture conservation measure and weed removal, bush cutting and planting.

8. Raising Nurseries for Public distribution-raise genetically superior and healthy plants in departmental nurseries for planting activities and for distribution to public so as to achieve the right mix of suitable species (both conifer and broad leafed).
9. Intensification of Forest Management - Forests are exposed to dangers of fire, illicit felling and encroachments. For better prevention and management check posts are established at suitable places to curb illicit timber trade and providing firefighting equipment and techniques in forest divisions where fire is a major source of forest destruction.
10. Augmentation of Minor Forest Produce- Regeneration of Chilgoza Pine by raising their nurseries and plantations of in Kinnaur District since it is an important minor forest produce and tribals supplement their incomes by collection and sale of Chilgoza.⁶

⁶ Apart from these departments, the Cooperative Department of the state also offers schemes and financial support for creating **marketing and rural godowns** by offering subsidy on construction of marketing outlets and rural godowns and also a **price fluctuation fund** to support communities for marketing of agriculture /horticulture /minor forest produce in tribal areas, which are mostly in the hands of private traders. Under the latter, emphasis is laid on participation of marketing co-operative societies in outright purchase of produce and an incentive of 5 percent of the total annual turnover is provided to them.

5. Tribal Development Framework

5.1 Problems Faced by Tribals in HP

5.1.1 Issues from Consultations

Based on consultations held with communities in the tribal areas for preparation of the SMF and the TDF, the following are the issues and suggestions that came out:

Table 9: List of issues and expectation

Village	Issues and Expectations
Bara Kamba	<ul style="list-style-type: none"> ▪ Fruit bearing plants should be grown in the nursery and should be made available to the villagers ▪ Fencing around the village to protect from wild animals ▪ Path to forest may be developed and bridge constructed over the drain. ▪ Plantation should be done in forest and local community members be engage to ensure employment ▪ Check dams / irrigation facilities must be developed ▪ Plantation in landslide zones for slope stabilization be done ▪ Awareness campaign / training camps be organized for the villagers
Chhota Kamba	<ul style="list-style-type: none"> ▪ Good variety apple plants may be grown in the nursery and should be made available to the villagers ▪ Improve irrigation facilities in the village ▪ Forest department must engage local communities so that they generate employment through participation in nursery and plantation activities ▪ Protection of villagers from wild animals must be ensured
Kafnu	<ul style="list-style-type: none"> ▪ Different type of plants should be planted in forest ▪ Timber be made available more frequently under TDS
Kalpa	<ul style="list-style-type: none"> ▪ Grow more plants ▪ Timber under TDS be distributed more frequently ▪ Awareness generation related to forest department activities and new plants being planted ▪ Effective measures be taken to protect forest from fires and in case of fire it must be controlled immediately ▪ New plantations should be developed where medicinal plants, fruit bearing plants and fodder rich plants must be grown ▪ Prevent wild animals from entering the villages ▪ Pastures should be maintained so that sufficient grass is available for fodder to the livestock
ROGI	<ul style="list-style-type: none"> ▪ Irrigation facilities like check dams / ponds etc. must be developed in the forest region ▪ Engaging local community members in plantation activities will help generating employment ▪ Awareness generation regarding the forest rights and policies should be organized ▪ Timber under TDS be distributed to all the villagers in need of the wood.

As seen above, the major suggestions of communities residing in the tribal areas were related to 1) greater information need regarding forest management, rights and entitlements of communities, 2) opportunities for engaging in forestry operations like raising of nurseries, development of plantation sites, to supplement incomes, 3) greater benefits from the forests in the form of timber distribution, 4) inclusion of community preference / choice of species in plantations or when planning silvicultural operations in an area.

5.1.2 Other Issues

- Infrastructure needs: Tribal areas are situated in geographically difficult terrain, having extreme climate as a result they suffer from isolation, causing inhospitable living conditions due to lack of basic amenities. Due to this, the tribal areas are facing problems in communication, residential, educational and medical facilities. Communication includes transportation facilities. Underdeveloped transportation facilities cause hindrance in development of the area. – link up with other development projects/ programs for providing infrastructure facilities in the project area.
- Produce Storage/ Processing / Marketing related: Sale and storage of surplus agricultural/ horticulture/ NTFP produce is a challenge due to non-availability of storage facilities and market yards, which are very essential to avoid waste and for timely marketing. – Create storage facilities, market yards, processing facilities for value addition and marketing support
- Employment Opportunities related: Lack of employment opportunities in the tribal areas, majority of tribal population is dependent on rainfed agriculture, which is seasonal and as a result have to migrate to towns and cities during the peak tourist seasons for earning their livelihood. – Convergence with other government projects/ programs for skill development of tribal youth in the project area.
- Grazing Issues: As per the consultations held with communities in the tribal areas for preparation of the TDF, there is a substantial increase in the flock size of transhumants resulting in grazing issues. However, over the years the number of animals as shown in the grazing permits has remained the same. This is resulting in resource conflict between communities as the forest area allotted for grazing is insufficient and the transhumant communities use panchayat or private lands for grazing.

5.2 Components of the Tribal Development Plan

The TDP for the project would include the following:

Table 10: Components of TDP

Component	Steps Involved
Awareness generation	<ul style="list-style-type: none"> ▪ Community mobilisation to generate awareness about the project and assess the interest and demand of tribal communities for proposed project interventions, ▪ Development of culturally appropriate IEC materials for dissemination in the project areas with ST population regarding forestry operations, rights and entitlements of forest dependent communities as well as roles and responsibilities of community institutions like JFMCs and VFDCs. ▪ Use of IEC at different stages of the project based on specific activities and locations to help planning of sub-projects ▪ Galvanising community support for proposed interventions through social mobilisation and consultations with tribal stakeholders and its documentation ▪ Deployment of local (tribal) Community Facilitators to support awareness generation and mobilisation in tribal areas.
Socio-Economic Baseline	<ul style="list-style-type: none"> ▪ Identification of scheduled areas and tribal clusters to prioritise targeting of dispersed indigenous communities in the non-tribal areas as well as for clear targeting of tribals in the schedule V areas ▪ Undertake a socio-economic baseline of all tribal clusters in the project area to measure impacts and inclusion of IPs during planning and implementation at different stages of the project (mid and end term)-disaggregated by gender and economic categories ▪ Benchmark the existing status in terms of occupations, land-holdings, animal husbandry, household incomes, forest access & dependence, existing customary usufruct rights over forest resources, participation in forestry operations as well as community institutions to assess impact
Social assessment	<ul style="list-style-type: none"> ▪ Hold separate consultations with tribal households, including tribal women and traditional leaders, to elicit their views during sub- project planning ▪ Evaluate the project's potential positive and adverse impacts on indigenous people ▪ Explore various measures to avoid adverse effects. ▪ If such measures are not feasible, identify minimization or mitigation measures ▪ Develop a screening framework to avoid adverse social impacts on the indigenous communities ▪ Based on the screening process determine whether a TDF is required to be prepared or not. ▪ Hold regular, periodic consultations with affected forest dependent tribal communities during planning and implementation stage to seek broad community support and participation.

Inclusion and Representation	<ul style="list-style-type: none"> ▪ Ensure adequate representation of all categories of tribals –small & marginal farmers, landless, women, NTFP collectors & traders, pastoralists in community institutions formed under the project - JFMCs, VFDCs, VFDS, etc. ▪ In tribal-dominated areas, such bodies to be either headed by tribal leaders or have their representation in decision-making roles. ▪ Participation to be ensured in any training, exposure visits, consultations, awareness programs etc. ▪ Prioritise selection of tribal members as project beneficiaries- for participation in nursery development, plantations, management of pastures, NTFP value addition, enterprise development and other related activities, at least in proportion to the tribal population of an area
Training and Capacity building	<ul style="list-style-type: none"> ▪ Capacity building of Forest Department through provision of an External Consultant for a period of 2 years for development of the TDP ▪ Capacity building of key department officials, especially field staff and Community Facilitators recruited by the project on issues related to tribal development and related safeguards. ▪ Capacity building of members of community institutions (including those in tribal areas) on engagement in forestry operations, roles and responsibilities as well as rights and entitlements related to forest management.
Convergence with other relevant schemes	<ul style="list-style-type: none"> ▪ Identify schemes that promote social and economic empowerment of tribal communities with which project activities can be converged. ▪ Hold consultations with state based institutions mandated to work on tribal development or managing schemes providing concessional finance, marketing, capacity/ skill building or institution support to vulnerable communities (as described in the previous section), to avail benefits for stakeholders belonging to scheduled tribe.
Implementation of the TDP	<ul style="list-style-type: none"> ▪ Implementation of the TDP shall be undertaken in accordance with the overall project implementation schedule. ▪ As per the overall proposed institutional arrangements, the Social Safeguards Specialist in the State Project Management Unit (SPMU) will be responsible for the preparation and overall implementation of the TDP. ▪ S/he would be supported by an identified focal point in the respective forest divisions, who in turn would be supported by the Community Facilitators at the beat level. ▪ Community Facilitators would be trained and involved in the TDP preparation, its implementation

Monitoring the implementation of TDP	<ul style="list-style-type: none"> ▪ Monitoring would be consistent with the overall M&E proposed under Component 4 on Project Management ▪ The overall responsibility for monitoring the implementation would lie with the SPMU at the State Level ▪ Oversight of its implementation will also be done through regular field visits by the Social Development and Safeguards specialists recruited by the project ▪ Progress will be periodically tracked against the baseline data collected during preparation of the TDP ▪ Constraints and challenges identified during TDP implementation will be escalated to senior project management for modifications (if found necessary) in the project implementation strategy.
---	---

5.3 Implementation Arrangement for the TDP

The implementation responsibility for the TDP will be in sync with the overall implementation strategy of the project, with the Social Safeguards Specialist and at the SPMU being responsible for its implementation under the overall guidance provided by the Chief Project Director (CPD) and with support from the Gender and Social Development Specialist. The Specialist will also be responsible for coordinating with other line departments, CSOs and other institutional stakeholders for seeking convergence and necessary support from them, provide requisite support from the state level to the External Consultant-TDP for organizing community consultations, data collection and also provide oversight from the PIU on the process of preparation and quality of the TDP.

In the field, the Divisional Social Consultants and Community Facilitators deployed at the beat level (approx. 38) will be responsible for mobilizing the community for organizing consultations, creating awareness about the project and likely interventions, seeking Free Prior Informed Consent of tribal communities on proposed project activities, for understanding and documenting the community needs /priorities, and supporting preparation and implementation of the TDP.

In addition, an external consultant will be hired (for a period of 2 years) for preparation of the tribal development plan with support from the community facilitators and the field offices located in the forest divisions and ranges. The consultant will be responsible for using the World Bank screening mechanism for identifying tribal communities residing in different locations, holding consultations with tribal communities/ households in the project areas- including those with transhumants, developing awareness generation strategy, dissemination material and organizing awareness generation programs, data collection for creation of the socio-economic baseline (with support from the field staff, offer training on tribal development and related safeguards to project staff, including the facilitators.

5.4 Budget for implementing the TDP

Table 11: Budget for implementing the TDP

S No	Item	Unit	Quantity	Rate (Rs.)	Amount
1	Hiring of an External Consultant –TDF for 24 months	Month	24	1,00,000	24,00,000
2	Design of IEC material including audio- visual, folk based	LS	LS	10,00,000	10,00,000
3	Dissemination of IEC material – 7 districts (proportionate to tribal population)	District	7	5,00,000	35,00,000
4	Holding community consultations, including FPIC	District Per Year	7 Districts 5 Years	1,00,000	35,00,000
5	Training, Capacity building and Exposure visits of members of tribal communities, field staff, facilitators and representatives of JFMCs/ VFDCs	District Per Year	7 Districts 3 Years	2,00,000	42,00,000
6	Development of socio-economic baseline for tribal areas	Number	LS	10,00,000	10,00,000
7	Provision of additional funds for meeting requirements to enhance participation and accrual of positive project impacts on tribal communities	Number	1	LS	20,00,000
	TOTAL				1,76,00,000
	Say				1,80,00,000

6. Annexures

STATISTICAL PROFILE OF TRIBAL AREAS VIS-A-VIS HIMACHAL PRADESH 2014-15

S.No.	Item	Unit	Year	Tribal Areas				
				Kinnaur	Lahaul	Spiti	Pangi	Bharmour
1	2	3	4	5	6	7	8	9
1	Population	No.	2011	84121	19107	12457	18868	3910
	Male	No.	2011	46249	9897	6691	9579	2010
	Female	No.	2011	37872	9210	5766	9289	1899
2	Scheduled Tribes	No.	2011	48746	15163	10544	17016	3211
3	Scheduled Caste	No.	2011	14750	1699	536	1246	456
4	Geographical Areas	Sq.Km.	2011	6401	6250	7591	1595	181
5	Density of Population per sq.km. area	No.	2011	13	3	2	12	2
6	Percentage of ST population to total population	%age	2011	57.95	79.36	84.64	90.18	82.1
7	%age of SC population to total population	%age	2011	17.53	8.89	4.30	6.60	11.6
8	Percentage of ST population to total tribal population	%age	2011	12.43	3.87	2.69	4.34	8.1
9	Decennial population growth rate	%age	2001-2011	7.39	-15.25	16.65	7.00	4.9
10	Sex Ratio	No. of females per '000 males	2011 Census	819	916	862	969	94
	Sex Ratio (ST)	,-do-	"	1065	1021	1010	993	96
	Sex Ratio (SC)		"	984	992	781	1029	94
	Sex Ratio (SC+ST)		"	1045	1018	997	995	96
11	Literacy:		"					
	a) Persons	%	"	80.00	86.97	79.76	71.02	73.8
	b) Males	%	"	87.27	86.5	87.37	82.52	82.5
	c) Females	%	"	70.96	64.50	70.74	59.27	64.6
12	No. Of Households:	No.	"	19976	4091	2583	3952	816
13	No. of villages:		"					
	a) Total No.	No.	"	660	290	231	106	25
	b) Inhabited	No.	"	241	185	82	60	9
	c) Un-inhabited	No.	"	419	92	149	46	15
14	No. of Towns	No.	"	-			-	.
a)	Land ownership	000 ' Hect						
b)	Forests	"		38.580	137.376	0.482	139.352	24.191
c)	Barren and uncultivable lands	"		132.419	0.204	541.109	1.316	0.52
d)	Land put to non-agricultural " uses			117.892	1328	15.529	0.192	3.12
e)	Permanent pasture and " other Grazing Lands			322.047	60.24	151.208	16.859	148.592
f)	Land under misc. tree " crops and groves not included in area shown			0.101	65	0.046	0.348	0.20
g)	Cultivable waste "			3.311	170	0.396	0.108	0.53
h)	Other fallow land "			0.082	0.001	0.001	0.240	0.08
i)	Current fallows "			1.477	0.014	0.126	0.007	0.25
j)	Net area sown "			8.395	2.203	1.214	1.978	4.32
k)	Area sown more than once "			1.299	45	0	0.579	1.90

1)	Total cropped area "		9.694	2.203	1.214	2.557	6.22
15	Intensity of cropping%		115.47	100.00	100.00	129.27	143.96
16	Net irrigated Area '000 Hect		5.554	2.203	1.214	1.301	0.00
17	Percentage of cropped area %		57.29	100.00	100.00	50.88	0.0
18	Gross irrigated area '000 Hect.		4.943	2.203	1.230	0.045	0.680
19	Percentage of gross irrigation area to cropped area %		50.99	100.00	101.32	1.76	10.92
20	Area under forests (Forest 000 Hect. Dept.)		509.261	613.691	399.600	121.678	135.756
21	Percentage of 27 to geographical area %		79.55	98.19	52.64	76.47	74.60
22	Forest Produce:						
	a) Major Produce						
	i) Quantity Lots		937				37.81
	ii) Value Rs in Lakh		5.64				27.66
23	No. of Gram panchayats No.	Nov., 2011	65	28	13	16	29
24	No. of Banking Institutions No	"	38	15	4	2	11
25	Banking Institutions per Lakh of population	"	45	78	32	11	28
26	a) Educational Institutions:						
	i) Primary Units	Nos.	30.3.15	190	134	69	66
	ii) Middle Units	Nos.		36	19	16	14
	iii) High Schools	Nos.		19	4	6	8
	iv) Sr. Sec. School	Nos.		31	18	9	6
	v) Navodaya Schools	Nos.		1		1	-
	vi) Kendriya Vidyalayas	Nos.		1	1		0
	vii) Degree Colleges	Nos.		1	1		1
	viii) I.T.I			2	1	1	1
27	Medical institutions: i) Allopathy:	Nos.					
	a) Civil Hospital	Nos.		2	1	-	0
	b) PHCs	Nos.		21	11	5	4
	c) CHCs/Rural Hospitals	Nos.		4	2	1	1
	d) Civil Dispensaries	Nos.					-
	e) Sub-Centres	Nos.		33	26	10	16
28	Availability of Beds in Hospitals:	Nos.		246	136	42	54
29	Livestock population	Nos.	2012 census	125845	41799	19723	46194
30	Of Sheep and Goats	Nos.		99836	32569	11641	35001
31	Veterinary Institutions:						
	i) Hospitals	Nos.		20	9	5	5
	ii) Dispensaries	Nos.		40	25	18	15
	iii) Mobile Dispensaries	Nos.		-	0	-	
	iv) Sheep/wool ext. centres	Nos.		2	1	1	-
32	Electricity:	Nos.					
	i) Installed Capacity	MW		20.139	4.500	2.000	1.500
	ii) Villages Electrified	%		100%	100	100%	100%
33	Villages provided piped water supply	No.		100%	192		100%
34	Industrial Area	No.		1			-
435	Industrial Estates	Nos.			1		

Government of Himachal Pradesh

Himachal Pradesh Forests for Prosperity Project (The World Bank assisted)

Social Assessment & Management Framework-Tribal Development Framework- Final Report

November 2018

36	Industrial Units	Nos.		529	312	1	7
37	Employment - No. of registrants as per live register upto 31.03.14		31.03.14	8202	2471	1262	12
38	Road Density						
	Per '000' sq. km of area		76.23	83.84	74.26	161.65	248.35
39	Telecommunication:						
A	Post-offices/Sub-Post Offices/Branch offices	Nos.	85	27	26	14	26
b)	Telephone Exchange	Nos.	28	7	7	3	5
40	Average size of operational holding	Hect.			-		0.70
41	Civil Supplies:						
	a) Food/LPG Godowns	Nos.	9	0	6	9	4
	b) Storage Capacity MT		6100	0	1300	900	540
	c) Hired Godowns	Nos.		7	-	-	