

Tribal Politics in India

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Abstract

Tribal people are those people whose social, cultural and economic conditions distinguished them from the other sections of the national community, whose status in the society was regulated wholly or partially by their own customs and traditions or by special laws or regulations. The primitive tribal societies were self-sufficient. In that period, the livelihood activities of the tribes were centered on the forest in which they lived in but due to the introduction of different forest policies in colonial and Post-colonial India and the degradation of the forest, traditional rights of the tribes over forest were no longer recognized as rights. So, special provisions were needed for the protection of their rights in the independent India. Article 366(25) of the Indian constitution defined the term 'Scheduled tribes' as "such tribes or tribal communities or part of or groups within such tribes or tribal communities" as are deemed under Article 342 to be scheduled-tribes for the purpose of this constitution. In India, tribal communities live in various ecological and geo-climate conditions ranging from plains to forests, to hills and inaccessible areas. There are two broad types of scheduling in the Indian constitution- Area based and Community based.

Fifth and Sixth schedule of Indian constitution provides special protection to the tribal people. The basic thrust of the fifth schedule is the protection of cultural distinctiveness of the tribal people. The Sixth schedule lays down special provisions for the protection of the interests and cultural identities of the hill tribes of the north. The panchayats (extension of scheduled areas) act 1996 extended the 73rd and 74th constitutional amendments of 1993 to scheduled areas so as to enable tribal societies to assume control over their own destiny to preserve and conserve their traditional rights on natural resources.

The scheduled tribes are notified in 30 states and UTs and the number of individual ethnic groups that are notified as Scheduled tribes are 705. The constitutional, legal provisions and

safeguards for the administration and development of scheduled areas have brought out remarkable improvements in the terms of literacy, healthcare, livelihood etc. The objective of this paper is to study the socio-political, cultural and economic conditions of tribal people in Pre and Post-colonial period. This paper also aims to analyze the outcome of various constitutional provisions that were implemented for the upliftment of tribal people.

On the basis of certain specific characteristics some human societies are defined as tribal societies across the world. These characteristics are not uniform in every society. But there are certain characters universal to all of them; at least they have derived from such a social arrangement in certain point of time.

According to the ILO convention no. 169 indigenous and tribal people are those people whose social, cultural and economic condition distinguish them from other section of national community and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.¹ In India we come across many social groups or societies who might have some of these characteristics. But all of them are not denoted as tribal groups. The term tribal is more fictional in nature in India. There was a purpose to declare or recognize some societies as tribal societies through constitutional act of the country. Thus, when we talk of tribe, we talk of the scheduled tribes, the social group recognized or listed in the schedule of the constitution of India.

The tribal people in India had a long history even before the arrival of colonial government. The tribal societies that existed prior to the colonial intervention had their own rights and duties within their autonomous sovereign framework. The primitive tribal societies were self-sufficient. They need not to interact with non-tribal societies for their social, cultural and physical existence. This very nature of tribal people kept themselves away from the rest of other societies. Thus, it is quite clear that exclusion of tribal societies was a self-imposed criterion. At that time, the livelihood activities of the tribes were centered on the forest in which they lived in. The forest had played significant role in shaping social-economic, religious and cultural systems of tribal societies. The forest was such an integral part of tribal society that tribes used to believe that the spirits of their ancestors reside in different

places inside the forest. But this symbiotic relation got transformed due to the introduction of forest policies in the colonial and post-colonial India. The withdrawal of tribal rights over forests and subsequent conversion to reserves and protect forest has played a greater role in degradation of the forest.

From about the middle of the 19th century, people from outside began to move into the forest, lured by its wealth of natural resources. Colonial government, sensing the commercial potential of forests, gradually extended its authority over them in the name of scientific management. With the advent of the British in India, they realized the commercial value of the Forest.

They saw Indian forests as an important resource to be exploited for the purpose of revenue and export. In order to achieve this aim, the British gradually brought forest area under their control. The forest department was organized and forest act was enacted. For this Purpose, the first forest act of 1865 was enacted to regulate forest exploitation, management and preservation for the first time an attempt was made to regulate the collection of forest produce by the forest dwellers. In order to increase its control over forest a new act was passed in 1878. Through this act the entire forest areas in country were classified into three categories: reserve forest, protected forest and village forest. Now the Government allowed forest dwellers to enjoy the rights to some extent but restricted from owning forest resources. This act was followed by the acts of 1901, 1914, 1920 and 1927. These legal and policy instruments radically changed the forest from common property into state property. In this process traditional rights of

the Tribes over forests were no longer recognized as rights. The destruction of forest for the development projects was justified in the name of national interest. The government tried to obtain more and more revenue from the forest. This new forest governance system excluded forest dependent communities in the name of scientific forestry, Public interest, national development, conservation and industrial growth. These changes created some disturbance for the control and administration over the tribal people. So a separate policy was introduced for the administration of the tribal areas by declaring them as "Scheduled Districts".

First time in the census of India, which was conducted by British government in 1891, The Commissioner for census of India, Jervoise Athelstane Baines, included all tribal group as forest tribes and kept them under the sub-heading 'agricultural and Pastoral castes'. Later in the census of 1901 they were classified as 'Animists'. Census of 1911 called them 'Tribal Animists or people following tribal religion'. Census 1921 declared them 'Hill and forest Tribes'. Later it came to be known as 'Backward Tribes' in the census of 1931 and over the time, in the census of 1941 they were termed as 'Tribe'.

During the British period, while most of India, was being governed by the standard colonial administration, the hilly regions of Assam were being ruled by the British indirectly. The British did not interfere with their traditional system of authority. The issues related to land, inheritance, forest, disputes resolutions etc. were dealt with according to the customary laws, through the arbitration of clan and

tribal chiefs. They were declared backward areas according to the Government of India Act, 1919. The Government of India Act, 1935 turned them as "Excluded" and "Partially Excluded" areas. There was some difference between the "Excluded" and "Partially Excluded" areas, the former was not represented in the legislature of Assam, even though They were located in the province of Assam. The "Partially Excluded" area was privileged to have some legislative experience within the State of Assam. The "excluded" areas were administered by the Governor-in-council as his 'reserved' jurisdiction. On The "Partially excluded" areas there was some authority of the Provincial legislature. Jurisdiction of the Courts of British India was limited in such areas.

In order to retain their uniqueness, The British mooted a plan to bring all areas of the North-East along with the hill of Burma Under a "crown colony". This plan was known as the "coupland plan" named after Reginald coupland. This suggestion was rejected by the Indian National congress. But the need to retain the distinctness of this region, was recognized by providing special provisions regarding their Governance. These provisions were included on the basis of recommendations of the North-East Frontier (Assam), Tribal and Excluded Area sub-committee of the Advisory Committee of the Constituent Assembly of India. The sub-committee was known as Bordoloi sub- committee named after its chairman Gopinath Bordoloi, a member of the Constituent Assembly.

The main recommendation of Bordoloi sub-committee was establishment of Autonomous District Councils and

Regional Councils for the tribal areas within the State of Assam. With the commencement of the constitution on 26th of January 1950, Autonomous District councils came into existence in the hilly district of Assam except the Naga Hills (suffering from the separatist violence) and extremely backward frontier Tracts. After the reorganisation of North- East India there was a restructuring of the District Councils. In 1984, the VI schedule was extended to Tripura.

Although, the Constitution of India Provides uniform rule over the whole country, certain regions of the country are governed by special provisions.

These provisions ensured the protection of cultural identities, customs, economic and political interests of the natives of these areas. Scheduled tribe is one of the categories, for which the Indian constitution has special safeguards and provisions. These are based on the Principle of equality and justice within the framework of social, economic, Political and historical process, which had left the scheduled tribes alienated from their own resources, exploited and discriminated against by the dominant groups and excluded from society and devoided of any benefits of development. Article 366(25) of the Indian constitution defined the term 'Scheduled tribes' as "such tribes or tribal communities or part of or groups within such tribes or tribal communities" as are deemed under Article 342 to be scheduled-tribes for the purpose of this constitution. Article 342 prescribes procedure to be followed in the matter of specification of scheduled tribes. It says that, "The president may, with respect to any state or Union territory, and where it is a state, after

consultation with the Governor there of by public notification, specify the tribes or tribal communities or part of or group within tribes or tribal communities which shall for the purpose of this constitution, is deemed to be Scheduled Tribes in relation to that state or Union Territory, as the case may be. Parliament may by law include in or exclude from the list of scheduled tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid, a notification issued under the said clause shall not vary by any subsequent notification.

Thus, according to the constitution of India, the first specification of Scheduled Tribes in relation to a particular state/ union territory is by a notified order of the President, after consultation with the concerned state governments. The order can be modified subsequently only through an act of Parliament. The above article also provides for listing of Scheduled Tribes state/ Union Territory wise and not on an all India basis. The essential characteristics for specification of a community, as Scheduled Tribes are primitive traits geographical isolation, distinct culture, shy of contact with community at large and economically backward. In exercise of the Power conferred by clause (1) of Article 342 of the constitution of India, The President after consultation with the State Governments concerned have Promulgated, so far 9 orders specifying the scheduled tribes in relation to the state and union territories out of these, eight are in operation at present in their original or amended form. One order namely the constitution (Goa, Daman and Diu) Scheduled tribes order 1968 has become defunct on account of

reorganization of Goa, Daman and Diu in 1987 under the Goa, Daman and Diu reorganization Act 1987 (18 of 1987) the list of scheduled tribes of Goa has been transferred to Part XIX of The Schedule to the constitution (scheduled tribes) order, 1950 and that of Daman and diu 11 of the schedule of the constitution (scheduled tribes) (Union Territory) Order 1951.⁸ In India Tribal communities live in various ecological and geo climate Conditions ranging from plains to forests, to hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While tribal communities have adopted a mainstream way of life, at the other end of the spectrum, there are certain scheduled tribes, nearly 75 in number known as particularly vulnerable Tribal Groups (PVTs) who are characterized by pre-agriculture level of technology stagnant or declining population, extremely low literacy and subsistence level of economy, construction of India makes special provisions for administration of certain areas called scheduled areas in the the states. There are two broad types of scheduling in the Indian constitution: area based and community based.

Under Article 244 of the constitution (Part X), which deals with the administration of scheduled areas and tribal areas, there are two types of arrangement. The sixth schedule applies to tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram, while 9 states scheduled area under the 5th schedule are Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Maharashtra, Madhya Pradesh, Orissa and Rajasthan. While there is a strong overlap between the category of

scheduled tribes and scheduled areas, some states that have vulnerable tribe populations like West Bengal, Karnataka, Tamil Naidu and Kerala, have no scheduled area at all. Even in the state where the fifth schedule is in operation, not all areas where they constitute a majority are covered under the schedule.

As per the constitutional provisions under article 244 (1) of the constitution of India, the scheduled areas are defined as 'such areas as the President may by order declare to be to be scheduled areas' - As per paragraph 6(1) of the sixth schedule of the constitution of India. The specification of scheduled areas in relation to a state is by a notified order of the President after consultation with the Governor of the state. In accordance with the provisions of paragraph 6(2) of the fifth schedule of the constitution of India, the president may increase the area of any schedule area in a state after consultation with the governor of that state, and make fresh orders redefining the areas which are to be scheduled areas in relation to any state. The same applies in the case of any alteration, increase, decrease, incorporation of new areas, or rescinding any order relating to scheduled areas.

The basic thrust of the fifth schedule is the protection of cultural distinctiveness of tribal people. It also provides protection to the tribal people on account of their economic disadvantages so that they could maintain their tribal identity without any coercion or exploitation. Fifth schedule makes the provision to setup tribal advisory council. It deals with the provision to establish tribal advisory council comprising of maximum twenty members, wherein, Three-Fourth of its representatives would

consist of schedule tribes' members of state legislative assembly. The tribal advisory council has a mandate relating to the matters of welfare and advancement of scheduled tribes in the state the matter referred to the Governor.

The governor has also the power to make, repeal or amend any union or state law. The governor can make such regulation only after consultation with the tribal advisory council of the state. It is to be understood that all such regulations will have effect only after being submitted to and accepted by the President of India. Since tribal advisory council is formed by the provisions of fifth schedule, it has the status of a constitutional body.

The fifth schedule is aimed towards making the state responsible towards the promotion of education and economic interests of the tribals. It also aims to provide social justice to the tribals and prevent them from exploitation. The central Government also provides special financial assistance to the state under article 275 for the implementation of schemes that would lead to the development of schedule tribes.

According to article 244 of the constitution, the VI schedule lays down special provisions for the protection of the interest and cultural identities of the hill tribe of the north. The most important provision of the VI schedule is creation of the autonomous district councils and autonomous regional councils in Assam (north cachar hills district and karbi anglong district), Meghalaya, Mizoram and Tripura (autonomous hill district). These autonomous district councils and autonomous regional councils in these

areas have a long tradition of self-management systems. These autonomous councils not only administer the various departments and development programs but they also have powers to make laws on a variety of subjects- land, forest, shifting, cultivation, village and town administration, including village and town police and public health and sanitation, inheritance of property, marriage, divorce and social customs.

The central Government enacted a new act, which is popularly known as panchayats (extension to scheduled areas) act 1996, was implemented in the fifth scheduled areas. The notion behind this act was to extend the 73rd Constitutional amendment of 1993 to the scheduled areas so as to enable tribal society to assume control over their own destiny to preserve and conserve their traditional rights over natural resources. This act was one of the best piece of legislation and that is why it attracted many social activists as they considered it as a symbol of grass root level democracy. It is a revolutionary step towards tribal development and their administration.

The PESA (The Provisions of the Panchayats (Extension to Scheduled Areas)) act promotes self-rule of the tribals in the institutes like panchayat and gram sabha. The 73rd and 74th amendment act and ongoing further Pesa act 1996 stipulated that the state government shall not make any law which is derogatory to the traditional, social-cultural rights. The gram sabha under its power provides a safeguard to tribal traditions, customs and cultural identity. It provides for the mandatory approval of plans, programs, and projects

for social and economic developments by the gram sabha before they are taken up for implementation and mandatory consultation with them before the acquisition of land and development projects.

The National commission for scheduled tribes (NCST) act was established by amending 338 and inserting a new article 338A in the constitution through 89th amendment act, 2003. By this amendment, national commission for scheduled castes and scheduled tribes was replaced by the two separate commissions namely - (1) the National commission for scheduled castes and (2) The National commission for scheduled tribes, 19 Feb 2004.

Back history of this commission says that certain communities suffering from extreme social and economic backwardness- like untouchability, primitive agri- practices, lack of infrastructural facilities, geographical isolation- needed special consideration for safeguarding their interests, were notified as scheduled castes and scheduled tribes, as per provisions of article 341(i) and 342(i) of the constitution respectively. Under the original provisions of Article 338 of the constitution, special officer (commissioner) for SC and ST was assigned the duty to investigate all matters relating to the safeguard of the SC and ST in various states. The statutory national commission for SCs and STs Came into being on 12.03.1992 after the 65th constitutional amendment 1990- notified on June 8th, 1990. Second commission was constituted on 05 October 1995, third in December 1998 and fourth commission came in

existence in March 2002. As per the provisions of the 89th amendment act 2003 which was notified on 19 February 2004, the national commission for SCs and STs was replaced by two commissions- National commission for scheduled castes (NCSC) and National commission for scheduled Tribes (NCST).

The scheduled tribes are notified in 30 states and UTs and the number of individual ethnic groups are notified as scheduled tribes is 705. The tribal population of the country, as per 2011 census is 10.43 crore, constituting 8.6% of the total population. 89.97% of them live in rural areas and 10.03 in urban areas. The decadal growth of the tribals from census 2001 to 2011 has been 23.66% against the 17.69 of the entire population.¹⁵ In 2011 population of STs was 6.8% of the total Population. In India STs inhabit in to distinct geographical areas-the central India and the North-Eastern Area. More than half of the scheduled population is concentrated in Central India- Madhya Pradesh (14.69%), Chhattisgarh (7.5%), Jharkhand (8.29%), Andhra Pradesh (5.7%), Maharashtra (10.08%), Orissa (9.2%), Gujrat (8.55%) and Rajasthan (8.66%). The other distinct areas in the North East region are Assam, Nagaland, Mizoram, Manipur, Meghalaya, Tripura, Sikkim and Arunachal Pradesh. Statistical Profile of Scheduled Tribes in India 2013, Published by Ministry of Tribal Affairs Statistics Division, Government of India indicates that more than two-third of the STs population in concentrated only in the seven states of country- Madhya Pradesh, Maharashtra, Orissa, Gujrat, Rajasthan, Jharkhand and Chhattisgarh.

There is no ST population in 2 states (Delhi NCR, Punjab) & one Union Territory Chandigarh, as no scheduled tribe is notified. Among states, Mizoram has the highest population of scheduled tribes- 94.43% and Uttar Pradesh has the lowest proportion of scheduled tribes 0.57%. 17 states and 2 Union territories have higher percentage of ST population than countries average 8.6%.

In year 1967 Government of India enlisted five Castes in Uttar Pradesh- Tharu, Buksa, Bhotiya, Jaunsari and Raji under tribal Category.

In year 2003 Government of India included other few castes under tribal category. State of U.P. has recognized 14 communities as scheduled tribes. As per the census-2011 the population STs in Uttar Pradesh was 1134273, which is only 0.57% of the total population of Uttar Pradesh. Tharu is the most populous tribe. They constituted 77.4% of the tribal population of the state.

STs Population in Tripura, as per the census-2011 was 31.8% of the total population Tripura. Population growth rate during 2001-2011 was 14.75%. There are around 19 tribal communities in Tripura. Tripuri is the largest tribe in Tripura comprising 53% of the tribal population in 2011.

Literacy rate of scheduled tribes has increased from 8.53% in 1961 to 58.96% (68.5% Male & 49.5% Female) in 2011, it is still far behind, the literacy rate of India that is 72.99% in 2011.²⁰ As per the Census 2011, Highest literacy rate of STs is in Mizoram- 91.7% and Lowest in Andhra Pradesh- 41.2%. Literacy rate in Uttar

Pradesh is 55.7% (67.1% in Males & 43.7% in Females) and in Tripura it is 79.2% (86.4% in Males & 71.6% in Females, Census 2011). Tripura made substantial progress in the expansion of literacy, and schooling of Scheduled tribes, and ranked 4th position at all India level after Mizoram (91.7%), Lakshadweep (91.7%) and Nagaland (80.0%), as per Census 2011.

National Sex ratio, as per the census 2011 was 943 and for scheduled tribes it was 990, more than the national average. It was 972 in census-1991 and 978 in census-2001. As per the Census 2011, highest sex ratio was in the state of Goa- 1046, Kerala- 1035, Arunachal Pradesh-1032, Orissa- 1029 and Chhattisgarh- 1020. In Uttar Pradesh, it was 952 and in Tripura 983.

In conclusion we can say that Constitutional and legal provisions and safeguards for the administration and development of scheduled tribes has brought out remarkable improvements in terms of literacy, healthcare, livelihood etc. However, there is still a gap in human development indicators between scheduled tribes and other social groups. Since Tribal people are at different Social, political, economic and ecological levels, their problems also differ in varying degree from each other. These differences can be seen between hill Tribes and plainsmen between those who are engaged in forest based economic pursuits and the ones who are employed as settled agriculturists. Despite these distinctions, Tribal people are facing some common problems: Poverty, Exploitation, Economic and Technological Backwardness, Socio-Cultural alienation and problems of their assimilation with the non-tribal population.

Since independence tribal administration and development has been a challenge to the planners and policymakers.

This is mainly on account of their traditional life style, remote settlement, dispersed population and displacements. Central and state Governments are taking various initiatives for socio-cultural upliftment of Tribal population of the country but that's not sufficient. Much more is needed to be done.

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