Chapter - I
Ethnography of tribes in India

1. Geographical distribution of the tribals in India
2. Population and numbers of Indian tribes
3. Bio-genetic variability among the tribes in India
4. Languages of the tribes in India
5. Social classification of Indian tribes
6. Social units among the tribes in India
7. Mate selection among the tribes in India
8. Economic classification of Indian tribes
9. Religion of the tribes in India
10. Impact of Hinduism, Islam, Christianity and Buddhism on tribal religions in India.

Chapter - II
Tribal problems in India

1. Problems of the tribals created by culture contact
2. Poverty and Indebtedness
3. Bonded labour
4. Land alienation, Displacement and Rehabilitation
5. Migration
6. Education
7. Health
8. Impact of industrialisation on the tribes of middle India.
9. Impact of urbanisation on the tribal life in middle India.

Chapter - III
Scheduled castes, Backward classes and constitutional provisions

1. Definitions of scheduled castes
2. Criteria of untouchability
3. Problems and disabilities of untouchable castes
4. Welfare measures for scheduled castes
5. Evolution of welfare measures meant for the development of scheduled castes
6. Backward classes & constitutional safeguards
7. Different backward classes commissions
8. Reservation policy as per Mandal commission.
9. Arguments for and against reservations of backward classes.
10. Schemes and measures for the welfare of the backward classes [OBCs]
11. Constitutional provisions
Chapter – IV
Social change among tribals
Social change among the tribes during colonial and post-Independent India.

Chapter - V
Tribal development

1. Tribal administration-tribal areas, tribal policies.
2. Plans and programmes for tribal development
3. Approaches for tribal development
4. Causes of tribal unrest and discontent

Chapter - VI
Ethnic relations

1. Concepts associated with ethnic relations
2. Basic approaches to the study of ethnic relations
3. Dimensions of ethnic relations in India
4. Role of the British administration and the constitutions of India in relation to ethnic groups
5. Ethnic conflicts in India
6. Solutions to the problem of ethnic conflicts

Chapter - VII
Tribe and nation state

1. Concept of tribe- nation state
2. Tribe and nation –state in china
3. Tribe and nation state in Russia
4. Tribe and nation- state in Iran
5. Tribe and nation –state in Africa: colonial policy in Africa
6. Tribe and nation state in Australia
7. Tribe and nation –state in America

Chapter - VIII
Communalism, and regionalism

1. Communalism
2. Regionalism

Miscellaneous
CHAPTER I

ETHNOGRAPHY OF TRIBES IN INDIA

1. GEOGRAPHICAL DISTRIBUTION OF THE TRIBALS IN INDIA.

The territories inhabited by tribes cross States and Union Territories in the country and several tribes are found residing across five to six states. There are also tribal groups whose populations are distributed across international boundaries such as tribes in Himachal Pradesh, Uttar Pradesh, West Bengal, Arunachal Pradesh, Sikkim, Nagaland, Manipur, Meghalaya and Mizoram which have fellow tribes people in China (including Tibet), Bhutan, Myanmar and Bangladesh. The Nagas, for instance, are divided among the states of Nagaland, Manipur, Assam, and Arunachal Pradesh as well as in the neighbouring country of Myanmar.

Taking into account the geographical, ecological, social, economic, administrative, ethnic-administrative, ethnic and racial factors Vidyarthi and Rai (1976) proposed a fourfold geographical region along with one distinct sub-region of the islands. These are:

(i) Himalayan Region, with three sub-regions, viz.
   (1) north-eastern Himalayan region includes the Assam, Meghalaya, the mountainous region of West Bengal, i.e., Darjeeling, Arunachal Pradesh, Nagaland, Manipur, Mizoram, and Tripura.
   (2) central Himalayan region includes the Tarai areas of Uttar Pradesh and Bihar come in the central Himalayan region
   (3) north-Western Himalayan region includes the Himachal Pradesh and Jammu and Kashmir constitute the north-western Himalayan region.
More than one-third of the region’s population is made of tribals which is one-eighth of the tribal India.

**The North-Eastern Himalayan region includes the following tribes:**

- Assam: Bodo, Kachari, Miri, Rabha and Meeh
- Meghalaya: Chakma, Dimsa Kachari, Garo, Khasi, Kuki, Lakher, Lushai, Mikir, Synteng and Naga.
- Darjeeling district of west Bengal: Bhotiya and Lepcha
- Arunachal Pradesh: Abor, Aka, Apatani, Gallang, Dafla, Mishmi, Singpho, Ao and Sherdupken,
- Nagaland: Naga, Kuki, Kachari, Mikir, and Garo.
- Manipur: Aimol, Angemi Naga, Purum and Sema Naga.
- Mizoram: Mizo
- Tripura: Bhil, Chakma, Kuki, Lepcha, Riang and Tripuri.

**The Central Himalayan region includes the following tribes:**

- Tarai are of Uttar Pradesh: Bhotia, Khasas or Jaunsari
- Tarai area of Bihar: Bhotia and Korwa.

**The North-Western Himalayan region includes the following tribes:**


(ii) **Middle India Region:** It comprises Bihar, West Bengal, Orissa, and Madhya Pradesh with more than 2 crores of tribal people, i.e., 55 per cent of the total in the country.

The tribes found in this region are as follows:

- West Bengal: Bhuiya, Birhor, Gond, Ho, Kharwar, Khond, Lodha, Mahali and Rabha.
- Orissa: Bagatha, Baiga, Bhuiya, Bhuin, Birhor, Didayi, Gadaba, Gond, Ho, Jatapu, Khond, Kharia, Koli, Kotiya, Koya, Poroja, and Savara.
- Madhya Pradesh: Agaria, Baiga, Bhattara, Bhunja, Gadaba, Gond, Halba, Kamar, Khond, Korku, Korwa, Munda and Nagesia.

(iii) **Western India Region:** It includes Rajasthan, Gujarat, Maharashtra, Goa, and Dadra and Nagar Haveli with about 1 crore tribal population.
The tribes in this region are distributed as follows:

✓ Rajasthan: Bhil, Mina, Dhanka, Garacia, Kathodi, Koli, Nayak and Sahariya.
✓ Gujarat: Bavacha, Bhil, Dhanka, Dhodia, Dubla, Gond, Katkari, Nayak, Paradhi, Rabari, and Warli.
✓ Maharashtra: Bavacha, Bhil, Bhunjia, Dhanka, Dhodia, Dubla, Gond, Halba, Koli, Pradhan, Pardhi and Thoti.
✓ Goa and Dadra and Nagar Haveli: Dhodia, Dubla, Naikda, Siddi, Warli and Kokna.

(iv) **South India Region:** It comprises Andhra Pradesh, Tamil Nadu, Karnataka, and Kerala with a meagre tribal population (1.66 per cent of the region), constituting one-sixteenth of the tribals of the country.

The tribes in this region are distributed as follows:

✓ Tamil Nadu: Irula, Koraga, Kota, Malayali, Mannan, Badaga and Toda.
✓ Karnataka: Bavacha, Bhil, Chenchu, Dubla, Gond, Hakki-Pikki, Hansalaru, Kuruba, Kattunayakan, Koli, Koraga, Malakudi, Malasar, Sholaga, and Soligar.
✓ Kerala: Irula, Kadar, Kanikkar, Kattunayakan, Koraga, Kuruchia, Kurumba, Pandharam, Pulaya, Malasar, Mannan, Ulladam and Urali.

(v) **The Island Region:** The islands of Andaman and Nicobar in the Bay of Bengal and Lakshadweep in the Arabian Sea with 54.3 per cent tribal population constitute a distinct sub-region.

The tribes living in this region are as follows:

✓ Andaman and Nicobar Islands: Andamanese, Jarawa, Nicobarese, Onges, Sentinelese, and Shompen.
✓ Lakshadweep Islands: Moplahs.

2. **POPULATION AND NUMBERS OF INDIAN TRIBES**

Introduction:
Although the Census of 2011 enumerates the total population of Scheduled Tribes at 10,42,81,034 persons, constituting 8.6 per cent of the population of the country, the tribal communities in India are enormously diverse and heterogeneous. There are wide ranging diversities among them in respect of languages spoken, size of population and mode of livelihood. The number of communities that find their place in the list of the Schedule of the Indian constitution is reflective of this diversity. The Government of India, in its Draft National Tribal Policy, 2006 records 698 Scheduled Tribes in India. As per the Census of India 2011, the number of individual groups notified as Scheduled Tribes is 705.

There are many differences between these regions as well as differences from tribe to tribe. For example, while the Northeast is often viewed as a singular and homogeneous entity, the region is highly diverse with over 200 tribes and sub-tribes, each of which have their own language, culture and political structures. Further, the tribes of the Northeast differ from tribes in other parts of India, particularly in terms of their historical relationship with the colonial and Indian State. The tribes of the Andaman and Nicobar Islands, comprising 556 islands of which only a few are populated, are also distinct. The Islands are administered as a Union Territory under the Central Government and are home to some of the smallest tribes such as the Great Andamanese, Onge, Jarawa and the Sentinelese.

The tribes can also be differentiated on the basis of population size since communities like Gonds, Bhils, Santhals, Oraons, Minas, Mundas and so on have a population that ranges from one million to a little over seven million people. As against this, there are communities like the Andamanese Islanders and tribal groups such as the Birjia and Asur in Bihar and the Birhor of Madhya Pradesh who have a population of less than 200 persons.

Scheduled Tribes communities live in about 15% of the country’s area, in various ecological and geo-climatic conditions ranging from plains and forests to hills. A large proportion of Scheduled Tribes are collectors of forest produce, hunter-gatherers, shifting cultivators, pastoralists and nomadic herders, and artisans. Traditional occupations of tribal groups may range from honey-collection to hunting small animals to engaging in metal-work and rope-making.

A majority of tribal groups work in the primary sector and are heavily dependent on agriculture either as cultivators or as agricultural labourers. At the same time, a number of Scheduled Tribes no longer follow their traditional occupations and work as labourers on plantations or in mines and factories (in many cases, since the nineteenth-century). Displacement and enforced migration has also led to an increasing number of Scheduled Tribes working as contract labourers in the construction industry and as domestic workers in major cities. Over 80% of Scheduled Tribes work in the primary sector against 53% of the
general population, primarily as cultivators. However, the number of STs who were cultivators, declined from over 68% to 45% in 2001 whereas the number of tribal agricultural labourers increased from about 20% to 37%, demonstrating increasing landlessness among tribals. This trend has intensified, as can be seen in data from the 2011 Census. It is further estimated that, in the last decade, about 3.5 million tribal people are leaving agriculture and agriculture-related activities to enter the informal labour market.

Scheduled Tribes comprise 11.3 per cent of the Indian rural population and 2.8 per cent of the Indian urban population. In 2001, the proportion of STs to the total population was 8.2 per cent, while the proportion was 10.4 per cent in rural areas and 2.4 per cent in urban areas. The total male ST population according to the 2011 census is 5,24,09,823 of which 4,71,26,341 are residing in rural areas and 52,83,482 are in urban areas. The total female ST population is 5,18,71,211 with 4,66,92,821 in rural areas and 51,78,390 in urban areas. The sex ratio among the Scheduled Tribes is 991 females to every 1000 males in rural areas and 980 females to every 1000 males in urban areas, the average being 990.

Population of Scheduled Tribes across States

- The Himalayan Region comprises 2.03 per cent of STs in the States of Jammu and Kashmir, Himachal Pradesh, Uttarakhand and Uttar Pradesh;
- The North-eastern region has 12.41 per cent of STs in Sikkim, Arunachal Pradesh, Nagaland, Manipur, Mizoram, Tripura, Meghalaya and Assam;
- The Central-east Indian region has the largest proportion of STs, about 52.51 per cent in Andhra Pradesh, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Odisha and West Bengal;
- The Western region of Rajasthan, Gujarat, Daman and Diu, Dadra and Nagar Haveli, Maharashtra and Goa have 27.64 per cent of STs;
- The Southern region has 5.31 per cent of STs in the states of Karnataka, Kerala and Tamil Nadu;
- And finally, 0.11 per cent of STs live in the island region of Andaman and Nicobar Islands and Lakshadweep.

Total population of STs and proportion of STs in each state to the total state and national population

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of the State/UT</th>
<th>Total Population</th>
<th>ST Population</th>
<th>% of STs in the State to total State population</th>
<th>% of STs in the State to total ST populatio n in India</th>
</tr>
</thead>
</table>

---
<table>
<thead>
<tr>
<th></th>
<th>State</th>
<th>Population</th>
<th>Urban Population</th>
<th>Density</th>
<th>Urbanisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>India</td>
<td>12105695</td>
<td>10428103</td>
<td>8.61</td>
<td>--</td>
</tr>
<tr>
<td>1</td>
<td>Andaman &amp; Nicobar Islands</td>
<td>380581</td>
<td>28530</td>
<td>7.49</td>
<td>0.02</td>
</tr>
<tr>
<td>2</td>
<td>Andhra Pradesh</td>
<td>84580777</td>
<td>5918073</td>
<td>6.99</td>
<td>5.67</td>
</tr>
<tr>
<td>3</td>
<td>Arunachal Pradesh</td>
<td>1383727</td>
<td>951821</td>
<td>68.78</td>
<td>0.91</td>
</tr>
<tr>
<td>4</td>
<td>Assam</td>
<td>31205576</td>
<td>3884371</td>
<td>12.44</td>
<td>3.72</td>
</tr>
<tr>
<td>5</td>
<td>Bihar</td>
<td>10409945</td>
<td>1336573</td>
<td>1.28</td>
<td>1.28</td>
</tr>
<tr>
<td>6</td>
<td>Chandigarh</td>
<td>1055450</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>7</td>
<td>Chhattisgarh</td>
<td>25545198</td>
<td>7822902</td>
<td>30.62</td>
<td>7.50</td>
</tr>
<tr>
<td>8</td>
<td>D &amp; N Haveli</td>
<td>343709</td>
<td>178564</td>
<td>51.95</td>
<td>0.17</td>
</tr>
<tr>
<td>9</td>
<td>Daman &amp; Diu</td>
<td>243247</td>
<td>15363</td>
<td>6.31</td>
<td>0.01</td>
</tr>
<tr>
<td>10</td>
<td>Goa</td>
<td>145854</td>
<td>149275</td>
<td>10.23</td>
<td>0.14</td>
</tr>
<tr>
<td>11</td>
<td>Gujarat</td>
<td>60439692</td>
<td>8917174</td>
<td>14.75</td>
<td>8.55</td>
</tr>
<tr>
<td>12</td>
<td>Haryana</td>
<td>25351462</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>13</td>
<td>Himachal Pradesh</td>
<td>6864602</td>
<td>392126</td>
<td>5.71</td>
<td>0.37</td>
</tr>
<tr>
<td>14</td>
<td>Jammu &amp; Kashmir</td>
<td>12541302</td>
<td>1493299</td>
<td>11.90</td>
<td>1.43</td>
</tr>
<tr>
<td>15</td>
<td>Jharkhand</td>
<td>32988134</td>
<td>8645042</td>
<td>26.20</td>
<td>8.29</td>
</tr>
<tr>
<td>16</td>
<td>Karnataka</td>
<td>61095297</td>
<td>4248987</td>
<td>6.95</td>
<td>4.07</td>
</tr>
<tr>
<td>17</td>
<td>Kerala</td>
<td>33406061</td>
<td>484839</td>
<td>1.45</td>
<td>0.46</td>
</tr>
<tr>
<td>18</td>
<td>Lakshadweep</td>
<td>64473</td>
<td>61120</td>
<td>94.79</td>
<td>0.05</td>
</tr>
<tr>
<td>19</td>
<td>Madhya Pradesh</td>
<td>72626809</td>
<td>15316784</td>
<td>21.08</td>
<td>14.68</td>
</tr>
<tr>
<td>20</td>
<td>Maharashtra</td>
<td>11237433</td>
<td>10510213</td>
<td>9.35</td>
<td>10.07</td>
</tr>
<tr>
<td>21</td>
<td>Manipur</td>
<td>2570390</td>
<td>902740</td>
<td>35.12</td>
<td>0.86</td>
</tr>
<tr>
<td>22</td>
<td>Meghalaya</td>
<td>2966889</td>
<td>2555861</td>
<td>86.14</td>
<td>2.45</td>
</tr>
<tr>
<td>23</td>
<td>Mizoram</td>
<td>1097206</td>
<td>1036115</td>
<td>94.43</td>
<td>0.99</td>
</tr>
<tr>
<td>24</td>
<td>Nagaland</td>
<td>1978502</td>
<td>1710973</td>
<td>86.47</td>
<td>1.64</td>
</tr>
<tr>
<td>25</td>
<td>NCT of Delhi</td>
<td>16787941</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>26</td>
<td>Odisha</td>
<td>41974218</td>
<td>9590756</td>
<td>22.84</td>
<td>9.19</td>
</tr>
<tr>
<td>27</td>
<td>Puducherry</td>
<td>1247953</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>28</td>
<td>Punjab</td>
<td>27743338</td>
<td>0</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>29</td>
<td>Rajasthan</td>
<td>68548437</td>
<td>9238534</td>
<td>13.47</td>
<td>8.85</td>
</tr>
<tr>
<td>30</td>
<td>Sikkim</td>
<td>610577</td>
<td>206360</td>
<td>33.79</td>
<td>0.19</td>
</tr>
<tr>
<td>31</td>
<td>Tamil Nadu</td>
<td>72147030</td>
<td>794697</td>
<td>1.10</td>
<td>0.76</td>
</tr>
<tr>
<td>32</td>
<td>Tripura</td>
<td>3673917</td>
<td>1166813</td>
<td>31.75</td>
<td>1.11</td>
</tr>
<tr>
<td>33</td>
<td>Uttar Pradesh</td>
<td>19981234</td>
<td>1134273</td>
<td>0.56</td>
<td>1.08</td>
</tr>
<tr>
<td>34</td>
<td>Uttarakhand</td>
<td>10086292</td>
<td>291903</td>
<td>2.89</td>
<td>0.27</td>
</tr>
<tr>
<td>35</td>
<td>West Bengal</td>
<td>91276115</td>
<td>5296953</td>
<td>5.80</td>
<td>5.07</td>
</tr>
</tbody>
</table>
States with highest and lowest proportion of Scheduled Tribes

<table>
<thead>
<tr>
<th>Top 5 Territories</th>
<th>States/Union</th>
<th>Bottom 5 Territories</th>
<th>States/Union</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lakshadweep</td>
<td>94.8%</td>
<td>Uttar Pradesh</td>
<td>0.56%</td>
</tr>
<tr>
<td>Mizoram</td>
<td>94.4%</td>
<td>Tamil Nadu</td>
<td>1.1%</td>
</tr>
<tr>
<td>Nagaland</td>
<td>86.5%</td>
<td>Bihar</td>
<td>1.28%</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>86.1%</td>
<td>Kerala</td>
<td>1.45%</td>
</tr>
<tr>
<td>Arunachal</td>
<td>68.8%</td>
<td>Uttarakhand</td>
<td>2.89%</td>
</tr>
</tbody>
</table>

States and percentage of ST population

<table>
<thead>
<tr>
<th>S.No.</th>
<th>State</th>
<th>% of national ST population</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Madhya Pradesh</td>
<td>14.7</td>
</tr>
<tr>
<td>2</td>
<td>Maharashtra</td>
<td>10.1</td>
</tr>
<tr>
<td>3</td>
<td>Odisha</td>
<td>9.2</td>
</tr>
<tr>
<td>4</td>
<td>Rajasthan</td>
<td>8.9</td>
</tr>
<tr>
<td>5</td>
<td>Gujarat</td>
<td>8.6</td>
</tr>
<tr>
<td>6</td>
<td>Jharkhand</td>
<td>8.3</td>
</tr>
<tr>
<td>7</td>
<td>Chhattisgarh</td>
<td>7.5</td>
</tr>
<tr>
<td>8</td>
<td>Andhra Pradesh</td>
<td>5.7</td>
</tr>
<tr>
<td>9</td>
<td>West Bengal</td>
<td>5.1</td>
</tr>
<tr>
<td>10</td>
<td>Karnataka</td>
<td>4.1</td>
</tr>
<tr>
<td>11</td>
<td>Assam</td>
<td>3.7</td>
</tr>
<tr>
<td>12</td>
<td>Meghalaya</td>
<td>2.5</td>
</tr>
<tr>
<td>13</td>
<td>Others</td>
<td>11.6</td>
</tr>
</tbody>
</table>

The decadal growth of Scheduled Tribes is better than the growth rate of the general population between 1991 and 2001, and 2001 and 2011. Between 1991 and 2001, while the decadal growth rate of the general population was recorded at 22.66, the Scheduled Tribe growth rate was 24.45. Similarly, between 2001 and 2011, when the general population growth rate was 17.64, the growth rate of Scheduled Tribe population in the corresponding period was 23.66. On the whole, the ST population within the total population of India has increased from 8.2 per cent in 2001 to 8.6 percent in 2011. In many States, the STs as a proportion of the population have remained fairly constant between the 2001 and 2011 censuses. However, States/Union Territories such as Andaman and Nicobar Islands, Chhattisgarh, Daman and Diu and Nagaland have recorded small decreases in the relative proportion of STs in the population between 2001 and
2011 (up to about three per cent decrease in Nagaland). The most significant decrease in proportion is in Dadra and Nagar Haveli, which has recorded a decrease of about ten per cent over the decade. Other states have recorded small increases which may be due to population growth as well as State recognition of greater number of tribes. Significant increases in proportion can be noted in Sikkim (about 13 per cent) and Arunachal Pradesh (about four per cent).

State-wise percentage of Scheduled Tribes to total population (rural and urban) and decadal growth-rate (2001-2011)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>10.9</td>
<td>13.8</td>
<td>2</td>
<td>11.9</td>
<td>15.4</td>
<td>2.5</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>4</td>
<td>4.3</td>
<td>1.3</td>
<td>5.7</td>
<td>6.1</td>
<td>2.6</td>
</tr>
<tr>
<td>Punjab</td>
<td>No STs</td>
<td>-</td>
<td>No STs</td>
<td>No STs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Chandigarh</td>
<td>No STs</td>
<td>-</td>
<td>No STs</td>
<td>No STs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>3</td>
<td>3.8</td>
<td>0.7</td>
<td>2.9</td>
<td>3.8</td>
<td>0.9</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>12.6</td>
<td>15.5</td>
<td>2.9</td>
<td>13.5</td>
<td>16.9</td>
<td>3.2</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>0.1</td>
<td>0.1</td>
<td>0</td>
<td>0.6</td>
<td>0.7</td>
<td>0.2</td>
</tr>
<tr>
<td>Bihar</td>
<td>0.9</td>
<td>1</td>
<td>0.5</td>
<td>1.3</td>
<td>1.4</td>
<td>0.6</td>
</tr>
<tr>
<td>Sikkim</td>
<td>20.6</td>
<td>21.2</td>
<td>15.9</td>
<td>33.8</td>
<td>36.6</td>
<td>25.5</td>
</tr>
<tr>
<td>Arunachal Pradesh</td>
<td>64.2</td>
<td>69.7</td>
<td>43.4</td>
<td>68.8</td>
<td>74.1</td>
<td>51</td>
</tr>
<tr>
<td>Nagaland</td>
<td>89.1</td>
<td>93.7</td>
<td>67.1</td>
<td>86.5</td>
<td>92.8</td>
<td>70.8</td>
</tr>
<tr>
<td>Manipur</td>
<td>34.2</td>
<td>44.4</td>
<td>6.1</td>
<td>35.1</td>
<td>45.6</td>
<td>16.4</td>
</tr>
<tr>
<td>Mizoram</td>
<td>94.5</td>
<td>96.3</td>
<td>92.6</td>
<td>94.4</td>
<td>96.6</td>
<td>92.5</td>
</tr>
<tr>
<td>Tripura</td>
<td>31.1</td>
<td>36.5</td>
<td>4.7</td>
<td>31.8</td>
<td>41.2</td>
<td>5.1</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>85.9</td>
<td>90.2</td>
<td>68.3</td>
<td>86.1</td>
<td>90.1</td>
<td>70.4</td>
</tr>
<tr>
<td>Assam</td>
<td>12.4</td>
<td>13.6</td>
<td>4.5</td>
<td>12.4</td>
<td>13.7</td>
<td>5</td>
</tr>
<tr>
<td>West Bengal</td>
<td>5.5</td>
<td>7.2</td>
<td>1.2</td>
<td>5.8</td>
<td>7.8</td>
<td>1.5</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>26.3</td>
<td>31</td>
<td>9.8</td>
<td>26.2</td>
<td>31.4</td>
<td>9.8</td>
</tr>
<tr>
<td>State/UT</td>
<td>No. of Tribes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>---------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>25</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arunachala Pradesh</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assam</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bihar</td>
<td>33</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>42</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Goa</td>
<td>08</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gujarat</td>
<td>29</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jharkhand</td>
<td>32</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Karnataka</td>
<td>50</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kerala</td>
<td>36</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>43</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maharashtra</td>
<td>45</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

State-wise Number of Scheduled Tribes
As per the 2001 census, the tribe with the largest population is the Bhil (12689952) followed by the Gond (10859422), the Santal (5838016) and the Mina (3800002). Most of the large tribes have populations spread across several States and in some cases, over the entire breadth of the country. Many of these tribes have been integrated into the larger political economy for centuries and some of them have benefitted from State policies to a relatively greater extent as compared to smaller tribal groups.

Fifteen most populous tribes in India

<table>
<thead>
<tr>
<th>Name of Tribe</th>
<th>Population</th>
<th>States in which members are residing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bhil</td>
<td>12689952</td>
<td>Tripura, Andhra Pradesh, Rajasthan, Chhattisgarh, Andhra Pradesh, Gujarat, Maharashtra, Karnataka</td>
</tr>
<tr>
<td>Gond</td>
<td>10859422</td>
<td>Bihar, West Bengal, Jharkhand, Odisha, Chhattisgarh, Madhya Pradesh, Gujarat, Andhra Pradesh, Karnataka</td>
</tr>
<tr>
<td>Santhal</td>
<td>5838016</td>
<td>Bihar, Tripura, West Bengal, Odisha, Jharkhand</td>
</tr>
<tr>
<td>Mina</td>
<td>3800002</td>
<td>Rajasthan, Madhya Pradesh</td>
</tr>
<tr>
<td>Naikda</td>
<td>3344954</td>
<td>Karnataka, Rajasthan, Gujarat, Daman &amp; Diu, Dabra &amp; Nagar Haveli, Maharashtra, Goa</td>
</tr>
<tr>
<td>Oraon</td>
<td>3142145</td>
<td>Bihar, West Bengal, Jharkhand, Odisha, Chhattisgarh, Madhya Pradesh, Maharashtra</td>
</tr>
<tr>
<td>Sugalis</td>
<td>2077947</td>
<td>Andhra Pradesh</td>
</tr>
<tr>
<td>Munda</td>
<td>1918218</td>
<td>Bihar, West Bengal, Jharkhand, Chhattisgarh, Madhya Pradesh, Tripura, Odisha</td>
</tr>
<tr>
<td>------------</td>
<td>---------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Nagas</td>
<td>1820965</td>
<td>Nagaland</td>
</tr>
<tr>
<td>Khond</td>
<td>1397384</td>
<td>Bihar, West Bengal, Jharkhand, Odisha</td>
</tr>
<tr>
<td>Boro</td>
<td>1352771</td>
<td>Assam</td>
</tr>
<tr>
<td>Koli Mahadev</td>
<td>1227562</td>
<td>Maharashtra</td>
</tr>
<tr>
<td>Khasi</td>
<td>1138356</td>
<td>Mizoram, Meghalaya, Assam</td>
</tr>
<tr>
<td>Kol</td>
<td>991400</td>
<td>Odisha, Chhattisgarh, Madhya Pradesh, Maharashtra</td>
</tr>
<tr>
<td>Varli</td>
<td>974916</td>
<td>Gujarat, Daman &amp; Diu, Dadra &amp; Nagar Haveli, Maharashtra, Karnataka, Goa</td>
</tr>
</tbody>
</table>

**PVTGs with a population of less than 1000 persons**

<table>
<thead>
<tr>
<th>PVTG</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birjia (Bihar)</td>
<td>17</td>
</tr>
<tr>
<td>Sentinelese</td>
<td>39</td>
</tr>
<tr>
<td>Great Andamanese</td>
<td>43</td>
</tr>
<tr>
<td>Onge</td>
<td>96</td>
</tr>
<tr>
<td>Birhor (Madhya Pradesh)</td>
<td>143</td>
</tr>
<tr>
<td>Asur (Bihar)</td>
<td>181</td>
</tr>
<tr>
<td>Mankidias (Odisha)</td>
<td>205</td>
</tr>
<tr>
<td>Jrawa</td>
<td>240</td>
</tr>
<tr>
<td>Cholanaicken (Kerala)</td>
<td>326</td>
</tr>
<tr>
<td>Shompen</td>
<td>398</td>
</tr>
<tr>
<td>Birhor (Bihar)</td>
<td>406</td>
</tr>
<tr>
<td>Savar (Bihar)</td>
<td>420</td>
</tr>
<tr>
<td>Raji (Uttarakhand)</td>
<td>517</td>
</tr>
<tr>
<td>Sauria Paharia (Bihar)</td>
<td>585</td>
</tr>
<tr>
<td>Birhor (Odisha)</td>
<td>702</td>
</tr>
<tr>
<td>Korwa (Bihar)</td>
<td>703</td>
</tr>
<tr>
<td>Todas (Tamil Nadu)</td>
<td>875</td>
</tr>
<tr>
<td>Kota (Tamil Nadu)</td>
<td>925</td>
</tr>
<tr>
<td>Raji (Uttar Pradesh)</td>
<td>998</td>
</tr>
</tbody>
</table>

3. **RACIAL ELEMENTS AMONG THE TRIBES IN INDIA**

H.H. Risley’s Classification (1915):

Risley, H.N.

Risley said that the tribal population of India belongs to two races.
1. **Dravidian**

   Long head, Broad nose, Depressed nasal root. Dark eyes, Dark complexion, Short stature, plentiful of head-hair with a tendency to curl.

   Ex. All tribes of South India and the southern part of M.P. and Chota Nagpur in Bihar. Paniyan of South India and the Santals of Chota Nagpur belong to the Dravidian race.

2. **Mongoloid.**

   Broad head, Flat face, Fine nose/ broad nose, epicanthic fold, short stature, Scanty body hair, Dark and yellowish skin colour.

   Ex. All tribals in the Himalayan region and in the seven North-Eastern states.

**B.S. Guha’s classification (1937)**

Guha has found the following racial elements among the tribes in India:

(i) **Negrito**

   Small head which is round, medium or long; Nose which is straight flat and broad, short stature, Dark brown to dark skin colour, woolly hair, Bulbous forehead and Smooth supraorbital ridges.

   Ex: Kadars, and Pulayans of Cochin and Travancore and Irulas and other Primitive tribes of Wayanad. In respect of the head form and hair structure, the Indian Negritos are close to the Melanesian Pygmies than to the Andamanese.

(ii) **Proto-Australoid**

   Dolichocephalic head, platy rhine nose, Depressed nasal root, short stature, Dark brown skin colour Wavy or even Curly hair, Delicate limbs, Less Developed and slightly retreating forehead and Prominent supraorbital ridges. They are closely akin to the Australian tribes.

   Ex: Pulayans women of Travancore, Urali of Travancore Baiga of Rewa, Maler, Chenchu, Kannikar, Bhil, Santhal and Oraon belong to this group.

(iii) **Mongoloids**
(A) The Paleo-Mongoloid:

(a) **Long-headed type:** Long, head, Medium nose, and medium stature, epicanthic fold, prominent check bones, Dark to light brown skin colour, short and flat face, faintly developed supraorbital ridges, straight hair and Scanty hair on the body.

Ex: Tribes of Assam and Burma. The Sema Nagas are of typical representatives of this group.

(b) **Broad-Headed Mongolid:** Broad-head, Round face, Dark skin colour, Medium nose, and Marked epicanthic fold.

Ex: Lepchas of Kalinpong

(B) **Tibeto-Mongoloids:**

Broad and massive head, Long and flat face, Tall stature, Long or medium nose, marked epicanthic fold, Body hair and facial hair markedly absent and Light brown skin colour.

Ex: Tibetans of Sikkim.

4. **LANGUAGES OF THE TRIBES IN INDIA**

**Introduction:**

The tribal languages in India belong to several families. Among these families the Dravidian language family is in South India and a few pockets in middle India in Chotanagpur and north-western border near Baluchistan. Another language family, “Austro-Asiatic”, is found in certain pockets in the north-eastern Himalayan region in Meghalaya, in Nicobar Islands and extensively in middle India and adjoining western India. The third language which is traced on the map and is prevalent all along the Himalayan region is Tibeto-Chinese. The Indo-European language is found in the remaining, major, part of India.

These all suggest a drift from north-western to southern India and then in the pockets of middle India in the caste of Dravidian languages. There is much controversy over the origin of the Austro-Asiatic language. W. Schmidt named the Munda languages as Austro Asiatic. In 1928 Heine Geldern suggested that the Mongoloid people entered India from the north-eastern side and brought with them the Munda languages which later spread in middle India. But Hutton opines that the Austro-Asiatic language was brought by the Kolarians through the west
end of the Himalayas. The Tibeto-Burmese language entered our country from the north and spread all along the Himalayas.

**G.A Grierson’s classification (1903-1922):**

G.A. Grierson carried out a linguistic survey of India between 1903 and 1922. According to him there are 170 languages and 500 dialects in India. The languages fall under 4 families: (a) Aryan or Indo-European (15 major languages), (b) Dravidian (14 major languages), (c) Kol or Mundari (41 languages) and (d) Tibeto-Chinese (100 languages).

According to Grierson, the tribal languages in India belong to Dravidian, Kol or Mundari and Tibeto Chinese families. The Dravidian languages are located in South India and Central India. These languages include Gondi (Gonds), Kui (Khonds), Kurukh (Korku), Oraon (Oraon), Malto (Rajmahal Hills, Bihar), and Todua (Todas).

The Tibeto-Chinese family includes several small speeches. Some of the languages are: Manipuri, Lushai and Garo. All tribes in the seven north-eastern states in India speak Tibeto-Chinese languages. The Tibeto-Chinese languages are more recent than the Munda languages.

The kol or Mundari family is the most ancient one. The Munda, Santhal Ho, Kharia and Bhumiji, of Chota Nagpur, Korku of Madhya Pradesh, and Savara and Gadaba of Orissa and Andhra Pradesh, Khasi of Meghalaya and Nicobarese of Andaman Islands speak Kol or Mundari languages.

**S.K. Chatterjee’s Classification (1945)**

According to S.K. Chatterjee the tribal languages in India belong to three families namely: (a) Dravidian Family, (b) Austro-Asiatic (Nishada) Family and (c) Sino-Tibetan (Kirata) Family.

L.P. Vidyarthi and Rai, the tribal languages in India can be classified into four main linguistic families:

**I. Austro-Asiatic Family:**

(a) Mon-Khmer Branch: Khasi and Nicobari

(b) Munda Branch-Santhali, Kharwari, Ho, Mundari, Gondi, Kharia, Savara, Khond, Gadaba, etc.

**II. Tibeto-Chinese sub-family:**
1. Siamese-Chinese sub-family.
   Tai group-Khampti, Phakial, etc.

2. Tibeto-Berman sub-family:
   (i) Tibeto-Himalayan Branch –Bhotia of Darjeeling.
   
   (ii) Western sub-group of Pronominalized Himalayan group-Chamba, Lahauli, Swangali, Kanauri, etc.
   
   (iii) Non-Pronominalized Himalayan Group-Rong or Lepcha, Toto, etc.
   
   (iv) Arunachal Branch-Aka or Hrusso, Abor, Miri, Dafla, Mishmi, etc.
   
   (v) Assam-Burmese Branch:
      (a) Bara or Bodo group-plains Kachari, Dimasa or (Hill) Kachari, Garo, Tripura, etc.
      
      (b) Naga Group
         (i) Naga sub-group, Angami, Ao, Sema, Rengma, etc.
         (ii) Naga-Bodo sub group-Kachcha Naga, Kabui Naga, etc.
      
      (c) Kachin Group-Singpho.
      
      (d) Kuki-Chin Group-Manipuri, Thado, Sokte, Ralte, Lushai, etc.

III. Dravidian Family.

   Korwa, Yerukula, Yarava, Badaga, Toda, Kota, Kurukh or Oraon, Malto or Maler, Kui Kandhi or Khond, Gondi, etc.

IV. Indo-European Family

   Hajong, Bhili, etc.
6. SOCIAL UNITS AMONG THE TRIBES IN INDIA

Family:

The family among the tribes of India, is the most abiding unit. It varies according to the rules of descent, inheritance and form of the residence.

The type of family among the tribes in India are groupings, and as such they are generally fivefold;

(i) **Patrilineal, patrilocal, patriarchal and patronymic families.**

The constituent familial kin encysted are grandparents, parents, father’s brothers, and their wives, sons, and their wives and unmarried children. Married daughters move out of the family of orientation. Most of the tribes belong to this type, and all patrilineal tribes belong to this structure.

(ii) **Matrilineal, matrilocal, matriarchal and matronymic families.**

The constituent familial kin encysted are parents, their heiress (youngest daughter among Khasi and any daughter among the Garo) and her husband and married children. Married sons and married daughters other than the heiress normally move out of the family of orientation. The matrilineal Khasi and Garo of Meghalaya belong to this structure.

(iii) **Matrilineal, avunculocal or/and patrilineal and patrilocal families.**

The constituent kin encysted are those who constitute the matrilineal structure. The Rabha of West Bengal and the Kadar, Kanikkar, Urali, Mala Pandaram and Muthuvan of Kerala conforms to this structure.

(iv) **Matrilineal and duolocal families.**

The constituent kin encysted in the matrilineal structure are: mother, her married and unmarried sons, one daughter who is heiress of the household and her children. The household unit excludes all affinal kin and remains a pure consanguineal group, simply based on the rule of duolocal residence. Only the Pnar/ Jaintia of Meghalaya conform to this structure.
The Pnar/ Jaintia rules of descent and inheritance recall those of the matrilineal Khasi and Garo but they differ in the rule of residence. Among the Pnar the husband on the one hand and, his wife and children on the other reside in respective family of orientation. The husband visits his wife at night only.

(v) Patri-matrilineal and patrilocal families.

The constituent kin encysted are parents and their unmarried children. Only the Kachari of Assam conform to this structure.

Typology of Family

The different types of family organisation that are observed among the tribes of India, are consequent to various forms of marriage and kin organisation. On the basis of the principal forms of marriage, three types of family emerge. They are:

1. Monogamous
2. Polygynous
3. Polyandrous

On the basis of the organisation of kin, four types of family emerge. They are:

1. Nuclear
2. Lineally Joint
3. Laterally Joint
4. Lineally and laterally joint

The following table gives some examples from tribal India for the different types of family on the basis of the principal forms of marriage.

<table>
<thead>
<tr>
<th>TYPE OF FAMILY</th>
<th>TRIBES</th>
</tr>
</thead>
<tbody>
<tr>
<td>MONOGAMOUS</td>
<td>Andamanese, Asur, Dimasa Kachari, Khasi, Mala Pandaram, Riang, Sherdukpen.</td>
</tr>
<tr>
<td>POLYGYNOUS</td>
<td>Adi, Aka, Apa Tani, Dafla, Gallong, Idu-Mishmi, Sema Naga, Angami Naga, Garo, Lushai, Mikir, Purum, Baiga, Bhumia, Dhruwa, Kamar, Kol, Maria Gond, Paradhan, Tharus, Bhil,</td>
</tr>
</tbody>
</table>
Garasia, Birhor, Chero, Maler, Snthal, Bondo, Hill Bhuiya, Kharia, Savara Lodha, Chenchu, Hill Reddi, Yanadi, Mahadeo Koli, Kota, Kadar, Kanikkar, Muthuvan, Urali.

POLYANDROUS
Gallong, Jaunsari, Toda and Khasas

The table given below are some examples from the tribes in India for the different type of family based on household composition of kin.

<table>
<thead>
<tr>
<th>Family type</th>
<th>Tribes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Nuclear</strong></td>
<td>Apa Tani, Angami Naga, Ao Naga, Rengma Naga, Sema, Naga, Dimasa Kachari, Toto, Hill Reddi, Kamas, Yanadi, Mala Pandaram, Andamanese, Onge.</td>
</tr>
<tr>
<td><strong>Lineally joint</strong></td>
<td>Adi, Aka, Gallong, Sherdukpen, Tangsa, Puram, Garo, Khasi, Mikir, Tharus, Bhuiya, Dhurwa, Kol, Maria Gond, Birhor, Santal, Saoras, Chenchu, Bhil, Garasia, Urali.</td>
</tr>
<tr>
<td><strong>Laterally joint</strong></td>
<td>Dubla, Idu Mishmi, asur, Maler</td>
</tr>
<tr>
<td><strong>Lineally and laterally joint</strong></td>
<td>Lodha, Riang, Bhumis, Chero, Ho, Kharia, Mahadev Koli</td>
</tr>
</tbody>
</table>

**Polyandry in tribals**

Polyandry refers to the practice of polyandry, whereby a woman has two or more husbands at the same time.

Polyandry was mainly prevalent in the Kinnaur Region, a part of Himachal in India which is close to the Tibet or currently the Indo-China border. As mentioned in the epic Mahabharata, the Pandavas were banished from their kingdom for thirteen years and they spent the last year hiding in this hilly terrain of Kinnaur. A minority of the Kinnauris still claim to be descendants of the Pandavas and thus justify the practice of polyandry. However, this is a debatable issue as Kinnauris existed long before the Pandavas as mentioned in the epic.

Apart from Kinnaur, polyandry was practised in South India among the Todas tribes of Nilgiris, Nairs of Travancore. While polyandrous unions have disappeared from the traditions of many of the groups and tribes, it is still
practiced by some Paharis, especially in the Jaunsar-Bawar region in Northern India.

Recent years have seen the rise in fraternal polyandry in the agrarian societies in Malwa region of Punjab to avoid division of farming land.

Causes for Polyandry

1) Traditional aspects
   ✓ Scarcity of women due to female infanticide and foeticide
   ✓ Cultural beliefs
   ✓ Solidarity of sibling group
   ✓ Prolonged absence of husband

2) Economic Aspects
   ✓ Agricultural society- to prevent fragmentation of land
   ✓ Scarcity of resources
   ✓ High bride price

Lineage:

Next to the family, lineage forms as an important unit of a tribal society. A group of families having a common ancestor combine to form a lineage is based on demonstrated decent. All tribes have lineages.

The Bhils call a lineage as Nal and the Mundas and Oraons call it Khunt. The Rabhas designate it as Hur.

The lineages among some tribes like the Mundas and Oraons work s dominant ones and subordinate ones.

The lineages are segmented in some tribes. Among the Rabhas of Assam, the lineages are segmented into major lineages (hur) and minor lineages(bars)

The lineages are segmented in an elaborate way in some tribal societies like the Khasas. The Khasas have six lineage segments, namely inter-village, village, Lineage Group, Lineage, sub-lineage and family. These are as follows:

```
Inter-village                      Dai Chara (brother hood)
                                    |
Village                           Village Dai chara
                                    |
                                      Village Dai chara
```
The lineage system of Khasas has five aspects:

(a) The lineage functions in the absence of clan
(b) Lineage system is a graded structure,
(c) Territorial connection of the lineage system exists
(d) Tribal differentiation in the lineage system.
(e) Local differentiation in the lineage system.

Clan:

The clan is an important unit of tribal social structure. It is an exogamous division of a tribe, the members of which are held to be related to one another by some common ties, may be belief in descent from common ancestor, possession of a common totem or habitation of a common territory. Thus, it is based on stipulated descent. The Gonds call a clan gotra, the Jaintias call it a Kur and the Bhumij designate it Baraj

The clan organisation occurs among almost all Indian tribes. The clans are named. They are exogamous. They are dispersed groups. Majority of the tribes have class based on totemic principle as totem occurs in wide areas of the tribal society. For example, the most populous tribes like the Santhals, Bhils, Oraons, Mundas and Hos and the small tribes like the Birhor and Chenchu have totemic clans.
There are some tribes like the Gonds which have clans like the gotra of the Hindus named after saints (rishis). The Gonds have named their clans after mythological saints such as Vasishtha, Kashyapa, Dadhichi etc.

There are a few exceptions to the universality of clan organisation. The Malers of Rajmahal Hills, the Kadars of Cochin Hills and the Andamanese of Andaman and Nicobar Islands are examples of this category. They are clan less. But they regulate marriages on generational or territorial grouping by forming local groups. These local groups function almost like clan groups. So, these are functionally established clans or local groups.

The clans among the tribes in India may be classified into the following types:

(i) Patrilineal clans. Examples are: Aka, Purum, Lodha, Birhor, Oraon, Santhal, Pradhan and Hill Reddi
(ii) Matrilineal clans: Examples are Jaintia, Khasi and Garo.
(iii) Bilineal clans: Example is Dimsa Kachari

The clans may have sub-clans. For example, the clans of Hos and the Bhils are divided into sub-clans. The Purty clan of the Hos consists of seven sub-clans these split up clans may or may not allow marriage between one and another. This splitting up of clans into sub-clans is either due to their migration or adoption of new cultural traits or by circumstances which force them into merely doing some acts. It is only after a long time when a clan group increases in depth and extension and establishes links and affinities with another group in the vicinity that it gradually loses its relations in the parental group though still aware of their primary affiliations. For instance, the parmer clan among the Bhils, have sub-clans like the Dhararya, Pipria, Devodia etc. Dhar, Pipere, Derod etc are names of places. Thus, sub-clans have territorial names.

Phratry:

A few among the tribes in India have phratries. The Raj Gonds have four phratries. Each phratry consists of several clans. These phratries are: (a) Yer Ven saga (phratry of seven brothers), (b) Sar Ven Saga (phratry of six brothers), Se Ven Saga (phratry of five brothers), and Nal Ven Saga (phratry of four brothers).

The Angami Dubla, Muria Gond and Bison Horn Muria maintain phratries. Muria Gond has five phratries. Bison Horn Maria has four phratries.

Moiety:

Moiety organisation is rare among the tribes in India. The Ao Nagas have two moieties namely Chungli and Mongrens which include phratries, clans and families. The Bondos have two moieties namely Ontal (cobra) and Killo (tiger).
The Toda are divided into two moieties, Tartharol and Teivoliol. The Tartharol includes 12 clans while the Teivoliol includes 6 clans. The Andhs have two moieties, Vartali (pure) and Khaltati (illegitimate).

Sub-tribe:

In the Himalayan region, the Rengma Nagas are divided into two groups: The Eastern Rengmas and the Western Rengmas. The Birhors are divided into two sub-groups namely Janghi and Ulthn. The Kharias of Jharkhand are divided into three sub-tribes viz, Hill Kharia, Dudh Kaharia and Dhelki Kharia. The Korwas of Palaman have also two sub-tribes: Hill korwas and Plain Korwas.

Among the Khonds of Orissa, there are several sub-tribes like Kutia Khonds, Dongaria Khonds, Desya Khonds, Tikiria Khonds, Yenity Khonds etc. The Koyas of Andhra Pradesh have several sub-tribes like Rajahor or Rasa Koyas, Lingadhari Koyas, Gutli Koyas et. The Savaras in Andhra Pradesh include the Kapu Savaras, Maliya Savaras, or Khutlo Savaras. The Jerangs of Orissa have two sub-divisions namely the Thaniya and the Bhagndiya

In Western India, in Gujarat, the Parhis have two sub-tribes viz, Adivichincher and Phanse Pardhi. The Naikdas also have sub-divided into four sub-tribes viz, Choliwala Nayakas, Kapudia Nayakas, Moto Nayakas, and Nana Nayakas.

Tribe:

L.P. Vidyarthi and Rai (1976) identify the following as features of a tribe in India.

(a) A definite territory
(b) A common name
(c) A common dialect
(d) A common culture.
(e) Endogamy
(f) Common taboos
(g) Distinctive social and political systems
(h) Full faith in their leaders
(i) Self-sufficiency in their distinct economy.

In Indian a tribe is definitely a territorial group; it has a traditional territory and emigrants always refer to it as their home. The Ao Nagas and the Rengma Nagas have occupied a definite area in Nagaland; the Mizos inhabit the north Mizoram; the Purums have their home in Manipur; the Khasas confine themselves to Chakrata tehsil of Dehra Doon. In middle India, the Santhals have concentrated in Santhal Pargana and neighbouring areas. The Hos are found in Singbhum. The Mundas and the Oraons live in Ranchi east and Ranchi west respectively. The Asurs live in the Neterhat area of Ranchi and Palamau districts.
The Juangs occupy the Keonjhar and Dhenkanal areas of Orissa. The Murias and the Marias have Bastar as their home. The Bharwads are found in Gujarat. The Todas and The Nicobaris are confined to Nicobar Islands. Oraon, Santal, or Khonds, working in Assam tea gardens, refer to their respective regions of Bihar, Bengal or Orissa. Similarly, a Bhil or a Mina working in urban areas of Bombay of Andaman the tribals of Ranchi always refer Ranchi as their home and sustain their traditional customs and manners.

Various tribal groups have their own common names which are either generic of territorial in nature. They speak a common language or dialect of their own or their neighbourhood. The Oraons have their own language, Kurukh. The Bhils speak Bhilli.

All members of a tribe marry within themselves though exceptions are there in extreme cases. A Munda boy will marry a Munda girl and a Ho girl chooses her life-partner from a Ho family. But within every tribe there are groups and sub-groups which help in regulating marriage ties and other relations. The Marias of Baster have two very common terms dadabhai and akomama which serve as means of regulating the marriages. A son must not take a wife or a daughter a husband from the father’s clan or from any clan that is a brother-clan or dadabhai to it. He must take a wife from, and she must marry into, some clan that is a wife-clan or akomama of their father’s clan.

The political activities of the tribal India are of their own type and have their own arena. Firstly, the tribe itself is the field in which there may be number of panchayats on different group or sub-group levels. Secondly, patriotism for one’s village is common cause. They have full faith in their village headmen. Sometimes a single man combines in his full faith in their village headmen. Sometimes a single man combines in his person the political, social and scared leaderships of the village. different village officials are assigned their duties. Among some tribes, villages are grouped into loose unions while among others such groupings relate only to the administration of tribal justice, several villages being represented on one panchayat. The neighbouring non-tribals are also included in the web of their political structure.

The economy of the tribes is, to some extent, self-sufficient in a restricted sense of the term and has a distinct feature of its own-exploitation of nature is carried on in the absence of technological aid. Money and monetary institutions are not widely used. The profit motive in economic dealings and accumulation of wealth are generally absent. Mutual obligation, gifts and exchange, co-operative and collective endeavour and periodical markets are the important features of their economy.
7. MATE SELECTION AMONG THE TRIBES IN INDIA

Marriage in Tribal India:

Marriage in tribal India takes on several forms. The first step that one takes in getting married is to acquire a socially approved mate. Based on their investigations in tribal India, Madan and Majumdar list the following ways of acquiring mates that are commonly found in Indian tribes. They are as follows.

1) Probationary Marriage
   In this case, a young man is permitted to live with the girl of his choice in her house for weeks together, after which, if they so desire, they marry. If the couple do not find each other suitable and compatible during the probationary period, they decide not to pay cash compensation to the girl’s parents.

   Example: Kuki tribe.

2) Marriage by capture
   In this case, a young man captures the girls of his choice, runs and marries her with or without her wish. Later, public approval is accorded to such a marriage.

   Examples: Ho, Gond, Kharia, Birhor, Nagas.

   Among the Ho, it is the exorbitant rate of bride price that is the cause of marriages by capture. It is even said that such marriage may be pre-planned.
   Among the Gond, such marriages are pre-planned and carried out at the request of the bride’s parents. Although, now this practise has gone out of vogue, during even and arranged marriage, the bride’s party make a pretence of resistance and the groom carries her away after a nock fight while the bride is excepted to resist and weep.
   Among the Kharia and the Birhor, ceremonial capture takes place. Here, a young man may lie in wait for the girl of his choice in a public place like a fair, surprise her by springing on her suddenly and apply vermilion mixed with oil on her.
   Among the Nagas, physical capture takes place during raids by one village on another.

3) Marriage by Trial
   This type of marriage is the recognition of personal courage and bravery ad highly desirable traits in a young man. Hence, a young man is required to prove his prowess before he can claim the hand of any girl in marriage.
Example: Bhil, Among the Bhil, marriage by tribal takes on a ceremonial form.

During the Holi festival, young men and women dance around a place or a tree to the top of which a coconut and ‘gud’ (brown coloured local sugar) are tied. While the young women make an inner ring of dancers around this pole, the men make an outer ring. The trial of strength begins when a young man attempts to break through the inner ring to reach and climb the tree to eat the ‘gud’ and break open the coconut. They young women dancers resist his attempt by attacking him and so on, but all this is taken in the right spirit and sportingly. If, in spite of all these obstacles, a daring man succeeds in reaching the top of the tree, eh has the right to choose any of the surrounding girls as his wife.

4) Marriage by Purchase
This form of marriage is very common among Indian tribes. The groom is expected to pay a bride-price to the bride’s family and then acquire her as his spouse. This custom may be considered as being symbolic of the utility of a women, and by way of a compensation to her parent’s family.

Examples: Ho, Rengma Naga.

5) Marriage by Service
This type of marriage seems to take place where a young man is not in a position to pay bride-price. Instead, he renders his service by toiling in this would-be father-in-law’s land until such time when the Would-be father-in-law is satisfied that his labour is equivalent to a sufficient bride-price, after which the marriage takes place.

Examples: Gond, Baiga.

6) Marriage by Consent and Employment
In this type of marriage, a young man and woman who are in love run way or elope by mutual consent and marry. The couple return back to their village only after their respective parents and families have cooled down and accepted the marital union. Such marriages take place when there is parental opposition or when the groom is unable to pay a high bride-price.

Examples: Ho, Kadar, Mannar,

7) Marriage by Intrusion
This form of marriage is in direct contract to ‘marriage by capture’. Here, a girl desirous of marrying an unwilling man thrusts herself obstinately into his household. Although in the beginning she may be treated badly, in sue course she gets accepted and a formal wedding ceremony is performed

Example: Ho, Oraon, Chenchu.
8) Preferential marriage

A preferential marriage occurs when the society specifically suggests and directs an individual to marry another individual. The most elementary form of preferential marriage is “Sister Exchange”, following by ‘Cross-cousin Marriages’ and “Uncle-Niece Marriages”.

(a) Sister Exchange
Two men exchange their sisters to one another in marriage. This was perhaps the most archaic form of marriage. Several Indian Tribes such as Uralis and Mala Pandarams practice “Sister Exchange”.

(b) Patrilateral Cross-Cousin Marriage or Father’s Sister’s Daughter Marriage:
In this type of marriage, a man marries his father’s sister’s daughter. This is seen as a form of indirect and delayed exchange by anthropologists. Several Indian tribes such as Munda and Kadar prefer patrilateral cross-cousin.

(c) Matrilateral Cross-cousin Marriage or Mother’s Brother’s Daughter Marriage
In this type of marriage, a man marries his another’s daughter. This is again an indirect and a very delayed form of exchange. But this is the one that is most common among those societies that have preferential marriages. Several Indian tribes such as the Kharia and the Oraon prefer matrilateral cross-cousin marriages.

(d) Uncle-Niece Marriage
In this type of preferential marriage, a man marries his sisters; daughter. Although, in contrast to the above two forms of preferential marriages that occur between persons belonging to the same generation, this form of marriage takes place between persons of two following generations in a cross-generational union. Several South Indian Tribes practise Uncle-Niece marriages.

Marriages may be broadly of two types: Monogamous or Polygamous. In Monogamy, a single man marries one woman at a time. This is quite common among Indian tribes.

Polygamy is of two types: Polygyny in which a single man marries more the one woman at a time (Examples: Gond, Naga), and Polyandry in which a single woman marries more than one man at a time.

In Polyandry, when a woman marries a man and his brothers, it is called Fraternal Polyandry as practised among the Khasas tribe, and when a woman marries a few unrelated men, it is called Non-Fraternal Polyandry. The Toda tribe practise both fraternal and non-fraternal polyandry. Further, they even sometimes combine it with polygyny resulting in Group Marriage.
Besides the first contracted primary marriages, certain societies have socially sanctioned preferences for secondary marriages which occur after the termination of the former. Two types of secondary marriages occur.

(a) Levirate, which involves a situation where a man marries his brother’s widow, as among the Toda.

(b) Sororate, which involves, a situation where a woman marries her deceased sister’s husband, as among the Kanikkar.

Thus, we see that the Indian tribes exhibit a great range of variety in its marriage practises.

9. ECONOMIC CLASSIFICATION OF INDIAN TRIBES

Introduction:

The tribal of India have different levels of economy. No tribal groups have one and only one source of livelihood: mostly they have mixed economy. For this reason, it is difficult to place any tribal group in strictly one particular typology. Nonetheless, several Anthropologists have tried to classify the tribes of India on the basis of their primary means of livelihood.

Vidyarthi and Rai’s Classification:
L.P. Vidyarthi and B.K. Rai have classified the tribes of India into eight economic types. However, like other anthropologists, they too emphasized that no particular type is either completely adopted by the tribes or exclusively the means of livelihood for them. Vidyarthi and Rai’s classification of tribes into economic types is as follows.

(i) The forest hunter type:
Tribes coming under this type have mainly three economic resources which vary according to season, cycle and area-(a) Food-gathering, (b) Hunting and (c) Fishing. They are found in small pockets in different states of India. Under this typology are the Birhors, Hill Kharias and Korwas of Bihar; the Chenchus and Yanadis of Andhra Pradesh; and the Onges, Jarawas, Sentinelese, Shompen and Nicobarese in Andaman and Nicobar Islands. These tribes living in forests depend for their livelihood on hunting and catching prey like deer, hares, birds, monkeys and fishes. From the forest they also collect roots, tubers, fruits, nuts, flowers, leaves, bamboo, honey and wax, and fibres as raw materials for making ropes.

(ii) The Hills cultivator type:
The tribes practising shifting cultivation in hilly areas under this typology. This is done by three techniques; (a) Slash and burn cultivation with the help of axe and digging stick, (b) Hoe-and-burn cultivation, and (c) Terrace-cultivation in Tarai areas.

In this type, a land is cultivated for a short period. Later the forest is cleared by either cutting it down or burning and seeds are broadcasted in the ash covered soil. The land is left fallow to renew its fertility. Meanwhile people search for another land and repeat the process.

"Shifting cultivation as the Principal means of livelihood is found among the tribes of North-Eastern region such as in Nagaland, Manipur, Tripura and some parts of Assam, Orissa, Madhya Pradesh and Bihar etc." The hill cultivators generally inhabit in different hill tracts of the country such as the North-Eastern region tribes in Rajmahal Hill area and in Khasi-Jaintia Hills. The Lushai, the Serna Naga, the Rengma Naga, the Ao Naga, the Khasi, the Garo and many others of this region practise shifting cultivation. The Juang, the Kharia, the hill Bhuiya, the Kutia-Kandha and the Khond, etc., of Orissa, the Kamar, the Reddy, etc., of Andhra Pradesh, the Baiga of Madhya Pradesh, the Maler of Bihar, the Birhor of Orissa and Bihar are mainly shifting cultivators.

The practice of shifting cultivation is known by different names. In Assam, it is known as Jhum, in Orissa Podu, Dahi and Kamana, Penda in Madhya Pradesh. Besides, some tribes have got their own names for shifting cultivation. The Birhors call it Bewar, the Malers refer it...
Khallu, the Ao Naga call it, Tekongul, and the Kamar practise three types of shifting cultivation known as Dahi, Beora, and Guhad. In English it is described as slash- and-bum or Swidden or simply shifting cultivation.

Under this practice, a particular family or community uses a patch of land for cultivation. After preparing the land by cutting trees and burning them, seeds are sown and covered with ash. The tribal communities who practise shifting cultivation have their own logic behind it. Some of them find it easy, whereas a majority of them do it as a matter of principle.

(iii) The plain agricultural type:
For all the major tribes of India, agricultural of simple type requiring ploughing with two animals, is the main source of their livelihood. They are settled agricultural and the villagers work in extreme co-operation on reciprocal basis at the time of transplanting, harvesting and other occasions. This type is represented by Santhal, Munda, Oraon and Ho of Bihar; the Khasis and Jaintias of Assam and Meghalaya; the Khasas and Tharus of Uttar Pradesh; the Bhils and Korakus of Madhya Pradesh, Rajasthan and Maharashtra; the Minas of Rajasthan; the Koyas of Andhra Pradesh and the Malayales of Tamil Nadu.

(iv) The simple artisan types
The tribes coming under this typology earn their livelihood by basket-making, spinning, weaving, making pottery, metal-working iron-smelting and making wooden products.

✓ The Gujjars and Kinnauris of Himachal Pradesh produce wood products;
✓ The Lohars and Karmalis of Bihar repair the agricultural implements of the agricultural tribes;
✓ the Chik-Baraiks of Bihar weave clothes for the Mundas and Oraons;
✓ the Mahalis of Bihar and Irulas of Tamil Nadu, and the Kolams of Maharashtra make baskets, mats and bamboo products.
✓ Asur-iron smelting
✓ Agaria-iron smelting

(v) The pastoral and cattle-herder type:
Pastoral societies breed and rear cattle for milk, meat, leather and as draught animals.
Some tribes are completely dependent while others raise cattle as an extra source of income. The Todas are purely a pastoral tribe with full commitment to herding. They cling to pastoralism even after the entry of agriculture. The care of buffaloes and the duties connected with the dairy farm are their sole occupation. Even their religion is centred on the buffalo.

Meanwhile some tribes are loosely called pastoralist and treat occupation as a subsidiary one. The tribes of Jammu and Kashmir and Himachal Pradesh belong to this group. The Bhotias of Uttar Pradesh ae midway between pastoral and agriculture.

Nomadic

Sedentary
E.g.: Todas, Nageshia, Maldhari and Rabari of Gujarat, Gollas of south India, Kurubas of Mysore, Lambadi or Sugali or banjara of Andhra Pradesh and Mysore.

(vi) The Folk-artist type:
The tribal with singing and dancing, music barding, acrobatics, conjuring, snake-charming etc., as their main occupation, have been placed in this category. Actually, these people are folk-artists and economically depend on their art.
✓ The Nats of south-eastern Uttar Pradesh earn by singing, acrobating and rope-dancing.
✓ The Pardhans of Madhya Pradesh are bards of the Gond tribe. Their jokes and humours are enjoyed by the Gonds.
✓ The Kotas of Nilgiri Hills offer music which is essential for conducting rites
✓ The Kalbelias commonly known as Saperas earn their livelihood by snake-charming, dancing, singing and magic-shows.
✓ Madari- Animal play
✓ Dommara- Acrobatics

(vii) Labourers-type:
Agricultural and non-agricultural tribes with a considerable population who traditionally come from the agriculturist or artisan type, have adopted and economic life of casual workers or labourers and whatever wages get is their income. They may get employment on daily basis. The agricultural work is mostly available in the locality itself within a radius of a few kilometres. The poor and landless tribals in all ‘plain
agriculturist type’ can be considered under the typology of ‘agricultural labourers type’.

Non-agricultural labourers mostly work in different industries. The non-agricultural labour type arose due to the increase in population and opening of mines and industries in tribal areas.
E.g.: Tribes of Bihar, Orissa

(viii) The skilled, white-collared job traders type
In this topology no particular Indian tribe can be placed. Due to the spread of Christianity and education a very small percentage of all tribals have started earning their livelihood by working in different offices, hospitals, business enterprises, industries and administrative jobs. Due to the percentage of reservation of seats for Scheduled Tribes in all-India and State government services many tribals are seen working in all types of government or semi-government jobs on equal footing with the non-tribals.

Changes in tribal economy

1. Rise of democratic institutions
2. Various development programmes which provide various avenues for income
3. Culture contact with the mainstream society has affected them both positively and negatively
4. Population stress and land availability has forced the hunting gathering and shifting cultivation types to give up their traditional means of survival
5. Industrialisation and urbanisation has led to rise of land alienation, impoverishment but also led to rise of industrial and white-collar workers.

15. RELIGION OF THE TRIBES IN INDIA

(i) Animism

Among the sacred beliefs the faith in spirits is most common with the tribals and thus animism. This animistic belief is rather a universal feature of the religion the tribal have. For them, all spots and places are holy as they are the seats of spirits. Animals, plants trees, ponds, rivers, stones, hills or mountains are all abodes of spirits. The dead are no exception to this rule as they still through soul or are reborn in the shape of offspring.
The whole neighbourhood whether village or forest in which the tribals live is full of spirits. For all tribes whether major, like the Santhal, Munda or Oraon or minor, like the Birhor, Chenchus or the Forest-Hunting tribes of south India, the whole world is full of spirits.

✓ In middle India, the Santhals and Oraons believe in the presence of the souls of their own dead whom they worship at Majhive Tham.
✓ Among the Korwas of Mirzapur, as, Majumdar (1961:422) states, there is a spirit presiding over crops, another over rainfall, still another over cattle and a number of spirits are there which dictate the attitude of the Korwas to their neighbour, to the tribal priests, to the headman and to the general affairs of the tribe. Thus, animism carries with it the belief in Malevolent spirit and powers which influence the destiny of man.
✓ Vidyarthi finds among the Malers of Santhal Pargana a strong belief in the supernatural beings, the Gossaiyan. One of the Maler informant states his beliefs in Gossaiyan as, “The disease, the famine, the scarcity of water, the low fertility if soil, the low production of crops, high incidence of death, etc., all these happen only when the evil spirits and Gossaiyan are not worshipped properly and the sacrifices are not made timely”.
✓ Among the Kamars and the Bhuiyas of Chhattisgarh, Dube found the presence of a belief in spirit specially so when they were dreaming, the inner spirit of the body roams hither and thither. When a person dies his body becomes madhee and lives in the graveyard, the inner spirit Jiv goes away Bhagwan (God).

✓ In northern-eastern Himalayan, among the Mikirs the localities with impressive mountains, waterfalls, deep and rivers, great boulders, etc., have each assigned to them gods which are supposed to be interested in the affairs of men and have to be placated by sacrifices. The belief in reincarnation is reflected in the naming of the offspring. They generally name their children after their dead relatives, because it is believed that the dead come back to the world.
✓ The Garos believe in the existence of spirit in man which, after death, spend some time in another sphere before he is reincarnated When one falls ill, the Jaintias offer prayers to the existence of other worlds wherein the spirits of the dead live. The Nagas move around their village with a big stone with a belief in the existence of certain spirit in the stone.
✓ In western India the Bhils (Nath, 1960: 93, 182) believe in the survival of the dead and that the soul continues to exist as a spirit. Again, they have numerous nature spirits-spirit of hills, streams and forest and a band of punitive and malevolent spirits.
The Varlis (Maharasthra Census Office, 1972: 42) stand in great awe of spirits. If anyone falls ill or any tragic incident occurs, they attribute it to the wrath of some god or to the act of a spirit or a witch. Vir is their ancestor God. The Thakurs (Chapekar 1960:67) have also Vir as their ancestral spirit.

In south India, the Malabarians in Kerala regard some stones as symbols of deities. The dead ancestor, now in the form of deity, goes on protecting his family. The Todas of Nilgiri also believe in ancestral worship. They observe two death ceremonies—one green and the other dry. Buffaloes are beaten to death to accompany and live with the spirit of the dead Toda. The Muthuvans, Paliyans, Ullatans, etc., make offering to the spirits of particular local or other awe-inspiring natural objects.

(ii) Animatism and Manaism

Animatism refers to the belief in anything or anybody which is or who is ‘animate’ or endowed, with ‘life’ and that ‘life’ is considered to have a supernatural power or force. The term Manaism which is derived from the Melanesian word mana, refers to the impersonal, supernatural form associated with objects or persons Manaism does not entail the conception of a personalised spirit or soul, but only an impersonal force which is an inherent and automatic endowment.

The Ho, Munda and other tribes of Chota Nagpur use the term bonga to designate mana. For these tribal, bonga is the impersonal manifestation of supernatural power, whose degree also varies depending upon the degree of awe the object with man inspires. For example, the cycle has bonga, the steam engine has greater bonga, and the aeroplane has, perhaps, the greatest bonga.

The Oraons protect themselves from malevolent mana by the sarhul ritual performed in each village. An Oraon girl married into another village, where the ceremony has not taken place, is believed to have absorbed dangerous mana there. When she comes to her own village on a visit, she is not allowed to enter her house. She will be kept outside and given food and drink without anybody touching her and will be treated as an untouchable. The plates, containers or mat used by her will not be taken back into the house, only after the sarhul ceremony has been performed will her man have been rendered harmless.

Majumdar takes the animistic beliefs of the tribals as their beliefs in malevolent spirits and powers which influence the destiny of men. Discarding the idea of the only form of religion among the primitive people, he suggests another form of thoughts. He opines the tribal religion in India stands on the theory of Bongaism but did not propound this with a view to making any hypothesis about the root of the primitive religion. But the felt that the religious beliefs among the
Ho, Munda and other tribes of Chotanagpur give ample indications of their strong belief in one particular cluster of Bonga. Bonga may rightly be called the Indian parallel of the Melanesian term “Mana”

‘Bonga is conceived by the Ho as a power that pervades all space. It is indefinite and impersonal to start with. That is why it is believed to take any shape-or form. This power gives life to all animals and plants, it encourages growth in plants, it brings down rain, storm, hail, flood and cold. It kills and destroys evils, stops epidemics, curse diseases, gives currents to rivers, venom to snakes and strength to tigers, bears and wolves. The vague idea of power later on, evidences itself and is identified with things or objects of his environment, as the latter is regarded by primitive man as part of himself”. He believes that Bonga or Mana or an impersonal spirit forms the substratum of primitive religion everywhere. Majumdar’s study of the Hos further reveals that when the curiosity of a child is around by any mechanical contrivance however simple or crude, like a cycle, rail engine, plane etc., it is immediately satisfied by calling it Bonga. He understands Bonga in the same way as his father or any adult of his tribe does: it gives him a vague idea about a power, the nature of which he does; it gives him a vague idea about a power, the nature of which he does not know, nor the adult of his tribe would worry about. The very mention of the word “Bonga” is enough, i.e. his reactions can be easily anticipated.

According to Vidyarthi, among the Males, every child, adult and old, every commoner and specialist, has some sort of conception in his about the spirit and supernatural world which he calls by the common term Gossaiyan. The Maler children are instructed about the Gossaiyan from the very beginning. The term Gossaiyan is a household word and is used to denote a group of spirits that are believed to guide their destiny. Similarly, among the Birhors, Rai (1967) finds the cult of Bir. They have a number of Birs responsible for their different purpose, Hanuman Bir being the supreme, the others are Hunder (wolf) Bir, Bagh (tiger) Bir, Bhal (bear) Bir, Sundar (hunting) Bir and sons of Birs. The cult of Bir is all-pervading and effective for all. The Birs protect the Birhors in different ways and they are also always conscious of the presence of Birs. For Atal (1968) Bheru, in fact, acts as a Mana-power. The deity of Bheru in its generic sense is a regional spread in Mewar and its cult is the most effective vinculum joining many villages of the vicinage into a common core of ritual usages. In fact, any stone marked with vermilion and unidentifiable as any particular deity will be explained by the people as some sort of Bheru. In the religious experience of an average villager, the fear of Bheru and reverence towards it are invariably present irrespective of group considerations.

(iii) Naturalism

Worship of nature is another form of belief which prevails among the Tribals. Sun, Moon and Earth are considered the creator or supreme power. In
middle India, the Santhals, Mundas, Hos, Malers, and Birhors of tribal Bihar identify the Sun as Sing Bonga, i.e Supreme God. The Santhals equate Dharmesh, the supreme deity, with the sun and regard it as husband of Dharthi Mata, the Mother Earth. Among the Mal Paharias the deities are the Sun (Beru) and the Earth (Dharti). The Bhumijs of West Bengal also bow down before their Supreme Being, the Sun God. The Earth, the sun, the Five and Water are regarded as deities, the great supernatural beings, and are believed in by the Bondos of Orissa. For them the creator is the Sun. The Saoras of the area place the responsibility of creating man on the shoulders of the Sun and the Juangs think that the first Juangs made their appearance out of the Earth. Offerings are made to Goddess Earth at all new eating festivals. Further, the sun is their Dharam Devata or Supreme God. Jakhri, the Earth Goddess, Wehra as Dharam Raja and the Sun are worshipped by all Kuvi Kandhas. The Dongria Konds celebrate Bhihono Parba and sacrifice buffaloes by striking them dead with axes. They believe that the blood shed before the Mother Earth is essential to guarantee a good harvest. The Kutia Konds sacrifice a buffalo for Goddess Earth by decapitating it with a sharp sacrificial axe. The Savaras often regard Uyungsum, i.e., the Moon, is the wife of Uyungsum and the ultimate source of all life is the children. Goddess Earth is the axis of the Marias, Murias, and Abujh Marias of Bastar are who feeds and sustains her Maria children. She has allotted the land to each clan and fixed the boundary of the territory.

In the Himalayan region, the Garos consider the sun, the Moon and the Stars as spirits placed in the heavens for ruling the region. The Kacharis’ belief regarding the Earth is more or less identical with that of the Garos. The different tribes of Arunachal Pradesh also worship the Sun and the Moon as the Supreme God.

In south India the Todas and Koyas revere the Sun. the Muthuvans, Uralis and Kanikkars of Kerala recognise the Sun as their God and believe in Prakriti Acharam. The Muthuvans worship the Sun early in the morning. The Uralis take the Sun as the creator, the Kanikkars know the Sun as Bhagavan and offer a lighted lamp with some fruits and rice by placing them in front of their hovels.

(iv) Taboo

Taboo is another scared belief which a rather negative custom of any belief is. It has become superstition for the people. Some regard taboo as “holy dread”, an objectified fear of the demoniac power thought to be concealed in the tabooed object. Majumdar (1961:357, 62) takes the religious side of taboo as safeguard ritual operations to protect religious persons and places of worship and prevent irreligion from spreading. He further believes that the sanctity of taboo is still inspired by the idea of bonga and when a taboo is violated, the tribals believe, it may result in disaster.
Toughing a plough and roofing a house are taboo for the Kharia women. Though women are well treated and not regarded as drudges, they are excluded during some observances. The exclusion of Kharia women from certain religious festival and ritualistic observances like their periodical segregation during their menstrual period, appears to Roy (1937:120) to be due not any assumed inferiority in their status but due to the tribals’ horror of manses which is supposed to attract evil spirits. The Oraon women also observe the taboo of touching a plough. If these taboos are transgressed, an expiation ceremony has got to be undergone. The Gonds of Madhya Pradesh do not touch a menstruating woman for that is enough to destroy a good harvest.

The Sema Nagas have genna as a parallel of taboo and chini of forbidden. A person killed by a tiger is genna. His clothes, houses, tools, weapons, utensils all become genna to them and propitiation measures are taken to ward off the effect. The male Tharus of the Tarai area of Uttar Pradesh are denied many principal receptions. A breach of the law would bring on the entire society divine wrath on the other hand, the Todas of the Nilgiri Hills do not permit their women even to enter the dairy area. They are also denied any work associated with milk which is scared for them as Maise is for the Malers and their religious rituals revolve round these. In Kerala the Kadars, Mula-Pandarms, Mal-Vendans and Uralis strongly believe that when they roam in the forest dominated by Shasta they should be pure. Thus, it is evident that the religious beliefs also exist in the form of taboos. In other words, the tribal faith has been reinforced by taboos.

(v) Ancestor Worship

The activities of ancestor are quite evident for the tribal and ancestor worship finds an important place in their religious beliefs. They recognise that man’s power is restricted and that he has access to limited areas, but, through ancestor worship, he acquires powers of a far-reaching and compulsive kind. They believe in the existence of ancestors and their interest and intervention in the worldly affairs. They are at work in their real life. Dube (1970) and Vidyarthi (1963:144) consider ancestor worship an important aspect of the tribal religion. Since the tribals firmly believe in the idea that spirits of the dead ancestors have power to decide their destiny, they are very cautious in performing the rites and observe all the ceremonies carefully. The newly dead person is believed to have joined the earlier dead ancestors. The spirits of ancestors are called and worshipped, (i) annually, (ii) occasionally or (iii) when one is economically able to perform it. The tribals believe that unless the spirit of the newly dead ancestor is worshipped it continues to exit and appear in dream. It always harasses its relatives to expedite the preparation for worship, mortuary sacrifice and feast.
In the Himalayan tribes, among the Nagas, Mithun ceremony is very important. It is totally decided to the spirits of ancestors. A mithun is sacrificed in the name of the dead.
The Mizos of Mizoram conceive that after the death of person his spirit proceeds towards the Rih lake. According to the Jaintia belief when there is sickness in the family prayer are offered to the ancestors to help drive away the evil.
Among the Khasis the glorification of the dead in the form of ancestor-worship forms an important aspect of their religious beliefs. The underlying belief is that the dead ancestors have enough power to aid, assist and bless their descendants to grow, thrive and prosper.

The Tharus of central Himalaya offer “Roti” to their dead ancestors on Dipawali day every year. The Khasas have greater attachment to their ancestor spirit than other gods and goddesses.

In middle India, among the Malers of Santhal Parganas, Jiwe Urkkyya is their ancestral spirit, the spirit of the dead relatives. This spirit invariably becomes a source of fear for them from the very day of a death till the first feast normally given on the fifth day of the funeral. Later the Malers conceive ancestral spirits as essentially benevolent spirits.
The Santhals depend on their ancestor’s spirit, the Haprhanko, for their welfare. For some types of calamities the ancestral spirit is held responsible and worship has to be offered to pacify it.
The Mundas place their ancestral spirits in the Ading after the purificatory rite of Umbul-ader ceremony. Again, once a year, is the Jang-topa ceremony, i.e., the bone relics of the dead are deposited in the Sasan. This also prevails among the Hos as Jantopa and among the Oraons as Harbori. The occasion is considered by the Hos as the celebration of the union of the spirit with the almighty Bonga whereas the Oraon’s belief is that the spirit goes underneath the earth where the bone relics are put in the Kundi or bone-burial ground. The Kharias believe that every person has two souls, Jiom and Longoe, and on death Jiom joins the ancestors while Longoe goes back to reside in its former house and is propitiated by the descendants.

The Bhils of Madhya Pradesh and west India have also a strong feeling for their ancestors. The Minas worship their village founders.

In South India the Todas have a concept of one soul which leaves the body as soon as the person dies. The Kadars invoke the ancestral spirits to get their blessings in all ceremonies, rituals and on other occasions. The Kanikkars, Karimpalanas, Korgas and Paniyans of Kerala recognise the spirits of their ancestors as gods.
The performance of ancestor worship as described above clearly suggests that the departed ancestors as such play a definite and decisive role in the tribal life in general and in their religious belief in particular.

**(vi) Monotheism**

Monotheism is the belief in a single Supreme Being, a High-God who is the creator and protector of the world and its being. The belief in a High-God is prevalent widely in tribal India. The Ao Nagas believe in one Supreme God whom they call Lichabe Ali Yang Raba Sangram. Lichabe means God; Ali Yang Raba means Creator of Earth including men and plants; and Sangram means scared spirits. In Central India, the Kharia and the Khonds call their Supreme God as Bero meaning sun. Everywhere offerings are made to the High-God to propitiate Him.

**(vii) Fetishism**

Fetishism is derived from the Portuguese word, ‘feiticos’ from the Latin ‘factitius’ meaning a skilfully made object. Fetishism refers to the worship of a fetish or the veneration of charms. Henry Pressler in his Primitive Religions in India had referred to Fetishism in India. The Bondos regard a certain sword, supposed to link them to superior Rajput warriors, as a fetish. The myth about this sword related to a brother named Apt Khanda Mahaprabhu and his sister. As one day Pat Khand saw his sister sitting naked and husking grain, she disappeared below the earth in her shame. The brother, smitten with remorse, turned himself into a sword. Somehow this sword came into the possession of the Bondos, who hid it in a banyan tree. At the festival in honour of this spirit-possessed sword (which is the fetish) the tribe gathers in force and after many preliminaries, the sisa (priest) climbs the tree, to an altitude of forty feet. He finds the sword and brings it down in his right hand, pours water over it and sacrifices fowl and a goat pouring the blood over the fetish. Bondos scramble to get a few drops of blood to smear their foreheads with. The sisa recites a charm. Then, he climbs the tree again and deposits the sword-fetish in his hiding place. It should be noted that propitiation and petitions are addressed to the spirit in the sword and not to the sword itself. Yet the sword is possessed of supernatural power because of the resident spirit called dey or deya.

**(viii) Polytheism**

It is evident from the accounts given above of the different beliefs prevailing among the tribals of India and their religious practices that they practise polytheism. The divine powers have been identified with a group of powerful forces and deities which control and influence the happenings in the community.
Most of the tribes have a cluster of spirits and superbeings and identification of different powers with different deities is made accordingly. Some deities are held responsible for their village, general health, rain, grain and so on. All these deities have their own respective departments and areas of influence, effect and control as well as nature of actions. The tribals believe in many gods and goddesses and have diverse methods of worshipping, depending on their traditions which show an attachment to polytheism. Different names, different forms and various responsibilities have been attributed to these gods and deities. Animistic gods, the Bongas, nature and the ancestral spirits are their premise with they are preoccupied.

Among the tribal people, it is usual to find a god who protects their fields and crops, another god who protects their hamlets, a third families and kinsmen, a fourth their property and so on. Different gods and deities have different specific jurisdictions and abodes. A tribal person is familiar to many gods like the god of the hill, the god of the forest, of spirit, of the stream and of the river, of the tank and the spirit of the tree, the sun god, the earth goddess, the moon god, etc. A team of gods and goddesses are there where their people are. Their locus is more definite. In a tribal community, all their social and cultural activities revolve round the spirits and gods and the supernatural power is decentralised in other deities according to their scope and power. They have their specific gods for their health and disease, for calamities, for their clan group in the form of totem, for their descendants in the form of ancestral spirit, for their cattle and so on. In every pebble or stone or wooden pole marked with vermilion are certain gods and deities and the power of a personal fetish resides entirely in the representing object.

The Hos of Singbhum and the Munda of Ranchi think that they are almost surrounded by various spiritual powers and supernatural things. The supreme God, the Singbonga, of Mundari-speaking tribes of middle India are served by a number of Bongas, Viz., the Bongas of mountain, forest, river, etc. Singbonga is considered to be the creator of the earth. According to Majumdar (1937:132) the Bongas are Singbonga or supreme god, Nage Bonga or river goddess, Dessauli of Hatu Bonga, i.e., village deity. Marang Bonga, Disum-maray Bonga or Marang Buru, i.e, the village deity. Marang Bonga, Disum-maray Bonga or Marang Buru, i.e, the god of ancestral home of the Hos which is on the top of a mountain. Majumdar further points out that the Bongas are practically innumerable and differ according to locality. A few other Bongas were also recorded among the Hos of Saronda forest area in 1967 and those are the Bogya Bongas, spirit of tiger, Birsa Bonga, spirit of jungle, Buru Bonga, spirit residing on hills, Garo or Ikir Bonga, spirit of river, and Kapru Bonga, spirit residing in the forest coupe (Rai 1967). Invoking of a number of gods too reveals the presence of polytheism among them Rai (1967) observed the worship of Kapru Bonga of the Hos. The Deori, i.e, the village priest, uttered words which translated into English would mean: “O God of Thalkobad (a village), Buru Bonga, GaraBonga, all the Bongas
and Kup Bonga, the forest contractor will come with 20-23 men to cut the coupe. In the coupe trucks will enter, save them all and be merciful.”

The Santhals recognise Chando or Thakur as the supreme being who is invoked on all occasions. Maran Buru is another deity for the Santhal community itself. Again, they have numerous deities like Pargana Bonga and Manjhi Bongas as supervisors over other Bongas, Sima Bonga, i.e, the boundary deity, Bahrebonga or the village outskirts deity, evil spirits like bhut, rakes, etc. The Malers have also too many Goddaiyans like Beru Gossaiyan, i.e, Sun God, Bilpu Gossaiyan or Moon God, Bindke Gossaiyan, i.e, stars, Chalnadu, etc.

(ix) Totemism

The term totem refers to a natural object of item, either inanimate or animate, with which a group of individuals identify themselves. The system of mystical attachment of groups of people with totems is called Totemism. The group that observes totemism is called a totemic group. A totem may be a plant, or an animal, or even an object like a rock. The members of totemic group distinguish themselves from other groups by wearing totemic emblems as charms and by painting or tattooing the figure of the totem on the walls of their houses, canoes, weapons and even their body. A prominent exhibit is the construction and erection of a totem pole representing the figure, of the totem, which is generally carved or painted, in the locality where the specific group members reside.

Totemism and clan organisation go hand quite often. Each clan is named after a totem. The super-natural and mystical relationship between the members of a clan and their totem is so strong that it overrides any blood relationship. Since the totem is regarded as the totemic group’s ancestor, it is looked upon with reverence, and is treated both in life and death like a fellow kinsman. Beliefs concerning the relationship between a group and its totem is often expressed in myths. These myths might reveal the way in which the totemic species helped the members of its group and vice versa, in some miraculous way, and the bond of gratitude had been maintained both by the descendants of the totemic species and the totemic group. That is why, a totem is never killed nor eaten by its group members. Special rituals may be performed for the multiplication and well-being of the totemic species. The death, either natural or accidental, or a totem is ceremonially mourned. The relation of kinship between the totem and its group members is also expressed in clan or totemic group exogamy. Even sexual relations between members belonging to the same totemic group are considered to be incestuous. Totemism is thus a system that integrates man and nature for a harmonious living.

Totemism is widely prevalent in tribal India. The Santhal have hundreds of totemic groups named after paints, animals or objects. The Gonds have a goat
clan whose members regard the goat as their totem because a goat which had been stolen by their ancestors for sacrifice turned into a pig when the theft was discovered and thus saved the thieves from punishment. The Korakus have tree totems as they relate that their ancestors had in a battle under various trees to save themselves from their enemies. They believe that these animals had saved and protested the ancestors of their clans when by accident they had been left behind in the fields as helpless babies. The Kharia (Dhelki) have more than eight totemic clans named as follows: Mura (tortoise), Soren (Stone), Samad (deer), Cage (quail), Carliha (a fruit), Charhad (a bird), Hansda (eel), Mail (dirt), Kiro (tiger), Togho (a bird) and so on. The Kamar tribe also have several exogamous named clans as follows: Netam (tortoise), Sori (a jungle creeper), Wagh Sori (tiger), Naq Sori (snake), Kunjam (goat), Marai (carcase eaters) and so on. The people believe that the Kunjam are the children of a he-goat and a Kamar girl. The Netam were saved by a tortoise at the time of the deluge. Among the Toda, the buffaloes at the time of the deluge. Among the Toda, the buffaloes, and the treatment of their milk. The dairies are their temples, the dairymen the priests, and the various incidents in the lives of buffaloes are the occasions for ceremonies. One of the important ceremonies of the year is the occasion when a buffalo male calf is killed and its flesh eaten. This is the only time when buffalo flesh is consumed. At the death of a member of the tribe, the buffalo plays and important part in the ceremonies accompanying the cremation of the dead body. It is interesting to note that the mourner addresses the buffalo in the same terms of kin relationship that he uses for the deceased. The Oraons erect wooden totem posts and make occasional offerings to them. Totemism is thus an integral feature of tribal India.

18. IMPACT OF HINDUISM, ISLAM, CHRISTIANITY, BUDDHISM ON TRIBAL RELIGIONS IN INDIA.

Introduction:

S.C. Roy, (1928), L.P Vidyarthi, (1996), D.N Majumdar, (1962), N.K Bose, (1946, 1971), V. Elwin (1955), Sachidanand (1964), and others studied the impact of Hinduism on tribes. The tribal people have their own pantheon. Still they are blended with other faiths of non-tribal neighbours and the erstwhile British rulers. Effective among all these are Hinduism and Christianity which have put their religious beliefs in the melting pot. The impact of Hinduism has been felt for several centuries whereas Christianity is the modern force, a century old. Their impact is seen on the diverse beliefs and rituals prevalent among the tribal some of whom have forsaken their traditional religion embraced a new one. Some others are following a reformed version of their own religion.

Recent ethnographic studies specially of the tribes of northern, western middle India have left the least doubt that some of the tribes are Hinduised to the
extent that they have been assimilated with the different castes at different levels in the caste system (Ghurye. 1963).

The tribes of the north-western and central Himalayan region have fashioned their religion after Hinduism. The Tharus and the Khasas have greatly succeeded in getting themselves accepted as Kshatriyas and/or Brahmins.

In middle India, the Cheros, Kharwars, Paharias of Chotanagpur Gonds and Tharus of west Champaran, Bhumijs of West Bengal Raj Gonds of Madhya Pradesh have declared themselves Kshatriyas. The Mundas and Oraons of Chotanagpur have over them a great impact of Vaishnavism. The Mahalis of West Bengal have adopted the Hindu way of life to a great extent. The Manjhis have emerged as a distinct caste in Munda areas (Vidyarthi, 1966).

**Hindu impact:**

In the course of his tribal studies Roy (1928) found how the Oraons of the Chotanagpur finding much similarity between their own beliefs and Hindu religious beliefs adapted them in terms of indigenous tradition. “The principal feature of the earlier religions of the Oraons was a belief in the existence of the spirit of God embodied in Dharmes, the sun, God and creator on the one hand, and of the forces of Evil manifested in the Evil Mouth (Bai, Bhak) on the other”. Roy further believes that the Oraons knew no Bhut or spirit nor ate beef or other unclean food but were cleaner in their habit and even wore the ‘Janeu’ (scared thread). But when they came to live in an area already occupied by the Mundas and came into contact with each other the new comer (Oraons) gradually assimilated into their own system, some of the spirits of the land. When the Oraons also came in close contact with the Hindus and the Hindu conception of ‘Mahadev’ (the great god) and Parvati or Devi Maia or Shakthi it is no wonder that they easily assimilated this concept of the spirit of God. In the course of time and with the progress of ideas through contact a few of the spirits (bhuth& neds) such as the ancestor spirit, clan spirits, or (lahutbhut)came.

Sachidanand (1964-1996) gives an elaborate account of Hinduisation among the Oraons. The Oraons have started performing Swami Pooja (Sravan pooja) and offer a goal at the devi mandap. The Pahan (priest) leads the worship performed with incense, Rice Beer, Gur, ghee, vermilion,” Bel patra”. A few Oraon youth learn mantras and worship Hindu deities. The people sing Bhajans on different occasions. A few families also observe ‘Deothan, a private Hindu pooja.

In recent times again Hinduisation has come into active operation. As a result, 5 religious movements appeared among the Oraons. They are:

a) Nemha Bhagats or Bhuiphut Bhagats.
b) Hinduised or Bacchchidan Bhagats including Vishnu Bhagats.
c) Kabir Panth Bhagats.
d) Tana Bhagats and
e) Hindu Movement.

Among Oraons, the Bhakti cult originated in the latter half of the 18th Century. All Bhagats at that time maintained the rules of ceremonial purity in food, drink and other habits. All retained most of the social customs and observances of the tribe which do not militate against the Bhagat’s ideas of ceremonial purity. A Bhagat is believed to acquire his powers through the special grace of God or Mahadev. It generally comes to a person of psychic temperament who for some time before being favoured with the Divine grace has felt a natural hankering for a higher life and life and has been leading a life of abstention and spending much of his time in things divine and attending Poojas of Mahadeo either. Either in a state of devotional mind or in a dream, it is said, a Mahadeo stone is found the following morning to have emerged from under the earth either on the floor of the hut or the courtyard. (angan) Such a Mahadeo stone is known as Bhuiphut Mahadeo and the man becomes a Bhuiput Bhagat.

In a few well-off families, the descendants of the original Bhagat have nominally accepted the Hindu gurns and are known as Bachchidan Bhagats.

It may be mentioned some of the semi-Hinduised Bhagats who take a Vaishnav as their Guru call Themselves Vishnu Bhagats as they adopt Vishnu or Sri Krishna.

The better minds among the Oraons has growing aspiration for a cleaner life and higher spiritual ideas. The teachings of Kabir attracted them and Kabirpanthi doctrine was introduced to the indigenous Bhagats. A Kabir panthi is required to utter the words Sat Saheb or Sat KaM in the morning. The Kabir Panthi religious service known as Chalika is required to be held on different occasions like birth, marriage, death etc in addition to their own customs and observances.

In the Bhakti cult one more movement came in the 20th century. The Oraons leaders of the new movement began by suspecting that the old spirits to whom they so long looked for help were powerless to help them in their economic distress and their agrarian troubles and ended by persuading themselves that it was indeed those very spirits from the Munda religious system were responsible for their miserable condition. Accordingly, they named their new reformed faith as Kurukh Dharama. From the frequent use of the words Tano and Tana (pull& pulling) in their hymns, they came to be called Tana Bhagats by their neighbours. This explains the use of the word Tana. Sachidanand says the word might have originated in the mind of Jatru Bhagat the founder leader in 1913-14. with the intention of pulling together all the Oraons into his fold. The leaders of Tana movement have considerably modified and simplified the old Oraons customs connected with birth, marriage and death.
The number of tribal people following the Hindu faith is the largest. The 60 million Hindu tribal people in 2001 grew to 84 million in 2011.

The impact of Hinduism on tribals can be summarised as

1. Sanskritization of tribes
   a. **Rajput model**
      i. Bhumijs
      ii. Munda
      iii. Gond
   b. **Kshatriya model**
      i. Tharus
      ii. Khasas
      iii. Oraon
      iv. Bhils
2. Tribe caste continuum
3. Tribes taking a specific position in the hierarchical caste system
4. Bhagat movements
5. Rituals for various ceremonies performed by brahmin priests
6. Rise of Child marriages which were previously unknown
7. Dowry has risen due to the influx of Hindu cultural systems
8. Caste system in Kol
9. Fall of Youth dormitories
10. Enunciation of Gotra system by tribes

Thus, the impact of Hinduism has left its indelible mark on the religious life of the tribes in India.

**Influence of Christianity on India Tribes:**

D.N. Majumdar (1937) Sachidanand (1964), Jyothi Sen (1968), B.N Shay (1963), Leela Dube (1969), A.R. Kutia (1969), Martin Oraon and a few others have studied the impact of Christianity on the tribals in India. According to their studies Christian Missions belonging to various denominations have been working in tribal tracts with the prime motive of achieving conversion. They use certain means especially in terms of social service, education and medical aid. The first impact was felt among the Khasis of Meghalaya in 1813, the Oraons of Jharkhand in 1845 and the Bits in M.P in 1880.

According to Panigrahi.D.C (2001) the impact of Christianity has its positive and negative effects on the life of Indian tribes. About 5-1/2 % of the total tribal population comprising nearly 2.5 million have faith in Christianity. Major Concentration of the Christian tribals is in the North East Himalayas region. Half of the Christians live in this area. The other half resides in middle India mostly in Chhattisgarh and in certain pockets of Orissa and Jharkhand.
The Andaman and Nicobar Islands contain a large Christian tribal population comprising nearly 2/3rd of their total No. In South India Kerala is the only state where Christians among the tribals can be counted up to 10,000 souls (individuals)

The Oraons have maximum Christian populations of about 4 lakhs. The Mizo and Naga have together about 2 lakhs. The Khasi and Garo Christians have a numerical strength of 1.25 lakhs. The Kharias, thanghul, Nagas and Tharus have 50,000 Christians each. In fact, among the major tribes like the Mizo, Khasi, Tangkhul, Naga and Kharia more than half of their strength are Christian. The minor tribes like the Hmar, Lakher, Pawi, Anal, Chotahe, Kairao, Kom, Langora, and simte in the north eastern states and hill pulayas malai Aryans in Kerala more than 2/3rd of their population are Christians to be precise the impact of Christianity by way of conversion has been felt least in western India and south India except Kerala.

Impact: 1. Christianity has provided the first model of westernisation to the tribals in the shape of church organization western education and above all western values and morals. E.g. S.C. Roy (1920) Majumdar (1937) deal with reference to the tribes of Chotanagpur Jharkhand. According to them the most remarkable influence of Christianity has been among the Mundas Oraons and Kharias. There tribal found the missionaries and the western way of life as more beneficial than Hindu way of life. The relatives between Hindu land lords and tribal farmers have never been satisfactory. At the hands of Hindu land lords, the tribals as suffered many troubles they had gone to the extent of insurrecting against the rulers in order to avoid the sufferings these tribals embrace Christianity while the Mundas had to suffer from many ills in the hands of land lords the Hos and Santhals migrated to areas where they could live in comparative peace and extend their settlements on to virgin land free from exploiting land lords and land grabbing middle men.

The Hos occupied koihan(fertile) a compact area inhabited exclusively by themselves. the Santhals have spread for beyond their original confines and are distributed over a very wide area then the Hos and the Santhals have not felt much need for the assistance of the church organization or the benefit of western education in their struggle of or economic emancipation where the tribals lived in compact groups and were superior in number t heir the tribal organization has remained strong and conversion to Christianity was not appreciable. Thus, those who suffered most at the hands of local Zamindars or land lords favoured westernization through conversion as a powerful means for survival.

2. Another impact of Christianity on the tribes in India is the cultural interpretations of a number of tribal beliefs and rituals. According to Sachidanand the Christian tribals observe the different Christian festivals such as Christmas,
Easter, all saint day Israel Jatara. Cultural reinterpretations of a number of tribal beliefs and rituals can also be met with.

3. The impact of Christianity among tribals favoured more materialistic tendencies than spiritualistic tendency.

Jyothi Sen studied this particular aspect in Jharkhand she opines that the Christian missionaries are doing the best possible under the circumstances but the fear there is that so long as acceptance of Christianity as the supreme spiritual way remains the aim of the mission. The later has to operate under a handicap once the common people of India begin to march along the path of economic and social progress on their own account the reason for participating in progressive steps under the mission where it is no more than a means will lose much of his values and attraction.

Shahay (1963) who studied the impact of Christianity on the central Indian tribes has shown how several cultural processes like oscillation scrutinization combination indigestion and retroversion are taking place among the Christian tribals in central India this may be true with respect to other parts of India.

Areas
Mizoram- 90%
Nagaland- 90%
Meghalaya- 70%
Manipur- 34%
Central Indian tribes- Munda, Oraon, Baiga, Birhor, Kharia
South Indian tribes- Todas

Impact
1. Egalitarianism
2. Rise of private property replacing the communal property
3. Ideas of equality, freedom, and Justice
4. Animal sacrifices are being given up
5. Monogamy is more commonly adopted.
6. Rise of Nuclear families
7. Patriarchal families are replacing the traditional matriarchy
8. Tribal institutions- youth dormitories are being slowly given by due to the prude principles of Christianity
9. Rise in the education and health indicators due to the work of missionaries
10. Division among converted and traditional tribal groups which often lead to tense situations
11. Use of English language on par with tribal language
12. Giving up faith in old gods and monotheism
13. Rise of new social institutions
Impact of Buddhism on tribes of India.

Buddhism in North-East India is not a new faith. It exists long ago playing its role in many forms according to the period concerned. Many scholars believe that Buddhism reached to North-eastern region of India around 16th - 17th century, and also consider that it did not arrived at the time of the Buddha and even in the phase of the great Buddhist patronage king Asoka who send missionaries to different direction of Majjhimadesa and abroad. It is a matter of discussion and research.

There are three races exist in North-East India, Negrito, Proto-Australoid and Mongoloid. The Tribes of North-East are predominantly Mongoloid. The Mongoloid population entered the region of Assam through various routes at different times and they speak the languages classified broadly as Tibeto-Burman. The Ahom of the Tai or Shan group of the Mongoloids entered Assam in the 13th century conquering it, they mainly settled in the Upper Assam. They were followed by other Shan tribes like the Khamti, Khamyang, Aitong, Phakial and Turung - all are believers of Buddhism, occupying isolated pockets and preserving their traditional socio-cultural ways of life. Today, the Archaeological evidences of the Surya Pahar of Goalpara (in Assam- an archaeological Buddhist site) where Stupas, Terracotta plaques with figure of Buddha found in the excavation which indicate that Buddhism flourished in lower Brahmaputra valley during the early part of the Christian era back to the 9th Century A.D.

In Tripura 100 km from Agartala we have Pilak, a Buddhist site excavated by the Archaeological Survey of India in 1984-85, where many Hindu and Buddhist images were found. This also recorded by the expert dating back to the 9th century A.D., these sculptures are living proof of a historical past in this region. Today Pilak has become a major attraction of Buddhist site of pilgrimage.

In the Arunachal Pradesh there are 6 Tribes inhabiting in western, central and eastern region of it, out of 22 tribes namely Monpa, Sherdukpen, Memba, Khamba, Khamti and Singpho. Population wise Monpa is the largest among the 6 tribes and they are followers of Buddhism. The Arunachal Pradesh is one of the most Buddhist flourished state in the North-East region of India. However, in Arunachal Pradesh Buddhism can be termed as Tibetan form of Buddhism due to influence of Tibet to a great extent. But the tribes like the Khamti, the Singpho and the Tikahk Tangsa are still believer of Theravada form of Buddhism. As per the census of 2011, in Arunachal Pradesh, the total number of Buddhist population are 1,43,028, which is 13.03% approximately of the total population of the state i.e., 10,97,968. These Buddhist tribes have contributed immensely to the art and culture of the state and their socio-cultural-religious life; monuments etc. are important components of Arunachal Pradesh. There are many significant Monasteries in that region such as Tawang Monastery, Bomdila Monastery and
Urgelling Monastery. Tawang is known as the crown of Buddhism in Arunachal Pradesh, which is the core of the Tibetan faith of the Mahayana School of Buddhism in the region, making it the largest monastery in India and the second largest of Asia.

There are 19 groups of scheduled tribes in Tripura, S. T. Das (1986) tabulates the strength (1971) of main six schedule tribes are Tripuri, Reang, Chakma, Jamatia, Mag/Magh/Mog and Maring. Among them the Chakma and Mog are traditionally the followers of Theravada Buddhism.

Sikkim comprises of different ethnic communities broadly classified as the Lepcha, Bhutia, Nepali and the Indian Plainsmen. Among them Lepchas are major populations in the region who are follower of Buddhism.

Though the Buddhist Population in the North-East India is in minority but its contribution is unique among the social and cultural activities among the people of this region. The life style of the Tribal people in North-East India is the result of the influence of Buddhism on the local people. Simplicity in dress and ornaments, socio-economic life all are part of Buddhism though most of the tribal and non-tribal people may not be direct followers of the faith but are influenced by the teachings of the Buddha as are reflected by their lifestyle.

**Impact of Islam on tribes of India**

So far as Islam is concerned the Lakshadweep people are mainly Muslims. According to Leela Dube and Kutty the islanders were originally Hindu immigrants from the mainland but were converted around 14th century AD.

With the coming of Muslims rulers, the Siddis of Gujarat and the Gujjars of Kashmir and Himachal Pradesh also converted to Islam. They show a happy blend of Hindu Muslim faith. The Bhils, the Dhankasi and the Kotis living in the vicinity of international boundary with Pakistan have also been influenced by Islam.

The following changes have been found in Islamised tribes

- Decline of matriliney
- Beginning of puberty rites which were previously unknown
- Changes in Kinship terminology
- Initiation of sharia law
- Rise of cousin marriages
- Fall in the importance for folk dances
CHAPTER X

TRIBAL PROBLEMS IN INDIA

1. PROBLEMS OF THE TRIBALS CREATED BY CULTURE CONTACT.

Introduction:

Even though some of the tribal problems are the creation of the tribal cultures themselves, there are several tribal problems which are due to the contact of tribal cultures with those of non-tribals. These tribal problems created by culture contact are related to environmental, demographic, economic, social, religious, political, educational and psychological aspects. All these problems may now be discussed in detail.

Environmental problems:

In many tribal areas of India, contact of tribals with non-tribals has been accompanied by the introduction of new powerful weapons, new techniques of plant cultivation like ploughing, and intensified use of land for many crops. The new artefacts and practices helped after the geographical environment to some extent.

(i) Powerful weapons like guns led to the extermination of several varieties of fauna and reduction of large herds of game animals in almost all parts of tribal areas in India.

(ii) Reduction in the average cultivable land holding among the tribals due to grabbing by non-tribals and increasing pressure of tribal population has influenced the tribals to resort to more and more shifting cultivation and has encouraged soil erosion and deforestation in many tribal tracts in India.

(iii) The fertility of land has become seriously depleted under intensive cultivation introduced by non-tribals into some scattered parts of tribal areas like Chota Nagpur and Bastar.

Deformation has almost everywhere upset the eco-systems of tribal areas. The destruction of several flora and fauna, the encouragement of soil erosion and deforestation and the depletion of soil fertility have tilted the ecological balances in many tribal areas. As a consequence, some of the tribal are now facing the problems of scarcity of game, scarcity of land for cultivation, and paucity of sacred groves for worship in their respective environments.

Demographic Problems:
Contact of tribal with non-tribals is responsible for a gradual decline in the tribal populations. The Andamanese show decline in number from a few hundred in 1881 to nineteen in 1961. The Malaryans from Kerala has suffered a heavier loss from, 2,853 in 1921 to 128 in 1931. the Todas of Tamil Nadu who numbered 2,689 in 1881 now number about 800. the Asurs of Bihar have declined from 3,099 in 1911 to 639 in 1931. In Andhra Pradesh, the Korawas have decreased from 1,204 in 1921 to 1, 121 in 1931. There are many more tribals which have shown a decline in their total strength. Thus, it is evident that several tribes are preparing for an exist like the Andamanese. The demographic problems arising out of contact of tribals with non-tribals may be summed up as follows:

(i) Fluctuations in the birth rate, death rate and other demographic indices of tribal populations have followed from adhered diets and newly introduced diseases. These fluctuations are causing depopulation of several tribal groups.

(ii) Labour recruitment that separate men and women are interfering with reproduction of tribal populations. These are not uncommon conditions appearing with culture contacts situations.

(iii) The dwindling number of the friendly Andaman islanders and the hostility of the unfriendly ones are unique problems. Out of the four tribes of the Andaman Islands, the Great Andamanese and the Onge are, for long, on contact with the non-tribals, and their population is constantly towards decline.

Contact of tribals with non-tribals is responsible for the creation of several economic problems such as land alienation, indebtedness, exploitation, bonded labour and poverty in almost every tribal are of this country.

(i) The tribal land used for shifting cultivation is held to be unclassed State Forest and the possessors can be ousted without any sort of compensation, as often has been done.

(ii) Quarrying stone, gravel and ores for private use is forbidden to the owner of the site of shifting cultivation where they may lie and the license fee demanded for quarrying is prohibitive.

(iii) The problem of land alienation is very much pronounced among the tribals. Before contact of the tribals with non-tribals, there was enough land for all tribals. The land was originally under rajahs. The rajahs receive their annual land rent either in the form of services or in kind. When the British rule extended into the tribal areas, the rajahs has to pay to the Government their tribute in cash. As the demands of the Government progressively increased, more and more pressure was put upon the tribal tenants, who had also to pay in cash. The small traders who settled down in tribal areas now found an opportunity of making money. They became money-lenders and as the tribal people knew little
of accounts, it was possible for them to fleece the tribals in a most shameful way. The money lenders lent money to tribals who, in due course, felt victim to them and could never come out of their clutches. To repay the debt, the tribal had to part with his land. The illegal practice of money-lending has led to land alienation. The tribals have been deprived of all the best lands which they possessed previously by the process of mounting land alienation.

Tribals, being simple people, hesitate to come forward to defend their rights. In many cases benami transactions are taking place because the tribals are more interested in the annual rent than in keeping away the non-tribals from their land. Thus, the fears of antagonising the non-tribal and misplaced sense of loyalty among tribals make it difficult to arrest illegal transfers. Consequently, in many cases the tribal land had been transferred to the non-tribal money lenders for the repayment of loans.

The problem of bonded labour and slavery is most common in many tribal areas. The practice of bonded labour is known by different names in different regions. It is known as Sagari in Rajasthan, Halpati in Gujarat, Mahjadari, Hali Kalia, Harvathi or Naukari Nama in Madhya Pradesh, Jeetha in Karnataka, Vayla in Dadra and Nagar Haveli, Gothi in Orissa and Gothi or Vetti in Andhra Pradesh. The main feature of bonded labour is that a tribal pledge his person and members of his family against the loan received from the non-tribal merchants, money lenders and sometimes landlords. Once a tribal is in the vicious circle of economic exploitation, it is an impossibility for him to get of it. The amount of his debt goes on mounting year after year making him serve the non-tribal merchant, money-lenders or landlord in perpetuity.

The problems of indebtedness, exploitation and poverty are the creations of contact of tribals with non tribes. Most of the tribal people are indebted to the non-tribal traders, merchants and money-lenders. The important reasons for their indebtedness are: unproductive agriculture, expensive festivals, payment of bride price or dowry and lack of proper marketing facilities for the forest produce which they collect.

Social Problems

The isolation of tribes has its otherwise social problems: it hinders culture growth and causes stagnation in the community ventures. But contact of tribals with non-tribals also poses many social problems, especially in the context of adjustment of the communities influenced. The more common social problems faced by the tribals in culture contact situation are: tribal discomfort, moral corruption adoption and assimilation of caste and social disorganization of tribal groups.
i. The problem of discomfort with reference to certain areas of social life is very common in almost all tribal areas of the subcontinent. The influx of non-tribals in tribal habitations made the tribals money minded. Even the bride-price, which the tribals before contact paid in kind, is now decided through cash payments. In certain tribal groups, the value of bride-price has gone as high as rupees two thousand. For a tribal family, in general, it is highly difficult to manage for the payment of bride-price from one’s own resources. This causes discomfort to the tribals.

ii. Contact of tribals with non-tribals has also introduced moral corruption into tribal areas. The youth houses known as bachelor halls or youth dormitories, where tribal boys and girls have been enjoying a free life, have once formed an important part of the social organisation and community life of Indian tribes. The youth dormitories at many places have started disappearing. At many places the non-tribals have attempted to share the sex with the tribals. As a consequence, some tribals like Bhotia, Bhuiya and Muria Gonds have already started doing away with the dormitories and some tribals like the Oraons have almost dispensed with the dormitories. Even in some other places where pre-marital sex life is free or where the women are allowed to keep lovers, some non-tribals has caused trouble. Further, the establishment of various commercial concerns, and the connected human settlements in tribal belts led to similar kinds of effects.

The development of tea gardens, the establishment of steel and other plants and some hydroelectric projects have introduced new varieties of liquor, gambling and exploitation of sex. The excise laws in tribal areas are hitting the groups hard. The out still system has led to an increased in drunkenness and immortality. The Government is accused of making money by this means. Liquor has become cheap and the tribal population who used to brew their own liquor are finding is uneconomic to do so and are taking more and more to liquor shops.

iii. Because of contact of tribals with the caste Hindus the tribal societies have become disorganized. Tribal groups have adopted and assimilated many caste elements. They absorbed the ideas regarding untouchability, purity, pollution and hierarchy. Tribes like the Gonds, the Santals, the Juang, the Bhuiyas and several others have already differentiated amongst themselves, various sub-social hierarchies. Lately emerging social stratification and ranking among the tribals have brought in new kinds of complications. Problems defined in the relevance of caste system have slowly started taking roots among tribals, especially in case of the more exposed ones. When democratic India stands for integration, elimination of caste consciousness, abolition of untouchability, all unhealthy trends causing social disorganisation and hatred within tribal groups are most undesirable.
POVERTY
Most tribes are concentrated in heavily forested areas. Historically, the economy of most tribes depends on agriculture or hunting and gathering forest produces. Tribal members traded with outsiders for the few necessities they lacked, such as salt, cooking utensils and iron, and the like. Their life preserving forests have been invaded by modern civilization.

Their identity was intact before intrusion of modern civilization and urban economic developments. Nearly 68 million Tribals lived in India according to the 1991 census but number has now reduced substantially as forests reduced and their dependence on forest resources minimized. Economic and modern life style forced them to come out to get mixed with modern generation but did not get proper attention and respect of their culture so most of them still live in below poverty line. Most of the tribal communities originated from Dravidian as still speak Dravidian languages.

Basic causes of poverty Problem among tribal:

- Commercial exploitation of forests and increase of usage of wood in modern needs caused forest unproductive. Their resources also vanished as the forests became agricultural and urban lands. Their main dependence of food on forest products became scarce led to malnutrition.
- (Barter) system of exchanging their products against basic necessitates like salt, iron, cooking utensils are exploited by traders from outsiders who cheat them.
- Non-exploring of forest value in our life as only 3% of about 3, 00,000 plants species available to agriculture are used today. Our concentration of artificial value of forests has reduced the size.
- Worlds food supply depends on about 150-200 plant species. Of those 150-200, just 12 provide three-quarters of the world’s food.
- Lack of research and development and non-understanding medicinal value of forests produce as only about only 2% could be discovered.
- Non-recognition of tribal traditional ayurvedic medicinal knowledge. Nearly 60% of urban population takes medicines for some or other reasons as compared to 15-20% in tribal community. This is due to environmental disaster but has less effect on tribes as they live in forest in natural environment.
- Also, system of modern education has played very important role to ignore rural development and our old tradition and culture thus their traditional crafts are in extinction.
- In order to save our historical identity and culture, rehabilitation programs for tribal population need to be instated; local governments have to take
important steps like protective forestation to give habitats conducive to the tribal.

INDEBTEDNESS

Introduction:

The tribals of India who constitute 8.23% of the population, have many problems some in common with non-tribals and some which are peculiar to them. Many of the problems are inter-related in the sense that one problem may lead to another and an integrated view has to be taken in tackling these problems.

Chronic indebtedness:

Chronic indebtedness is a major problem of almost all tribes in India. May be with the exception of a few tribal states in the North East, indebtedness has forced the tribes to fall into the clutches of moneylenders. Though there is no absolutely reliable anthropological data, one can make a statement with some degree of confidence that the problem was not there till the second half of 19th century.

Causes of indebtedness:

The main causes for indebtedness are:

(i) Loss of tribal rights with respect to land and forests
(ii) Low yield from traditional agricultural practices
(iii) Low income from agricultural and other traditional occupations.
(iv) Poor exploitation of resources.
(v) Monetisation of the economy
(vi) Shift in consumption patterns. (More often consumption of unnecessary goods for which they have to pay in cash)
(vii) Heavy expenditure of life cycles rituals
(viii) Carrying out Panchayat penalties and fines
(ix) Ignorance and illiteracy; and
(x) Exploitation by money-lenders.

Unfortunately, due to their ignorance and low literacy the money-lenders have exploited them. The money-lender’s methods are simple and convenient-no sureties, no guarantors no filling up of forms, etc. All that a tribal has to do is to put his thumb impression on plain paper or on a written stamp paper, which he cannot read. He may, without knowing, mortgage his land. Dr. Sachindra Narayan who studied the Sauria Paharia, records in detail the cases with which the Mahajans (money lenders) exploit the Saurias. During the period from
November to February, which is the agricultural season for the Sauria Paharias, Mahajans are a common sight. Normally they charge 50% interest on cash loans and 100% on loans given in kind. It is common for the Mahajans to take grains from Saurias at current market grains in a locally made wooden measure (Paila) which is neither uniform nor standardised. The price of the grain is deducted from the amounts to be repaid. The Paharia also are aware that once they go to a Mahajan for loans they cannot come out of his clutches easily. They do not understand his system of accounting; but even then, the Mahajan continue to be popular. This state of affairs was recorded by Sachindra Narayan in 1986.

In Maharasthra and Tripura, some of the poor tribes take seeds on loan for sowing and return thrice or even four times the quantity borrowed (the system is called Palemod). Thus, the tribals may surrender a major portion of their harvest. Even the Planning Commission recognised the magnitude of this problem it said in one of its reports, “no programme of economic development is likely to have any impact on the tribal economy unless vigorous measures are taken to rescue the tribal from the clutches of the moneylenders”.

**Consequences of indebtedness:**

The unfortunate consequences of indebtedness are

(i) Land alienation and transfer of land to non-tribals.
(ii) Bonded and unpaid labour
(iii) Sale of girls and women in prostitution; and
(iv) Chronic venereal diseases.

**Remedial Measures.**

The Fifth Scheduled enables the governor of a state to regulate moneylenders’ business in scheduled areas. Various state governments have passed laws in this regard. Some of the important laws passed by different states to control and curb money lending are:

2. The Andhra Pradesh State Scheduled Area Money-lenders.
3. The Assam Money lenders Regulation 1968
4. The Kerala Money Lending Act, 1958

Inspite of the statutory provisions for regulating the activities of the moneylenders, there has been no improvement in the situation. The planning Commission report on tribal development programmes point out that due to:
(a) Lack of will and commitment on the part of state governments;
(b) Non-enforcement or weak enforcement of the penal provisions
(c) Inadequate use application of the protective provisions of the Fifth Scheduled,’

The tribals continue to be exploited by the moneylenders.

**Bonded Labour**

The Bonded Labour System (Abolition) Act, 1976 was official acknowledgement of the existence of a form of forced labour which had both traditional and economic roots. Since then, there have been some efforts at ending this system of exploitative labour and relationships in bondage. The law provides for identification, release and rehabilitation of bonded labourers as well as punishment for employers of bonded labour. Close to 40 years after the enactment of a law that recognizes and outlaws bonded labour, the practice has not disappeared. The Ministry of Labour and Employment in their Annual Report of 2007-2008 record 2,86,839 identified bonded labourers, of whom 93 percent are reported to have been rehabilitated. The maximum numbers of bonded labourers were reportedly rehabilitated in the early 1980s. This was the period when the Supreme Court in its public interest jurisdiction was also actively engaged in lending weight to the Bonded Labour Act and monitoring the progress of identification, release and rehabilitation. It is not immediately evident how many bonded labourers continue in various states of servitude that remain unidentified.

The study done for the Planning Commission reports that 83 percent of the rehabilitated bonded labourers belong to Scheduled Tribes and Scheduled Castes. 43.6 percent of the rehabilitated bonded labourers belong to Scheduled Tribes.

Indebtedness has been cited as the main reason for landing in bondage, and 70.7 percent of those surveyed gave loan as the main reason for bondage and 92.3 percent of those who did take the loan, did so for “consumption/food”.

There are several emerging studies that indicate that this practice of bondage continues to exist, particularly in tribal dominated districts. An activist in the field reported to us that the Yanadis in Nellore districts in Andhra Pradesh, Irulas in Tiruvallur, Cuddalore and Vellore in Tamil Nadu, the Sahariyas in Baran districts of Rajasthan, Shivpuri in Madhya Pradesh and Lalitpur and Banda in Uttar Pradesh are among the tribal communities among whom extreme conditions of inhuman bondage can be found. Landlords in these areas are often politically powerful and have no trouble evading criminal processes initiated against them in this context.
In 2013, the Government of India acknowledged the continuing prevalence of bonded labour in the country and identified ten districts, including Gaya in Bihar, Bastar and Kondagaon in Chhattisgarh, Prakasam and Chittoor in Andhra Pradesh, Kanchipuram and Vellore in Tamil Nadu, Bolangir in Odisha and Gumla in Jharkhand. What this campaign has thrown up are repeated traces of modern day forms of bondage.

There is a close relationship between trafficking and bonded labour that recent reports reveal. In February 2014, a newsmagazine published its report after travelling to hamlets in Narayanpur and Kanker districts of Chhattisgarh. The report speaks of tribal women being lured by promises, sometimes of work and sometimes of other journeys. Official records, it says, show that 9000 girls have gone missing from Chhattisgarh in the past ten years. These are complaints that have been registered with the police, most of which are from Raipur. The report says that the government claims that the police have traced the whereabouts of 8000 girls, while a 1000 remain missing. Activists warn that the figure of missing girls could be closer to 90,000.

Placement agencies and local agents active in the region send them to become exploited labour in factories in Andhra Pradesh, Tamil Nadu, Delhi, Mumbai and other parts of Maharashtra. While there are some reports of the agents being arrested for human trafficking, there are no indications of any action being initiated in the factories and workplaces, who are using the labour of the girls.

There are capacities created by the law for state governments to protect the workforce that travels from their state to another state from exploitation. The Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 has been on the statute books since 1979. This law enables the government of a state from where workers migrate to reach into state where they are taken for work. In 1990 the Supreme Court made it easier for the officers of the state from where workers migrate to protect the workers from exploitation: "This is a beneficial legislation for satisfying the provisions of the Constitution and the obligation in international agreements to which India is a party. We do not think there can be any valid justification for not permitting the officers of the Originating State to hold appropriate enquiries in the Recipient State in regard to persons of the Originating State working as migrant labour in the Recipient State. ... We make a direction that to implement the provisions of the Act of 1979 ... every State and Union Territory in India would be obliged to permit officers of originating States of migrant labour for holding appropriate inquiries within the limits of the Recipient States for enforcement of the statute and no Recipient State shall place any embargo or hindrance in such process."

The study submitted to the Planning Commission reports that 95.2 percent of those surveyed said that it was the help provided by the state government that had helped them come out of bondage. It is without doubt that the intervention of state
government is imperative in preventing human trafficking, practices of bonded labour and protection against exploitation of persons and communities migrating outside the state.

It would be trite to say that it is persons in various states of poverty who become susceptible to these forms of exploitation. The bonded labour law, and an acknowledgement of the prevalence of bonded labour has been around for close to 40 years. That this practice has not abated, that modern forms of slave-like practices have emerged, and that there is a preponderance of Scheduled Tribes, along with Scheduled castes in the population that makes up bonded labour is inexcusable. Dealing with this issue, while not adversely affecting the right of the free movement of all persons, is a matter that needs to be urgently attended to.

**Xaxa Committee recommendation**

The persistence of bonded labour, and the trafficking, in large measure, of women from tribal areas needs a concerted effort to end it. The state has to take primary responsibility to identify, release and rehabilitate bonded labour, wherever they are found.
LAND ALIENATION, DISPLACEMENT AND REHABILITATION

Introduction:

Anthropologists like Haimendorf (1946, 1976), Verrier Elwin (1943,1957), S.C. Dube (1955), Roy Burman (1986), and several others who studied individual tribes and problems of tribes in general have examined the problem of land alienation in the tribal tracts in India. Reports of the Commissioners of Scheduled Castes and Scheduled Tribes from 1950 onwards also dealt with the problem of land alienation in specific tracts inhabited by the tribes in India. In addition, international Labour organisation (1961), united Nations international agricultural organisation (1992), the study teams, working groups appointed by planning and department of rural development (1988) commission from 1961 onwards also studied the problem of land alienation among the tribals in India.

All these researches have shown: (a) that the problem of land alienation in the states has been of varying degrees, (b) that the land alienation affected about 30 55 per cent of the tribal households, (c) that the incidence of land alienation is more in areas natural resources and where there are possibilities of increased agricultural production and (d) that about 80 per cent of land was alienated to the non-tribals.

Causes of land alienation:

The causes of land alienation are mainly five:

(i) One of the causes of land alienation is tribal indebtedness. In the pre-independence period, the British introduced market economy raised land revenue and sale of forest produce in the tribal tracts. Market economy created cash economy. Increase in land revenue became a burden to the tribal households. Sale of forest produce brought contact with contractors. All these made the tribals to depend more and more on money to meet their economic and socio-religious needs. Knowing the needs and the miserable conditions of the tribals, the non-tribals like traders, merchants and money-lenders entered the tribal areas. They lent money to the tribals at exorbitant rates of interest after accepting the tribal land as security. The tribals could not repay the loans. As a consequence, they had to part with their lands.

(ii) Another reason for land alienation is the opening of the tribal areas in the wake of the development process and setting up of various irrigation, power, industrial and mining projects. Establishment of such projects displaced the tribals and forced them to alienate their land to the government.
(iii) The third reason for land alienation is the introduction of commercial orientation of land as a resource and a substantial increase in the pressure on the land. The non-tribals who settled in the tribal areas purchased the lands from the tribals who were in need of disposing the lands.

(iv) The fourth reason is the defective system of land records. The system of maintaining land records also varied considerably. In some states the tribal areas were covered by regular settlement operations, and some rough and ready records were prepared on the basis of individual estimates without detailed survey and is some others, a system of revenue based on the number of ploughs or family units was introduced as a criterion for determining the quantum of land utilised. Nevertheless, the tribals continued to clear the forest land for agriculture and there were considerable diversions between the records maintained by the authority and the actual holdings. In the absence of a regular land settlement system or up to date records of land rights, the tribals were at the mercy of the petty revenue officers, Forest Departments and the landlords.

(v) Finally, the simple nature, illiteracy and ignorance of the tribals could not take advantage of debt regulation acts and their legal remedies. The money lenders insisted on security for issuing loans to the tribals. As the tribals have no other form of security, they pledge a portion of their lands to the person giving loans and allow him to enjoy the benefits of that portion of land. But the trader or money lender of feudal land lord is not satisfied with this. He manipulates the figures related to the principal amount and interest to be paid by the tribal. The repayable amount becomes burdensome to the tribal. During this period, however, the money lender enjoys the benefits of the land deposited with him by the tribal towards the security. Finally, when the money lender confirms that the tribal cannot repay the accumulated loan amount he starts insisting upon tribal settling the loan amount immediately by selling the land to him. The troubles of the tribals do not end by selling the land to the money lender or trader or feudal land lord. The tribals are forced to work as labourers in the farms which were once their own to repay the remaining debt. This process sometimes continues from one generation to another.

**Methods of land alienation:**

The following are the main forms of land alienation:

i) Manipulation of Land Records
ii) Benami Transfers
iii) Mortgaging of Lands
iv) Encroachment
v) Concubinage or marital alliance
vi) Fictitious adoption

**Manipulation of Land Records**

Manipulation of land records is the first and foremost form of land alienation. The unsatisfactory state of land records in the initial stages and settlement operations and also in the period following regular settlement operations contributed to the problem of land alienation among tribals.

**Benami Transfers**

This is another form of land among tribals. Study teams and working groups appointed by Planning Commission reported this form alienation. The report of the study team of the Union Home Ministry (1975) pointed out “that large scale of ownership of the adivasis lands are being allowed to go out of hands through illegal and benami transactions, collusive civil proceeding et. in which land remains to be in the name of the original owners who are reduced to the level of share croppers”. Another report of the working group on Tribal Development appointed by the Planning Commission also states that “Inspite of the protective measures to restore alienated land to tribals, it still reported to be taking place. It appears that in cases these are caused because of Benami transactions”.

**Mortgaging of Lands**

The third form land alienation is mortgaging of lands or leasing of lands. To raise loans for various needs the tribals have to give their land or gold security. For many tribals only land was the security which mortgaged to money lenders or land lords.

**Encroachment**

This is another form or mode of dispossessing the tribals of their lands this method is adopted by the new entrants in all places where there were no proper land records. Bribing the patwari for manipulating the date of settlement of land dispute, ante-dating are the methods employed to claim the tribal lands.

**Concubinage or Marital Alliance**

Another form of land alienation is concubinage or marital alliance which has on a large scale in the alienation of lands from the tribals. Nontribal purchased fertile lands and registered them on the names of tribal women whom they kept as mistresses.

**Fictitious Adoption**
Fictitious adoption of the non-tribals by the tribals another form of land alienation which is prevalent in few parts of India. “Acquisition of lands in the names of non-tribal boys who become tribals overnight after execution of the bogus adoption deeds in the name of a tribal is another method used by non-tribals to grab tribal lands.”

The slackness in the implementation of the restrictive provisions and also the socio-economic factors has been identified by S.N. Dubey and Muria as the causes of land alienation.

“Some relief to the tribals threatened by non-tribal land grabbers was subsequently provided by the amendments of the Land Transfer Regulation 1959, enacted in 1970 and 1971, which prohibit all transfer of land in scheduled areas, not only from tribal but even from non-tribal to non-tribal, by providing for conducting Suo moto enquiries into non-tribal occupations of lands in tribal areas and for restoration of such land to the tribal owners if the non-tribal is an illegal occupant and by prohibiting attachment of tribal in execution of money decrees”.

**Legislative measures for protection of tribes:**

Consequent the National Policy on tribals which envisaged protection and integration of tribals, several protective legislations were passed in different states imposing restrictions on land transfers for the elimination of exploitation of tribals. Different State Governments have enacted laws which cover the alienation of tribal lands, protection from money lenders, debt relief and liberation from bonded labour.

The following laws were enacted in states having tribal concentrations:

2. In Bihar the Scheduled Area Regulation, 1969 which provides protection to the Scheduled Tribes against the alienation of their land and against exploitation by money lenders.
3. The Gujarat State Government by a notification issued in April 1961, under Sec.73-A of the Bombay Land Revenue Code 1879 prohibited the transfer of occupancies held by the tribal cultivators in Scheduled Areas.
7. The Orissa Scheduled Area Transfer of Immovable Property Regulation 1956.
Deficiencies in laws and remedial measures:

Land alienation has been caused either due to inadequate legal provisions or lack of implementation of the existing legal provisions. Some of the inadequacies noticed in various land laws are as follows:

i) In some states legal provisions are applicable only to Scheduled Tribes living in Scheduled Areas or Notified areas. In Maharashtra and Bihar, the laws are applicable to Scheduled Areas and in Assam to the tribal belts only and not to other areas.

ii) There is a wide disparity in the application of limitation period. In states like Rajasthan, Andhra Pradesh and Tripura a general limitation period of 12 years is allowed in cases of alienation of the tribal land. If it is found inadequate and may be increase to 30 years as is done in some like Orissa.

iii) Absence of provision for initiating Suo moto action by the administrative authorities for detection and restoration of the alienated land without waiting for the tribal owner to take initiative in the matter is also responsible for slow detection of such cases. Provisions for Suo moto action, Maharashtra, Gujarat and Madhya Pradesh.

iv) For the purposes of land alienation, the law of evidence may be suitably amended to give primacy to oral evidence over the documentary evidence.

v) In Scheduled areas it should be the responsibility of the non-tribals to prove that the land been acquired in accordance with the provisions of the law as in Madhya Pradesh, Orissa and Andhra Pradesh.

vi) The term “transfer” should be comprehensive so as to include illegal and benami transfers of land.

vii) No tribal should allowed to transfer, surrender or abandon ownership or interest in his immovable property in favour of a non-tribal. Such a provision already exists in the states of Madhya Pradesh, Orissa, Maharashtra, Andhra Pradesh and Gujarat.

viii) The state laws should be reviewed to restrict the judicial intervention at the High Court level. There should be a provision, in order, to curtail the period of litigation, that no stay order could be brought by a higher court against the order of a lower court restoring the land to tribal holders. The number of appeals should be restricted to one only. The jurisdiction, of Civil Courts over the tribal land should be barred, where it has not already been so done.

ix) The State laws have no provisions to deal with cases of occupation of the tribal land through deceit and force. Such cases are generally dealt with under the provisions of the Indian Penal Code which is a time-taking process. Executive courts may be set up on the pattern of provisions made in the Bonded Labour Abolition Act, 1976 and
empowered to try such cases. Punitive provisions should be made for dealing with those found guilty. Provisions may also be made for summary eviction of those who have taken possession of tribal land. Repeated offenders may be booked under preventive detention laws.

x) The state laws do not prescribe any time limit within which the order of the competent authority to restore the land to the tribals should be enforced. Many orders thus remain unexecuted for a long time and it defeats the purpose for which they were issued. Specific time limit not exceeding 3 months may be fixed for restoration of land to the tribals. The responsibility of the execution of such orders may be specifically assigned to the district collector or to any other specific officer.

xi) Some states do not have clear provisions in their laws to deal with cases where pucca and substantial structures have been erected on the alienated land prior to their restoration to the tribal owners. The loophole provides further opportunities to the transferee to move other criminal and civil to preventing demolition of structures. In order to prevent such unnecessary litigation, laws should be enacted which would provide demolition, laws should be enacted which would provide demolition of such structures if they are not substantial or for taking them over by the Government on nominal compensation to be fixed by the court if they are substantial. No separate order for demolition would be necessary and no court should entertain proceedings on this ground.

xii) In some states, laws pertaining to protection or tribal land form alienation are conflicting and contradictory. The non-tribals have taken advantage of the lacuna to validate their claims to the tribal land. Such incongruous provisions are often allowed to prevail by courts also. It may, therefore, be specifically provided by each state that the protectionist provisions relating to tribal interest in land would prevail over any provisions to the contrary in any other law in force.

xiii) In tribal areas, in case of dispute about ownership of land between a tribal and a non-tribal, it should always be presumed that land belongs to the tribal unless proved otherwise. The proof should be provided by the non-tribal. In such cases the law should provide for summary disposal of cases by mobile courts and the action to restore land should follow immediately after the issue of the order. In case of appeal or revision being field, the disputed land until disposal of the case should remain in possession of the Government who would be competent to lease it out to the tribal. No stay order should be passes by any higher court against the restoration of land to the owner.

xiv) No provision exits are present to regulate transfer of land from tribals to tribals. In order to protect the interest of the poor tribals it is necessary to have some provisions to regulate intra-tribal transfer of land also.
xv) The protective provisions have been relaxed in respect of tribal lands mortgaged to Scheduled Banks and financial institutions. This has been done with a view to extended credit facilities to the tribal landowner, the financial institution has power to dispose of his land to realize the dues. Thus, the tribal land is ultimately alienating in many cases to the non-tribals. It is, therefore, necessary to make provisions for restricting transfer of such land to buy such land, the Government may purchase the land and allot it to the landless tribals.

xvi) Despite provisions against transfer of tribal land to the non-tribals, the registering authorities continue to register documents of transfer of such land without verification of the land record. In order to ensure that the protective provisions pertaining to alienation of tribal land are not violated, Indian Registration Act needs to be amended to provide for verification of the land records by the registering authority of the state before registering any land transfer document.

xvii) Many states provided for transfer of tribal land to the non-tribals with the permission of the collector. This power is often exercised by subordinate officers on behalf of the collector, and it has been misused by both to legitimise tribal land alienation. Therefore, no authority should be permitted to authorize transfer of the tribal land to the non-tribals. In case of distress sale of the tribal land, the Government should purchase it at fair price and distribute it among the landless tribals. There are such provisions in West Bengal.

xviii) There is no provision in the state laws which empowers a State Government to remove doubts and difficulties in the implementation of the protective laws. General provisions may be made empowering the state to issue guidelines for implementation of the protective provisions.

xix) There is no provision for a state being made a compulsory party in all proceedings involving tribal land in any state laws. The tribal, due to poverty, is not able to fight long-drawn litigation. In such cases the State should be made a compulsory party so that the Government pleader could defend the tribal interest. This is the most effective way of defending tribal interests and should be provided in all the state laws.

xx) Protective provisions should be made where they do not already exist, as for example, in Tamil Nadu. In case of Karnataka, the protective land laws apply only to the land assigned by the state Government to the landless tribals. It should be extended to cover all tribal lands. In case of Kerala, though the protective laws were enacted in 1975, it has been made applicable form 1982 only. This has adversely affected the tribal interest. It should be made effective from the data enactment.

xxi) In Scheduled Area right of pre-emption should be given to the tribals to purchase the land of a non-tribal if the letter wishes to dispose it off.
and restriction be placed on persons from outside the district from acquiring such land. Provisions for Government purchasing such land for distribution may be made.

Xaxa committee on Land alienation and displacement

Types of land alienation
✓ Tribal
✓ Non-tribal
✓ Government

Tribal and non-tribal
✓ The study revealed that 1,396 tribal households out of the 6,358 sample households (21.95 percent) had lost 6185.5 acres of their land constituting 24.69 percent of the total tribal land in villages under study between 1999-2000.
✓ Tribal to tribal transfer of land accounted for 14.04%, while tribal to non-tribal transfer was 85.95%.

There are eight different methods adopted by the land transferees in the study villages, namely by
a) Sale
b) Mortgage
c) Benami transfer
d) Forcible occupation
e) Oral transfer of possession
f) Marital alliance
g) In the name of concubines
h) By other fraudulent means.

Government
✓ Developmental
Development-induced displacement by acquisition of land by the State based on principle of ‘eminent domain’ for ‘public purpose’ without a ‘land for land’ provision for rehabilitation. Acquisition by the State for development projects also leads to alienation of land and displacement due to environmental
pollution and damage to land in the area near projects but tribal people so displaced are not entitled to any compensation.

✓ Conservation
Creation of National Parks have resulted in alienation of rights and consequent displacement and forced migration of tribal people.

✓ Illegal land alienation
Illegal land alienation takes place due to participation of revenue functionaries and officials, and incorrect interpretation of laws, manipulation of records and permission accorded to alienate land. State Laws are amended to include provisions that facilitate land alienation of tribal communities.

✓ Community property rights
Community land of tribal communities is recorded as Government land in survey and settlement operations and most State tenancy laws recognize only individually owned registered land. Such lands have not been fully surveyed and there is no record of user practices, which would be shown as Government land.

✓ Refugees and migration
State action of acquiring tribal lands for settling refugees has resulted in land alienation and displacement. There is also encroachment of tribal land by immigrants.

✓ Conflicts and displacement
Conflicts in the Northeast have resulted in tribal people losing everything and being displaced from their home ground.

Developmental

✓ Dams and irrigation projects
✓ Hydroelectric projects
✓ Mining
✓ Power plants- thermal and nuclear
✓ Industrial complexes
✓ Defence
✓ Infrastructure projects

Conservation
✓ National parks
Wild life sanctuaries
Reserved and protected forest

**Illegal land alienation**
Illegal land alienation takes place due to participation of revenue functionaries and officials, and incorrect interpretation of laws, manipulation of records and permission accorded to alienate land. State Laws are amended to include provisions that facilitate land alienation of tribal communities.

**Community property rights**
Community land of tribal communities is recorded as Government land in survey and settlement operations and most State tenancy laws recognize only individually owned registered land. Such lands have not been fully surveyed and there is no record of user practices, which would be shown as Government land.

**Refugees and migration**
State action of acquiring tribal lands for settling refugees has resulted in land alienation and displacement. There is also encroachment of tribal land by immigrants.

**Conflicts and displacement**
Conflicts in the Northeast have resulted in tribal people losing everything and being displaced from their home ground.

**Displacement in the north east**
Traditionally, this region had a three-tier land ownership and control system: first, community land; second, individual land; and third, clan land. Every community had well-defined boundaries and traditional administration systems based on customary law. There were definite rules on who could cultivate what land and in which season and generally was controlled by the village council made up of men alone. Changes have been conditioned both by external forces and internal dynamism. Land has become a marketable commodity; its exchange happens both within and outside the community. Internal transfer of land or mortgage has resulted in inequalities in its distribution and control. Such internal disparity is one form of land alienation within the community. Among several causes of land alienation within the community, the most important is the growing indebtedness, because of the need for money for medical care and education. The external cause of land alienation is the high demand for land for development projects. The second demand comes from the immigrants who encroach on tribal land. Development projects, especially major dams, being planned in the region, will put pressure on tribal land. A consequence of these processes is shortage of land and ethnic conflicts around it.
State action of acquisition of land, migration of outsiders and occupation of tribal lands are among the major processes, resulting in tribal people losing control over their land.

**Development-induced displacement**

Development projects are one of the main causes of tribal land alienation, for example the National Highway that changed the scene completely. The land used for the bypass near Guwahati, including the Games Village, was once the basis for tribal livelihood. Several tribes, especially the Karbi, Tiwa and Garo were earlier found in sizeable numbers in these areas. Dubious means were used by the State and contractors to lure the original occupants to part with their land. Karbis in and around Ganeshpur-Dispur area lived off the land that was fertile and yielded abundant fruit. This fertile area today has been privatised and lost forever.

Another example is that of 20,000 MHz Siang Dam in Arunachal Pradesh, which has submerged the habitat of tribal people, affecting their lives adversely. Laws have made Forests State property leading to loss of access to forest on which tribal people depended for livelihood. The amendment of the Assam Land Reforms and Land Regulations Act, 1886, in 1947 has gone against tribal people, because it facilitates manipulation of records. Land grabbers have become more active, after it came into effect, resulting in only 25 of the 35 belts and blocks remaining under the tribes.

A perennial problem in Assam is river bank erosion by the Brahmaputra. It has eaten up more than 700 villages in the last two decades. However, when a stronger community is affected, it usually encroaches on the land of a weaker group and in this case tribal land. Such processes that affect all communities have a more serious impact on tribals than on others. The resettlement of external refugees has caused many internal refugees. Mizoram had been hosting temporarily, a Burmese population of 70,000 to 1,00,000 people, who had fled political repression and military oppression. By the end of 1957, 53,318 refugee families had settled in Tripura, out of which, 43,322 families settled down in rural areas (Report of the Administration of the Union Territory of Tripura for the year 1957-58). Since a large number of refugee families were settled in agriculture, it put pressure on agricultural land and eventually put pressure on areas reserved for tribals, which were used by them for Jhum cultivation.

There was, therefore, resentment in Tripura, where Bangladeshi Hindu immigrants had occupied more than 60 per cent of the tribal land by 1970. The tribal displaced were not able to defend their livelihood although these lands were CPR, according to their customary law but land laws recognized only individual ownership. Researchers point out that further diversion of CPR through displacement for the Dumbur dam in the 1970s resulted in the insurgency.

A field study conducted in Assam shows that out of 19,18,874 DPs/PAPs displaced in the period (1947-2000), 416321 (21.80 per cent) were tribal DPs/PAPs. Researchers have estimated that 14,05,192.92 acres have been acquired/diverted for projects, out of which 28.05 per cent is private land, 55.65 per cent
is CPR, for 16.30 per cent the type of land was not available. Tribal and other poor DPs/ PAPs, dependent on CPR for livelihood were not compensated.

**Displacement in the Northeast due to conflicts**

The North-eastern States have witnessed a series of armed conflict and violence, since India’s independence in 1947, which have caused massive internal displacement, of hundreds of thousands of people. The region has also received a steady flow of refugees from neighbouring East Pakistan/Bangladesh, Tibet and Myanmar. In fact, immigration has reduced the number of tribal communities, to a minority in some parts of the region. Though, the Sixth Schedule of the Constitution has become a major tool to provide protection to tribal people in North-eastern States, the problem lies in the fact that many of these groups do not live in distinct areas and their demand for ethnic homeland often overlap with other groups. As a result, their demand for homeland leads to conflict and violence, which has, in turn caused internal displacement. In Manipur, (1992) the conflict between Kukis and Nagas displaced 11,000 population including Kukis and Nagas from their particular places. Mizoram also experienced ethnic violence between Kukis/Paites in 1997 and this led to displacement of 62,880 persons. Bru tribals were displaced for years.

Immigration has come to be linked closely to land, because of the influx of labourers from outside the region. Often these labourers are treated as ‘outsiders’ by the local community, in the controversy of indigenous versus non-indigenous population. The tea garden workers, who are originally from the central tribal belt, demand recognition as a tribal group which is vehemently opposed by the local community.

Migration to western Assam from East Bengal, now Bangladesh, began in the 1920s, as a deliberate British policy to settle people on waste land; this created a problem as the Boro depended on that land for livelihood. Post-1947 era has witnessed an influx of immigrants from the Hindi speaking regions of North India and from Bangladesh in search of a livelihood. Till 1947, only Assam and to some extent, Tripura experienced immigration from outside the region. Today, most States of the region have to face this problem. It is difficult to make an estimate of the exact number of immigrants, especially of the Bangladeshi, because of political reasons.174

The conflicts in this region are mostly linked to land alienation, due to influx of outsiders as people are fighting for natural resources in the same geographical space. A study of Guwahati University showed that a large number of youth, who joined militant groups had employment as one of the motives.175 During the visit of the Committee to Assam, NGOs representing tribal interests expressed their angst that if nothing was done to stop the influx of outsiders, they would be doomed and vanish as a community. In this background, State inaction in solving problems of tribal people of the region has led to tribal people losing control over land and community resources and resultant displacement.
The State Government should be proactive in protecting the interests of tribal people and in preventing alienation of their resources, in tribal land restoration, poverty alleviation and human resource development. The problem of unemployment has to be addressed. Tribal communities should be made participants in the processes of development.

**Case Study of Tribal land alienation by corporate houses in Chhattisgarh**

A case study based on field study conducted by Stanislaus Tirkey, Secretary, CBCI Tribal Affairs, Delhi, has brought to light several cases of land alienation by corporate sector, for example 90 acres of tribal land has been acquired for Gulu Hydroelectric Power Private. Ltd. in Manora Block of Jashpur (Chhattisgarh). According to the researcher, cheques for 31 affected families were given fraudulently, under the pretext of bonus for farmers in a so-called Kisan Mela at Manora block. People were unaware about the compensation given to them. The project affects 22 villages around Gulu, Jhargaon, Matlonga and Alori. Information collected through RTI by researchers, reveal that the consent of the actual Gram Sabha was not obtained as per provisions of PESA.

Similarly, tribal land was acquired from 38 farmers for Loker Dam in the name of a Gram Sabha. Researchers have stated that the minutes book and records of Panchayats of Rede, Saraitola, Bangaon B, Pemla, Jamargi B, Chiknipani (Karradanr), Loker and Godhi, show that no Gram Sabha meeting has ever taken place to approve the project. This project will affect nine Panchayats in the area.

The case study reveals that Avantha Group has acquired 43.7 hectare of tribal land in the name of eight tribals in Pusaur in Raigarh district:

Sharda Energy and Minerals Limited has purchased the entire tribal land in Kerkachhar village of Baloda block in Janjgir-Champa in the name of only three tribals. One Jaykumar Paraste has bought 24 hectares of land worth 2.84 crores from 35 tribals. However, no one knows the whereabouts of Paraste. Videocon bought 28 hectares of agricultural land worth 3.36 crore in the tribal villages of Gond and Gadpali in Janjgir Champa to set up 1,200 MW power plant. It bought land in the name of Bilam Singh from Kabeerdham.

Further, the case study indicates that Government land records show at least 1,981 cases of transfer of tribal land to non-tribals in the past three years. In Mahasamund, 150 cases of such kind were recorded for investigation by the Commissioner in 2011. In Bastar, a Scheduled Area district, 63 cases of tribal land transfers to non-tribals, were registered.

According to a 1964 Act that is in force in Chhattisgarh, a non-tribal may not buy a tribal land; he can only do so with the permission of the Collector and the Commissioner. Therefore, researchers have raised the question as to how tribal
land, on such a large scale has been alienated. Further, there have been violations of PESA which endow Gram Sabha “the power to prevent land alienation of land in the Scheduled Areas and to take appropriate action to restore any unlawful alienated land of a Scheduled Tribe.”

The case study reveals that people have started organizing themselves to protect natural resources and resources of their livelihood under the banner of Jashpur Jan Sangharsh Samittee, Jashpur and Chhattisgarh Visthapan Virodhi Manch, Raipur against the unconstitutional and illegal way of exploring minerals and alienating tribal land in the name of development and thereby destroying their traditions and distinctive cultures and disrupting well-knit communities. It is clear that all this is taking place with the connivance of official machinery.

In such specific cases as brought out by the case study, the State should get the matter enquired and take action for restoration and prevent further tribal land alienation. NGO support in such cases is invaluable.

**Displacement in Chhattisgarh due to conflict**

One of the reasons for displacing tribal people is conflict between the Maoist and Governments (both centre and State) and ‘Salwa Judum’, a State sponsored armed campaign that was launched to combat Maoists. Though it is argued that Salwa Judum was a spontaneous reaction of the civilians to the Maoists, there are evidences to show the hand of the State machinery in the whole process. Shri. K. S. Subramanian, a former Director General of Police, was quoted as saying-

“While official sources maintain that the campaign, led by a local legislator, is hugely successful with the tribal people joining it in large numbers, local enquiries revealed a different picture. In the name of Salwa Judum, the tribal people are being forced to join a far from spontaneous mobilization [sic]… Hundreds have been killed on both sides. A large area of land remains uncultivated; tribal people who are meant to work on the land have deserted the villages and are living under open skies and are starving. A vast amount of corruption has crept in as a result of this misconceived campaign with the Ruling party spending huge amounts on it.”

During the visit of HLC to Bastar, NGO representatives had narrated the problem of innocent tribal villagers being caught between security forces and Left Wing Extremists and claimed that thousands of villagers had been displaced as a result of counter-insurgency movements many had been forced to migrate and that one lakh tribal people were missing. Neither the Central nor the State Government monitors the number of people displaced due to conflict. Whatever data is available on the displaced persons in Chhattisgarh concentrates only on displacement caused by Salwa Judum from 2005 to 2007. Based on number of camp residents staying as on 21/1/2007 in twenty camps located in 11 Blocks of
three districts it has been surmised that 47238 persons were affected by Salwa Judum. Researchers feel that this may not give the total picture Out of 1354 villages in undivided Dantewada district, 644 villages were affected by Salwa Judum. In addition 20,000 tribal people have fled to the forests of Andhra Pradesh as mentioned in the report of The Internal Displacement Monitoring Centre of the Norwegian Refugee Council.

The State government should collect data of tribal people affected by conflict and take up measures to ensure that displaced people are resettled and rehabilitated in their villages and it is the responsibility of the State to provide security and promote peace between those who joined Salwa Judum and those who did not. The tribals who were displaced, due to the conflict should not face alienation of their land.

**Process of involuntary displacement**

Mineral and hydro-electric resource-rich States of India tend to be the very places, which are home to vast majority of tribal people. Baxi has highlighted that people are not partners in the process of decision making regarding construction of dams, areas of submergence, environment impact, allocation of resources and allocation of benefits and adverse impacts of development. Displacement is a process in which marginalized sections, the majority being tribal people, are pushed out of their own habitat and dispossessed of their resources and indeed their universe around them. In post-independence period, their experience of displacement is as dehumanizing as before independence.

The unrestricted power of the State to acquire privately-owned land without any obligation on the State to rehabilitate persons affected has resulted in large number of cases of inadequate compensation, forcible acquisition even without payment of compensation, without replacement of livelihood, without provision of alternative land, without preparation of resettlement sites and without recognition of loss of right to access forest, other CPR and loss of community ties, cultural and religious heritage. Social injustice of State action in reducing every right and interest of tribal people and other marginalized people in their lands to a claim for monetary compensation and the incorrect assumption that money can compensate for all losses, that all displaced are familiar with money market and would know how to handle compensation money. In the case of displaced tribal people their unfamiliarity with money market led to devastating consequences. All this has led to ‘abject and chronic impoverishment’ of the displaced, which should not be acceptable anywhere in the world, leave alone in democratic India.

Various studies relating to displacement by large projects in various parts of India have documented that Public Authorities and Private Corporations alike have either sought to or succeeded in acquiring land, forest and other common property
resources from marginalized groups, by giving meager compensation. Most studies document that their rehabilitation has been slip-shod, half-hearted and majority of the condition of displaced and project affected people is much worse off than before displacement with many being forced to migrate in search of work. Further, the Displaced People (DPs) and Project Affected Persons (PAPs), who were better organized and articulate have been able to get the benefits of the Resettlement and Rehabilitation (R & R) much better as compared to those who were not organized by NGOs or civil society and who could not articulate their grievances, have ended up being pauperized.

**Summary**

**Causes**
- ✓ Prolonged indebtedness
- ✓ Inflow of non tribals and market forces
- ✓ Lack of knowledge regarding laws and rights
- ✓ Religious and social obligations like festivals and marriages
- ✓ Poor understanding of legal procedures and litigations
- ✓ Health expenditure
- ✓ Apathy of officials

**Impact**
- ✓ Landlessness
- ✓ Joblessness
- ✓ Homelessness
- ✓ Marginalization
- ✓ Deterioration of health and increase in morbidity
- ✓ Food insecurity
- ✓ Loss of access to community property resources
- ✓ Dismantling of production system
- ✓ Desecration of ancestral sacred zones/groves and temples
- ✓ Scattering of kinship group and family system
- ✓ Disorganization of informal social network
- ✓ Weakening of self-management and self-control
- ✓ Psychological and socio-cultural stress
- ✓ Disruption of trade and market links
Impact on women
✓ Bride price- dowry
✓ Prostitution
✓ Trafficking
✓ Child marriage
✓ Status
✓ Sex ratio
✓ Psychological trauma
✓ Economic disempowerment

Case studies
a) Gulu hydroelectric project, Chhattisgarh
b) Koel karo dam- Mudas
c) Subarnarekha project- Ho
d) Polavaram- Konda Reddi
e) SHAR project- Yanadi
f) Rajaji national park- Van Gujjar

Measures
a) Tenancy acts
b) Land transfer regulation acts
c) Forest rights act
d) PESA act and the role of Gram Sabha

Failure
✓ Lacunae in the laws
✓ Ignorance of tribals
✓ Complicated legal procedures
Rehabilitation Policy:

In simple terms, rehabilitation is defined as transfer of population from one area to another on a planned basis. So far there has been no national policy on settlement of displaced persons. Hence individual states have adopted their own rehabilitation policy on the basis of experiences in rehabilitating persons displaced through major projects. Several state and central governments and international bodies have recommended rehabilitation policies.

Recommendations of Working Group on Development of Scheduled Tribes

Though both tribals and non-tribals are displaced the problems faced by tribals are different from those of non-tribals. As the kinship of tribals is parochially organised, migration to far off places is difficult. As the tribe’s lack education, they also find it difficult to adjust in alien locations. The dependency of tribes on forests is more than the non tribals and the tribal who are economically weak find it difficult to settle into avocations in new settlements.

In the rehabilitation policies of State Government, the emphasis was on land and house site allotment. Those tribal who were landless never qualified for any compensation. In almost all the states the rehabilitation is unsatisfactory. The working group on development of scheduled tribes made the following recommendations for the rehabilitation of displaced tribals.

1) Formulation of a policy for rehabilitation of project displaced persons at the national level and special measures to be taken in the interest of scheduled tribes.
2) The Policy should enjoy that rehabilitation of displaced tribals should from an integral part of all Industries, Irrigation, Power, Mining and Other Projects.
3) Jobs for displaced tribals should be reserved in ancillary and finished goods to the main project.
4) A project displacing tribals should give preference to tribals in jobs as far as possible and training facilities should be extended to them well in advance at the project.
5) Supporting services around the major project (like poultry, fishery, dairy, carpentry) should be encouraged exclusively through tribal cooperatives where the project site in a tribal belt.
6) Group rehabilitation should be the rule in case of displaced tribals and all civic amenities should be provided there.
7) Displaced tribal who are agriculturists should be in agriculture and landless tribal settled should be settled in other avocation of their own line as far as possible.
8) Land allotment for tribals should be made in the command area or else irrigation facilities should be provided in areas other than command areas.
9) There should be a full-fledged Direction of Rehabilitation in every State. A State level rehabilitation committee under the chairmanship of the Chief Secretary should be formed to review programmes and the process of rehabilitation”.
10) The Cost Rehabilitation should from an integral part of the project and it should include costs required to train the tribals in the jobs and services.

“Keeping in view the lead time for planning and implementation of the resettlement proposals and the time of physical occupation of the land by the project for submergence under the project, the resettlement officers should prepare draft schemes of settlement for approval by the Director of Rehabilitation before execution.” Funds for resettlement should be provided in the budget under a separate head to be operated by the Director of Rehabilitation. Compensation to tribal should be deposited in favour of the concerned tribals in a pass book in the nearby post office or bank. There should be involvement of the Ministry of Home Affairs in all cases where displacement of the tribals is involved.

World Bank Guidelines for Rehabilitation of Tribals:

The World Bank is providing finance for a number of development projects in the developing countries and they have given some guidelines for World Bank aided projects. They are:

(i) “Displacement of human settlement should be avoided as far as possible, if unavoidable, displacement should be reduced to the minimum.

(ii) All resettlement programmes must be development programmes as well as that the productive base and income earning ability of resettles are improved and they share the benefits of the projects which displaced them.

(iii) Socio-economic survey of the affected area and population to be displaced should be conducted well in advance.

(iv) It is responsibility of the concerned government to relocate the affected persons for which an appropriate rehabilitation action plan with time scheduled is to be prepared.

(v) While planning resettlement programmes as well as in executing them the affected people should be consulted either directly or through their representatives.
(vi) To avoid misunderstanding or friction among the resettles and the in habitats it is necessary to mete equitable treatment in the matter of development activities, civic amenities.

The approach to the resettlement programme should be to ensure that the oustees regain at least their previous standard of living and as far as practicable, they should be economically and socially integrated into the host communities. To achieve this, a realistic action plan should be prepared in a manner that would give the setters the opportunity to become physically established and economically self-sustaining in the shortest possible time. The action plan should contain the following.

(i) Adequate compensation should be paid for the land and property lost by the oustees.
(ii) For the oustees who lost agricultural land, an agricultural redevelopment package should be prepared in the new set up. For this an adequate extent of land should be allocated in the new set up. Land which should have been reclaimed and have irrigation facilities should be identified.
(iii) Where the land available is not suitable for agriculture, programmes should be made for tree and orchard development, social forestry pisciculture etc.
(iv) For the landless artisans especially when land is not available, non-land-based programmes need to be framed. They would include the services sector, industrial sector, self-employment avenues etc.
(v) Cash payment alone for resettlement and rehabilitation should be avoided. Alternative homes, employment opportunities, etc. should also be provided and the “Land for Land” approach should be rigidly followed.
(vi) There should be an Environment management plan so as to protect the environment.
(vii) Oustees should be shifted to resettlement sites sufficiently ahead of impounding of the reservoir. There should be organisation to oversee the implementation of the rehabilitation and settlement action plan with adequate budget provisions and timely monitoring of the progress and completion of resettlement activities.

**Rehabilitation Measures:**

The foregoing discussion reveals that the benefits that accrue to people cannot counterweight the harm done by industrial projects. The harm done is more serious here because it is principally imposed on the most vulnerable section of society, i.e. the local tribals. To stand to these adverse effects and have a comfortable life, they need
Planned rehabilitation. The following are some of the possible measures for improving the situation of the tribals evicted due to industrial development.

1) The tribal and other backward people have a strong attachment for their soil. Therefore, every effort should be made to select the resettlement site in accordance with the liking of the uprooted people. This would help in preserving their own way of life and also winning their confidence. Efforts should be made to involve the leaders of the affected people in the process of planning and execution of rehabilitation measures in order to take the oustees into confidence and for proper adjustment in the new environment.

2) The compensation amount should not be paid fully in cash to prevent its mystification. Instead alternative arrangements should be made for acquiring permanent assets. Further, the provisions should be made for paying an ex-gratia amount to those families, who do not have any land and assets for meeting the expenses in the transitional period.

3) One of the important aspects of rehabilitation is to provide and alternative gainful employment to the unrooted people. Therefore, various training programmes suitable for tribal aptitudes should be conducted to enhance the skills among the uprooted, so that they can eventually be absorbed in the project.

4) All government sponsored employment programmes should be made available to the uprooted people and appropriate safeguards should be evolved in the agreement between the contractors of various works and the project authorities for providing employment opportunities on continuous basis.

5) Since there is a wide scope for self-employment, it is also necessary to train them in managerial skills, which is very important for self-employed entrepreneurs. In addition, organising and financing, for gainful vocation like poultry farming, animal husbandry, cottage industries, fishery, kitchen gardening, etc. should go a long way in improving the living standards of uprooted as well as local people. Further, they should be encouraged to adopt a production pattern based on actual and anticipated needs of the people in townships for improving their earning capacities.

6) Proper attention should be given to environmental protection and necessary steps should be taken for maintaining, the ecological balance in the project area.

7) Lastly, the integrated development of the region should be planned in such a way as to achieve a balance between technological and cultural development, between agricultural and industrial economy, between rural and urban industrial way life. These changes must be brought and continuously along
with their traditional institutions to enable them to adjust to the changed economy and society as well as promoting a more heterogeneous socio-economic development.

The various guidelines put forward in this paper are of prime importance for planned rehabilitation of the uprooted tribal population. The very objective of establishing large industrial projects for the development of backward tribal area will be achieved only when the uprooted people are properly resettled, otherwise the very purpose of development through industrialisation is lost.

There are some problems which are peculiar to the displacement and rehabilitation of the tribals.

1) While the kinship and social network of the general population are spread far and wide, in the case of tribals, they are confined to a limited area.
2) On account of low educational levels and the traditional of a life of comparative isolation, the tribals find it difficult to adjust to an alien location characterised by heterogeneity of population, culture and levels of living.
3) They are too much dependent for living on the forest and its produces, limiting their ability to take up new avocations and exploit economic opportunities and natural resources available in the new environment.

Due to such factors, the rehabilitation and adjustment of displaced tribals have not been smooth, and this has created considerable discontent among the displaced communities leading to agitations, which sometimes adversely affects the working of the projects.

National Rehabilitation and Resettlement Policy, 2007

The revised National Rehabilitation and Resettlement Policy, 2007 formulated by the Ministry of Rural Development has been approved by the Cabinet on 11th Oct., 2007 and the same has been published in the Gazette of India on 31st Oct., 2007.
Some highlights of the revised policy are:

✓ Policy covers all cases of involuntary displacement.
✓ Social Impact assessment (SIA) introduced for displacement of 400/200 or more families in plain/tribal, hilly, Scheduled areas, etc;
✓ Consultations with Gram Sabhas or public hearing made compulsory;
✓ Principle of rehabilitation before displacement;
✓ If possible, land for land as compensation;
✓ Skill development support and preference in project jobs (one person per nuclear family);
✓ Rehabilitation Grant in lieu of land/job;
✓ Option for shares in companies implementing projects to affected families;
✓ Housing benefits to all affected families including the landless;
✓ Monthly pension to the vulnerable, such as disabled, destitute, orphans, widows, unmarried girls, etc;
✓ Monetary benefits linked to the Consumer Price Index; also to be revised suitably at periodic intervals;
✓ Necessary infrastructural facilities and amenities at resettlement areas;
✓ Periphery development by project authorities;
✓ Committees for each project, to be headed by Administrator for R & R.
✓ Ombudsman for Grievance Redressal;
✓ National Rehabilitation Commission for external oversight.

The revised policy covers all projects leading to involuntary displacement of people and special provisions for Scheduled Tribes and Scheduled Castes, the main features of which are given below:

✓ Consultation with the concerned gram Sabha or the panchayats at the appropriate level in the Scheduled Areas under Schedule V of the Constitution in accordance with provisions of the Panchayats (Extension to the Scheduled Areas) Act 1996. Each Affected family of Scheduled Tribe followed by Scheduled Caste shall be given allotment of land for land, if Government Land is available in the resettlement Area.

✓ In case of land being acquired from the members of the Scheduled Tribes, at least one third of the compensation amount be paid at the outset as first instalment and rest at the time of taking the possession of the land.

✓ Additional one-time financial assistance equivalent to five hundred days minimum agricultural wages for loss of customary rights or usage of forest produce.

✓ Scheduled Tribes to get free of cost land for community and religious gathering, to the extent decided by the appropriate government.

✓ Scheduled Tribes affected families resettled out of district to get twenty-five percent higher benefits in monetary terms.

✓ Scheduled Tribes and Scheduled Castes affected families to be given fishing rights in the reservoir areas of the irrigation or hydel projects.
Scheduled Tribes and Scheduled Castes affected families enjoying reservation benefits in the affected areas shall be entitled to get the reservation benefits at the resettlement areas.

4. MIGRATION

Introduction:

There are not many detailed studies available on the volume and the extent of tribal migration. There has been a steady stream of Migration of the Chota-Nagpur region tribals, specially to industrial areas in the east of the country and to Calcutta and other urban sector over the last 100 years. Since 1970s, tribes from Bihar and Bengal have been going even to Punjab to work as agricultural labourer, after the Green Revolution there. Migration of tribes from Bihar to tea gardens of Assam and Bengal is well established. The British Plantation owners recruited tribes from Chota Nagpur region mainly from amongst the Santhals and Mundas.

Forced migration for economic survival

Tribal people suffer predominantly from the phenomenon of poverty–induced migration on account of rain-fed agriculture and absence of other avenues of employment. Fragmentation of land, loss of land due to acquisition and illegal land alienation by non-tribals also cause people to migrate. Deforestation and decreasing access to forests and drought are other contributory factors for tribal migration. Due to compulsion involved in migrating in search of livelihood it would be more accurate to describe such migration as ‘forced migration’.

The main factors responsible for migration of tribals are:

(a) ‘Pull’ factors like poverty, unemployment and low yield from their traditional occupation.
(b) ‘Pull’ factors like attraction of urban life and hope of improvement of quality of life and the availability of better economic opportunities in cities and urban area; and
(c) Famine and chronic drought in many areas like those in interior Orissa (Kalahandi and Koraput Districts) may also force the tribals to migrate.

Impact of Migration on Tribal Communities

Deficiencies in NSSO/Census Data
The main sources of data on migration are the Census of India, Office of the Registrar General and the National Sample Survey. Both these data do not throw full light on seasonal and circular migration and do not capture various forms of child labour. Smaller studies show that child migrants from families of weaker sections such as from tribal communities form a large part of the work force in several sectors such as construction, brick-kilns, small industries, domestic work etc.

An Analysis of Social Groups and Migration

In 2001, for the first time, the census data tabulated figures for social groups such as the SCs and STs in the country. The migration level among SCs and STs indicates that about 25.3 per cent of SCs and 25.4 per cent of STs were reported as migrants within the same State, based on the place of last residence (PLR). Of the total migrant population within the State, more than three fourths were reported to move within the district (intra-district-76.9 per cent for SCs and 83.5 per cent for STs).

An analysis of the NSSO data for the 49th round (9 Jan- June 1993) and 64th round (July 2007- June2008) shows that the proportion of migrant households among ST in rural areas decreased between 1993 and 2007-08, but the trend was the opposite in urban areas. The NSS 64th round shows that in urban areas, the proportion of ST migrant households was higher than the proportion of migrant households of other social groups.

Causes for tribal migration

Migration-poverty interface

There are three important constraints that perpetuate poverty among migrants in the Indian situation. These are: poor education, discrimination, and a hostile policy environment. In the case of tribal migrants, the literacy rate is low, not much is being done for developing skills and they do not have access to public facilities such as PDS in the place they migrate to. The State’s apathy and lack of capacity to implement protective migration/labour laws compounds the problem. Moreover, the wage rate is very low. Circular сезонal migration is the dominant form of migration of poor tribal people. They leave their village after completing agriculture work and migrate as casual, low skilled workers and return after completion of work. Since tribal migrants have little or no education and low skills, which translate into low marketable skills for both rural and urban employment, they form a part of the unorganized sector and have little bargaining power.
The poorest and deprived areas of the tribal belt in Central India such as Chhattisgarh, Telengana region, Jharkhand, southern Madhya Pradesh have become labour pools, from where cheap labour can be drawn on seasonally. Due to poverty and lack of employment opportunities, tribal families send unmarried daughters to cities in search of work. Single women and tribal girls are, however, prone to exploitation not only by employers, but also by anti-social elements. Migration is an important livelihood activity and research by Mosse et.al, in the tribal districts of southern Madhya Pradesh revealed that 65 per cent of households included migrants, who worked mainly in the construction sector. Migration grew in the area as a few years later, another study in the same area found that, in many villages up to three-quarters of the population were absent between November and June.

Displacement

Development-induced displacement has resulted, not only in loss of land due to acquisition for the project but also in influx of non-tribal outsiders in these areas, who illegally alienate tribal land and take the benefits of the new economic opportunities in commerce, trade and industry. Migration of displaced Scheduled Tribes is indicative of Government’s failure to provide livelihood in the new environment.

Deforestation

Uprooting of tribals from their traditional habitat, receding forest cover combined with low agricultural productivity and rain-fed agriculture, create the need for credit and this leads to seeking employment and livelihoods under bondage, often through migration. For example, tribal migration from Jhabua in Madhya Pradesh and tribal areas of Chhattisgarh is a compulsion. Tribals in Jharkhand migrate in streams to the brick kilns of Uttar Pradesh or rice mills of neighbouring states to the agriculturally prosperous areas of Bihar, Bengal, Uttar Pradesh or Punjab mainly for sowing / transplanting/ harvesting of paddy and wheat and to the metropolitan towns and cities as domestic workers and maid servants.

Drought

In contrast to seasonal migration, distress-induced migration is primarily the result of factors which include drought, land alienation, debts and high levels of food insecurity. This form of migration, which had increased in Kalahandi in the 1990s, is a final resort when other coping strategies fail. Such migration usually starts as early as September-October, when there is little possibility of harvesting a crop. Recruiting agents take the opportunity to recruit even cheaper labour than they can normally expect. Due to three successive droughts in 1996-2000, distress-induced migration had become ‘seasonal’ in character and an integral part of the regular coping strategies. A significant number of tribals, mainly from
drought prone areas of Andhra Pradesh, Karnataka and Maharashtra, migrate to work in construction, tile factory, brick-kiln and crop-cutting in Maharashtra.

**Costs and risks of migration**

Migration has both positive and negative consequences for migrants. While it saves them from starvation at home, it exposes them to appalling living and working conditions at construction and other work sites. Additionally, migrants also do not have access to pro-poor schemes such as subsidized food, health care and schooling and must pay for everything.

On the positive side, migration has given tribal people an exposure to the outside world including new skills. Their remittances have helped the family in consumption, repayment of loans, fulfilling social obligations and to finance working capital requirements in agriculture as well as investment in better housing and purchase of consumer durables.

On the negative side, they suffer from family and social disorganization, harsh and unhygienic living conditions at work sites and physical and sexual violence in the case of female domestic workers. Empirical evidence collected by case-studies in tribal areas of Central India indicate that women domestic workers on their return to the village are viewed with distrust, as they show signs of having been influenced by an alien culture. Such women workers are exploited and harassed, when they migrate and are regarded with suspicion when they return. Comparison made between tribal families who migrate and those who do not, reveals that the non-migrating families own more land comparatively and are in a better position to access and benefit from various development schemes available for them and so are able to improve their standard of living and educate their children. On the other hand, migrating tribal families have less land, lower level of literacy and on migrating, suffer from exploitation and harassment and low wages. They are able to stave off starvation, but do not earn enough to improve living standards. Moreover, their children do not get education and so the future of the next generation is equally bleak. Added to this, is the tendency of the unskilled youth to prefer employment in non-agriculture sectors, as farming does not give adequate returns. This is a challenge for both rural and urban planners.

Keeping in view that tribal livelihoods are conditioned by the eco-system and they are dependent on agriculture, large scale migration due to poor economic conditions is a serious cause of concern.

**Involuntary Displacement and Tribal Situation: Before and After**
From Self-sufficient Tribal Communities to Marginalization and Impoverishment

The traditional livelihood systems of tribal people based on shifting cultivation and collection of non-timber forest produce was rendered sustainable, by a level and pattern of utilization of land and forest resources, which ensured their self-generating capacity. Later, they took to settled agriculture and their livelihood system provided for a nutritionally balanced food consumption basket that was rooted in both subsistence and conservation ethics. The traditional livelihood system was based on customary rights of tribal communities over land and forests, which was also an ‘extensive’ system of production. The ‘common pool’ of resources supported customary rights and prevented the intensification of production, in the interest of conserving and sustaining the long-term productivity of livelihood resources. The customary rights of tribal people over livelihood resources and their territorial sovereignty (in so far as land was territory, not property) came in to conflict with the forces of ‘modernisation’ and the development process in which they were not participants. In keeping with the politico-economic policies of the country, large projects, which came up in tribal areas rich in hydro and mineral resources, encroached on tribal people’s ancestral lands and thereby displaced them.

In order to take measures against the socio-economic deterioration of displaced tribal people, it is important to understand the extent of displacement-induced impoverishment. Displacement is marginalisation, not merely economic deprival. Therefore, in defining impoverishment, it is necessary to go beyond the economic factor and it is incorrect to calculate losses and gains on the basis of monetary income alone or to conclude that the status of the DPs improves after displacement, because their monetary income rises. In making an assessment, it would not be right to ignore the fact that before displacement, most DPs/PAPs belonged to the non-monetised informal economy and often depended on the CPRs or services to the village as a community.

Before displacement, the DPs/PAPs were poor, but it is due to deprival of their livelihood that they experience deterioration of their economic status. This dispossession is accompanied with environmental degradation, which is a basic additional factor causing impoverishment. The decision to alienate their resources is without their consent; they are not compensated and rehabilitated, resulting in their subordination. This marginalization leads to low self-esteem. The sustainable tribal culture that had ensured renewal and equal distribution of resources is weakened, leading to shortage of resources. The tragedy is that for sheer survival, the tribal DPs/PAPs are forced to ‘make a transition from constructive to destructive dependence on the same resources’. This causes great psychological stress.

Factors that accentuate loss faced by tribal people
Researchers have identified certain characteristics of tribal society that aggravate the impact of involuntary displacement, they are:

- Land for tribes is a source of livelihood and source of identity, ethnicity and cultural distinction. Thus, the loss of land plays havoc with the lives of the displaced tribal communities. Under R&R programmes, land is not replaced and there is no reconstitution of livelihoods. Loss of their cultural space and identity leads to cultural impoverishment, which is not addressed.

- Dependence on forests for food in the form of shifting cultivation, fruits and flowers, small game, tubers; for medicines, fodder, material for house building; raw material for traditional art and crafts; income by selling firewood, leaf-plates, fruits etc. This loss, due to displacement is not compensated and affects food security.

- Lack of proper legal recognition of tribes over the forest land and hill tracts compounds the problem, when it comes to the question of compensation.

- Lack of social relations outside the closely-knit kin-centered society. Displacement leads to disruption in family life and to loss of social network.

- The land rights structure in tribal societies is altogether different from what it is in other societies. Tribal communities do not confer any individual rights in a legal sense. The community rights they confer are the utilitarian rights on nature but not the proprietary rights which attract the provisions of compensatory measures. Many a time, displaced tribal people were deprived of compensation and rehabilitation benefits as per the Land Acquisition Act, 1894 because they did not possess any legal documents to prove their ownership right on the land they occupy and earn their livelihood from.

**Contrast in coping mechanism: Vulnerability of the tribal displaced**

Other social groups are in better position to benefit from R&R programmes. For example, about 88 percent of land acquired for the National Aluminium Corporation at Angul, a non-tribal district in Odisha, in the mid-1980s was private. Its owners, who mainly belonged to a dominant and influential social group were paid Rs 62,000 per hectare. At Damanjodi in Koraput district, 60 percent of the land acquired for the company's second unit that same year was Common Property Resource, belonging to tribal population. No compensation was paid for it, because community owned resource/land was considered as
State’s property. For the little private land they owned, tribal families were paid an average of Rs 6,700 per hectare, a totally inadequate sum to start a new life. Another example is that of Maharashtra Irrigation Project on Krishna River in Satara district, where 75 per cent of households affected belonged to the influential Maratha community, who used political clout to obtain facilities under R&R.

Research studies show that the displaced tribals cope with their loss and changed conditions better than Dalits and other weaker sections as long as they are allowed to continue to live in their traditional habitat, as they have honed skills for the management of their habitat. It is when they are forced to migrate or are resettled outside their territory that they are not able to adjust and operate in an alien territory and new society. The tribal way of life centers on their community. This extends from support in basic agrarian work to solidarity in times of trouble. Any displacement and scattered rehabilitation will destroy this collective welfare system that binds them together.

**Deterioration in Quality of life of Tribal DPs/ PAPs after displacement and Resettlement**

**Impact of Losses without Recompense**

Researchers such as Fernandes, Parasuraman, Mahapatra, Tripathy, Alex Ekka, Mohammad Asif, Lancy Lobo, Das, Rao to name a few, based on their extensive research and field work, have brought out the stark reality of displacement without provision of alternative land and reconstitution of livelihood, causing impoverishment of the displaced. Many DPs/PAPs are forced to migrate. For example, the findings of the Ombudsmen appointed by the Supreme Court revealed that, about 30,000 people working for construction of facilities in abject conditions for the Asian Games in New Delhi in 1982, were people who had lost their livelihood due to deforestation by industry or had been displaced by Hirakud dam and other projects.

In the context of Cernea’s eight-fold risks, empirical evidence collected by researchers shows that the DPs/PAPs in India, 40 per cent of whom belonged to tribal communities, experienced landlessness, joblessness, homelessness, marginalization, food insecurity, increased morbidity and mortality, loss of Common Property Resources and social disarticulation. Apart from land and forest, access to CPRs like wells, ponds and grazing grounds has been diminished by development projects, adversely affecting tribal occupations such as cattle rearing. Further, empirical evidence shows that the reconstruction aspect of the ‘Impoverishment risks and livelihood Model’ of Cernea has been totally neglected, due to absence of a legally mandated provision for alternative land and
livelihood and Resettlement and Rehabilitation Framework as well as poor management of R&R. All this led to impoverishment of the displaced.

Indian researchers have also included the risks caused by loss of education and loss of access to public facilities. Empirical evidence points to the existence of resettlement sites without basic facilities such as schools. In fact, migrants lose access to public facilities as they are not recognized in their new place of work. The process of land acquisition and the completion of the project take years. During this period, development works are not taken up in the region, adversely affecting project-affected people.

The following case studies highlight the deterioration in the quality of life of tribal people after displacement and the process of impoverishment.

1. The Heavy Engineering Corporation Ltd. established in Hatia, Ranchi district, Jharkhand, in the early 1960s is an example of the adverse impact of displacement on tribal communities. In addition, excess land was acquired in the name of ‘public purpose’ – a total of 7,748.80 acres, including 6,356 acres of private land was acquired for the purpose of constructing factories, township, railways, dams, etc. but about 2,600 acres of land was not utilised. There was complete displacement of 13 villages and partial displacement of 22 villages. Out of the 3090 families displaced, 2274 families belonged to the Oraon and Munda tribes. According to an evaluation report carried out by the State Government Tribal Research Institute, Ranchi, in 1993, ten to twenty decimals land was given to the displaced for homestead. Some of the displaced were compensated with land, but these were wastelands. As against the assurance by the State Government and the Project Authorities before land acquisition that a job would be given to each displaced family, in actual fact, one job was given to 4-5 families clubbed together. The normal practice of the Government was to pay prevailing market rate, which was calculated as an average of registered sale prices of land of similar quality and location in the preceding three or five years. However, most land transactions are grossly undervalued to evade registration fees. As a result, compensation ranged from Rs. 7360 per acre to Rs.3200 per acre. Most of the displaced, who were not used to handling money, frittered away their cash compensation in a very short time. Before displacement, the displaced families owned land and were engaged in agriculture and animal husbandry activities, which provided them enough food grain and basic necessities. After displacement, they lost their capital resource - land linked to food security. There was no attempt to reconstitute livelihoods. Consequently, displaced families did not have enough food grain to feed themselves through the year. Post displacement, a majority of the families faced unemployment, poverty and distress. The evaluation report concludes by pointing out that, from poor, but self-sufficient and self-respecting members of a community, the displaced families had been reduced to daily wage labourers, moving from place to place in search of work.
2. In a study on mining and displacement problems in Odisha, it has been found that about 8117 families from 1446 villages were displaced, due to development projects in the period 1950-1993. The aftermath of development induced displacement is that landlessness takes the form of downward mobility from large to medium land holders from medium/small to marginal farmers, and from small/marginal farmers to landless. Among mining-displaced families, 16.7 percent of tribal people and 13 percent of Dalit-displaced, became landless against 3.6 percent of the general castes. Another study shows that people displaced by mining lost their land and were forced to become wage labourers in mines, but later due to mechanization, they were the first ones to lose their jobs and become completely impoverished. An evaluation of the condition of tribal oustees of Mahi Bajaj Sagar Project, Rajasthan, twenty years after their displacement (which took place in the 1970s), shows that the quality of facilities in the resettlement colonies were poor, with no proper provision for schooling, which adversely affected the education of children. It was observed that the displaced had limited skills and low levels of literacy and were unable to utilize compensation money properly. Since they were primarily agriculturists, they had very little knowledge of running a business or providing a service and in absence of a rehabilitation plan to address the needs of education and training, the deprived tribal people were unable to find alternative livelihood. The displaced who could not get possession of allotted agricultural land were forced to lead subsistence lives on encroached land with many of them forced to migrate to nearby towns as low skilled labourers after Kharif season.

3. Parasuraman, in his research study on displacement due to Bolani Iron Ore Mines in Keonjhar district of Orissa, describes the pre-displacement situation in the villages of Bolani, Champua and Balagoda as being thinly populated tribal villages. Every household owned land, surviving on cultivating coarse cereals and millets, rearing cows, goats and bullocks and depending on forest for fruits, Mahua trees for liquor and small game for their protein requirements. They were self-sufficient because they had access to alternative sources of production. As in other cases of acquisition, excess land of 1320 hectares was acquired whereas only 500 acres was actually utilized for mining, township etc. Deprived of their resources, the displaced cleared thick forests for cultivation; had they not done this, the tribals ousted would have been in a worse position. All households who lost land to mines were compensated with one job per family. Those who lost land to Public Works or Railways only got cash compensation. Out of the 218 tribal households, 180 were offered employment in mines. But the living and working conditions in the mines was different from the tribal way of life and consequently, over a period of time, many displaced lost the mining jobs to non-tribal migrant workers from outside. Moreover, those managing mines did not understand the tribal way of life, their cultural beliefs and customs and made the tribals displaced, feel unwanted. Mining activities led to environmental
degradation, deforestation, pollution of river and decrease in soil fertility. Tribal people lost disproportionately, due not only to loss of land but their habitat for which they were not prepared by training and psychological mentoring for the transition from agriculture to mine-related employment. There was no provision for land and the alternative jobs provided did not suit them. The displaced have become strangers in their own land and have nowhere to go, following the destruction of their forest-based habitat and livelihood system.

4. A case study of displacement caused by the Sardar Sarovar dam in Madhya Pradesh focused on problems faced by the Project Affected Families of the Sardar Sarovar Project (SSP) in Madhya Pradesh, after the dam height was raised to 119 metres by June 2006. Out of a total of 245 villages in the Submergence Zone, 193 villages are in Madhya Pradesh, 33 in Maharashtra and 19 in Gujarat. The study emphasises that India is a signatory to ILO Conventions 107 and 169 on the rights of indigenous and tribal peoples. Article 16 of ILO 169 states: “Where the relocation of these peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent.” Where a return to the traditional lands is not possible in the future, Governments must provide “lands of quality and legal status at least equal to that of the lands previously occupied by them.” However, the finding of the field study was that Gram Sabhas had not been formally consulted before notifications under the LAA, 1894, were issued; few attempts were made to inform the largely illiterate tribal populations about their rights as stated in the NWDT Award; and the option of ‘land for land’ within Madhya Pradesh was never formally communicated to the Gram Sabhas. The survey based on 20 R&R sites indicated that only 344 families were actually living in the R&R sites prepared for them. The survey found almost all the sites to be “very poor”. The Government apparently bought 1636.9 hectares (4141.4 acres) of mainly black cotton soil for 86 R&R sites, most of which are totally unsuitable for building houses. The study recommended that all the adult sons, unmarried adult daughters, widows, divorcees and abandoned wives be treated as separate PAPs.

The study found that most Gram Sabhas in the 171 villages had held meetings and written letters to the Madhya Pradesh Government, but received no response. Only when writ petitions were filed in the Supreme Court for villages like Picchodi and Jalsindhi, were judgments made in their favour.

5. Another study of R&R in Gujarat of the Narmada Project reveals that the reason for defective R&R programme and policies was because implementation of R&R depends on a bureaucracy who has prejudices and biases against tribal people and lack of understanding of their society. The findings were that there was no consultation with displaced and project affected people, lack of
communication, cultural differences were disregarded, faulty land–compensation procedures that did not take into consideration rights of tribal DPs/PAPs and added to this fraud and corruption. The study also found cases of coercion and human rights violations, where people were forced to leave and stay at resettlement locations. False promises were made but once the tribal people shifted, Government officials avoided them and there was absence of a system to address grievances and complaints.

The above case studies are examples of R&R which failed to provide alternative land and sustainable livelihood, leading to pauperisation of tribal DPs/PAPs. Further, these are examples of tardy implementation, of unfulfilled promises and violation of laws and rules by the very machinery expected to protect the interest of marginalised displaced such as tribals. The studies also highlight the lack of managerial capacity in the State to implement R&R and incapability to plan imaginative rehabilitation plans. It reflects the lack of commitment on the part of R&R machinery, which did not recognise the fact that rehabilitation is a continuous process and after taking possession of acquired land, they left the tribal DPs/PAPs to fend for themselves.

**Loss of status of women after displacement**

Women in tribal societies, have a relative equal status on par with their men when compared with neighbouring caste societies. Prior to displacement, women belonging to the project-affected villages were actively participating in household work, such as cooking, child rearing and collecting of Non-Timber Forest Produce (NTFP) and firewood. However, in resettlement colonies, adverse conditions force adult and young women to go out in search of work with a view to earn and support their families, due to loss of permanent income sources of land and forest.

Parasuraman discusses the impact of displacement on the social and economic condition of women by different development projects, where it was found that loss of access to traditional sources of livelihood, land, forest, river, pasture, cattle, etc. marginalizes women in the labour force. It is only when land and other sources are replaced that women at least partially regain their economic status. Under R&R policies, there is marked gender disparity as women members of the family such as adult unmarried daughters, widows, deserted divorcees have not been considered as a separate family. Women are traumatized due to loss of resources and break up of family and social networks and there is no strategy to address these adverse impacts.

Traditionally, tribal areas had a better sex-ratio than urban areas, but now, there is a decline in the sex ratio of tribal women in areas around development projects.
and areas facing degradation of CPR forests in Jharkhand. This is disquieting, as it reflects the drop-in status of women in the tribal community.

**Deterioration of health**

Almost all the R&R colonies lack proper public health facilities, protected drinking water, marketing and transportation. Due to unhygienic conditions, health is a major problem of displaced tribal people, who are affected by various diseases such as malaria, typhoid, viral fevers, diarrhoea, cholera, skin diseases and jaundice. In mining projects, resettlement sites are situated close to mining operations, which result in respiratory diseases. Ill-health causes them to spend most of their earnings towards allopathic medical treatment, due to non-availability of herbal medicines.

**Disregard for Right to Livelihood: Adverse integration**

Planning Commission Five Year Plan documents, NFHS and NSSO data clearly reveal that, over the years, there have been poor human development indicators in regions with high concentration of tribal people. As a consequence of poverty, illiteracy and lack of skills, tribal people have not been able to take advantage of employment opportunities created by development projects. The State and the corporate sector have neglected investment in skill/technical training of development-induced-displaced tribal communities. There was no provision or attempt to provide jobs or livelihood opportunities, as emphasis was on monetary compensation. Moreover, research studies also show that, due to neglect of children and youth by not providing them with education and skills, they are worse-off when the head of the family retires as they have lost their land which was passed on from generation to generation.

Diverse research studies have revealed lack of basic civic amenities in rehabilitation sites, absence of land or poor quality of land settled, and lack of employment avenues, results in stark decrease in standard of living after displacement and forces the displaced to migrate. Research studies show many have been forced to take up menial jobs and have become drifting agricultural and industrial migrant labourers. The work is commonly poorly paid and insecure and it affects their self-esteem and identity, but they are forced to take up such work for survival.

Development Projects have failed to create employment opportunities for Tribal DPs/PAPs instead it has led to unemployment and forced migration.

**Occupational change**

An analysis of decadal changes in access to cultivated land among Scheduled Tribes of four States with substantial tribal population, namely Chhattisgarh,
Madhya Pradesh, Andhra Pradesh and Jharkhand, indicates increasing landlessness amongst tribal households. The percentage of marginal holdings below one hectare has shown a marked increase in all the four States. This indicates that medium-size land holdings are getting fragmented. It is significant that Chhattisgarh and Madhya Pradesh have the highest rate of diversion of forest lands for non-forest purposes, e.g. mining. In Madhya Pradesh (including Chhattisgarh), landlessness has increased by 23.1 percent between 2001 and 2011, and in Jharkhand by 8.2 percent between 2005 and 2011.

Even though there is a general all-India increase in the total work participation rate for Scheduled Tribes, it is largely the result of increasing rates of marginal rural and urban work, especially among tribal women. The numbers of tribal cultivators has declined by more than 10 percent in the four states, except Odisha where rate of decline is less than the all India average. The rate of decline of female cultivators in several areas is higher than males, which shows that female-headed households are more vulnerable. In the States of Odisha and Jharkhand, there is a sharp rise in male and female rural ‘other workers’ due to mining and construction work in rural areas. Thus, the occupational status of Scheduled Tribes is now changing from farmer to rural and urban worker.

This calls for a comprehensive strategy encompassing the following: restoring tribal land, preventing land alienation, giving priority to Scheduled Tribes in settlement of ceiling surplus and wasteland, support to small and marginal tribal farmers for taking up high-value horticulture etc., and skill development to reap the benefits of growth in labour-intensive manufacturing sector.

**Impoverishment of Tribal DPs/PAPs adds to problem of alleviating poverty**

The loss of land and CPR resources without adequate recompense has led to pauperization of tribal DPs/PAPs, adding to the problem of poverty in the country. The poverty ratios for Scheduled Tribes are significantly higher as compared to general population in the year 1999-2000. As against 27 per cent of all population living below the poverty line in the rural areas, 45.86 per cent of Scheduled Tribe population lived below the poverty line. There are large variations in the proportion of ST population living below the poverty line across the States. The Twelfth Plan Document Volume III (‘Social Inclusion’, pg.229) states that, during the period, 1993-94 to 2004-05, the share of ST among the poor in the country increased from 15.83 to 20.49 per cent. It is ironic that ‘development’ projects have added to the problem of unemployment and poverty in tribal regions.

**Decline in Percentage of Tribal Population: Loss of identity**
Development projects, which have displaced tribal people, have opened up tribal areas, leading to influx of people from outside the tribal region seeking employment in industry, mines, transport, Government service, trade and commerce, etc. This has resulted in increasing urbanization of tribal areas and the large influx of immigrants from outside gathered the benefits from development, while on the other hand, the condition of tribal people became worse. Consequently, the percentage of tribal population in these areas declined. For example, in Bihar, the percentage of tribal population declined from 10.7 percent in 1951 to 7.66 percent in 1981. In Dhanbad district, the decline was from 15.65 percent in 1951 to 9.12 percent in 1981; similarly, in Santhal Pargana, the decline was from 44.6 percent to 36.80 percent during the same period. This trend continues in Jharkhand in recent decades, as observed in Ranchi district (falling from 43.56 percent in 1991 to 35.76 percent in 2011). Decrease in proportion of tribal population is evident in urbanized areas as well as rural districts, where involuntary displacement and forced migration have occurred and where urbanization and development has led to inflow of outsiders.

Tribal people find themselves placed in a subordinate position to outsiders in their own homeland and have developed a negative identity. Tribal society is egalitarian, but they now have to deal with a hierarchical and exploitative society. Tribal people faced with influx of immigrants, fear loss of identity, land, destruction of forests, jobs and losing political control.

Conclusion

The large body of research carried out by scholars on the extent of displacement and impoverishment of tribal people caused by compulsory acquisition of land by the State, calls into serious question the commitment or ability of the Indian State to upholding Constitutional safeguards for the protection of land and resources and welfare of tribal communities. There is dearth of data of the displaced (DPs) and project-affected people (PAPs), and official figures, wherever available, underestimate the number of DPs/PAPs. Of the estimated 60 million DPs/PAPs, about 40 per cent are tribal people, 20 per cent are Scheduled Caste and 20 per cent belong to other social groups, like OBCs. Based on available government records and estimates, researchers have estimated that people have been displaced from 25 million hectares, including 7 million hectares of forests and 6 million hectares of other CPRs. It is also estimated that only 25 per cent of all DPs have been resettled and only 21.16 per cent tribal DPs have been resettled, with a backlog of 79 per cent. Further, a distinction must be made between resettlement, which is a one-time process, and comprehensive rehabilitation, which is a longer process for socio-economic reconstitution of DPs/PAPs. The new legislation ‘The Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation And Resettlement Act, 2013’, does not consider the backlog of DPs/PAPs. The magnitude of the problem and gravity of the situation has to be addressed by the State and corporate sector.
Under policy of liberalisation, the effort is to create a climate favourable to investment and this will increase demand for more land than in the past. However, this policy lacks a social thrust. Projects that displace tribal communities by transferring their resources for the development of dominant sections of society can never be development in the true sense. Disproportionately large tracts of land in excess of actual needs have been acquired and CPR diverted for infrastructure projects, mines, dams, and industries, mainly in tribal regions. This is done for a pittance, without much thought to sharing the fruits of development with weaker sections, particularly tribal DPs/PAPs and the tribal community at large. A reason for their neglect is that they do not have a strong political voice. Studies have shown that powerful social groups with political clout are able to get much better R&R assistance as compared to tribal DPs/PAPs. Left-Wing Extremists have tried to fill this vacuum in tribal areas and channel tribal disaffection against massive land alienation and displacement. The State needs to send out a strong message to all its instrumentalities as well as the corporate sector that there shall be no forcible and extortionist land acquisition in tribal areas, and that wherever tribal land has to be acquired of necessity, it must be preceded by comprehensive R&R within a framework of full and free consultation and tribal participation in development and its benefits in the area of displacement.

**Recommendations**

1. Serious effort is required by the State to minimize displacement. There should be a right-based approach to comprehensive rehabilitation for socio-economic reconstitution of victims of development, including for the backlog of displaced.

2. The problem is with the expansive interpretation that has been given to the doctrine of ‘eminent domain’ by political and managerial elites. In this context, it is essential that the whole process of displacement should be democratic and rights of tribal communities to say ‘no’ to acquisition of their land and to access and manage forests and other CPRs, be recognised.

3. The new legislation, ‘The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, is progressive in the sense that it is the first to legally mandate rehabilitation of PAPs. However, it fails to address the need for minimizing of acquisition of land and resources. This is not surprising, since the objective of the Act, which seeks to address concerns of those whose livelihoods are affected, simultaneously aims at facilitating land acquisition for industrialization and urbanization. This is in keeping with the broader liberalization policies. Such policies will result in more displacement in Central India for mining and in the Northeast for dams.
a) The 2013 Act already has a provision for safeguarding food security and states that multi-crop irrigated land will not be acquired, except as a last resort measure. Further, the State Government is to set limits on the acquisition of such land under this law. States are also required to set a limit on the area of agricultural land that can be acquired in any given district. However, there is no mention of the need to protect tribal land and community resources. Hence, a suitable provision is required to be incorporated in the Act, to safeguard tribal land and community resources in Scheduled Areas and disallow acquisition by a non-tribal, including private companies.

b) The definition of ‘public purpose’ in the new law is very wide and will only lead to greater acquisition and displacement in Scheduled Areas. The exercise of ‘eminent domain’ and definition of ‘public purpose’ should be severely limited.

c) Government agencies acquiring land with the ultimate purpose to transfer it to private companies for stated public purpose, should be kept outside the ambit of the new law, as the Public-Private Partnership mode of acquiring land is simply a backdoor method of alienating land in violation of the Constitutional provision to prohibit or restrict transfer of tribal land to non-tribals in Scheduled Areas.

d) It is recommended that, as directed in the landmark Samatha judgment and the PESA Act, every Gram Sabha should have the power to prevent alienation of tribal land and further that minerals should be exploited by tribal people themselves. The stringent provisions of the amended Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959, should be adopted by other States, particularly the provision that facilitates the formation of Registered Scheduled Tribe Co-operative Societies, which could take up mining activities in Scheduled Areas. By doing so, the Samatha Judgment would hold good for all States with Scheduled Areas. It should be the responsibility of the State to facilitate the formation of cooperatives of tribal people for the above purpose.

e) Gram Sabha consent should be mandatory for acquisition of land by the Government for its own use as well.

f) The Act does not have a provision to the effect that exploitation of natural resources in Scheduled Areas must be with the consent of the Gram Sabha. This should be rectified.

4. In the interest of weaker sections such as tribal communities, the threshold should be kept very low and R&R provisions of the new law should apply to all cases.

5. There is plenty of unutilized tribal land available with Central/State/PSUs, and Central/State Governments which is not being used for the purpose for which it was acquired. Governments should be legally mandated to return such land to the original landowner/successors or use the same for resettlement of displaced
tribals. This should not be left to the discretion of the State Government. One example of this is of HEC, Hatia, Ranchi, where excess tribal land had been acquired and people are agitating for the return of the land, but the State wishes to utilize it for other purposes. In such cases, land should be returned to the original displaced families.

The Vijay Kelkar Committee on Fiscal Consolidation (2012) said, “Over the next 24-36 months, there is yet another policy instrument for raising resources for development and that is monetizing the government’s unutilized and under-utilized land resources. These resources can finance infrastructure needs, particularly in urban areas. Such a policy has been effectively utilized in many countries including USA, France, Canada, Australia and China. For monetizing land resources, the potential is considerable given the under-utilized prime lands of PSUs, Port Trusts, Railways, etc. Toward this, we recommend setting up of a group to work out the policy framework and institutional modalities.”

The suggestion of the Vijay Kelkar Committee on Fiscal Consolidation (2012) that “unutilized and under-utilized land resources” be used for “raising resources” to “finance infrastructure needs particularly in urban areas” is against the purpose and intent of the land acquisition law and should be roundly rejected, and unused land should be returned to the loser of the land and to the community.

6. There has been inadequate recognition at the policy level that land represents an inalienable resource, passed on from generation to generation in tribal communities, who otherwise have no education and skill development. Studies have documented that those DPs who got jobs in lieu of land and whose children did not receive education or training were worse off after the job-holder retired from service. It is recommended that the objective of R&R should be to ensure that the socio-economic status of tribal DPs/PAPs after displacement, should improve positively rather than deteriorate further. Loss of land and CPR can be compensated only by proper R&R which envisages restoration of livelihoods, health and education facilities and skill development for the whole family and community of tribal DPs/PAPs. There should be provision of ‘land for land’, in acquisition of tribal lands. Compensatory land provided must be made cultivable with irrigation and agricultural inputs. Rehabilitation should be treated as a continuous process to be monitored by the Project Authority and State until the alternative livelihood becomes economically viable. They must be given a stake in the assets and economic activities being created on their acquired land and CPRs (for example, land in command area, irrigation of tribal land in the vicinity, jobs in industries, or shops/jobs in industrial projects/townships). An expanding economy, particularly expanding labour-intensive manufacturing sector together with adequate emphasis on health, education and skill development, hold the key to humane R&R.

7. The 2013 Act is weak in matters relating to skill development and provision for livelihood for DPs/PAPs. During a meeting between the HLC and
representatives of displaced tribal people in Bastar, Chhattisgarh, anger was expressed at the non-fulfillment of promises to give jobs to the educated displaced persons. They were unhappy with the cash allowance being given in lieu of jobs. The official response, that there were not enough jobs to accommodate all displaced people, did not satisfy the aggrieved parties. A sum of two thousand rupees per month per family as annuity for 20 years, with appropriate index for inflation in lieu of jobs, as stipulated in the new Act, is too low. Clearly, more has to be done for skill development and creation of alternative livelihoods. One of the ways to ensure that jobs are provided to displaced people, including tribal families, is to create a State level/National-level Virtual Employment Exchange with complete data of age, sex, educational qualifications, and skill-set of persons displaced in the past, present and in near future, for providing them employment and/or preparing them for employment/self-employment. Global best practices could be studied for providing alternative livelihoods, which could include imaginative self-employment schemes with backward and forward linkages to be provided by Project Authorities.

8. Research studies stress that gross undervaluation of losses, replacement value of loss and costs of resettlement, has led to inadequate financing of R&R and externalization of costs of R&R to the displaced and the future generations. The new law has expanded the definition of ‘displaced’ to include project-affected persons; however, care has to be taken to ensure that all genuine cases are included and compensation is properly computed.

a) In computing losses, it has to be recognized that there are instances of tribal DPs who do not have documents to support their genuine claim but who base their ownership rights on oral tradition. Such claims should not be rejected.

b) Forest rights have been covered under the Forest Rights Act, but other CPRs such as Government land and Panchayat land has not been covered by any legislation. This needs to be rectified. Moreover, survey by Government is incomplete – as a consequence, community land is recorded as Government land and tribal communities, primarily tribes who practice shifting cultivation on such land, are denied compensation. This problem needs to be addressed by measures to include such cases under R&R provision.

c) Women require special consideration and affirmative action. Widows and unmarried adult daughters should be recognized as a separate unit.

d) The principle for working out land compensation has been spelt out. For all other assets, compensation should be based on replacement value or net present value of assets lost/destroyed.

e) While preparing the project cost estimates, the full cost for R&R should be included, and no attempt should be made to reduce costs for a favourable cost-benefit ratio.
f) The rehabilitation package and process should take into account, the cultural displacement, and loss of customs and tradition. For tribal people, their strength is their community, and therefore, it is imperative that they be resettled and rehabilitated as a community, if they so desire.

g) Infrastructural amenities to be provided in the resettlement area have been mentioned in the new law, but provision of banking facilities has been missed out. With primary emphasis on monetary compensation, it is essential that displaced tribals, who may not have experience in handling money and understanding of the monetary economy, should be advised on handling their cash compensation. Banking facilities should made available for keeping their money safe and credit facilities should be provided by the State (to avoid exploitation by money-lenders).

9. Land and water sources polluted by industrial and mining projects in tribal regions require attention and the onus for taking corrective measures should be on the Project Authorities. The schemes of the Government could be utilized to treat polluted land and water resources of tribal people.

10. The role of the Governor is crucial for protecting land, community assets, culture and traditional institutions of tribal people and to ensure that they are treated fairly. This role extends to ensuring socio-economic reconstitution of tribal DPs/PAPs. This raises the issue of suitability of persons who occupy the important position of Governor and other offices, such as Commissioners, Deputy Commissioners and District Magistrates, in Scheduled Areas. It is imperative that the antecedents and experience of persons be taken into consideration by the Government to check whether they can protect the interest of tribal communities and are suitable for such appointments, in view of the special role assigned to them in such States.

11. Implementation of the new law will be difficult in the absence of resettlement and rehabilitation capacities in the local administration, local community and corporate entities. It is essential that the State and corporate sector create such capacity by introducing professional training and orientation courses for following the best R&R practices worldwide and replicating them in the Indian situation. Offering tribal people monetary compensation and making promises without attendant capacity to deliver on them will not resolve the impasse that has brought land acquisition to a standstill. Sporadic attempts by instruments of the State to use force to acquire land is unethical and unacceptable. Only a genuine and bonafide effort at comprehensive and pragmatic R&R can persuade tribal people to part with their land.

12. The new legislation lays considerable emphasis on consultation and consent of Gram Sabhas. It is essential that the State be vigilant through adequate monitoring mechanisms for ensuring that consent is obtained freely and every displaced person gets adequate and comprehensive R&R in lieu of
land/livelihoods lost. The State must put in place a system to collect disaggregated data of DPs/PAPs for all social groups. Oversight mechanisms must be created at the District, State and Central levels, comprising officials and non-officials with proven competence, integrity and commitment to public good. There is a view that, though the new legislation has been enacted by the Centre, R&R is a State subject, which should continue. However, the Centre has a responsibility along with the states to ensure comprehensive R&R. The Central Government should decide on the monitoring mechanism to be put in place. One possibility is to establish an Authority/nodal agency with a multidisciplinary team under the Ministry of Land Resources.

13. In view of the large-scale discontent among displaced tribal people regarding poor R&R, a High-Level Fact-finding Committee/Enquiry Committee should be set up to investigate the quality of R&R in all medium and major development projects undertaken in the last fifty years in Scheduled Areas and tribal-dominated districts of States without Scheduled Areas. This Committee should be mandated to suggest ways and means to deliver justice to the displaced families, who have not received any proper rehabilitation. This is essential, in view of the fact that, the new law has not taken cognizance of the backlog of displaced people, a majority of whom are tribal people.

14. Myriad grassroot movements against exploitation of tribal people and other weaker sections hold the key to greater socio-economic justice. It would be desirable if the State recognizes this and engages with democratic grassroot movements, instead of crushing these movements.

15. Tribal people who have been displaced by conflict in Chhattisgarh and the Northeast should be rehabilitated by the State Government in their villages and provided facilities of housing, safe drinking water, health and education, skill development, electricity supply, irrigation facilities, and agricultural inputs. It is for the State to take preventive action and ensure safety and prevent tribal land alienation in such areas. During a visit of HLC to Assam, civil society groups and representatives of Autonomous Tribal Councils emphasized that influx of outsiders was a real threat to the tribal communities. They also alleged that inter-tribal conflict was being instigated by outsiders. It is the responsibility of the State Government to take measures to prevent such conflicts.

16. Under the ‘Coal Bearing Areas (Acquisition and Development) Act, 1957, pattas/legal titles for houses allotted in resettlement sites are not issued to the displaced. As a result, the displaced lose their identity and are unable to access public facilities provided by the local administration, thereby facing difficulty in obtaining Caste/Tribe certificates. Further, there is no provision for payment of compensation before taking possession of land. The provision for returning land to original landholders post-mining is rarely complied with. Clearly, there is a need to make amendments in the Act.
17. Development projects have opened up tribal areas leading to influx of people from outside the tribal region, seeking employment in various sectors. All this has resulted in increasing urbanization of tribal areas and immigrants, rather than tribals, have benefited from this. Consequently, the percentage of tribal population in some Scheduled Areas has declined, although historically, these areas were almost exclusively occupied by tribal people. Hence, it is recommended that there should be no reduction in the areas declared to be Scheduled Areas as this will harm the interests of already deprived tribal communities by diminishing their space and their resources. Rather, the representation of tribal communities should be enhanced and strengthened in the politico-administrative institutions within Scheduled Areas.

18. Tribal people suffer predominantly from the phenomenon of poverty-induced migration, also known as forced migration. An analysis of the Census data shows that there has been an occupational change and the number of tribal cultivators has reduced while the number of tribal marginal workers has increased. Micro studies indicate the increase in seasonal/circulatory migration of tribal workers, which may help them to avoid starvation, but is not enough to improve their standard of living. Hence, it is recommended that:

a) The Census and National Sample Surveys should gather data on the phenomena of seasonal/circulatory migration, migration of children across social groups and poverty-induced migration.

b) Priority should be given to STs in settlement of ceiling surplus land and wasteland, investments to improve agriculture, support for high value horticulture, employment opportunities in rural areas, access to credit facilities and skill-development to rural youth for employment in labour-intensive manufacturing sector.

c) Complaints have been received that, due to seasonal migration of tribal people, they are not enumerated in the Census and therefore, Census data is not a true reflection of tribal population. This grievance requires to be redressed.

d) Apathy and incapacity of the State to implement the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, has led to exploitation of tribal migrant families. In particular, tribal women and children suffer greatly. There is a growing demand for enactment of a comprehensive Migrants Rights Legislation, which deserves serious consideration.

19. Recommendations for measures to prevent illegal land alienation of tribal land are as follows:

a. In pursuance of the PESA, 1996, Land Transfer Regulations/Tenancy laws of all Schedule V Areas should be suitably amended to ensure Gram Sabha participation in the identification, investigation and restoration of lands to
tribal people. Gram Sabhas require to be strengthened by State Governments to undertake these responsibilities.

b. Plenary powers could be given to Gram Sabhas to fight cases of tribal land alienation collectively, as an individual tribal cannot afford to face prolonged legal battles, given their socio-economic conditions.

c. The Gram Sabha should be empowered to restore the alienated land on detection, pending the long legal battle, in order to potentially discourage a prospective non-tribal buyer of land in Scheduled Areas. This needs to be legally examined.

d. Care has to be taken to ensure that District Councils and State-level Council do not have powers to dissolve Gram Sabhas or to dilute the powers and functions of the Gram Sabha.

e. Legal loopholes and ambiguities in all Scheduled Area Land Regulations and Tenancy laws should be removed. For example, such a removal must ensure that tribal land is not transferred for purposes such as settlement of refugees, housing, etc.

f. There is a provision in the Andhra Pradesh Act, wherein immovable property of tribals can be mortgaged to banks and, in case of default, the property to be sold back only to tribal people or tribal cooperative societies exclusively formed by tribal people. This provision needs to be evaluated to explore replication in other Scheduled Area States. There is an urgency in doing so to meet the financial needs of tribal youth.

g. There is a presumption clause in the Andhra Pradesh Act that, until the contrary is proved, any immovable property in the Scheduled Areas and in possession of a person who is not a member of a Scheduled Tribe shall be presumed to have been acquired by the person or his predecessors through a transfer made to him by a member of a Scheduled Tribe. This clause should be examined by other States for adoption and inclusion in their laws.

h. Suitable amendments should be made in all land laws for protection of tribal land in Scheduled Area States to the effect that there should not be any time limit for restoring tribal land.

i. Suitable provision should be made in land laws so as to bring all benami transfers, transfers in the names of concubines, tribal servants or others into the purview to prevent fraudulent land transfer in Scheduled Areas.

j. The move to notify rural areas as urban areas in order to nullify PESA provisions should be stopped forthwith. Use of Master Plan in urban areas to alienate/displace tribal people from their land should be curbed.

k. Increased investment is required to be made by State Governments to provide legal aid to tribal petitioners so that they are in a position to hire competent lawyers to fight cases. The Government must also provide legal training, literacy and awareness programs for youth and women on State and customary laws contextualized with modernity processes, with the participation of NGOs.

l. Ultimately, it is the duty of State Governments, to ensure that all officials and lower-level functionaries do not connive in defrauding tribal people of
their land. Regular monitoring at the State and Central levels of disposal of cases and proactive efforts for restoration of tribal land is required. It is the responsibility of the State to address the problem of contradictory judicial pronouncements that jeopardize implementation of protective land laws by removing ambiguities in all relevant laws.

8. EDUCATION

Introduction

Aiyappan (1946), M.N. Basu (1955), Das Gupta (1962), Haimendorf (1962, 1976), A.R.N. Srivastava (1976) and several other anthropologists studied the problem of tribal education and suggested some remedial measures.

The all India literacy rates of scheduled tribes is 29.60% as against 52.11% of the general population (1991). Though the Government had made several efforts for the educational development of tribals these groups lag behind their non-tribal counterparts. Absenteeism, stagnation and a large number of dropout characterise tribal education. The proportion of enrolment is less that the population proportion of scheduled tribes. In the primary school stage, the dropout rate among them is alarming. The scheduled tribes are lagging behind in all spheres of development because of poverty, geographical isolation and other socio-cultural constraints.

Causes of slow progress in tribal literacy:

Main Causes of slow Progress in Literacy

1. Poverty of the parents.
2. Contents of education
3. Inadequate educational institution and supporting services.
4. Absenteeism,
5. Medium of institution, and
6. Education policy.

1. Poverty of the Parents.

For the poverty-ridden parents, education of their children is luxury which they can hardly afford. The children assist their parents in earning their livelihood. Grown-up children also took after the younger ones when the parents go out for work either as cultivators or as labourers. Absence of child care centres,
crèches, Balwadis etc., in the remote tribal areas, also has to share the blame for depriving the children of the poor parents of the facility of education.

2. Contents of Education

The curriculum of education for the tribals has to be carefully evolved. It has to take into consideration the socio-cultural milieu of the Scheduled Tribes. Presently the general contents of education have been extended to the tribal areas which in many cases are not relevant, particularly at the primary stage.

3. Inadequate Educational Institution and Supporting Services.

The tribal areas suffer from inadequacy of educational institutions, boarding and lodging facilities. Even where centres have been opened, about 40 per cent of them are without buildings. The supporting services, such as the incentives in terms of scholarships, book banks, etc., are very insignificant and generally do not attract the children.

4. Absenteeism

In the tribal areas the problem of absenteeism of the teachers is one of the important factors affecting the education. They generally remain absent for days together due to absence of supervision over them and also due to lack of dedication to the cause of education of the tribals. The children and also the parents, cannot afford to waste their time and generally apt to drop out from the schools.

5. Medium of Instruction

For the tribals the medium of instruction in the schools is a difficult problem. Even after 40 years of Independence we have not been able to provide education to the tribals in their mother tongue. The tribal children are not generally able to follow the lessons given to them in the school in the language which is totally to them.

The tribals, undoubtedly, form linguistic minority groups and are entitled to facility of instruction in their mother tongue at the primary school stage. Article 350 (A) of the Constitution specifically provides for adequate facilities for instruction in mother tongue at the primary stage of education to children belonging to linguistic minority groups. The President has also been vested with the power of issuing directives to any state for this purpose.
6. Education Policy

So far there is no clear educational policy for the tribal areas. Inspite of the recommendations and suggestions of various Committees and Commissions, no policy for the tribal areas has been evolved. In some states the schools in tribal areas under the control of Education Department. Lack of administrative policy regarding the educational institutions in tribal areas adversely affect the education of the tribals.

Ashram Schools:

It was in 1922 that Thakkar Bapa a social reformer initiated the experiment of Ashram school in Panchmal hills of Gujarat for the benefit of tribal children. Later on, he introduced these schools in the states of Maharasthra and Bihar. After independence many voluntary organisations established ashram schools in Maharasthra, Gujarat and Orissa.

Though Government of India made efforts to start ashram schools in the tribal areas during the First Five Year Plan, it was only in the Third Five Year Plan that they gained momentum. These schools were started in the tribal areas to meet the educational needs of tribals living in interior areas where it was no possible to set up modern formal education schools. Ashram schools are residential schools. Free boarding and lodging is provided to inmates of these schools. Along with formal education, skills in crafts and vocations are imported in these schools. Various committees or tribal welfare programmes set up by Government of India have suggested that

Ashram schools should be inter-village schools.

Ashram schools should be opened in such areas where normal schools cannot be opened and Most backward tribal groups should be covered by tribal schools.

Christians missionaries working in tribal areas were the first to start modern formal education among tribes (in 1831). During this period the illiterate tribes were found to be exploited in various ways by the landlords, moneylenders and other non-tribals. To rescue the Tribals from all these people the missionaries started the missionaries started schools. Besides these missionaries’ voluntary organisations like Bhartiya Adimajati Seva Sangh also spread Formal Education.

Government Initiatives

The Constitution of India provides certain specific and general safeguards for the scheduled tribes to promote their educational and economic interest and to remove their traditional social disabilities. Article 46 of the constitutions lays
down a Directive Principle of state policy. It provides that “the state shall promote with special care the educational and economic interest of the people and in particular of Scheduled Castes and Scheduled Tribes and shall protect them from social injustices and all forms of exploitations.”

The government of India has appointed several commissions and committees from time to time to suggest reforms in the educational system in order to meet the new demand of the country. The suggestions made by these committees and commissions form the main basis of the educational policies in India. The following are the National commissions appointed by the government.

1. University Educational Commission 1949)
2. Secondary Educational Commission 1950 to 1953
5. Revised policy (1992)

The Kothari Commission made some suggestions to improve the conditions of Scheduled Tribes:

1) Opening of ashram school in the sparsely populated areas
2) Medium of instruction in the first two years would be given in the tribal language and during this period the children should be given oral instruction in the regional language and by the third year the regional language should become the medium of instruction.
3) Should have all the teachers serving in these school.
4) Selection of suitable and promising young men from among these people to train them to work and serve their brothers.

The National Policy on Education 1986, the government document on Education, has a strong bearing on tribal education.

Various measures such as the following have been taken in favour of scheduled tribe children’s education:

1) Post metric scholarship for all tribal children,
2) Incentive schemes like supply of books and uniforms,
3) Opening of hostels and schools,
4) Crash programmes for training scheduled tribe teachers with preference to women by relaxing qualifications.
5) Changes in the content of curricula,
6) Preparation of books in tribal languages.

To boost the education in the country in the Sixth Five Year Plan emphasis was placed on non-formal education. In 1979 under the national education
programme adult education projects were started in tribal blocks. Training programmes were conducted covering subjects such as Modern methods of agriculture, Animal husbandry, public health and Personal hygiene. The X Five Year Plan also emphasised educational development of tribes.

Suggestions:

(i) The content of education should take into consideration the needs and aspirations of the tribal people. The choice of subjects at the primary level should be carefully made. Education should be job-oriented. There should be proper arrangements for vocational education. The curriculum should keep in view the traditional local skills and crafts. The tribals should also be taught elementary civics to familiarise them with their rights and duties.

(ii) Due priority should be given for opening of educational institution in the tribal areas and construction of school buildings should be undertaken under the National Rural Employment Programmes. In these areas more and more, residential facilities like hostels should be provided to all those who walk more than 4 kms. to attend the schools. The curricula should take into consideration the socio-cultural milieu of the tribals.

(iii) The teachers should be selected from the tribals themselves even by relaxing the educational qualifications, in case sufficient number of qualified teachers are not available. The non-tribal teachers who know the tribal language may be selected. Steps should be taken for setting up more and more Balwadis, crèches and child-care centres in the tribal areas. Suitable nutrition programmes should also be carried on in such centres to create among them an awareness about health and balanced diet.

(iv) Non-formal and vocational education centres are very successful and should be able to provide academic education as well as vocational training to meet the needs of various industrial and other projects set up in the tribal areas. Industrial Training Institutes should take into consideration the tribal needs. Post training care should also be the part of the training programme.

(i) Education should not provide bookish knowledge alone. It should also create interest for better for better life. The tribals equipped with knowledge will not only be able to protect themselves from exploitation but will also be able to take advantage of the various development programmes. The tribals have inherent talent for sports. Their talent in this field should be harnessed. Thus, education plays a key role in the development of the tribes and therefore as laid down in the Directive Principles of States Policy it should be promoted with ‘special care’.

Education
✓ The purpose of education anywhere, including in tribal areas, should be to provide children with an understanding of the environment and society in which they live and to endow them with the capability to earn a livelihood in the local society and, for those who have the desire and ability, in the national job market.

✓ There is a marked gender gap with respect to education in tribal society. This is reflected in the disparity in literacy levels, drop-out rates and enrolment in higher education. Hence, there is a need for greater gender focus and social mobilization to encourage education of girls. The State must develop certain mechanisms to this effect.

✓ Since the educational scenario in tribal areas is marked by poor infrastructure, providing adequate infrastructure, such as classrooms, teachers and teaching aids as well as basic facilities like electricity, water, boundary walls and toilets is absolutely essential for the proper functioning of these schools and from the perspective of security and safety of children.

✓ In view of the deteriorating condition of elementary education in tribal areas, where Sarva Siksha Abhiyan has hardly been of help, recourse should be taken to the Right of Children to Free and Compulsory Education Act, 2009 which provides for compulsory enrolment of all children between the age group 6 to 14, re-enrolment of those who have dropped out with the facility of special coaching for admission in a class appropriate to his or her age, and admission of a child in a neighbouring school of his or her choice. The Act should be stringently implemented.

✓ Keeping in view the difficulties of adjusting to a new cultural environment, teachers for schools in the tribal regions should be recruited locally. Along with the teaching staff, the administrative staff dealing with tribal education should have regular orientation courses to appreciate tribal culture and way of life. To facilitate such training, the centres of training should be located in the tribal areas. There should be a separate cadre of teaching and administrative staff, who will serve among the tribal schools over the long run.

✓ New teacher training institutions should be opened in the TSP areas to meet the full requirement of qualified and trained teachers. The curriculum for the training should be drawn up very carefully, taking into account the socio-cultural milieu, tribal ethos, language etc.
✓ The dearth of teachers fulfilling the eligibility criteria set out under the RTE Act is an impediment to achieving the right to education in tribal areas. For addressing the current crisis of absence of teachers in tribal areas, special efforts need to be made to produce more teachers who have qualified the Teachers Ability Test. This must be done on an emergency basis. In the interregnum, teachers appointed in educational institutions must be given a term within which they qualify the Teachers Eligibility Test, and facilities be provided to assist them in taking this test, including training, courses and access to materials.

✓ The State Governments should develop a policy for multilingual education, so that early learning is conducted in the local language.

✓ The experiment with the Model Primer developed in Odisha and other similar ventures may be worked upon in TSP areas and in tribal languages in other states as well.

✓ Inclusion of local culture, folklore and history in the curriculum can help in building confidence of tribal children and enhance the relevance of education in their lives. Music and dance are a central part of tribal life. Therefore, storytelling, theatre, painting, music and dance performances should be promoted. Similarly, sports such as football, archery and other popular local sports are extremely beneficial and therapeutic for children and should be promoted.

✓ Recognizing that the tribal people have certain cultural ‘genius’, different aspects of ‘indigenous knowledge’ should be documented, researched and promoted. For developing better understanding of the tribal cultures and their promotion, there should be appropriate number of tribal cultural academies in regional centres. An important step in this direction is teaching tribal history and culture in schools for both tribal and non-tribal children.

✓ To address the problem of low representation of the tribals in higher education, it is necessary to refurbish primary and secondary school education through special coaching.

✓ Institutions of ITDAs/ITDPs and micro-projects support to the tribal schools should be strengthened for prevention of dropouts.

✓ The policy of no-detention needs a review. When the student, teachers, or parents of the student request for retention of a child to enable
him/her to acquire skills to move to the next class, he/she should be retained.

✓ In light of the harsh terrain of tribal inhabitations, norms concerning distance and Pupil-Teacher Ratio, at all levels of school education, should be reviewed.

✓ The policy of vocational education at the secondary and senior secondary level needs further integration and strengthening.

✓ There is a marked absence of quality secondary and higher secondary schools in tribal areas. The Government needs to establish well-run residential schools such as Jawahar Navodaya Vidyalayas closer to the habitations (within a radius of ten kilometres) up to Class XII. These schools must provide comprehensive facilities for marginalized children including quality education, health care and academic support classes.

✓ Residential schools should be set up specifically for Nomadic Tribes. The basic principles are: (a) The residential schools should be in places where the weather is least harsh, (b) there should be special security for the children, including girl children for whom there should be women wardens, (c) the parents of students should be brought to these institutions so that they are informed about the education, and quality of life, of their children, (d) there should be proactive efforts by Tribal Affairs officials of the State to approach every family to help them make an informed choice to send their children to the schools, (e) the holidays for these schools should be fixed in such a way that the children can meet their family, when the family returns to the place where they celebrate festivals, weddings, etc.

✓ In residential schools, which are often in the news for incidents of sexual abuse of students, strong mechanisms should be put in place to protect the students from abuse, neglect, exploitation and violence.

✓ There is a need to recognise the adverse impact of violence on children’s education. No schools or areas in the immediate vicinity of schools should be occupied by security forces or the police, as has been the case in conflict zones in tribal areas. Demilitarisation of schools is vital in order to restore schools as a place of safety, security and scholarship for students.
✓ Involvement of community in educational interventions through the Panchayati Raj Institutions needs to be institutionalized. Information on various schemes and benefits to beneficiaries should be provided to the Gram Sabhas and Gram Panchayats, which would create transparency and increase awareness about their entitlements.

✓ There is a need for regular social audits to monitor the functioning of schools. To this end, a monitoring committee at the block level for primary and middle schools and district level for high and higher secondary schools should be set up.

✓ Most of the educational ‘missions’ do not reach the tribal areas and where they do reach, they are too rare to have any significant impact. The State educational machinery is largely responsible for this situation. There should be proper accountability of the State educational administration to end the longstanding stagnation in education in tribal areas.

✓ The scope of education needs to be expanded for the purpose of scholarships and should include tribal painting, art, craft, song, music and dance, etc. While the Ministry of Tribal Affairs is now supporting scholarships for students belonging to Scheduled Tribes, the UGC and the MoTA should support scholarships for tribal studies for non-tribal students also. A single window scholarship portal targeting the Scheduled Tribe students should be established to provide information on different scholarship schemes.

✓ Regional Resource Centres in States with significant tribal populations should be established to provide training, academic and other technical support for development of pedagogic tools and education materials catering to multilingual situation.

✓ It is suggested that owing to poor condition of the State Tribal Research Institutes, there is the need to improve the same in terms of infrastructure, quality of staff, research output and direction for policy. It is also recommended that a Central Tribal Research Institute, as has been planned by the Central Government, be launched.

✓ It is recommended that a Tribal Chair be established by the UGC in Universities in every State comprising Fifth Schedule Areas.
9. HEALTH PROBLEMS

Introduction:

John S. Gaikwad (1970), D.P. Mukherji (1973), P.C. Malhotra (1967), P. Bhole (1986), S.L. Khatle (1986), R.K. Mutatkar (1986) World Health Organisation (1986) and several others studied the problem of health among the tribes in India. All these studies show that the health status of the tribal populations in India is very poor. They have pointed out that poverty illiteracy, malnutrition, absence of safe drinking water and sanitary living conditions, poor mutual and child health services, ineffective coverage of national health and nutritional services are the contributing factors for the poor health conditions among the tribal populations in India.

Health Problems.

The tribes in India understand their health problems according to the dictates of their culture. In this context, they classify their diseases into seasonal, incurable, curable, hereditary and women’s diseases.

(i) The several diseases are several Amoebic dysentery, malaria, chronic headaches, jaundice and bacillary dysentery occur in summer. Diarrhoea, cold and cough, fever, bronchitis and tonsils occur during rainy season. Scabies, ring worm, chicken pox and fevers occur in winter season.

(ii) The curable diseases are common headache, hook worm infestation, round worm infestation, amoebic dysentery, blood dysentery, jaundice, cold and cough, ring worm, fevers and chicken pox.

(iii) The incurable diseases are yaws, tuberculosis, diabetes, epilepsy, syphilis and leprosy.

(iv) The hereditary diseases include diabetes, tuberculosis, epilepsy and filarial.

(v) The disease of women includes infections of genital tract, the venereal diseases and irregular menses.

Distribution of diseases:

The seasonal diseases occur in all tribes in India. Likewise, the curable diseases occur in all the areas where the tribals live.

The incurable and hereditary diseases occur in specific areas inhabited by the tribals. Yaws is mostly found among the tribes living in the scheduled Areas
of Orissa and Andhra Pradesh. Sporadic instances occur in the tribal areas of Chhattisgarh, Madhya Pradesh and Tripura.

Tuberculosis occurs in different tribal tracts of Chhattisgarh, Madhya Pradesh, Maharashtra, Rajasthan and Tripura.

Incidence of leprosy is high among the tribes of Assam, Jharkhand, Chhattisgarh, Orissa, Uttar Pradesh, Tripura, Lakshadweep and Minicoy islands.

Venereal diseases occur among the Andamanese, Todas, Khasas of Jaunsar Bawar, Khonds of Orissa, and tribes of Chhattisgarh, Rajasthan, Karnataka, Lakshadweep and Islands. The high among the polyandrous tribals like the Todas and Khasas. It is also high among the Santhals of Mayurbhanj District of Orissa.

Infectious of genital tract are numerous and widespread among the tribal areas. Such diseases are related to inappropriate care or poor hygiene in connection with child-birth, abortion or menstruation.

Respiratory infections, skin infections, gastroenteritis, helminthiasis, trachoma, fevers of unknown etiology are some of the communicable diseases which are also found among tribal groups. Induced abortions, inbreeding, addiction to opium and disturbed sex ration leading to storage of women were some of the health problems indicated by investigations. The Singpho of Arunachal Pradesh are addicted to opium. On account of this their population came down from 40,000 in 1961 to 10,000 in 1991.

**Special health problem:**

The tribal populations have special health problems and genetic disorders like sickle cell anaemia, glucose-6-phosphate enzyme deficiency, thalassaemia, and haemoglobin-E, which occur in high frequencies.

(i) Sickle cell disorder is prevalent among tribes of Mahapatra, Pardhan, Pawara, Madia, Gond, Bhil, Halbi, Malhar Koli, RajGond, Koruku, Tandvi, Kolam, Warli, Katkari, Kokana, Andha, Mahadeo, Koli, Thakur. The same tribal population groups residing in the neighbouring states of Gujarat, Madhya Pradesh and Andhra Pradesh have a similar prevalence.

(ii) Thalassaemia is another type of disorder among the tribes in India. It pertains to haemoglobin synthesis. The production of normal haemoglobin (HbA) is inhibited due to anomaly in the orderly synthesis of one or the other polypeptide chain of haemoglobin molecule.

(iii) Sickle cell Haemoglobin (HbS) is prevalent in Central, Western and Southern India. There were more than 35 tribal population groups showing a
frequency of 19%. According to the DST report 1990 approximately 50 lakh individuals were carriers (Heterozygous) among the tribals. In some South Indian tribes like Mullukurumba, Paniyan, Pradhan, Irula, Adiyans, Konds Kamara the percentage of Haemoglobins or Sickle cell Haemoglobin is prevalent up to 40%. It has been observed that Sickle cell trait (HbAS), in heterozygous condition confers protection against Falciparum Malaria. Tribals carrying Sickle cell trait (HbAS) are more prone to certain diseases like Pulmonary disorders, Haemolytic crisis, Mild jaundice, Infections and Kidney disorders. About 1.6 lakh tribal individual suffer from Homozygous (HbSS). These Homozygous individual with few exceptions do not survive up to adulthood.

(iv) Glucose –6- Phosphate enzyme deficiency (G-6-PD) of the red blood cell is inherited as an X-linked recessive trait. Males are affected by this deficiency. About 13 lakhs G-6- Pd deficient were present in tribal population (DST 1990). This deficiency diseases were prevalent among the tribes of Madhya Pradesh, Maharasthra, Tamil Nadu, Orissa and Assam. Glouse-6-Phosphate dehydrogenase enzyme deficiency is one of the most common defects of inherited red cell enzyme which prevalent among tribes from South-North, North-East through Western and central India (Das 1985). Among the Naik-Lambadi and Koya Southern tribes the frequency of G-6-PD is below 5% while among the Western tribes like the Khatari, Bhil, Dhodia and Konkana the percentage vary between 5-10%. Central tribes like Gond exhibited high frequency (19%) whereas among the Angami Nagas the frequency is higher (26.06%).

(v) Haemoglobin E (HbE) occurs among the Totos of North-East. The tribes of North-East show HBE gene in high frequency among the Mikir tribe (0.198) and the Kachari tribe (0.549).

(vi) Infant mortality rate is one of the indicators of the health status of a society. Valuable information of infant mortality rates of tribal population of different states of India shows that it is minimum in some states and very in some other states. The tribal populations belonging to the states of Andhra Pradesh, Gujarat, Madhya Pradesh have high infant mortality rate (140/1000).

(vii) Nutritional problems are also common among the tribes in India. Malnutrition is common among tribes and affects the general physique of the tribals and lowers the ability to resist infections and leads to chronic illness. In the post-weaning period if leads to permanent brain impairment. Among most of the tribal population the staple diet is rice. Occasionally they also consume birds, fish and other meat products. Their nutritional status depends on the capability of the tribal group to procure and consume food of their choice. Tribals largely depend on the forest produce, which is easily available for consumption. Tribal diets are deficient in calcium, Vitamin-a, Vitamin-c, Riboflavin and animal protein. In some South Indian tribes, the diet is deficient in Calories and protein. The studies on dietary status and health of tribals of Bihar, Maharasthra, Andhra
Pradesh, Madhya Pradesh observed deficiency of Proteins, Calories and Amino acids. In some primitive tribes of Phulbani, Koraput, Sundergarh district in Orissa, Bill, Garasia of Rajasthan, Padar, Rabri and Charan of Gujarat and Bonda of Orissa, high incidence of malnutrition were observed.

Deficiency disease like Anaemia, Kwashiorkor, Marasmus and vitamin deficiency signs like Bitot’s spot and angular stomatitis were prevalent among tribal population. Nutritional anaemia, which lowers resistance to fatigue, and increases susceptibility to other disease is common among tribal women.

Maternal mortality was reported to be high among tribes in India. The chief causes for maternal morality were unhygienic conditions and primitive practices for parturition.

**Causes of disease:**

The tribes in India attribute the causes of disease to environmental, social, supernatural and acculturative factors.

(i) Environmental factors: Tribal people living in forest and hilly areas depends on perennial hills streams for their water requirement. The streams are used for bathing of humans and livestock. Dirty clothes are cleaned in the stream water directly. Men and women defecate on either side of the stream and wash directly in the stream water. The stream water carries decomposed leaves and other vegetative matter that provides a breeding ground for various kinds of parasites. The water used for domestic purposes is released into small pit outside the house.

Physical or environmental causes, include accidents, venomous snake bite or insect-bite, attack by ferocious animals, eating if inappropriate food, contact with poisonous insects and plants, effect of changing weather and environmental factors.

(ii) Social factors: They include (a) Non-fulfilment of obligations towards relatives, to neighbours and to friends (b) Social factors treatment status, role and rules pertaining to treatment of patients (c) Allowing a large number of relatives or visitors to see the patients, (d) Mingling of patients with people. (e) Entering the task of child care to the victims of leprosy or other diseases.

(iii) Supernatural factors: The attitudes of tribals towards health and diseases are superstitious and unscientific. The concept of etiology illness, of diagnosis and treatment and ideas of prophylaxis were developed and preserved as the traditional lore of tribal society. In many tribal cultures ideas and practices relating to illness are inseparable from the domain of religious beliefs and
practices. The relationship with the Gods and ancestral spirits plays a decisive role in the occurrence of diseases in society. Tribals believes that “diseases are caused by supernatural powers and the wrath of their deities and ancestral spirits and therefore they can be cured by propitiation of the enraged supernatural powers by sacrifices of animals, religious rituals, sorcery and witchcraft”. They believe that a harmonic relationship with the supernatural ensure protection from diseases and other calamities. Hence, they make periodical offerings to them and worship them.

(iv) Culture context: Though culture contact tribals contracted venereal diseases and tuberculosis.

Treatment of diseases:

The tribal specialists, who treat the disease are: Shamans, divinators, sorcerers and doctors.

The tribals they some home remedies for treating some diseases before they procure the services of specialists. Shamans have many functions. Their activities include omen-reading, sooth-saying, divination for detection of the cause of suffering, exorcism, removal of the harmful effect of evil-eye, nullification of the influence of witchcraft or sorcery, propitiation of deities and manes, control or appeasement of malevolent spirits, preparation of magico-religious charms for clients, prescription and administration of herbal medicines, cure of snakebites. All their actives centre around cure of diseases, amelioration of sufferings and removal of socio-personal maladies. Shamans in tribals societies are respected and have high esteem. In the tribal society the medicine men and Shamans have comprehensive knowledge about of medical plants, roots, tubers seeds, flowers, barks, fruits, leaves, birds, reptiles, animals from which they extract medicines.

Government initiatives:

(i) The National Health Policy 1982 and the new revised 20-point programme of government of India stressed the need for improving the health status of the tribal population. The Central Ministry of health and family welfare, Government to India in order to reach the tribal population has relaxed the norms for establishment of Primary Health Centres (PHC’s) and sub centres in tribal areas. In a tribal/hilly area Primary Health Centre can be established to cover a population of 20,000 as against 30,000 in other areas. Similarly, a sub-centre can be established for a population of 3000 in tribal/hilly areas as against 5000 in other areas. A separate sub centres.

(ii) Out every 4 PHCs one is to be upgraded to a community health centre with 30 beds and 4 specialities of Gynaecology, Paediatrics Surgery and Medicine. Villages having more than 1500 population two or more village
heath guides are to selected and one of them should belong to scheduled tribe community.

(iii) The Ministry of Health and Family Welfare provide centrally sponsored schemes for control of Malaria, Filaria, tuberculosis, Leprosy and Blindness. A specific provision is made to carry out research into disease to which scheduled tribes are prone. Towards the end of Second Five Year Plan the Government of India launched a National Goitre Control Programme (NGCP) to control Goitre among tribal population. Indian Council of Medical Research (ICMR), (Ministry of Health and Family Welfare, Government of India) set up regional centres at Jabalpur, Bhubaneshwar and Port Blair to study the health problems of tribal population. Integrated Child Development services provided supplementary nutrition, immunisation, health check-up and referral services to children in age group of 0-6 years and also to pregnant and nursing mothers. In the tribal areas with a population of 700 persons an Anganwadi can be set up.

A number of MCH Schemes have been initiated by Government of India to provide maternal and child health care to reduce mortality and morbidity among the tribal population. The schemes are

1. Health education
2. Prophylaxis against nutritional anaemia
3. Prophylaxis against blindness due to Vitamin-A deficiency
4. Medical Termination of Pregnancy (MTP)
5. Universal Immunisation
6. Oral Rehydration Therapy (ORT)
7. Acute Respiratory Infection control
8. Minimum Needs Programme (MNP)

(iv) On the eve of the Fifth Year Plan Period a detailed of the tribal problem was taken up and the tribal sub-plan strategy was evolved. The objectives of the sub-plan are: socio-economic development scheduled tribes and protection of tribals against exploitation. The Integrate Tribal Development projects (ITDPs)/ ITDAs were conceived during the Fifth Plan for the implementation of sub-plan strategy. Modified area development approach (MAD) was adopted to cover smaller areas of tribal concentration having 10,000 population of which 50% or more were weak tribals. The tribal sub-plan strategy was extended to all tribal in country in the Seventh Plan Period.

Voluntary Organisation

There are many voluntary organisations working for the development and health care of tribal people. They are:
1) Action for welfare and awakening in rural environment (AWARE). This is a private voluntary organisation set up in 1975 working in Khammam district and also 9 district Andhra Pradesh. It has extended its activity to some pockets of Orissa, Karnataka and Tamil Nadu. In 1984 a project entitled “Floating Health Centres for Inaccessible tribal people” was initiated in the Khammam district with USAID assisted PVOH scheme. The project covered 38,000 population spread over 80 villages.

2) Sevadham is another voluntary organisation, which was set up in 1978 and is operational Ander Maval area in Puna district, which is inhabited by tribal people.

Remedial measures:

The remedial measures for solving the health problem of the tribal people in India.

(i) Efforts may be made to train local people at least as health care workers if not at higher levels.
(ii) Encouragement of indigenous system of medicine
(iii) Involvement of many voluntary agencies in health education.
(iv) Motivating the doctors and paramedical staff to work in tribal areas.
(v) Taking care of the physical comfort of doctors (housing etc) and medical staff working in tribal areas at least with regard to housing.

Xaxa committee on Health

The diseases prevalent in tribal areas can be broadly classified into following categories:
Diseases of underdevelopment

1. Malnutrition – Low birth weight, under-nutrition of children, lower body size of adults, anaemia, iron and vitamin A and B deficiency.
3. Communicable diseases – malaria, filaria, tuberculosis, leprosy, skin infections, sexually transmitted diseases, HIV, typhoid, cholera, diarrheal diseases, hepatitis, and viral fevers.

Diseases common in scheduled tribes

1. Accidents and injuries – including the burns, falls, animal bites, snakebites, violence due to conflicts, and more recently, motor cycle accidents.
2. Hereditary diseases such as the Hemoglobinopathies (Sickle Cell) and G-6 PD deficiency.

Diseases of modernity

1. High consumption of alcohol and tobacco in most areas and of drugs in the Northeast region.
2. Mental health problems – especially in the areas affected by conflicts.

Conclusions

Examination of the available facts about health of Scheduled Tribe population in India reveals that:

1. Population size: Total fertility rate in Scheduled Tribe population, though reduced to 3.12, is still above the replacement level.120 During 2001 to 2011, the Scheduled Tribes population in India has annually increased by 2.12 percent, constituting 8.6 percent of the total population of India in 2011, amounting to about 10 crores in absolute number.121 Health of the ten crores vulnerable people should become an important national concern. At the same time negative Scheduled Tribe population growth in Nagaland and in the Great Andamanese tribe in Andaman & Nicobar is a concern.

2. The mortality indicators of Scheduled Tribe population have certainly improved during the past decades. However, these are significantly worse than of the general population. A comparison on a few important child mortality indicators is as follows:

   The infant and child mortality rates (most likely to be underestimates) in the Scheduled Tribes have shown improvement but slower than in the total population, 123 with the result that these rates in Scheduled Tribes are higher by about one third than in the other population. Moreover, these show a huge variation between the states, and are particularly high in 7 states.

3. The life expectancy at birth in the Scheduled Tribe population was 61 years, several years less than in the general population in 2001.124 It is a commentary on the national data systems that updated information on life expectancy in tribal population is not available.

4. The nutritional status of Scheduled Tribe children as well as of adults reveals a sad picture.

   i) 53 percent boys and 50 percent girls in preschool age were underweight, and 57 percent boys and 52 percent girls were stunted in height.
   ii) 49 percent of Scheduled Tribe women had a body mass index less than 18.5 indicating chronic energy deficiency.
   iii) 40.2 percent of Scheduled Tribe men had a body mass index of less than 18.5 including chronic energy deficiency.
   iv) Dietary intake of tribal households showed large deficiencies in protein, energy, fats, iron, calcium, vitamin A and riboflavin.

   The under-nutrition in children and adults in Scheduled Tribe population has certainly decreased over a time period (from 1985-87 to 2007-08), yet the present
levels of deficient food intake and under-nutrition are unacceptably high, almost always higher than in the non ST counterparts.

5. The social determinants of health are heavily pitted against the health of the Scheduled Tribe population. For example, the following differences are noted among Scheduled Tribes in comparison to the general population.

6. The sex ratio (number of females per 1000 males) in ST population at 990 as compared to 938 in non-Scheduled Tribes stands out as the best in India (2011). That speaks about an egalitarian social norm towards women. Unfortunately, with the exposure to the outside world, the sex ratio in tribal population is recently showing a decline.

7. Tribal people carry a traditional worldview with large number of beliefs and practices which affect their health, sometimes favorably, but sometimes unfavorably. There exists a severe gap of scientific knowledge about why diseases are caused and how to prevent them. This offers a great opportunity for improvement by way of spreading health literacy.

8. Tribal cultures have carried a heritage of traditional healing methods through the use of medicinal herbs, which address both mind and body. These traditional beliefs and methods are different from the modern scientific worldview and emerge from their living in forests rich with medicinal plants. This belief and healing system has a strong influence on the health practices and health seeking behavior and choices of tribal people. In order to study these systems in a holistic manner, there is a need to distinguish harmful and beneficial practices.

9. Public Health Service to Scheduled Tribe population is one of the weakest links. It suffers from several handicaps.
   i) It is often inappropriate for the needs in the Scheduled Areas, being a rubber stamp version of the national model primarily designed for the non-tribal areas. It does not take into account the different belief system, different disease burden and health care needs as well as the difficulties in delivering health care in a geographically scattered, culturally different population surrounded by forests and other natural forces. It is surprising that no serious thought was earlier given to design a public health care plan for Scheduled Areas.
   ii) The other major difficulty in delivering public health care to tribal population is the lack of health care human resource that is willing, trained and equipped to work in Scheduled Areas. There is a shortage, – vacancy, absenteeism or half-heartedness of doctors, nurses, technicians and managers in public health care system in Scheduled Areas.
   iii) Though buildings are built and health care institutions created in the form of health sub-centers, PHCs and CHCs, they often remain dysfunctional resulting in poor delivery of health care. This is further compounded by inadequate monitoring, poor quality of reporting, and accountability.
iv) Factors such as unfriendly behavior of the staff, language barrier, large distances, poor transport, low literacy and low health care seeking, lead to lower utilization of the existing health care institutions in Scheduled Areas.

v) Access to hospital care for all ailments remains very low in tribal areas. Thus, the public health care system in Scheduled Areas is characterized by low output, low quality and low outcome delivery system often targeting wrong priorities. Restructuring and strengthening this should be one of the highest priorities for the Ministries of Health and Family Welfare in states and at the Centre.

10. A reason for the inappropriately designed and poorly managed health care in Scheduled Areas is the near complete absence of participation of Scheduled Tribes people or their representatives in shaping policies, making plans or implementing services in the health sector. This is true from the village level to the national level. Even though the PESA gives Gram Sabhas the right and the role of influencing social sector schemes, which include health, there are no mechanisms in place for such participation or oversight at the village level. Similar situation is observed at the ITDP, district and the state levels. At the Central level, the Ministry of Health and Family Welfare has no separate body to shape policies or monitor programs in Scheduled Areas. This is in complete disregard to the promise of the Constitution and the Panchsheel guidelines.

11. In addition to the various weaknesses listed above, there is a common perception and complaint that funds for health care in tribal areas are underutilized, diverted to other areas, or utilized inefficiently, and worst, siphoned off by way of corruption.

12. Coverage with medical insurance including the Rashtriya Swasthya Bima Yojana (RSBY) remains extremely low in the Scheduled Areas. Thus the Scheduled Tribes populations are almost completely without financial protection against acute and catastrophic illnesses.

13. From the pre-independence period to the present day, voluntary organizations including the missionary or religious or the non-government organizations (NGOs), have made laudable attempts to provide health care to tribal people. They have often reached out to underserved areas or pioneered better ways of delivering health care. However, such efforts remain localized and predominantly curative.

14. There is a near complete absence of basic data required to make situational diagnosis of health and health care in Scheduled Areas. The Sample Registration System, the NFHS, DLHS, AHS, NSSO – none are designed to give reliable, robust, timely and segregated estimates of health outcomes in Scheduled Tribes populations. Such data are completely subsumed in the data for the whole population making any assessment of the health of Scheduled Tribes populations
very difficult if not impossible. In the absence of such quantitative estimates, the evidence-based insights and professionally sound efforts for correction have been missing.

**Recommendations**

1. The first principle of any policy or program for tribal people is participation. Tribal people as a population segment are not politically very vocal. However, they have different geographical, social, economic and cultural environments, different kind of health cultures and health care needs. Hence their views and priorities must get due place in any health care program, meant for them. We suggest making use of three types of existing institutional mechanisms to improve the programs.

   **Tribal Health Assembly:** From the Gram Sabhas at village level, up to the national level, Tribal Health Assemblies should be annually organized in which the people (at the level of village) or their representatives (at the higher levels) participate. For instance, such a ‘Tribal Health Assembly’ is annually organized for the past 15 years by an NGO, SEARCH, in Gadchiroli district (Maharashtra) for three purposes, a) to listen to the health problems and priorities of the people, b) to get approval for the proposed health solutions and activities, c) to get their feedback on ongoing activities. This can serve as a model at the local level in other Scheduled Areas. At least one Gram Sabha meeting annually should be exclusively dedicated to the purpose of health and related subjects.

   **Tribal Health Councils:** These should be constituted by including elected representatives, NGOs, experts and government officers for the purpose of planning and monitoring of programs. Such councils should be constituted at the block or ITDP level, district, state and national level. These should be empowered to shape the health plans and monitor implementation. These sub-committees of Panchayat level, district level and Zilla Parishad could function as Tribal Health Councils.

   **Tribes Advisory Councils at the state level:** These Councils should approve the health plans prepared by the Tribal Health Councils, and to review the performance of implementation.

2. In view of the enormous diversity among nearly 700 tribes in India, the second principle to be followed is of area specific and tribe-sensitive local planning. The PESA provides an institutional basis for this. The three institutional mechanisms suggested above, when created and made operational at the block, district and state level, will allow local planning.

3. Social determinants of health – literacy, income, water, sanitation, fuel, food security and dietary diversity, gender sensitivity, transport and connectivity – play very important role in determining the health outcomes. Hence, inter-sectoral coordination for improvement in other sectors is as important, if not more, as health care. Some specific suggestions for improving health are:
a) The construction of drainage system, village sanitation infrastructure, personal toilets and the environmental measures to control mosquito-breeding can be included in the MGNREGA scheme and completed on priority basis in Scheduled Areas.

b) To reduce the household use of unclean fuels and biomass burning, the solar energy, especially the solar cooker, water heaters and lights be promoted in Scheduled Areas. This will also help save trees.

c) Improving nutrition of children, adolescents and pregnant and lactating women is critical for the Scheduled Tribes population. The nutrition awareness and feeding programs in the Scheduled Areas can be better implemented in collaboration with the National Rural Livelihood Mission and the women’s saving groups in the villages.

d) Health and income available for family will show improvement by controlling alcohol and tobacco.

4. Empowerment of the Scheduled Tribe people is another cardinal principle. Building their capabilities to care for their health is the long term solution far superior to a perpetual dependence. This however does not mean that the government or the rest of the society can abdicate their responsibility towards tribal people. But this responsibility can be better served in long run by building local capacity. In other words, instead of ‘giving’ health care, the policy should be to build ‘capacity to care for health’. This principle should guide in planning health care – especially in the choice of who will provide health care, where, when and how.

5. To bridge the scientific knowledge gap of centuries, health care for Scheduled Areas should give paramount importance to spreading ‘health literacy’ by way of mass educational methods, folk media, modern media and school curriculum. Enormous scope exists for communication in local dialects and for the use of technology.

6. A large number of Scheduled Tribe children and youth – more than one crore – are currently in schools. This provides a great opportunity – both for improving their health and for imparting health related knowledge and practices. Schools, including the primary schools, middle schools, high schools, ashram shalas and also the Anganwadis should become the Primary Health Knowledge Centers.

7. Special attention should be given to women, children, old and disabled people in the Scheduled Tribe population as these are the most vulnerable.

8. Traditional healers and Dais play an important role in the indigenous health care. Instead of alienating or rejecting them, a sensitive way of including them or getting their cooperation in health care, must be explored. Traditional herbal medicines should be protected through community ownership. The ownership and intellectual property rights of tribal community over their own herbal medicines and practices should be ensured.

9. Apart from the physical distance, a huge cultural distance separates the tribal population from others. Health care delivery to the Scheduled Tribe
population should be culture-sensitive and in the local language in order to overcome this distance.

10. Health care delivery system for Scheduled Areas must keep as its guiding principle the Chinese axiom – How far can a mother walk on foot with a sick baby? Health care must be available within that distance. This, for the tribal communities living in forests, means health care must be available in their village/hamlet. Sixty years of failure should teach us that health care from outside is not a feasible solution. The design of health care in Scheduled Areas should be such that major share of health promotion and prevention and a sizable proportion of curative care is generated and provided within the village or hamlet.

11. In light of these principles and in view of the common disease pattern and needs listed earlier in the conclusions section, we recommend that the Ministry of Health and Family Welfare should redesign the primary and secondary health care services in Scheduled Areas. The new pattern should not be enforced as a top-down, vertical, uniform national program, but should provide a framework for local planning with local participation. Thus, the ‘Tribal Health Plan’ will have three feature: one, a process framework about ‘how’ to prepare the local plan, which will be in the form of guidelines on mechanisms; second, a series of locally developed need-based contents of the plan and third, a design or structure of the health care system to deliver such services in all Scheduled Areas. This ‘Tribal Health Plan’ should become an essential feature of the National Health Mission and of the Tribal Sub Plan. The goals and monitoring indicators of this plan will be different than the regular MIS of the NHM.

12. Human Resource for Health: The well-known difficulties in deploying doctors, nurses and other technical personnel from outside into Scheduled Areas have made the problem of human resources the Achilles’ heel of health care in Scheduled Areas. We recommend that, instead of making futile efforts to import unwilling and unstable personnel from outside, the most feasible and effective long term solution will be to select, train and deploy local Scheduled Tribe candidates. This should be done at the following levels:

The Accredited Social Health Activists (ASHAs) and Anganwadi workers – from the same village or the hamlet.

The ANMs and paramedic workers – from the same block.

The doctors and public health program managers – to a large extent, from the same district.

The candidates must be local, belong to Scheduled Tribes, be fluent in local tribal dialects, be selected on merit and should be committed to serve in the local Scheduled Area for at least ten years.

The ASHA workers, Anganwadi workers and ANMs will continue to be the mainstay of health care in rural and tribal areas. Due to the physical isolation of tribal communities, compounded by a lack of doctors, it will be pragmatic to train, equip and empower the three ‘As’ – ASHA workers, Anganwadi workers and ANMs – in tribal areas to a higher level.

Since the selection for medical education is through a statewide and all India competitive process, the local Scheduled Tribe candidates may not get selected.
Hence, we recommend that separate Medical Colleges for Tribal Areas be opened in selected scheduled districts, one college per three million Scheduled Tribe population in the state. All seats are to be reserved for such committed Scheduled Tribe candidates, to be selected from the respective Scheduled Areas, depending on the population and need for doctors in each Scheduled Area. The aim should be to provide, in ten years, the required number of appropriately trained doctors to serve in these areas. The High Level Expert Group (HLEG) on Universal Health Care, appointed by the Planning Commission, in its report (2011), has recommended that the District Knowledge and Training Centers be developed and made into medical colleges attached to district hospitals, and nearly new medical colleges should be opened in the country, especially in undeveloped regions. These recommendations can be used to open Medical Colleges for Tribal Areas. Approximately 30 new medical colleges for tribal areas, each with 60 seats per year, will be able to produce nationally about 1800 new doctors per year, selected from, trained and legally committed to work in the Scheduled Area of their origin.

The Medical Education for Tribal Areas (META) should be, to some extent, different from the regular MBBS, and hence, should not entirely follow the curriculum of the Medical Council of India. Besides the regular medical curriculum, some modifications are necessary such as: i) knowledge of and sensitivity towards tribal culture and language, ii) methods of communication iii) training and management of a health team, iv) competencies in preventing and managing health problems common among the Scheduled Tribe population by way of clinical, outreach and public health approaches, v) collaboration with other sectors of development affecting health, e.g., sanitation, nutrition, education, forestry. If necessary, the MCI recognition for this degree may not be sought, or a new degree different than MBBS be created, with legal permission to function as a doctor in Scheduled Areas.

13. Addiction has serious effects on the socio-economic fabric of tribal society. It affects not only health but also productivity, family economy, social harmony and ultimately, development. Hence, i) the Excise Policy for Scheduled Areas, approved by the Ministry of Home Affairs, Government of India, in 1976 and accepted by the states, should be implemented effectively, ii) the availability and consumption of tobacco and drugs should be severely controlled and iii) the availability and use of alcohol and tobacco products among the Scheduled Tribe population, and the implementation of control policies by the states, should be monitored on selected indicators. These efforts should become a critical part of the Tribal Sub-Plan.

14. The TSP budget, in proportion to the Scheduled Tribe population, should be an additional input and not a substitute to the regular budget for routine activities of the Health Department in Scheduled Areas. At least ten percent of the total TSP budget should be committed to the health sector, the Tribal Health Plan in the Scheduled Areas, in addition to the regular health budget for these areas.
15. Data on the Scheduled Tribe population is a basic ingredient for planning, monitoring and evaluating health programs in Scheduled Areas. All national data systems – the Census, SRS, NFHS, NSSO, and DLHS – should be asked to plan for and generate Scheduled Tribe-specific estimates on health indicators at the district level and above. One percent of the total budget for the Scheduled Tribe population (TSP) should be allocated to the generation of reliable, timely, and relevant segregated data on Scheduled Tribes population, from the local to national level. This will provide the crucial instrument – the facts – necessary to guide program managers, policy makers and the Scheduled Tribe population itself.

Towards this, the specific measures recommended are –

a) Construction of a composite Tribal Development Index (TDI)

b) Construction of a composite Tribal Health Index (THI) including the indicators on health status, determinants and health care.

c) Ranking of 151 districts with more than 25 percent Scheduled Tribes population and of states on these indices.

d) Creation of a high power national body under the Ministry of Health and Family Welfare to facilitate the commissioning and collection of relevant data and monitoring of the indices and progress. This body should complete the work through the various existing agencies/surveys such SRS, NSSO, NFHS, DLHS, AHS, NNMB, the TRTIs in the states, the ICMR institutes network on tribal health, and finally, the health ministries in the states. Necessary administrative and financial authority should be provided to this body. Broadly, one percent of the total health budget for tribal areas (the regular health budget for Scheduled Areas, including the health component in the TSP) should be devoted for this purpose.

16. Research: From the public health point of view, certain aspects of tribal health need research. These are:

a) Epidemiology, disease patterns and mortality rates in Scheduled Areas

b) Traditional belief systems and practices, and effective communication methods

c) Tribal healing systems

d) Methods of health care delivery in Scheduled Areas.

e) The AYUSH (Ayurveda, Yoga, Unani, Siddha, and Homeopathy) department and the Indian Council of Medical Research should incorporate these into their scope of working.

17. The Proposed Goals of the Tribal Health Plan should be:

a) To attain the Millennium Development Goals (2015) on health and nutrition for the Scheduled Tribe population in India by the year 2020

b) To bring the health, sanitation and nutrition status of the Scheduled Tribe population to the same level as that of the non-Scheduled Tribe population in the respective states by the year 2025
c) To create the human resources necessary for provision of healthcare in Scheduled Areas, as per the norms set by the High Level Expert Group on Universal Health Coverage (2011), by the year 2025

d) To create and make functional the institutions for participatory governance (Tribal Health Assemblies and Councils) at all levels in the Scheduled Areas by the year 2016

e) To annually generate Tribal Health Plans at all levels by the year 2017

f) To annually allocate and spend 8.6 percent, in proportion to the Scheduled Tribes population, of the total Health Sector Plan and Non-plan budget, plus 10 percent of the TSP for the implementation of the Tribal Health Plan.

10. IMPACT OF INDUSTRIALISATION

Introduction:

The process of socio-economic development initiated under the successive Five-Years had provided a scope for the establishment of a various large industries in resource rich, but paradoxically backward tribal areas. Several development projects in different parts of the country were initiated due to opportunities in the post-Independence period. All these development activities have become unquestioned symbols of national progress because they are usually implemented in backward and tribal areas where modern development is yet to be initiated. These activities have induced both direct and indirect benefits in the form production, etc. On the other hand, the same projects have also caused enormous uprooting of tribal population from their habitat, loss of agricultural and forest-based occupations, disorganisation of social structure, disintegration of life style of local people, etc.

The industrial policy adopted after Independence had given a scope for the exploitation of vast resources like Bauxite, Aluminium, Manganese, etc., and this process had led to the establishment of large industries in different parts of tribal areas. Thus, a number of industries such as steel plants at Jamshedpur, Rourkela, Bhilai and Bokaro, Heavy Engineering Corporation at Ranchi, thermal plants and coal mines in Singrauli region, Aluminium plants in Orissa, etc. have come up in tribal areas. All these industries have displaced people enmasse from their habit and occupations. A conservative estimated indicated that about 20 lakh people were displaced due to establishment of industries in the past and out of these only 6.5 lakh could be rehabilitated (Das, et al. 1988:274). In most cases the uprooted people were usually tribal and other economically weaker sections of the society.
It was estimated that the proportion of tribals displaced by the development projects varied between 52 to 100 per cent (Reddy, 1989:5). These people had been forced to sacrifice their interests and sentiments attached to their traditional villages, homes and lands in the larger interest of the society and nation. Industrialisation may have proved to be good for the nation, but as far as the tribals are concerned it has proved to be disastrous creating several problems in the process of their readjustment in the new environment.

It is clear that displaced seems to be an off-shoot of the present pattern of development. One important indicator of the continuing powerlessness of the weaker sections is that there is no participation or sharing of the benefits of the specific development project that displaced them. The rehabilitation of those displaced people, mostly consisting of tribals has been considered to be the most serious aspect of displacement. In the new industrial urban environment, the tribal communities were found to be socially dislocated. An example of the general failure in tackling the problem of rehabilitation of displaced tribals was that of the 14,561 families in Bihar, West Bengal and Orissa, displaced from 62,491 acres of land, out of whom only 3479 were allotted alternative lands. Data provided in Table 1 give an idea of the quantum of relief provided in terms of rehabilitation of displaced tribals consequent upon the establishment of major development project in the tribal areas.

The data reveal that less than two-fifths of the population had been rehabilitated and the alternative land provided was just over 10 per cent of the total land acquired from the oustees. The gravity of the problem could not include data from Bihar and Orissa where displacement was much higher compared to most States in India.

The process of industrialisation has had both positive and negative impacts on tribal life.

Positive impacts:

The most positive impacts of large industrial projects are generation of employment opportunities, increase in levels of production, rise in income and consumption levels, development of infrastructural facilities etc. Besides a few social benefits may also accrue as a direct impact of the projects.

a) Employment in non-traditional sectors: One of the main objective of any large industry established in backward tribal areas is to create more job opportunities in non-traditional sectors. It is excepted that these industries will provide scope for increasing the earning and purchasing capacity of the local population. For instance, the NALCO Project in Koraput district of Orissa had created about 6,300 direct jobs and also provided scope for 20,000 indirect job opportunities through ancillary industries, transport contact, shopping complexes,
etc. Thus, any industrial project will create a substantial indirect employment opportunity which will enable the local people to raise their living standards. The most striking feature of the changing economy in NALCO Project area was reflected through direct or indirect employment of a large number of villagers in non-traditional jobs. Among the workers of surveyed household in NALCO Project area a large proportion (50%) were working as wage labourers, followed by unskilled workers (25%), semi-skilled workers (9%) and the remaining 14 per cent were found to be pursuing agriculture and other activities. This was in control to 82 percent of workers in the district who were solely engaged in agricultural activities. Further, NALCO provided direct employment to one able bodied person among the displaced families as a part of occupation rehabilitation.

b) Impact on hinterland: It is expected that the large industrial projects will significantly contribute to the all-round development and maximising the use of local skills and abundant resources. The establishment of industrial projects and township will create huge demand for agricultural commodities such as food grains, pulses, vegetables, fruits, milk, eggs, etc. this will result in the commercialisation of agriculture in the villages and the local people from the neighbouring village will come to the townships in the evenings to sell vegetables, cereals and other agricultural products. It was also felt that the local people will be motivated to develop poultry farming and animal’s husbandry due to the demand in the townships. The commercialisation of agriculture is expected to contribute significantly to the growth of regional income and improvement in the living standards.

c) Development of infrastructures and facilities: The industrial activates in the project areas have created strong market forces for their own demand of different consumer items and thus has helped these small towns to emerge as regional markets with large services areas beyond the limits of the project complexes. Various facilities such as education, health, banks, cooperatives etc. have also come up. Further, a large number of small scale and cottage industries are coming up as ancillaries and auxiliaries of the projects. All these new development impulses are gradually reach the surrounding villages and thus providing scope for quicker economic transformation in the region.

Negative impacts:

Besides creating certain positive benefits, the industrial project has also induced several negative implications. These are mostly social in nature. The most serious ones are disharmony in the social system, decline in the forest economy, increased frustration, increased consumption of alcohol, crimes against women, etc.
(a) Impact on social system: The industrial projects have induced complete disharmony in the social organisation due to individualistic nature of jobs, changed income structures, high cost of living etc. The great adverse impact has been the displacement of tribals from their ancestral habit and loss of traditional occupations like agriculture, forestry and associated activities. The eviction of tribals from their habitat is the most serious aspect of displacement from the point of removing them from their natural surroundings which plays an important role in the social and cultural life of tribals. These natural surroundings are not provided in the new settlements, which in turn shatters their social, cultural and physical links.

(b) Impact on traditional functions: The tribal societies which were once close and integrated are now becoming loose and discrete. The people have become more materialistic and individualistic. Inter-personal relationships which were based on kinship ties and sense of familiarity have become more impersonal and indifferent. Mutual help and cooperation for each other at the time of need has completely disappeared in the new resettlement colonies. In the process they have lost their homogeneity which is a tribal characteristic. The communal festivals which were once important, have lost their charm and attraction. The local people feel that the religious sentiments are no longer associated with the functions of male members. Only ceremonial, family functions and festivals exist today. In the ancestral villages, the leadership used to be determined by birth and seniority, but at present wealth and education have become the determining factors of leaders. Further, tobacco, ganja and bhang are also consumed in large quantities. Instead of native rice beer, the distilled liquor which is harmful and more intoxicating has become more popular. The breaking up of village organisation and corporate life along with acquiring many habits like excess drinking, use of cosmetic, costly dress, etc. have also drained away most of their resources.

(c) Environmental hazards: The establishment of large industries have also brought certain environmental hazards, which are affect-man, animal, and plants. Emitting pollutants into the air, releasing of effluents in to the water and dumping of solid wasters in the open grounds are common environmental hazards in the industrial projects. These will have implications in the form of (i) disturbance of the land itself, (ii) soil erosion, (iii) dislocation of water balance, (iv) generation of dust, noise, and fumes, (v) spread of diseases and disturbances of the national economic system and (vi) disturbances caused due to the creation of infrastructures. For instance, the NALCO project is generating 0.25 kg of dust of per metric tonne of bauxite during open cast mining activities. In addition, significant air pollution from exhaust fumes during heavy vehicular movement and noise pollution one effecting the spread of diseases to men, animals and crops.
11. IMPACT OF INDUSTRIALISATION ON THE TRIBES OF CENTRAL INDIA.

Introduction:

The Chota Nagpur belt, that is the tribal junction of the states of West Bengal, Bihar, Orissa, Madhya Pradesh is one of the richest in terms of mineral wealth. This area is prominently tribal inhabited and is rich in iron ore, coal, mica, bauxite and other industrially and economically important minerals. Therefore, it is not surprising that this belt was one of the earliest zones to be exploited and developed right from British period.

(a) First came the railways and coal mines. In 1907, the Tata Iron and Steel Company was established.

(b) The phase of industrialisation picked up greatly after independence with the establishment of Durgapur, Bokaro, Rourkela and Bhilai Steel Plants, Ranchi Heavy Engineering complex and a multitude of downstream industries.

(c) Apart from the heavy engineering industries, several irrigation projects such as the Konar and Panchet in Bihar, Manchlund and Hirakund in Orissa and the more recent Sardar Sarovar Dam came up in these tribal areas.

One would except that the establishment of these huge industries and multi-purpose irrigation projects lead to all-round improvement and welfare of the tribes, since all these were established in the heart of tribal India. But unfortunately, this did not happen. On the contrary, it has led to aggravation of their problems. Whatever improvement has taken places is only marginal. We can now sum up the impact of industrialisation on tribes as below.

Loss of land and displacement from traditional habitat:

The first agonising impact of industrialisation is the loss of tribal land and their consequent displacement and uprooting from their traditional homes and lands. In return, the compensation paid is meagre and not all the tribes who have surrendered their land get employment in industries/projects.

The progress with regard to allocation of alternative sites to the displaced tribes and rehabilitation methods have been found to be utterly inadequate. In 1961 itself, the Dhebar Commission pointed out the failure in this area. For example, the Commission collected statistics on the number of tribes displaced and the number of tribes who were allotted alternative lands. Out of a total number of 14,560 tribal families thrown out from their houses as a result of
acquisition of land for various projects in Bihar, West Bengal and Orissa, only about 3,500 were allotted alternative lands.

Even the alternative land that was offered has been of no great help because of the following reasons:

(a) The land offered was not fit for cultivation or irrigation facilities are inadequate

(b) Very few tribes have availed of the agriculture facilities offered in the rehabilitation camps. Younger generation preferred employment to cultivation

(c) The cash compensation given was used up in buying consumer goods and meeting day to day expense.

Even the World Bank had noted with anguish that the relief and rehabilitation work in respect of tribes (Bhils) displaced by Sardar Sarovar Project in Maharashtra and Gujarat was far too inadequate, and the report strongly recommended the World Bank to link aid to has progress in relief and rehabilitation.

(b) Emergence of Slums and Bastis: L.P Vidyarthi and other anthropologists who have studied the immediate impact of industrialisation in tribal areas have noted that tribal slums and bastis in and around the industrial township are without any basic civic amenities like drinking water, drainage, etc. of course, some employers have taken steps to improve civic amenities in the bastis and slums. But the picture is generally alarming. The slums and bastis are inhabited by tribes who fail to get absorbed in the project. They constitute the impoverished ring of the industrialised areas.

(c) Industrialisation definitely affects the demographic composition of the tribal area. With the influx of skilled and semi-skilled labour and managerial talent from other parts of the country, the tribal soon find themselves either outnumbered or having to live with a large number of outsiders which threatens the employment opportunities of tribal youngsters. This has happened in the Jharkhand belt and may be one of the factors that has led to demand for a separate Jharkhand state.

(d) Another, adverse impact of industrialisation is what is termed as ‘cultural mutation’. The tribal gradually lose their traditional life styles and adopted a new way of life. Industrialisation disrupts their traditional cultural patterns, language, food habits, dress and observance of festivals etc. their general outlook gets changed under the impact of industrialisation. This is most directly and tellingly felt by the first generation
(e) Change in Occupation: In the tribal areas that have become industrialised, a shift to non-traditional occupations is noticed mostly in the direction of unskilled and semi-skilled industrial labour and white-collar employment. In addition to those tribes who are lucky to get employment in the projects, others too are tempted to give up agriculture or other traditional occupations. They take to working in the ancillary industries and as unskilled daily labour in hotels, railway stations, automobile garages, etc. Some anthropologists have however maintained that this change in occupational pattern may only take place within a limited radius of the industrial centres. In fact, some of them even record that the traditional culture of tribal villages falling outside this radius does not get affected.

(f) Another unfortunate consequence of industrialisation the growing number of unemployed amongst the tribes. As already noted, the youngsters are not keen on continuing with their traditional occupations. the would like to join the labour force in adjoining industrial areas which attracts them. It is not possible to offer employment to all the aspiring young, educated or even illiterate tribes. This phenomenon had led to what some anthropologists call “Industrial nomadism” where the tribals go in search of jobs from place to place. They may even migrate to other areas where opportunities for seasonal employment as agricultural labour exist.

(g) Another effect of industrialisation in tribal areas is the emergence of a new class of tribal leaders viz. trade union officers, political party workers and educated personnel working in industries and other projects. They represent the urbanised and modern section of tribes.

(h) Das and Banerjee clearly listed the cultural and socio-psychological effects of industrialisation on the tribes which are:

(i) Weakening of the traditional authority of elders
(ii) Weakening of endogamous restriction of marriage leading to marriage with non-tribals
(iii) Increase in the frequency of divorce.
(iv) A slow change in their traditional world view as a result of interaction with people from other areas and different communities. (influence of mass media like films is also an important impact on this connection).
(v) Emergence of nuclear family pattern
(vi) Growth of individualism
(vii) Change of family from a unit of production to a unit of consumption.
(viii) More emphasis on achievement than on an ascription.
As a result of all the above, the tribal gets drawn into an urban, rational and secular world. However, further research is to be done in these areas to monitor the changes and evaluate their impact on tribal culture and personality.

We can conclude by quoting Dr. L.P. Vidyarthi, who aptly sums up the impact of industrialisation on tribals. To quote him: “By and large, instead of being benefited by these developments, their economy and culture, so far, have been adversely affected. The net result of the uprooted tribal, in due course, is loss of traditional occupation, land, house, the traditional way of life, exhaustion of cash received by way of compensation, unemployment, keen and unfair competition with the migrants in the labour market, high aspiration and great frustration.”

12. IMPACT OF URBANISATION ON THE TRIBAL LIFE IN MIDDLE INDIA.

Introduction:

Due to industrialisation and economic development, coupled with politico-administrative factors like growth and establishment of state, district and sub-divisional headquarters, urbanisation has reached tribal areas. Of course, they vary in the extent of urbanisation.

(a) The earliest areas to be urbanised were the tribal pockets of Bihar, West Bengal, Orissa and to some extent, Madhya Pradesh. As already mentioned, industrial and river valley projects brought in huge townships which further contributed to urbanisation.

(b) In the North-East, urbanisation in the tribal states of Nagaland, Meghalaya, Mizoram and Arunachal Pradesh is more or less confined to state capitals, district and sub-divisional headquarters excluding a few areas where cement factories and power projects are located.

(c) In the rest of the country, urbanisation in tribal areas is due to some industrialisation, extension of rail and road network and administrative factors like location of district headquarters, etc.

Impact:

The impact of urbanisation on tribals has been studied in detail. We can discuss the effects of urbanisation on tribal in the following way. Here, it should be noted that the impact of urbanisation should be seen together with that of industrialisation.

(a) The first impact of urbanisation in tribal areas is a change in the dwelling pattern. The tribes who are employed in government offices,
banks and industries, either live in the quarters provided by their employers or in rented houses which are very much different from their traditional houses in the villages. Those who are in the bottom rung of the economic hierarchy live in the urban fringe or slums or bastis where mud houses with thatched roofs or houses made up of bamboo with thin asbestos or zinc or junk iron sheets are roofs, is a common sight. The tribes in urban areas are no longer in their natural habitat. However, for the second, third and succeeding generation of the tribes living in urban areas the change may not be very traumatic.

(b) Tribals undergo a change in their life style as a result of urbanisation. Their food habits, dress, pattern of leisure time activities is all affected considerably due to the combined forces of culture contact with non-tribals, mass media, films and other urban ways of entertainment.

In urban areas, the tribes are forced to shift to non-traditional economic activities like unskilled, semi-skilled labour and white-collar profession. This change in occupation itself may be a major source of cultural change. For example, a tribe working in a bank tends to wear the kind of dress that his non-tribal colleagues are wearing. In any case, in industries, he will have to wear the prescribed uniform. Even if there is no prescribed uniform, the tendency to conform to others’ life styles will always be acting on him.

(c) One area of concern is the gradual decline of tribal languages in urban areas. This problem is not noticed in the North East, where the state government have declared the local tribal languages as official languages. However, in Central and Southern India, the tribals who come into contact with non-tribals in urban areas or tribals who live in urban areas, gradually tend to switch over to the language spoken by the majority of non-tribal for example Telugu, Hindi, Tamil, Malayalam, etc. Tribal children who go to schools in urban areas are taught that only in the languages of the non-tribals with result that they may also soon forget their own native tongue. In fact, a slow decline of tribal languages has been widely reported in North Andhra Pradesh and Madhya Pradesh where Gondi and Kolam that used to be spoken widely by some tribes is now fast disappearing. In fact, adoption of other languages may have an impact on other aspects culture like religious beliefs.

(d) One impact of urbanisation that has not been studied much is, the extent of politicisation and political mobilisation of tribes.

In this respect, there is not much difference between tribes and non-tribes. Since in urban areas people can be mobilised easily it is convenient for politicians and political parties to contact them, spreading their message. In fact, in Bihar and in the North-East, in addition to political
parties like the Jharkhand Mukti Morcha (Bihar) All party Hill Leaders Conference, (Meghalaya).

Tribal Students Association like those of the All Jharkhand Students Union in the Jharkhand areas of Bihar, and Khasi students Union in Khasi Hill areas of Meghalaya have sprung up and are very active. What happens is that secondary groups not based exclusively on kinship and territory develop in urban areas. Most of these student unions in tribal areas have taken up political roles, their common agenda being protection of tribal interests, and in the North East expulsion of outsiders and curbing the inflow of non-tribals.

(e) Another impact of urbanisation that has assumed serious dimension in the North East especially, is the change in demographic composition of urban areas in tribal states and Tribes is inevitable. Most of them are employees in central and state government officer banks and industries. Some of them are traders and businessmen who came long back. Since the tribal areas themselves could not offer all the skills required for running urban services and industries the inflow of non-tribes into these skills was inevitable. It happens everywhere. In the case of tribal areas, particularly in the North-East, in view of their general feeling of insecurity and fear of being reduced in numbers by the combined. Population of refugees and non-tribal Indians from other status, the situation has reached explosive proportions. The student organisation regularly issues quit notices on non-tribals which often leads to ethnic and communal violence. In fact, in Arunachal Pradesh and Nagaland, there seems to be a general reluctance on the part of the native people including the local political elite to open their areas for exploitation of mineral resources, railway lines and for other developmental project for the fear of non-tribal invasion.

(f) One adverse impact of urbanisation is the high rate of visible unemployment among young educated tribes. For these youngsters their traditional occupation has lost its attraction. They would like to be absorbed in wage employment. Not all of them can be employed as it is the case in the rest of the country. The unemployed tribal youth while away their time in gambling and drinking or even take to drug addiction for example in Manipur and which is slowly catching up in other parts of the Northeast.

However, not everything is negative about urbanisation. Urbanisation has brought some improvement in living standards for many tribals. Reasonably decent infra-structure in health and educational structure has been created which the tribals make use of. Also, urban areas have thrown up a new non-traditional tribal elite who have an All India out-look.
SCHEDULED CASTES

1. DEFINITION OF SCHEDULED CASTES

The Scheduled Castes occupy the bottom most rung of the social ladder. They form a majority of the “backward” or “depressed” classes. The terms “Scheduled Castes” signifies those groups of people who were out of the caste system or the Varna hierarchy in the past. They comprise the bulk of “untouchables” or “untouchable castes”. These groups or castes have been discriminated against by the superior castes through the ages and they never had any kind of social acceptance from the majority of the people who belonged to the upper the top most position in the social, political or economic field, as a group. Their low social position continues even now though lot of measures have been taken to make them equal with others.

Term “Scheduled Castes”

The term “Scheduled Castes” is a politico-legal one. It was introduced by the British. It was first coined by the “Simon Commission” in 1928 and then “Government of India Act, 1935” listed out or scheduled a few of the castes as the most inferior ones which required some special attention. This list of castes was designated as “Scheduled Castes”. When India became independent, this term was adopted by the Constitution for the purpose of providing them some special facilities and constitutional guarantees.

No Precise Definition for the Term “Scheduled Castes”

The term “Scheduled Castes” is nowhere defined in the Constitution with State governments to notify by an order, the castes, races and tribes which can be deemed as “Scheduled Castes”.

Attempts towards a Definition
Sociologist have tried to define the term in their own way. We may consider here the definitions of Dr. Majumdar and Dr. Ghurye.

1. Dr. D. N. Majumdar uses the term “Scheduled Castes to refer mainly to the untouchable castes. He defines: “The untouchable castes are those who suffer from various social and political disabilities many of which are traditionally prescribed and socially enforced by higher castes.”

2. Dr. G.S. Ghurye: Scheduled castes are those groups which are named in the Scheduled Caste Order in force time to time.

3. In spite words, the term can be defined this way: The term Scheduled Castes which comprises of the bulk of the “untouchable castes”, included all those groups which are subject to some disabilities in major fields of life-social, religious, educational, economic and political.

Example for SCs: C.B. Mamoria has listed the following castes as the most important castes that come under the category of “untouchables”- Chamar, Khatilk, Regar, Pasi, Kori. Dom, Dhobi, Dusadh, Balai, Mochi, Meghwal, Od, Bagdi, Bhuiya.

Some Scheduled Caste Groups of Karnataka: Adi-Karnataka, Adi-Dravida, Holey, Holer, Karama, Moger, Mundala, Madiga, Bhovi, etc.

All the SCs are not Untouchables

It should be noted that all the Scheduled Caste are not untouchables. The list of Scheduled Castes also includes some “touchable” castes. Almost about 80% of the Scheduled Caste are “untouchables” suffering from various kinds of disabilities. However, people in general use the terms “Scheduled Castes”, “Untouchables”, “Harijans”, “Dalits”, “depressed classes” in more or less the same way without making any difference between them.

Numerical Strength and Distribution of the SCs.

The 2011 census recorded nearly 20.14 crore people belonging to various scheduled castes in the country. As per the 2001 census, the number was 16.66 crore. The Dalit population showed a decadal growth of 20.8%, whereas India's population grew 17.7% during the same period. Dalits form around 16.6% of India's population.

There are around 9.79 crore women among the total SC population, and the sex ratio works out to 946 females per 1000 males.

Though UP has the largest chunk of the total SC population, Punjab has the largest share of dalits in its population at 31.9%. Himachal Pradesh and West Bengal follow Punjab with 25.2% and 23.5%. In Tamil Nadu, dalits account for
about 18% of the population. Nagaland, Lakshadweep and Andaman and Nicobar Islands have no scheduled castes among their population.

Four states account for nearly half of the country’s dalit population, reveals the 2011 census. Uttar Pradesh stands first with 20.5% of the total scheduled caste (SC) population, followed by West Bengal with 10.7%. Bihar with 8.2% and Tamil Nadu with 7.2% come third and fourth.

2. CRITERIA OF UNTOUCHABILITY

Introduction

People who constitute the bottom most palace in the Indian social stratification system are often regard as “untouchables”. All of them come under the category of what our Constitution calls the “Scheduled Castes”. The word “untouchable” applies to the despised and degraded section of the Hindu population.

According to Dr. D.N. Majumdar, “the untouchable castes are those who suffer from various social and political disabilities many of which are traditionally prescribed and socially enforced by higher castes.” In fact, he uses the term Scheduled Castes to refer mainly to the untouchable castes.

In simple words, “untouchables” are those who occupy the bottom most place in the society and have been subjected to various social, cultural and other kinds of disabilities and exploitation for their very touch is regarded as contaminating or polluting the higher caste people.

Meaning of Untouchability:

Untouchability is a mass phenomenon of group prejudices and discrimination affecting about 140 million people. It is an ignoble practice associated with the Indian caste system.

Untouchability is a practice in which some lower caste people are kept at a distance. Defined of social equality and made to suffer from some disabilities for their touch is considered to be contaminating or polluting the higher caste people.

The practice of untouchability is a stigma to the Indian society. It is an age-old practice and has its roots deep down in our social and religious system. Gandhiji regarded this practice as “a leper wound in the whole body of Hindu politic”. He even considered it “the hatefullest expression of caste”. He carried on a campaign against it throughout his life. Though the practice of untouchability in one form or another has been there in many other countries of the world, it has taken its ugliest shape in India. Millions of the people have suffered from it and the suffering still continue though with less intensity.
Some Ancient References to “Untouchable” Castes.

The untouchable castes were called by different names such as chandalas, panchamas, svapachas, antyajas, atishudras, etc, during the early days.

Vedic literature also makes a mention of some “impure” groups which were there as early as in 800 B.C. People born of the prohibited “Pratiloma” marriage belonged to that category and were called “Chandalas”, “Svapacha” and so on.

Manu was of the opinion that the progeny of the hated Pratiloma union would become chandalas or untouchables. In the Vedic literature, we find the mention of chandalas as an ethnic group originating from inter-breeding of a higher caste or varna female and lower caste or varna male. In simple words, the chandalas who were regarded as “untouchables” were children of the most hated union of a Brahmin female with a Shudra male.

Patanjali, yet another dharmashastrakara considered chandalas as a variety of Shudras.

Most of the dharmashastrakaras considered the Chandals as forming a fifth category and called them Panchamas. The Panchamas were ‘untouchables’. Since they were outside the varna system they came to be known as “Avarnas”.

Al Beruni referred to these “untouchables” as a social group called “Anthyaja” constituting the last and the position in the society. Their socio-economic life was worse than that of the Shudras and hence they were they called “Atishudras”

Criteria of Untouchability

Untouchability in the Indian context has become hereditary. If a person is regarded or branded as “untouchable” for some reason or the other, not only he would remain throughout his life as “untouchable” but his children also would become “untouchable”. Still should be remembered that untouchability did not and does not arise by birth alone. Persons become “outcastes” and “untouchables” by being guilty of certain acts that amount to grave sins. Untouchability indicates not only a low place in the caste hierarchy together with the existence of social and religious disabilities but also a low economic position as well. Most of the scheduled castes are considered to be untouchables.

As C.B. Mamoria has cited, according to 1931 Census report, if a caste suffers from the following restrictions, it any be termed as an “untouchable” caste.
(i) Inability to be served by twice born or clean Brahmins.
(ii) Inability to be served by barbers, water carriers, tailors, hoteliers, etc. who serve caste Hindus.
(iii) Inability to serve water to the caste Hindus.
(iv) Inability to enter Hindu temples.
(v) Inability to use public conveniences such as wells, schools.
(vi) Inability to dissociate oneself from a despised occupation.

Untouchability within Untouchable Castes

Certain anomalies are found among the so called “untouchable” castes. D.N. Majumdar [1948] summarised the position of the depressed [untouchable] caste in 1940s in the following way.

These castes are not depressed in all states; the same caste may be “depressed” in one but may not suffer from any social or political disability in another. In Madhya Pradesh the same caste has different social rights and disabilities even in adjacent districts.

The disabilities are more rigid where the depressed castes are numerically small and fewer or on the decline, than where they are numerically strong.

Where the castes are all of the same ethnic stock or largely so, social disabilities are not numerous and are usually confined to those whose function is considered degrading.

Where the higher castes are in a minority and the depressed castes constitute the majority, the degree of ceremonial pollution observed is quite less and often we find few disabilities attached to the inferior castes.

Individual members of the depressed castes who have succeeded in life and who are wealthy and own property have been admitted to a higher social status.

Gradations Among Untouchables.

“It is not to be imagined that within the circle of untouchability for instance, there are no sub-gradations and all untouchables are equal among themselves”. (1) Mahatma Gandhi himself wrote: “All the various graders of untouchables are untouchable among themselves, each superior grade considering the inferior grade as polluting as the highest class of the caste-Hindus regard the worst grade of untouchables.”

Example: A Chamar thinks that he would be polluted by coming into physical contact with a Dom or a Bhangi. Untouchable castes such as Bhuyar, Byar, Khatik and Majhwar are very particular in keeping the caste they consider “untouchables” at a distance.

According to Sir Blunt, “Eleven castes will not touch a Bhangi, seventeen will not touch a Chamar, ten will not touch a Dhakar, six will not touch a Dhobi or a Dom.” It is said that in Tamil Nadu alone there are not less than 80 sub-
divisions, those at the top considering the less fortunate of their own brothers as untouchables.
3. PROBLEMS AND DIABILITIES OF UNTOUCHABLE CASTES

Majority of the castes that come under the category of “Scheduled castes” are regarded as “untouchables”. These untouchable castes have been suffering from various disabilities throughout the history. After independence, the practice of untouchability was declared unconstitutional, but the fact is that it still exists. The suffering of the untouchables has not come to an end. This problem cannot be solved an act of legislation.

According to Dr. Majumdar, “the untouchable castes are those who suffer from various social and political disabilities, many of which are traditionally prescribed and socially enforced by the higher castes. Thus, if he whole bases of untouchability are not destroyed, a simple provision for its legal status will bear scanty fruits.”

The “untouchable” caste have been suffering from various social, religious, legal, political educational, economic and other disabilities. For centuries, they were denied political representation, legal rights, civic facilities, educational privileges and economic opportunities. During the British rule also, no proper attention was paid to uplift the untouchables to relive them from their bondages. Even today they are not completely free from the problem which made them to suffer for centuries. These problems can be grouped into three main categories. (i) social problems (ii) economic problems and (iii) political problems.

1. Social Problems and Disabilities

The untouchable castes have suffered for centuries from a number of social problems and disabilities among which the following may be noted.

(i) Lowest Status in the Social Hierarchy
In the caste hierarchy the untouchable castes are ascribed the lowest status. They are considered to be “unholy”, “inferior” and ‘low’ and are looked down upon by the other castes. They have been suffering from the stigma of ‘untouchability’. Their very touch is considered to be polluting by the higher caste people. Hence, they have been subject to exploitation and humiliation. They have been treated as the servants of the other caste people. The untouchable castes have always served the other castes, but the attitude of other castes is of total indifference and contempt. They were kept at a distance from other caste people. In some instances, even the exact distance which an upper caste man was expected to keep between himself and the “untouchables” was specified. During the early times, they were branded as “Panchamas, Antyajas, Svapachas. Atishudras, Chandalas, Avarnas” etc. and were given the bottom most place in society. The distinction that arose between Aryans and Anaryas centuries ago culminated in the practice
of untouchability. Anaryas were branded as “dasas” or servants and kept at a distance. They were not given any good position in the army, politics and public life, but made to follow “unclean” occupations such as scavenging, removing human waste and dead animals, tanning, shoe-making, spinning, washing clothes, barbering, supplying water and so on. The physical touch of these people following “unclean” occupations was considered enough to pollute the so called upper caste [varna] people. Thus, the so called ‘untouchables’ were not only kept at a distance but also denied of various civic facilities. Several disabilities were attributed to them.

(ii) Civic Disabilities
For a long time, the untouchable castes were not allowed to use public places and avail of civic facilities such as village wells, ponds, temples, hostels, hotels, schools, hospitals, lecture halls, dharmashalas, etc. They were forced to live on the outskirts of the towns and villages during the early days. Even today they are segregated from others spatially. They were not allowed to enter the houses of the higher castes. They were allowed to work as labourers during construction or repair, storing grains, etc. but later the houses were imposed on the mode of construction of their or cow dung. In South India, restrictions were imposed on the mode of construction of their houses, types of dress and patterns of their ornamentation. Some lower caste people were not allowed to carry umbrellas, to wear shoes or golden ornaments and to milk cows. They were prohibited from covering the upper part of their body. The services of barbers, washer men and tailors were refused to them. In the court of justice, they had to shout from the pointed distance and take their change of being heard.

(iii) Educational Disabilities
The untouchables were forbidden from taking up to education during the early days. Sanskrit was denied to them. Public schools and other educational institutions were closed for them. Even today majority of them are illiterate and ignorant.

(iv) Religious Disabilities
The untouchables also suffer from religious disabilities even today. They are allowed to temples in many places. Even after the successful campaign of Dr. Ambedkar demanding the untouchables right to enter the Kalaram temple at Nasik in 1930, things have not improved much. The Brahmins who offer their priestly services to some lower castes, are not prepared to officiate the ceremonies of the ‘untouchable’ castes. They Vedic mantras which are considered to be purer, could not be listened to and chanted by the untouchables because of the taboos. They were only permitted to make use of the upanishadic mantras which are considered to be less pure and more secular. Burial grounds were also
denied to them in many places. However, things have started improving radically in these especially after 1990s.

2. **Economic Problems and Disabilities**

   The untouchables are economically and have been suffering from various economic disabilities also.

   (i) **No Right of Landed Property Ownership**
   For centuries the untouchables were not allowed to have land business of their own. It is only their ownership to the property has become recognised. The propertied people are comparatively less among them. Majority of them depend upon agriculture but only a few of them [hardly 28%] own land.

   (ii) **Selection of Occupations Limited**
   The caste system imposes restrictions on the occupational choice of the members. The occupational choice was very much limited for the untouchables. They were not allowed to take up to occupations which were reserved for the upper caste people. They were forced to stick on to the traditional inferior occupations such as curing hides, removing the human wastes, sweeping, scavenging, oil grinding, spinning, tanning, shoe-making, leather works, carrying the dead animals, etc. These occupations were regarded as “degraded” and “inferior”.

   (iii) **Failure to Fill the Full Quota of Reserved Posts**
   The SCs have not been able to take full advantage of the reserved seats allotted to them in government jobs. The data collected from the Reports of the Commissioner for SCs and STs reveal that the representation in Central Government department, public sector undertakings, and the nationalised banks in 1993

<table>
<thead>
<tr>
<th>Group</th>
<th>SCs</th>
<th>OBCs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>%</td>
</tr>
<tr>
<td>A</td>
<td>8922</td>
<td>11.5</td>
</tr>
<tr>
<td>B</td>
<td>28403</td>
<td>14.9</td>
</tr>
</tbody>
</table>
The poor educational performers of the SCs candidates has been the major obstacle. The poor educational performance of the SCs candidates has been the major obstacle in this regard.

(iv) Landless Labourers: Majority of untouchable are today working as landless labourers. More than 90% of the agricultural labours in India belong to the depressed classes which include the Scheduled Caste Tribes. More than 52% of the Scheduled Caste workers in rural areas are agricultural labourers. A large number of SC families are in debts. Their indebtedness is increasing day by day. The SCs are economically exploited by the upper caste people. Even today they are lowest paid workers. Some of them continue to suffer as bonded labourers at the hands of the other higher caste people. The untouchables constituted 90% of the total number of the bonded labourers found in India, according to a recent survey report. It is also observed that a large number of atrocities are committed against the untouchables because of economic reasons. Though jobs are reserved for them in government department due to lack of eligibility they are not able to get into them.

3. Political Disabilities:

The untouchable hardly participates in the political matters for centuries. They were not given any place in politics, administration and the general governance of the country. They were not allowed to hold any public post. Political right and representation were denied to them. Under the British rule, they were given been the right to vote for the first time. After independence, equal political opportunities and rights have been provided for the SCs also. Politically, the SCs are yet to become a decisive force.

The untouchable or the SCs living in the city are trying to organise themselves in the form of “Dalit Sangharsha Samithi” and such other organisation to fight for their rights. But the vast mass of rural SCs are totally unorganised. Political parties such as “The Republican Party of India”, started by Dr. Ambedkar, “Dalit Panthers’ Party” [or 1970s], “Bahujana Samajavadi Party” [BSP of 1980s] are no doubt mobilising the SCs but so far they have not been able to form a “dalit lobby” or “Harijan lobby” at the national level except in
some pockets. Their political influence is mostly localised. Their total influence in the Indian politics is, so far, not very much impressive.

4. Problem of Atrocities Against Untouchables [SCs]

Another problem confronting the untouchables is that lot of atrocities are being committed against them. In fact, such atrocities are on the increase even now.

In some states serve caste conflicts are taking place and in many instances the targets of attack are the SCs. Bihar is notorious for caste conflicts. Bihar has sheltered several “Jat senas” which take a leading role in caste conflicts. For example, Bhoomi Sena of Kurmis, Lorik Sena of Yadavs, Brahmarshi and Ranvir Sena of the Bhumihars, Ganga Sena of the Brahmins, and the Kunwar Sena of the Rajputs, represent such jati senas. Further, there are also the Naxal groups of Maoist Communist Centre {MCC} which normally consist of people who belong to communities of the Yadavs, Koeris, and the Paswans. These jati senas and Naxal groups organised mass murder in the past. The reason for these murders was a long-standing conflict between upper caste landowners and landless dalit farmers. The National Commission of the SCs and STs have also been regularly reporting an increase in the number of atrocities against the SCs. The central and the State governments are also seriously concerned with these crimes.
4. WELFARE MEASURES FOR SCHEDULED CASTES

The government of independent India has been trying to uplift the Scheduled Caste and Scheduled Tribes right from its very inception. The Governmental attempts to promote the welfare of the SCs and STs can be classified into two group. (A) Constitutional and legislative measures and (B) Other welfare measure and programmes.

A. The Constitutional and Legislative Measures

The government of India has incorporated some special provisions in its Constitution for the removal of untouchability and to promote the welfare of SCs and STs. The constitution ensures the protection and assures the promotion of interests of SCs, STs and other weaker sections of the population in the fields such as (1) political representation, (2) representation in services, (3) economic development, (4) socio-cultural safeguards and (5) legal support.

1. The Preamble of the Constitution of India declares that it assures equality, promotes fraternity guarantees liberty and ensure justice to one and all.

2. Article 15, 16, 17, 38 and 46 guarantees that the state shall not discriminate between persons on account of their religion or region justice to one or class.

3. Article 15 prohibits discrimination on grounds of religion, caste race, sex or place of birth.

4. Article 17 abolishes untouchability. It is further provided that the enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

5. Article 46 promotes educational and economic interest of Scheduled Castes, Scheduled Tribes and other weaker sections.

6. Article 330 reserve representation for Scheduled Castes and Scheduled Tribes in the Houses of the People.

7. Article 334 relates to reservation of seats and special representation to cease after fifty years [Originally reservation was made for ten years and it was extended four times, the present period of expiry being 2010 A.D]

8. Article 335 mentions the claims of Scheduled Castes and Scheduled Tribes to services and posts.
9. Article 338 empowers the Central Govt. to appoint a National Commission for Scheduled Castes and Scheduled Tribes.

10. Article 339 empowers the President to appoint a commission to report on the administration of the Scheduled Areas and the welfare of Scheduled Tribes in the States.

11. Article 341 empowers the President to specify the castes, races or tribes deemed as Scheduled Castes in a particular State or Union territory.

12. Article 342 empowers the President to specify the tribes or tribal communities deemed to be Scheduled Tribes in a particular State or Union Territory.

**Legislative Measure for the Removal of Untouchability**

The Government has been taking up the required legislative measure for the removal of untouchability. In pursuance of the provision of the Article 17 of the Constitution which declares the practice of untouchability a punishable offence, the Parliament passed the Untouchability offences Act, 1955. It was later substituted by the Protecting of Civil Rights Act, 1976. According to this Act the offences of untouchability include the following.

**Offences of Untouchability as per the “Protection of Civil Rights Act, 1976”**

(i) Committing any kind of social injustice, such as access to any shop, restaurant, public hospital, educational institution or any place of public entertainment.

(ii) Preventing a person, on the ground of untouchability, from entering a place of worship and offering prayers, or from drinking water from a public well or spring.

(iii) Refusal to sell goods, or render services to a person on the grounds of untouchability is an offence punishable with imprisonment for six months or a fine upto Rs. 500 or both.

(iv) Enforcing occupational, professional, trade disabilities in the matter of enjoyment of any benefit under a charitable trust, etc.

(v) Enforcing occupational, professional, trade disabilities in the matter of enjoyment of any benefit under a charitable trust, etc.

**Measure to Check Atrocities Against SCs and STs.**
Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989, which came into force on 30th January 1990, specifies offences, which are considered as atrocities and provides for deterrent punishments for commission of the same. Comprehensive rules were also framed under this Act in 1955 to provide relief and rehabilitation of the affected persons. All the States and UTs [except Arunachal Pradesh and Nagaland] have specified Special Courts for trial of offences under this Act. Under the centrally sponsored scheme for implementation of the Act, State Governments are funded on 50:50 basis and UTs are given per cent assistance.

Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 describes the following acts as punishable crimes:

1. Forcibly occupying and cultivating the land of SC/ST man.
2. Confiscating the land/property of any SC/ST person.
3. Forcing an SC/ST person to eat or drink some disgraceful substance.
4. Throwing into the house or the neighbourhood of SC/ST person any rubbish or dead animal etc. to humiliate him.
5. Forcibly snatching away the clothes from the body of SC/St person and making him naked.
6. Insulting a SC/ST person in some way or the other.
7. Sexual harassment of an SC/ST woman.
8. Molesting or raping as SC/ST woman.
9. Polluting the drinking water used by any SC/ST person.
10. Forcibly evacuating an SC/ST person from his house, neighbourhood or village.
11. Preventing an SC/ST person from voting or forcing him to vote for a particular person.
12. Compelling an SC/ST person for forced labour or using him as a bonded labourer.

Special Measure Undertaken by some States to Give Protection to SCs/STs Against Atrocities.
In order assure security and give more protection to the SCs and STs some states have resorted to some special measure among which the following may be noted.

1. Assisting the SCs in obtaining the possession of lands belonging or allotted to them;

2. Helping the SCs agricultural labourers the possession of lands belonging or allotted to them;

3. Setting up state-level communities to look after various aspects concerning the welfare of the SCs.

4. Establishing special SC cells under the DIG Police to ensure that crimes against the SCs are properly registered, investigated and quickly prosecuted.

5. To ensure quick disposal of cases pertaining to the SCs special courts are set up in some states.

6. The bureaucratic machinery is properly dealt with for solving of low wages, etc., concerning the SCs.

7. Specially instructing the police authorities to treat cases of crimes against the SCs as special cases and arrange for quick trial and prosecution. Scheduled Castes.

B. Other Welfare Measures and Programmes for the Upliftment of Scheduled Castes


A National Commission of the Scheduled Tribes has been set up by the Central Government to safeguard the interests of the SCs and STs. Ti functions as an advisory body on issue and policies related to the development of the SCs and STs. The State Governments have separate departments to look after the welfare of the SCs and STs. Their administrative set up varies from state to state.

2. Educational Opportunities

Due attention is paid to extend the educational opportunities of SCs and STs and hence special provisions have been made in this regard. Free education, free distribution of books, stationery, uniform etc. giving scholarships, banking loan
facilities, providing mid-day meal, arranging for free boarding and lodging facilities, reserving seats for SCs and STs in all the government and government aided institutions, etc. are some of the concrete steps which the Government has taken in this regard.

Centrally Sponsored Schemes: In addition to the above, there are some centrally sponsored schemes also for the educational benefit of both SCs and STs.

(i) Free Coaching and Training for various competitive examinations [IAS, IPS, IFS, etc.] to increase their representation in various services. Some of the coaching centers have made considerable contribution enabling SC/ST candidates to get into IAS and allied services, medical, engineering and banking services.

(ii) Book Bank Scheme: Book bank scheme is intended to provide text books required for the students belonging to SC/STs pursuing medical and engineering degree courses.

(iii) Post-matric scholarship for providing financial assistance for higher education.

(iv) Construction of hostels for providing residential facilities to SCs and STs studying at college and university level.

(v) Financial assistance to those SC and ST students going to reputed research institutes for research work.

(vi) Providing Textbooks to those studying in medical and engineering courses.

(vii) National Overseas Scholarships and Passage Grants for Higher Education: This scheme provides financial assistance to selected meritorious students for pursuing higher studies abroad in specified fields of Masters level course, Ph.D. and Post-Doctoral research programmes in Engineering and Science only.

3. Expansion of Economic Opportunities

Government has taken up economic programmes also for the benefits of SC and STs. Example: Landless SC labourers are allotted land. Land reforms have been undertaken to bring benefits of land ownership for them. Poor SC farmers are supplied with seeds, agriculture implements, fertilizers, pesticides, interest-free loans, pair of bullocks for ploughing, subsidy for developing dairy farming, poultry farming, piggery, animal husbandry, handicrafts, spinning and weaving.
4. Expansion of Employment Opportunities and Reservation

In order to enhance the economic position of the SCs and STs, Constitution has provided for the reservation in services. Reservation of jobs operates in the All-India Services, Central Government, State Governments, and Government owned and managed public-sector units and institutions. Reservation exists in all these for the SCs and STs to the tune of 15% and 7.5% respectively. Several Governments have introduced reservation for OBC’s also.

In government services, special quota is also allotted to them. The reservation is also extended to promotions to higher positions to facilitate their adequate representation. Concessions such as relaxation of age limit, relaxation in the standards of suitability, relaxation of the qualification and experience, have also been provided to them.

5. Upliftment of Scheduled Castes through Schedules Caste Sub-Plan (SCSP).

Under the Scheduled Castes Development Bureau, the Ministry implements Schedules Caste Sub-Plan (SCSP) which is an umbrella strategy to ensure flow of targeted financial and physical benefits from all the general sectors of development for the benefit of Scheduled Castes. Under the strategy, States/UTs are required to formulate and implement Special Component Plan (SCP) for Scheduled Castes as part of their Annual Plans by earmarking resources. At present 27 States/UTs having sizeable SC population are implementing Schedules Caste Sub-Plan.

**Objective of the Scheme**

1. The main objective is to give a thrust to family-oriented schemes of economic development of SCs below the poverty line, by providing resources for filling the critical gaps and for providing missing vital inputs so that the schemes can be more meaningful. Since the schemes / programmes for SCs may be depending upon the local occupational pattern and the economic activities available, the States/UTs have been given full flexibility in utilizing SCA with the only condition that it should be utilized in conjunction with SCP and other resources available from other sources like various Corporations, financial institution etc.

2. State Government have been given flexibility in choice of schemes to be implemented out of Special Central Assistance, within the overall frame work of the scheme.

**Special Central Assistance**
Special Central Assistance (SCA) to Scheduled Castes Sub Plan (SCSP) is a central scheme under which 100% grant is given to the States/UTs as an additive to their Scheduled Castes Sub Plan (SCSP).

6. Other Welfare Programmes

(i) Drinking Water Facility: In SCs colonies and in the areas where they are found in large number, drinking water facility is provided through the constructions wells and borewells.

(ii) Medical Facility: Free medical check-up facility is provided for the SCs. Those who undergo family planning operation are given financial assistance for purchasing required medicine and energising tonic.

(iii) Janata Houses: In various States the SCs are given financial assistance to have their own houses. In States like Karnataka and Tamil Nadu, low caste houses having all minimum required facilities, known as “janata” houses are built for them at State expenses.

(iv) Liberation of Bonded Labourers: A large number of bonded labourers particularly belonging to the SCs have liberated.

(v) Sulab Sauchalaya Scheme for the Liberation and Rehabilitation of Scavengers: This has been launched in several States for converting dry latrines into water-borne latrines in order to liberate SC scavengers and rehabilitate them in alternative occupations.

(vi) Baba Saheb Dr. Ambedkar Foundation: The Foundation was set up on 24 March 1992 as a registered society initially to implement/administer four schemes, viz., (i) Dr. Ambedkar National Public Library; (ii) Dr. Ambedkar National Award; (iii) Dr. Ambedkar Overseas Fellowships; and (iv) Dr. Ambedkar Chairs in Universities. The Foundation has been reconstituted to include eminent person in the fields of education, social work and development of scheduled castes. The scope of the Foundation has been enlarged to include more activities connected with the life and mission of Dr. Ambedkar. These, among others, include publication of books, foster academic contract, promote research, instituting awards, etc.

7. Voluntary Organisations

In addition to the Governmental schemes and instruments some of the voluntary organisations are also playing an important role in promoting the welfare of the SCs. Examples: (i) Harijan Sevak Sangh [New Delhi], (ii) Indian Depressed Classes League [New Delhi], (iii) Hind Sweepers Sevak Sangh
[Delhi], (iv) Servants of India Society [Poona], (v) Indian Red Cross Society [New Delhi], “Ishwara Sharana Ashrama” –Alahabad, (vi) Sri Ramakrishna Mission [Narendrapura, Purulia, Silchar, Puri], (vii) Bharatiya Admajati SevakSangh [New Delhi], (viii) Bharatiya Samaja Unnati Mandala [Bhivandi, Maharashtra]. The Central Government has been giving financial assistance to these organisations for their Harijan Welfare activates.

The Government also provides grants in aid to voluntary organisations of local character working among Scheduled Castes.

Some other organisation which are not getting any financial help from the Government are also rending yeomen service to the Scheduled Castes. Example: “Hindu Seva Prathisthana”, “Vishwa Hindu Parishad”, the service units of Rashtreeya Swayam Sevak Sangha, “Dalit Organisations” and a number of Christian Missionary Organisations.

5. EVOLUTION OF WELFARE MEASURES MEANT FOR THE DEVELOPMENT OF SCHEDULED CASTES

The Scheduled Caste spend their social energy in Sanskritizing themselves on the model of the locally dominant castes. They do not gain much out of this. Their social mobility is very much limited. They continue to remain weak in the local power structure for asserting their rights. They still are economically insecure.

Majority of the SCs are still literature and ignorant hence they are not able to make use of the constitutional provisions guaranteed to them. The reports of the National Commission on Scheduled Caste and Scheduled Tribes reveal that the crimes against SCs are increasing.

There has been a formalism about many welfare and development schemes formulated for the benefit of these people. Lack of enthusiasm and sincerity on the part of the Government officials and agencies have also been the cause of failure of many of the welfare schemes.

The benefits of the SC welfare programmes have been availed of by a few people belonging to Scheduled Castes. This small minority has developed vested and contributes nothing for the benefit of the majority.

The Scheduled Castes are largely concentrated in rural areas an 90% of them [including 35% agricultural labours] derive their sustenance from agriculture. In
most of the villages, they continue to suffer from residential segregation. Hence, many of their disabilities still persist.

It is unfortunate that in spite of 70 years of continuous efforts to elevate the position of the SCs, expected success has not been achieved. Socially, economically and politically, their status has improved very little. Socially, they have not changed many of their evil customs and their status remains the same; economically, more than 30 per cent SCs live below the poverty line and their occupational mobility does not lead them to social mobility; educationally, they are very backward; politically, they are not organised and remain weak in the local power structure for asserting their rights.

The “dalits” are also not satisfied with their present position. They launched a nationwide campaign for the dalit human rights which focused on three important issues: (i) right to touch and be touched; (ii) “no” to untouchability in the 21st century, and (iii) cast out caste.

The dalits demand for the effective implementation of the SC/ST [Prevention pf Atrocities] Act and Rules, and to provide full protection to all dalits who participate in Panchayat Raj and other institutions- only reveals that they still suffer from a sense of insecurity.

The SCs are still tradition-bound. They suffer from a sense of inferiority and this takes away their ‘push’ to develop further. They are not well-organised. Only in cities some “dalit organisations” are trying to fight for their rights. Politically also they are not a single homogeneous entity. Hence their political bargaining power is comparatively less. However, their political consciousness is growing. The younger generation among them is becoming more assertive. There is a positive change in the attitude of the caste-Hindus towards the SCs. Hence the social distance between in the two is gradually getting narrowed. The social position of the SCs is comparatively better in South Indian in North India. In Kerala, for example, the SCs do not suffer from the traditional type of disabilities. Greater changes are expected in their living styles in the years to come.

**Increasing Dalit Consciousness and Its Effects.**

The untouchables or Scheduled Caste people are also generally referred to as “dalits”. The term “dalit” has been interpreted in different ways.

1. According to the Marxists, “dalits” are those who are the victims of socio-economic and political explanation.

2. According to the Ambedkar School of Thought, dalits are those who are branded as “untouchables” on caste basis.
3. According to the Lohiya School of Thought, dalits are those poor caste people including the so called untouchables, who have been the victims of exploitation.

Of the three views cited above, the second one is more popular and widely prevalent. Thus, “dalits” are normally understood as “untouchables”.

Increasing Awareness Among the Dalits.

“Dalits” are becoming more and more aware of the position in the society. Various constitutional provisions that safeguard their interests, on the one hand, and the continuous explanation of the “dalits” on the other, have led to an increase in what is known as “dalit consciousness.” The continuous explanation has made the SCs to become conscious of their separate identify. They have become self-conscious. This growing awareness in them has led to the emergence of various SC movements and activated the process of Sanskritization which M.N. Srinivas had spoken of. This awareness and movements have led to certain consequences.

Consequences of Dalit Consciousness

1. Dalit consciousness has enable the SCs in different parts of the country to from political groups. Example: The Republican Party of India, The Dalit Panthers Party [Maharashtra]; and the Bahujan Samaj Party [U.P., M.P. and Punjab] could be cited here as examples.

2. Dalits are becoming increasingly aware of the fact that they have a great political potential. They have decided to take advantage of their numerical strength by converting it into votes. Where they cannot from their own political parties, they extended their support. However, in this process of political bargain only the educated and the organised dalits are taking an active role, but not the uneducated masses in the rural areas.

3. The dalits are now putting pressure on the national leadership for taking measure to remove the social disabilities of the dalits.

4. They have been demanding the effective implementation of the constitutional safeguards to protect their interests.

5. The dalits have launched various “alternative movements” which Dr. Ambedkar had advocate, and also a few “integrative movements” strongly recommended by Gandhiji. The alternative movements led to the caste consolidation of the SCs by fusion of a number of sub-castes into one caste group. Example: In Maharashtra, more than 52 sub-castes of Mahars got fused to forge one community
6. Apart from these movements, the dalits, especially the educated ones, are becoming individually conscious of achieving social mobility.

An analysis of dalit consciousness and its effects invites lot of questions: Will the dalits ever be integrated into the main stream of the Hindu society? Will they insist on reservation for all times to come? Will this consciousness help them to forge ahead economically and educationally? Or Will this lead to ever deeper conflicts with the other caste groups in the society? Will this consciousness help them to tread the path of peace, co-operation and harmony, or the path of conflict and confrontation with the other groups? What will be the impact of dalit consciousness on the larger Hindu society? Will they wind up the practice of untouchability? Many questions like this crop up in our mind demanding an answer.

It is difficult to find a satisfactory answer for each one of these. On the whole, the discussion could be summed up by quoting the views of Sachidananda [1976]: He holds that “the combination of factors like ameliorative efforts of the government, the growing consciousness of the dalits and the liberal attitudes of caste Hindu will diminish the disabilities and discriminations with the passage of time.”
CHAPTER XIV

BACKWARD CLASSES

1. BACKWARD CLASSES & CONSTITUTIONAL SAFEGUARDS

Introduction:

The term “backward classes” has not been defined properly either by the social scientists or by the constitution-makers. The backward classes are a large mixed category of persons with boundaries that are both unclear and elastic. They seem to comprise roughly one-third of the total population of the country. They consist of three main categories- the Scheduled Castes, the Scheduled Tribes and the “Other Backward Classes.” The Scheduled Castes and Scheduled Tribes are comparatively better defined and they form roughly 22% of the total population according to the 1971 Census. The “Other Backward classes” is a residual category. Their position is highly ambiguous it is not possible to given an exact statement of their numbers.

Definition of Backward classes

Though the term “Backward Classes” is popularly used by social scientists it is not defined properly. Still for our purpose of study we may define it in the following way:

1. Justice K. Subba Rao, former Chief Justice of India, defined “backward classes” as “an ascertainable and identifiable group of persons based on caste, religion, race, language, occupation and such others, with definite characteristic of backwardness in various aspects of human existence-social, cultural, economic, political and such others.”

2. Generally the word “backward classes” is defined as those social groups or classes or castes which are characterised by low literacy and lack of education, poverty, exploitation of labour, non-representation in services and untouchability.

3. In simple words, the term “backward classes” can be defined as a social category which consists of all the socially, educationally, economically and politically backward groups, castes and tribes.

Description of the Backward classes
The Backward Classes Commission in its Report [1956] described the Backward Classes consisting of the following groups:

1. Those who suffer from the stigma of untouchability or near untouchability. These groups are classified as Scheduled Castes [SC].

2. Those tribes who are not yet sufficiently assimilated into the mainstream of the national life. These groups are classified as Scheduled Tribes [ST].

3. Those tribes who, due to long neglect, have been forced to commit crime. These tribes were previously known as criminal tribes [before 1953] and are presently called Denotified Tribes or Ex-Criminal Tribes.

4. “Other Backward Classes” [OBCs] consist of the following groups or communities:
   
   (a) Those nomads who have no occupation of a fixed habitation and are given to mimicry begging, jugglery, dancing, etc.

   (b) Communities consisting largely of agricultural or landless labourers.

   (c) Communities consisting largely of tenants without occupancy rights those with insecure land tenure,

   (d) Communities consisting of a large percentage of small land owners with uneconomic holdings,

   (e) Communities engaged in cattle breeding, sheep breeding or fishing on small scale,

   (f) Artisan and occupational classes without security of employment and whose traditional occupations have ceased to be remunerative,

   (g) Communities, the majority of whose people do not have sufficient education and therefore have not secured adequate representation in Government services.

   (h) Social groups from among Muslims, Christians and Sikhs who are still backward socially and educationally and educationally, and

   (i) Communities not occupying positions in social hierarchy.

Of the four major groups that constitute the “backward classes”, the third category of group [denotified tribes] is normally included in the 2nd category of
STs. Hence, for all practical purposes, the “backward classes” normally consist of the following three major category of groups: (i) SCs, (ii) STs, and (iii) OBCs. About the SCs and STs, we have already dealt with them separately. The third category of OBCs may thus be analysed here.

**Indian Constitution Concept of OBCs**

The third major category of “backward classes” consists of a large number of educationally and economically backward people. Though the term “backward classes” has not been defined by the Indian Constitution the characteristic of backwardness is described here and three and also sometimes the categories are mentioned.

- Article 15(4) speaks of the socially and educationally backward class.
- Article 16(4) uses the term “backward class” and speaks of inadequate representation in services.
- Article 45 mentions free and compulsory education.
- Article 46 mentions the weaker sections of the people and includes the expression “the Scheduled Castes and Scheduled Tribes.”
- Article 340 empowers the State to investigate the condition of the Backward Classes and to help them by grants, etc.

Thus, the Constitution has accepted the following elements of backwardness; illiteracy and lack of education, poverty, exploitation of labour, non-representation in services and untouchability.

2. **DIFFERENT BACKWARD CLASSES COMMISSIONS**

**Kalelkar Commission, 1953**

As it is made clear, the term “Backward classes” is vague in the sense that it includes a wide variety of lower as well as castes of millions of people. Article 340 of the Constitution provides for the appointment of a commission to investigate the conditions of backward classes. According, the President [that is, the Union Government] appointed on Jan. 29, 1953, The Backward Classes Commission under the chairmanship of Kaka Saheb Kalelkar. The Commission prepared a list containing as many as 2,399 communities which were treated as socially and educationally backward. Out of these, 913 communities alone had an estimated population of 115 million. The Commission adopted the following criteria for determining backwardness:
1. Low Social position in the traditional caste hierarchy of Hindus Society.

2. Lack of general advancement among the major section of a caste or community.

3. Inadequate or no representation in Government services.

4. Inadequate representation in the field of trade, commerce and industry.

**Observation Made by Kalelkar Commission**

Some of the major observations and recommendations made by the Kalelkar Commission and as referred to by Prof. B. Kuppuswamy can be mentioned here.

1. One of the first recommendations of the Commission was that the 1961 census should provide caste-wise figures so that “before the disease of caste is destroyed all facts about it have to be noted and classified in a certain manner as in a clinical record.”

2. The Commission also pointed out the anomaly which arose when some Scheduled Caste persons called themselves “Harijans” but found that they were not eligible for scholarships, etc. since the term “Harijan” is not in the authorised list.

3. The Commission also recommended that certain sections of the Muslims, Christians, Sikhs should be included among the “Other Backward Classes.”

4. The Commission prepared a list of about 2,400 castes on the basis of the position of the caste in social hierarchy, percentage of literacy and its representation in government services and in industries, etc. the Commission also revised the list of Scheduled Castes and Scheduled Tribes on the basis of the new information available.

5. “The Commission noted that the great majority of the Backward Classes are ignorant, illiterate, and poor. They are easily exploited by several classes of persons like the traders, the moneylenders.”

6. The Commission also noted that the administration system itself, which has to implement the Constitutional provisions, is tainted casteism; this is one of the reasons why the Backward Classes have no confidence in securing a fair deal even from the administration. The Commission warns that unless this immediately remedied there would be class conflicts which would affect national solidarity.
7. The Commission also draws pointed attention to the contradiction between the theory Hinduism recognised the concept of universality in practice it follows the Laws of Manu which perpetuate the four-fold divisions of the social order and the superiority of the Brahmin class.

8. The Commission notes “A complete revolution in the social outlook of the people is necessary for rendering social justice to all the backward people.”

9. Dealing with the problems of educational backwardness, the Commission noted that only general figures available are the literacy rates which shown a very slow progress. “The problem of education in most of the States is the chief problem of the Backward Classes, for it is they who are extremely backward in education.” Even when special schools and other facilities are provided the children of these classes do not study. The Commission recommends liberal budget provision to give scholarship to the students of the Backward Classes. The Commission recommends that 70% of the seats in professional colleges should be reserved for them; and in making selections, preference should be given to those coming from the most Backward Classes which are indicated in the lists drawn up.

10. With respect to representation in government and local body services the Commission recommended the reservation of 25% of the Class I vacancies, one-third of the Class II Vacancies, and 40%of the III and Class IV for the Backward Classes. This percentage has to be over and above that which has already been conceded to the SCs and STs.

11. As regards reservation in services, the Chairman of the Commission laid down: “In this matter one clear principle must be accepted and observed. Reservations, if contemplated, must not exceed 49% whatever the total population of all Reserved Communities be, as far as Classes III and Iv are concerned. In the case of Classes I and II he recommended that “the Backward Classes will stand to gain both morally and materially, if they do not demand a reservation percentage in vacancies…. They should demand greatest facilities for training and education in order to fit themselves for the highest jobs, as speedily as possible.”

Policy of the Central Government:

Kalelkar Commission’s report was not accepted by the Central Government due to lot of criticism and objections against it. The Government decided to find out highly objective, realistic and workable criteria to identify the real backward groups and communities of India. The Deputy Registrar General of Census was
also consulted to collect through his department information regarding the job in which the so called educationally backward people are found in a large number. Even that did not yield any fruitful results.

**Negotiations with the States:**

The Central Government initiated talks with at least 8 state Governments to identify the castes/groups/communities which could be included in the list of Backward Classes. In these negotiations with the State various views came to limelight. The opinions expressed are given below.

1. Some States expressed the view that it is better to identify “backward areas” rather than backward castes/classes.
2. More than the caste, economic factor should be the main criterion.
3. Some States insisted that no change should be made in the existing caste-based list of “backward classes”
4. Central Government has no legal or constitutional obligation to prepare such a list of “backward classes”. Even if the Central Government proposes such a kind of list the State Governments must have freedom to prepare their own list of Backward Classes.
5. Some states expressed their fear that the attempts to classify people either in the name of caste or class would not only damage the unity of the nation but also encourage divisive forces such as caste.
6. Some expressed the view that the attempts to prepare such a list of backward classes is against the principles of a secular, classes democratic socialist society. Hence, it must be dropped once and for all.

**Decision of the Central Government**

In the light of the expressed views as mentioned above, the Central Government decided to go forward very cautiously. It decided not to prepare list of Backward Classes/ Castes others than SCs and STs. However, it accepted in principle the right of the State Governments to find out their own criteria in order to prepare a list of Backward Classes. The Central Government also suggested to the State Governments that it would be better for them to find out economic criteria rather than caste for this purpose.

Preparation of a list of Backward Classes has become more complicated nowadays because the recent censuses do not contain statistical information about
the castes. [The First Backward Classes Commission, had taken into consideration caste-wise statistics available in the reports of Censuses held in 1911, 1921, and 1931, and also taken into account in their approximate increases by 1951.] The existence of certain castes which were never taken into account in the Census held prior to independence, have further complicated the process of preparing the list of Backward Classes. In fact, some such castes also figured in the list of Backward Classes prepared by the First Commission, and this held to further confusion. Hence, even though the report of the First Backward Classes Commission was published in 1955, it was not accepted by the Government. It decided to provide an opportunity for a nation-wide discussion on the issue. Finally, it instituted the Second Backward Classes Commission in 1979 under the Chairmanship of B.P. Mandal, an ex-judge, and a member belonging to the Backward Caste. The Commission submitted its report in 1980.

**Second Backward Classes Commission-1979: Mandal Commission.**

The Government considered seriously the objectives of Articles 15 and 16 of the Constitution and the Second Backward Classes Commission [Mandal Commission] was appointed in 1979. The socially of reference of the Commission included (i) determination of the criteria for defining the socially and educationally backward Classes, (ii) determination of the criteria for defining the socially and educationally backward classes, (iii) desirability or otherwise of making provision for the reservation of appointments in favour of backward classes which are not adequately represented in public service and (iv) presenting a report setting out the facts as found by the Commission making such recommendations. The Commission submitted its Report on 31 December 1980.

**Acceptance of the Recommendations of Mandal Commission**

After long deliberations on the recommendations of the Mandal Commission, it was decided by the then Government to implement the same. The Mandal Commission in its report[1980] has listed 3743 castes and communities in the Central List whose population is estimated to be 52% of the total population of India. The Commission has recommended 27% reservation for such a large segment of the Indian population. Several write petitions were filed in the Supreme Court questioning the said Reservation. All the writ petitions were disposed off by the Honourable Supreme Court by its judgement dated 16th Nov. 1992. The Court also directed the Government and each of the State Governments to set up a permanent body for reflecting upon the request for inclusion and complaints regarding inclusion in the list of OBCs. Accordingly, a National Commission for Backward Classes [NCBC] was set up on 14th Aug. 1993, which had been reconstituted on 28th Feb.1997.

As per the direction of the Supreme Court, the Govt. of India has notified the Central List of OBCs comprising in first phase, the castes/communities which
are common to both the list prepared by the Mandal Commission and State Backward Classes List for 21 States and 5 Union territories. Recently, three notifications on inclusion/amendment in the control list of OBCs have been issued by the Government.
3. RESERVATION POLICY AS PER MANDAL COMMISSION.

Criteria of Backwardness:

Reservation facility has been provided for people who are considered to be backward. But how is the backwardness of a community decided? Mandal Commission gave 11 criteria for determining social and educational backwardness. In the social and economic indicators, there were four criteria each, while in the educational indicators, there were three criteria. Thus, in total there were 11 indicators. These 11 indicators or criteria which fall into three categories are mentioned below.

A Social Criteria:

1. Social backwardness as considered by others.
2. Dependence mainly on manual labour for live livelihood.
3. Marriage of 25% girls and 10% boys in rural areas, and of 10 girls and 5% boys in urban area below 17 years.
4. Female work Participation 25% above the State average.

B. Educational Criteria.

5. Children between 5 and 15 years never attending school 25% above the State average.
6. Students drop-out rate 25% above the State average.
7. Matriculation rate 25% below the State average.

C. Economic Criteria.

8. Average value of family assets 25% below the State average.
9. Families living in kachcha houses 25% above the State average.
10. Sources of drinking water beyond 500 meters for more than 50% of the families.
11. Consumption loans by households 25% above the State average.

Weightage Given to Each Category of Criteria.

The above mentioned 11 criteria were differently weighted. Social criteria were given a weightage of 3 points each, educational criteria 2 points each, and the economic criteria one point each. Thus the total value was 22\[4X3+3X2+4X1=22\] points. Any caste getting more than 50% of the points, that is, 11 points, was counted as backward.

Reservation for the OBCs Among the Non-Hindus.
Mandal Commission extended the reservation facility to the OBCs among the non-Hindus. The above mentioned 11 criteria are mostly applied to the case of Hindus communities, including the tribes, to decide their backwardness. Some other criteria are adopted for determining the OBCs among the non-Hindus. All untouchables converted to non-Hindu religions are considered as OBCs. If a non-Hindu community continued its traditional occupation, and if that occupation qualified a Hindu community to be as backward as backward, then the non-Hindu community would be included among the OBCs.

Four Channels for Collecting Data to identify the OBCs

The Mandal Commission found out four channels to collect data to identify castes, communities and groups that could be included among the OBCs. These four channels were:
1. Detailed questionnaires, for the public advertised extensively in English and vernacular dailies;
2. Evidence from 97 MPs;
3. Extensive tours of States and Union Territories for meeting elected representatives, leaders social and caste associations, and representatives, from the public;
4. Survey of 405 of the 406 Districts of the country.

Main Recommendations of Mandal Commission.

1. The Commission recommended 27% reservation of the jobs for the OBCs. If enlisted 3743 castes and communities which are entitled for this reservation. As per the Article 15(4) and 16(4) of the Constitution, quota of reservation should not exceed 50%. Hence, the Commission recommended only 27% reservation for the OBCs though their share in the total population exceed 52%.

2. The Commission recommended that those candidates from the OBCs who were selected through open competition should not be adjusted against the reservation quota.

3. The system of reservation should apply to all levels of promotions.

4. Unfilled reservation quota should be carried on over for 3 years and de-reserved only thereafter.

5. Relaxation of upper age limit for direct recruitment from the SCs and STs should be extended to the OBCs.

6. A roster system for each category of posts should be adopted as in the case of the SCs and STs.
7. The 27% reservation to OBCs is applicable to the jobs in Central Government services and public-sector units including the banking sector, LIC, etc.

8. This reservation is also applicable to the private sector undertaking such as educational institutions which receive financial grants from the Central or State governments.

9. All the universities and colleges that receive financial assistance from the government are expected to implement this reservation.

10. Due modifications in the existing system of law, if necessary should be undertaken in order to enforce this reservation.

Some Other Special Recommendations:

1. In order to improve the backward community students’ cultural environment especially in the places in which OBCs reside in a large number, special efforts must be made to give them additional coaching, vocational training and other educational facilities. OBC students studying in professional courses may require such as assistance in order to keep pace with the other community students.

2. In all the States rural people belonging to the OBCs must be given financial assistance either subsidy or cheap rate loans in order to encourage them to take more and more interest in industrial and commercial activities. If needed, the rural semi-skilled and skilled persons of these communities must be provided facilities to improve their expertise in their respective fields.

3. All the State governments are advised to implement land reforms in a strict manner in order to remove the dependence of the tenants, landless labourers, rural professions and the owners of small land holding on the money-lenders and the rich farmers.

4. The Central Government must provide financial assistance to the State governments if they are not able to mobilise sufficient funds in order to take up the various welfare activities mentioned above, for the benefit of the OBCs. This assistance the Central Govt. must provide but as in the manner in which it is providing such an assistance to the States for the welfare activities of the SCs and STs

Historic Judgement of the Supreme Court [15-11-1992]: Its Impact:
After the fall of V.P. Singh’s and Chandrashekar’s ministries at the Centre, 10th Parliamentary Elections took place in 1991 in which Congress came back to power and P.V. Narashimha Rao became the Prime Minister. His Government announced in Sept. 1991 that within the 27% of the Union Govt’s civilian jobs reserved for socially and educationally backward classes [SEBC], preference would be given to the poorer sections of such classes. He went a step further and declared 10% reservation for the other economically backward sections of the people who were not covered by any of the existing schemes of reservation.

The controversial issue of the implementation of Mandal Commission’s Report was taken to the Supreme Court which gave a historic judgement on it on 15th Nov. 1992. The court upheld 27% reservation recommended by the Mandal Commission but struck down the Narasimha Rao Govt.’s decision to reserve 10% jobs for other economically backward sections.

**Important aspects of this judgement as enlisted by Prof. Ram Ahuja are:**

1. Caste has been accepted as a basis for identifying the beneficiaries of reservations.
2. The upper limit of reservations has been fixed at 50 per cent.
3. “Creamy layer” has to be excluded from reservations.
4. Reservations in certain technical posts is not advisable.
5. There can be no reservations in promotion.
6. The Union Government shall specify the socio-economic criteria to exclude socially advanced persons among the backward classes.
7. Permanent commissions should be set up by the Union and State governments to examine complaints of over-inclusion and under-inclusion and requests for inclusion in the list of Backward Classes.

**4. ARGUMENTS FOR AND AGAINST RESERVATIONS OF BACKWARD CLASSES.**

The National Front Government’s [1980-90] sudden announcement of accepting the recommendations of Mandal Commission’s Report in August 1990 evoked widespread resentments and supports throughout the nation. This announcement of Prime Minister V.P. Singh was described as a political decision. The student community in particular protested against it very sharply in North India. Spontaneous agitations took place in several places of the nation. During mid-September and mid-October 1990 more than 160 young people attempted to commit suicide as a mark of their protest against the unjustifiable reservations policy. However, not single political party openly protested the government’s reservation policy.
Mandal Commission’s recommendations which formed the primary bases of the reservation policy, have both positive and negative aspects. The recommendations were warmly welcomed in some circles they were strongly opposed in some other circles. Arguments both in favour of the recommendations and against them have been advanced. Let us now consider these arguments.

**Merits of Reservation OR Arguments in Favour of it**

1. **Providing Justice to All:** Reservation policy is likely to satisfy and uplift all those weaker sections of the society which were discontented and had suffered injustice and insults for decades. If fundamental rights are to be guaranteed to all, then they are to be guaranteed to the weaker sections also. Reservations one of the means of guaranteeing such an equality. Competition becomes just only when participants are equal.

2. **Reservations are not Made on Caste Basis alone:** It is wrong to say that reservation are made only on the basis of caste and hence such a policy is likely to perpetuate casteism. For Example, Rajputs in Bihar are not included in the list of backward classes whereas Rajputs in Gujarat are included; similarly, the Yadavs of Bihar and U.P. are included but not the Yadavs of Haryana; Patels of Gujarat are not included but Patels of Bihar are in the list. Reservations are made on the basis of educational and economic backwardness also.

Further, to remove inequalities of caste, actions on caste line are necessary. Upper castes monopolised the privileges and high-income occupations for centuries. To remedy this situation, jobs must be preferentially allotted to the backwards and admissions for them in educations institutions must be provided, until parity is restored.

3. **Economic Factors as a Criterion will Help Only the Poor among the Forwards:** A poor member of a forward community will definitely fare better than the poor among the SCs. STs and OBCs. This is quite natural because the forwards are mostly literate and are in touch with the latest developments. Further, they are in regular social contact with the other forwards who have already progressed. Possessing upper caste culture helps them to be at ease with the ways of those who judge merit.

4. **Merit will not Become a Casuality:** The argument that reservation policy damages the principle of merit is untenable. If merit were to be sole factor for providing opportunities to the people, then the country should have progressed a lot with the leadership of the “so called merited” people. Administration by the “meritorious” for the last 45 years has been unable to implement land reforms and programmes to
remove untouchability and backward among the masses of India. They have no right to speak about merit.

5. Influence of Caste is Present in the Current Product: Reservation is sought not to compensate for the past wrong, but for removing the injustice in the present dispensation, where the forward castes continue to grab all the privileges. The handicaps experienced by the SCs, STs and OBCs are nothing but the accumulated effect of exploitation at the hands of the upper caste people who reserved all the privileges for themselves.

6. Lower Castes do not have Benefits of Connections which the Upper Castes have: Proper socio-economic and political connections are an important asset among the forward castes. Because of such connections even the poorest among the upper caste are able to get benefits without much socio-economic connections.

7. Reservations is to be Made Meaningful Through other Efforts: It is unscientific to believe that reservation alone can bring about widespread changes among all the members of the backward classes. On the contrary, various other measures such as the spread of education, increase in infrastructure facilities in the areas where the SCs, STs and OBCs live, are very much necessary. Reservation facility is to be supplemented through other efforts.

8. Social Benefits of Reservation do Spread Very Rapidly: Various studies and observations have revealed that even though only a few families are going to be benefited directly out of reservation, the social benefits of the reservations are going to spread very rapidly. It means reservations facility can create a new awareness, self confidence, courageousness, adventurous spirit and self respect among the backward caste/classes.

Demerits of Reservation or Arguments Against it

1. Gross Neglect of Merit: One of the most widely criticised aspects of reservation policy is that it affects very badly the merit. Candidates are to be recruited for jobs and admission is to be made to the educational institutions on merit basis. This required in the interest of the concerned agencies, disciplines, individuals and also in the larger interest of the nation. Neglect of the principle of merit will bring down efficiency and lower the morale of the meritorious. This double effect is dangerous for national growth and development. As Guha [1990] has pointed out reservation “mortgages the future of India”
2. Provision of Reservations is an Insult to the Fundamental Rights and Equality of Opportunities: The Constitution should treat the people in India on equal terms. But reservation provides some special treatments for some sections of the society which is unfair. As the fundamental rights, have an overriding power, reservation should not be allowed to stand in their way.

3. Providing Compensation for the Past Injustice is Meaningless: It is true that some sections of the Indian society were treated very inhumanly and were exploited in various ways. But those exploited are dead and gone. Causing injustice to the forward castes in the present generation will not restore the losses of the past generations of the backward castes.

4. Reservation Causes Great Injustice to the Forward Castes and Classes: It is very unfair to do injustice to one section of the society in order to assure justice to another section. Reservation thus does great injustice to the forward castes. The forward castes have given their own contribution to the march of society. Their members are also prepared to put forth efforts to help the nation to take a big leap towards progress. Denying them an equal opportunity is not only injustice but also unfair.

5. Poverty and Economic Criteria Should be the Basis of Reservation: Reservation is required for the people who are genuinely poor. Irrespectively of the caste, class, region or sex to which they belong, must be assured of help through reservation. If reservation is given in this way it can regarded as just and appropriate. By the present reservation policy benefits only a small elite fringe among the lower castes.

6. Reservation Contributes to the Perpetuation of Caste: Modern independent India visualises a casteless society. Attempts to provide reservation on the basis of caste will only enhance the importance of caste and increase the caste mindedness and “caste patriotism”. Reservation policy will only lead to the reversal of historical cycle by enlivening the caste. In other words, reservation will create a backward moving society.

7. Removal of Corruption should be our First Priority, but not Reservation: From the point of view of national development what is more important is an honest administration, and not an administration by the inefficient and meritless people. Reservation will only add to the corruption because people try their level through all possible means to reap the benefits of reservation.
8. There are other Better Solutions to the Progress of Backward Classes: It is wrong to think that reservation is the master-fixer of solutions to the problems of backward classes. Social and educational backwardness is mostly due to the habits and attitudes of the people. These could be changed through the spread of education including what can be called a “cultural revolution”.

9. Reservation is only a Political Game and nothing else: The haste with which the reservation policy came to be introduced during V.P. Singh’s administration itself makes it evident that it is more a political gimmick than a considered scheme for the amelioration of the problems of the backward classes. Political parties and their leaders wanted to create a permanent “vote-bank” through the implementation of the reservation policy.

10. Fear Experienced by the SCs and STs: Reservation policy has vertically divided the Hindu population into “forward communities” and “backward communities”. It has fanned the fire of animosity, ill-will, jealousy, contempt and hatred between these two communities. Instances of clashes and conflicts between the two have been on the increase ever since the policy of reservation came into force. Hence, it has created terror and horror in the minds of the poor SCs, STs and OBCs. Further, clashes between the backward caste on the hand, and SCs on the other, have also increased. Continuous attack on some sections of SCs by the backward caste communities in Bihar can be sited here as examples.

Conclusion

The policy of reservation has a great implication for the Indian society. It has”.....set in motion processes that are capable of transforming a hierarchical society into an egalitarian one. The caste system effectively restricted privileges for a few upper castes and enforced difficult menial labour on the lowest castes.

Reservation and other aspects of positive discrimination have virtually put a limitation on the actual monopoly of the forward castes on legislation, government, administration and education. The SCs, STs and OBCs have now greater fortunes to occupy positions in the legislature, posts in the administration, and seats in educational institutions.

Reservation is an attempt to provide enough opportunities to the neglected sections of the Indian society to take tendency to be normally distributed and evenly shared by all human groups. Therefore, for the development of the nation’s economy, society, and polity, the best from all sections of the population,
including the SCs, STs, and OBC, should be encouraged to particulate in national life”.

We are now living in an age of growing liberalisation and globalisation. In the growing liberalisation of the economy, the role of the government, including regulation, is decreasing. More liberty is given to the people and to the men of talents. In this age, “more talent of all sections, forward, backward and others, can be more usefully marked in the private sector producing more by more and for more.”

Certain precautions are however necessary to see that reservation do not create a permanent vested interest in small sections of the group for whom reservations are provided. The present reservation system is not-proof. System. It has its own limitation no doubt. In spite limitations the policy of reservation continues to say. It is inadmissible and practically impossible at this stage to scrap the policy altogether. According Roy Burman, the policy of reservation has to be made more rational and scientific. In the given economic and political structure caste should not determine one’s life changes.

B.S. Bhargava and Avinash Singh [1998] have given some suggestions to improve the policy of reservation. According to them. 1. income should be given more importance in determining the backwardness of the individual and not the caste to which he belongs. 2. The concept of “creamy layer” should be applied to SCs and STs also. It means rich people who belong to the category of SCs and STs should not be given reservation facility. 3. Reservation should be restricted only to the first should not be given the same facility once again. 4. Concession of scholarship may be provided to SC, St and OBC students securing more than a prescribes percentage of marks [ay, 50% and above].

If the above-mentioned suggestions are implemented then the benefits of reservation will be spread more evenly and widely within the targeted growth. This will also help to reduce opposition for the reservation by the forward castes. Nation building or national prosperity is not the responsibility of any particular section alone. On the contrary, it is a collective process in which all sections of the society should play an equal role. The purpose of reservation is to provide a chance for those sections of the society, which have been neglected so far, to play their role in this collective process.

5. SCHEMES AND MEASURES FOR THE WELFARE OF THE BACKWARD CLASSES [OBCS]

The central Government has launched various schemes and undertaken several measures, such as the following, for welfare of the OBCs.
1. National Backward Classes Finance and Development Corporation

The National Backward Classes Finance and Development Corporation [NBCFDC] was set up by the Govt. of India under the then Ministry of Welfare on 13th Jan. 1992 as a company [not for Profit]. The objective of this Corporation is to provide concessional finance to members of the backward classes living below the poverty line for their socio-economic development. The Corporation provide them loans for income generating schemes.

The Corporation provides financial assistance in terms of loans/grants to the eligible beneficiaries in the following sectors: agriculture and allied; artisans and traditional occupations; technical trades; small scale industries and transport services.

2. Various Schemes Launched

The following schemes were launched for the welfare of the OBCs by the Govt. of India.

(i) Pre-Examination Coaching: The objective of the scheme is to coach candidates belonging to OBCs to enable them to compete in various competitive/entrance examinations. Candidates whose parents/guardians’ total annual income is below Rupees one lakh are eligible for this.

(ii) Hostels for OBC Boys and Girls: The hostels under the schemes will be constructed in States/ UTs having a large OBC population but inadequate hostel facilities. The hostels will be constructed for middle, secondary, college and university level students. At least 1/3 of the hostels to be borne by the State Govt.

(iii) Pre-Matric Scholarship for OBCs: Scholarship award will sanctioned to students, whose parent’s annual income does not exceed Rs. 44,500/= . The scholarships will terminate at the end of Class. X. The scholarship will be paid for 10 months in a year the scholarship will be applicable to the institutions recognised by the concerned State Govts./UTs. The central assistance will be 50%.

(iv) Assistance to Voluntary Organisation for Welfare of OBCs: The scheme involves voluntary sector to improve educational and socio-economic conditions of the OBCs, that is, to get them gainfully employed. Assistance will be given to establish centres and develop services which equip the OBCs to start income generating activities. The quantum of assistance is determined on merit by the OBCs to start income generating activities. The quantum of assistance is determined
on merit by the Govt. of India, which may be up to 90% of the approved expenditure.

3. Reservation Facility to the Backward Classes

Reservation is a part of our Constitution which is intended to create equal in opportunities among Indians belonging to groups unequally placed in the social hierarchy. This Reservation has three principle components.

(i) Reservation of seats in legislative houses.
(ii) Reservation in jobs in Govt. and Public-Sector Units.
(iii) Reservations in admission to courses in professional colleges and other institutions of higher learning.

(i) Reservation of seats in legislative houses: Reservation of seats in the legislative houses on the basis of social backwardness is provided only for the SCs and STs. Explicit constitutional provision is made for seats in the Lok Sabha, Rajya Saba, Vidhan Saba and Vidhana Parishads. Laws relating to local bodies have incorporated it as a normal legislative practice.

(ii) Reservation in jobs in Govt. and Public-Sector Units: This Reservation operates in All India Services, Central Govt., State Govts. and Govt. owned and managed Public-Sector Units and Institutions. Reservations exists in all these for the SCs and STs, to the tune of 15% and 7.5% respectively. Several State Governments have introduced reservation for the OBCs also. In fact, some have demanded reservation in the private sector also.

(iii) Reservations in admission to courses in professional colleges and other institutions of higher learning: Reservation of admission is found in the Govt. owned and aided educational institutions of professional and higher learning, such as engineering colleges, medical colleges. Reservation for SCs and STs exists in all institutions. Several State Government such as Karnataka, Kerala, Tamil Nadu, for instance, have also provided reservation for the OBCs.

2. CONSTITUTIONAL PROVISIONS

Introduction:

Following the attainment of independence, free India farmed an elaborate democratic constitution which applies to each and every Indian irrespective of who he is and where he lives. In this constitution there are many provisions which apply to all Indians, but
which acquire a special significance in the case of tribal and other backward classes in view of the hardships and disabilities from which these people suffer at present. Besides, there are many clauses in the Constitution which apply only to the Scheduled Castes and Scheduled Tribes.

The Preamble of the Constitution of India guarantees to all citizens of India social, economic political justice: liberty of thought, expression, belief, faith and worship; and equality of status and opportunity and seeks to promote fraternity among Indians in order to assure the dignity of the individual and the unity of the Nation.

**Constitutional safeguards**

**Scheduled tribes**

✓ Article 342-Scheduled Tribes

(1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be

(2) 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 be varied by any subsequent notification

✓ Article 366 (25)-Definitions

Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution;

**Social**

✓ Article 15(4)
Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes

✓ Article 16(4)

Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State

✓ Article 19(5)

Nothing in sub clauses (d) and (e) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe

✓ Article 23

Prohibition of traffic in human beings and forced labour

✓ Article 29- Protection of interests of minorities

- Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same
- No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them

Educational

✓ Article 46

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation
Economical

✓ Article 275

Grants under Article 275(1) of the Constitution of India provides such sums as Parliament may by law provide shall be charged on the consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States:
Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State”.

✓ Article 335-Claims of Scheduled Tribes to services and posts

The claims of the members of the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State

Political

✓ Article 164

Provided that in the State of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work

✓ Article 243 D

Seats shall be reserved for the Scheduled Tribes, in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the, total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat

✓ Article 243 T
Seats shall be reserved for the Scheduled Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality.

Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Tribes.

The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

- Article 330
  Reservation of seats for Scheduled Tribes in the House of the People

- Article 332
  Reservation of seats for Scheduled Tribes in the Legislative Assemblies of the States

- Article 334
  Reservation of seats and special representation to cease after sixty years. Originally the reservation for seats in scheduled castes and scheduled tribes in Lok Sabha and State assemblies was up to 1960. But it was successively amended by 8th, 23rd, 45th, 62nd, 79th and 95th amendment of the constitution's article 334 to extend this period of reservation.

- Article 338A—National commission for Scheduled Tribes

There shall be a Commission for the Scheduled Tribes to be known as the National Commission for the Scheduled Tribes. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

- Article 339(1)—Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes
The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of this Scheduled Tribes in the States. The order may define the composition, powers and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable. The executive power of the Union shall extend to the giving of directions to a State as to the drawing up and execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

✓ Article 244- Vth Schedule

Administration of Scheduled Areas and Tribal Areas
The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam, Meghalaya, Tripura and Mizoram.

✓ Article 244 (A)-VIth schedule

Formation of an autonomous State comprising certain tribal areas in Assam, Meghalaya, Tripura and Mizoram and creation of local Legislature or Council of Ministers or both therefor.

✓ Article 371 A

Special provisions for Nagaland.

✓ Article 371 B

Special provisions for Assam.

✓ Article 371 C

Special provisions for Manipur.

✓ Article 371 G

Special provisions for Mizoram.

✓ Article 371 H

Special provisions for Arunachal Pradesh.
Scheduled castes

✓ Article 341-Scheduled Castes

(1) The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Social

✓ Article 15(4)

Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes.

✓ Article 16(4)

Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

✓ Article 17

Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with the law.

✓ Article 23

Prohibition of traffic in human beings and forced labour

✓ Article 29-Protection of interests of minorities
(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

**Educational**

- Article 46

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

**Economical**

- Article 335 - Claims of Scheduled Castes to services and posts

The claims of the members of the Scheduled Castes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

**Political**

- Article 243 D

Seats shall be reserved for the Scheduled Castes in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- Article 243 T

Seats shall be reserved for the Scheduled Castes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion...
to the total number of seats to be filled by direct election in that Municipality as the population of the Scheduled Castes in the Municipal area or of the Scheduled Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Municipality. Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes. The offices of Chairpersons in the Municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide.

✓ Article 330
Reservation of seats for Scheduled Castes in the House of the People

✓ Article 332
Reservation of seats for Scheduled Castes in the Legislative Assemblies of the States

✓ Article 334
Reservation of seats and special representation to cease after sixty years
Originally the reservation for seats in scheduled castes and scheduled tribes in Lok Sabha and State assemblies was up to 1960. But it was successively amended by 8th, 23rd, 45th, 62nd, 79th and 95th amendment of the constitution's article 334 to extend this period of reservation.

✓ Article 338-National Commission for Scheduled Castes
There shall be a Commission for the Scheduled Castes to be known as the National Commission for the Scheduled Castes.

The Fifth Schedule
The basis of the Fifth Schedule of the Constitution can be traced back to the laws of the British colonial government designating certain parts of the sub-continent ‘backward tracts’ and ‘partially excluded areas’. The latter term was incorporated into the Constitution and it is within these tracts labelled Scheduled Areas (wherein a large number of Scheduled Tribes reside, alongside other relevant
criteria) that the Fifth Schedule is applicable. The debate around the Fifth Schedule, its relevance and its efficacy vis-à-vis the intentions of the Constitution makers are as contentious today as they were during the debates of the Constituent Assembly.

During the debates regarding the provisions of the Constitution of the modern Indian nation, the issue of the administration of the Scheduled Tribes generated heated debates on the post-colonial State’s policy toward and legislation on adivasi communities. Largely, nationalist leaders and social reformers favoured the assimilation of tribals into ‘mainstream’ Indian society, and their views were pitted against those of the British administrators and anthropologists who advocated isolationism or protection. These contrasting positions were reflected in the famous debate between G.S. Ghurye and Verrier Elwin in which the latter argued for a policy of protection of the ‘tribal way of life’ and the former stated that those in favour of isolation sought a revival of the past, and that Elwin’s position ignored the histories of tribal migration and intermingling with non-tribal populations. While both views were heard out, the policy ultimately adopted was a middle ground of ‘controlled integration’, the middle ground advocated by then Prime Minister Shri. Jawaharlal Nehru. There was, therefore, recognition of difference, even if this was done in the pursuit of its eventual erasure. An approach of simultaneous ‘protection’ and ‘uplift’ was stressed.

The belief that tribal areas required special laws led to the setting up of the Advisory Committee on Fundamental Rights and Minorities by the Constituent Assembly, 1947. This body appointed three sub-committees in 1947 to look into specific tribal areas and make suggestions for their administration and functioning.

- The first was authorized to look into the excluded and partially excluded areas ‘other than Assam’ and was headed by Shri. A.V. Thakkar. This was incorporated as Fifth Schedule.
- The second committee to examine tribal areas within undivided Assam chaired by Shri. Gopinath Bardoloi. This was incorporated as Sixth Schedule.
- The third was to analyse the situation of tribes in the North Western Frontier Province.

The report of the Joint Sub-Committee described tribal society as “lacking in such civilizing facilities as roads, schools, dispensaries and water supply”. Tribal people are described as “extremely simple people who can be and are exploited with ease by plains folk”. Hence, a policy of protectionism would be necessary since “sudden disruption of the tribal customs and ways by exposure to the impact of a more complicated and sophisticated manner of life is capable of doing great harm” At the same time, it was argued that isolationism was not the solution since only a continuous process of assimilation into mainstream Indian (and Hindu) society would lead to their ‘development’. The debate on the tribal question took
place on 5th and 6th September, 1949 and the main focus remained on this issue - “reconciling the diversity of custom with the ‘national life of the country’.

The Fifth Schedule (Article 244(1)) of the Constitution finally adopted by the Constituent Assembly did not include several of the recommendations of the sub-committees and Assembly members. The Fifth Schedule contains provisions relating to the administration of Scheduled Areas other than in Northeast India.

- First, areas can be designated Scheduled Areas on the order of the President, who can similarly declare that certain parts of/entire Scheduled Areas cease to be such.
- Second, the Governor of each State having Scheduled Areas shall annually, or whenever required by the President of India, submit a report to the President regarding the administration of Scheduled Areas.

Currently, certain parts of nine States of the country are covered by the Fifth Schedule. The broad list of Scheduled Areas is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>Visakhapatnam, East Godavari, West Godavari, Adilabad, Srikakulam, Vizianagaram, Mahboobnagar, Prakasam (only some mandals/villages are scheduled mandals)</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>Dumka, Godda, Devgarh, Sahabgunj, Pakur, Ranchi, Singhbhum (East&amp;West), Gumla, Simdega, Lohardaga, Palamu, Garwa, (some districts are only partly tribal blocks)</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>Sarbhuja, Bastar, Raigad, Raipur, Rajnandgaon, Durg, Bilaspur, Sehdol, Chindwada, Kanker</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>Lahaual and Spiti districts, Kinnaur, Pangi tehsil and Bharmour sub-.tehsil in Chamba district</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>Jhabua, Mandla, Dhar, Khargone, East Nimar (khandwa), Sailana tehsil in Ratlam district, Betul, Seoni, Balaghat, Morena</td>
</tr>
<tr>
<td>State</td>
<td>Areas</td>
</tr>
<tr>
<td>-----------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Gujarat</td>
<td>Surat, Bharauch, Dangs, Valsad, Panchmahal, Sadodara, Sabarkanta (parts of these districts only)</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>Thane, Nasik, Dhule, Ahmednagar, Pune, Nanded, Amravati, Yavatmal, Gadchiroli, Chandrapur (parts of these districts only)</td>
</tr>
<tr>
<td>Odisha</td>
<td>Mayurbhanj, Sundargarh, Koraput, Malkangiri, Rayagada, Narayanpur (full), Raigada, Keonjhar, Sambalpur, Kondmals, Ganjam, Kalahandi, Bolangir, Balasor (some blocks)</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>Banswara, Dungarpur (fully tribal districts), Udaipur, Chittaurgarh, Siroi (some areas)</td>
</tr>
</tbody>
</table>

Part B of the Fifth Schedule provides for the creation of a Tribes Advisory Council (TAC) in each State having Scheduled Areas (and if the President directs, also in States having Scheduled Tribes but not Scheduled Areas), consisting of twenty members of which three-fourths must be representatives of Scheduled Tribes in the Legislative Assembly of that State. The duty of the TAC is to advise on matters pertaining to the “welfare and advancement” of the Scheduled Tribes “as may be referred to them by the Governor”.

Further, the Fifth Schedule grants extensive powers to the Governor who, by public notification, may direct that a law enacted by the Parliament or the State Legislative Assembly shall not apply to a Scheduled Area, or may apply subject to certain amendments or restrictions as he/she specifies. The Governor may only make such regulations on consultation with the concerned Tribes Advisory Council and subject to the final assent of the President. The section states:

The Governor may make regulations for the peace and good government of any area in a State which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may- (a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area; (b) regulate the allotment of land to members of the Scheduled Tribes in such area; (c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.
These provisions were viewed as essential in view of the historical fact that adivasi livelihoods depend on the land and that alienation of resources had led to considerable impoverishment of adivasis during the colonial period. Nonetheless, the initial recommendations of the committees and the earlier draft of the Fifth Schedule accorded far greater autonomy to tribal areas than the final version, which watered down the role of the Tribes Advisory Council to a mere consultant rather than an autonomous decision-making body. A Member of the Constituent Assembly, Shri. Jaipal Singh, had argued against this version of the Schedule and demanded instead: a statutory obligation that a report on the Scheduled Areas and Tribes be submitted by the Governor annually, that TACs be compulsorily set up in all States having Scheduled Tribes and not just in those States having Scheduled Areas, that the Governor should be bound to carry out the decisions of the TAC regarding the modification and amendment of laws made by Parliament or the State Legislature. Singh noted that the new draft (the one finally incorporated into the Constitution) made the Fifth Schedule considerably less powerful than he had hoped and “emasculated the Tribes Advisory Council”. Lamenting the lack of powers to the tribal people themselves and their representatives in the TAC, Singh stated:

“The whole pattern of the original draft was to bring the Tribes Advisory Council into action. It could initiate, originate things, but, somehow or other, the tables have now been turned. The initiative is placed in the hands of the Governor or Ruler of the State.”

Another Constituent Assembly member, Shri. Yudhishtir Misra, held that the TAC should not only be allowed to advise on the “welfare and advancement” of tribes, but also more broadly on the administration of the Scheduled Areas. Moreover, Misra warned that the advisory powers of the TAC should not be circumscribed by the whims and fancies of the executive as seemed likely given the current form of the Fifth Schedule – which states that the TAC can only advise on matter referred to it by the Governor. However, their suggestions were refused by their colleagues in the Assembly who believed that the work of the TAC must not be of a political nature on the grounds that it might lead to separatism and that tribals would not themselves be able to comprehend the complexities of law-making. Rather than grant genuine autonomy to tribal India, the Fifth Schedule paternalistically placed their welfare in the hands of a representative of the Centre.

Unlike the Sixth Schedule wherein Autonomous District Councils have been given significant legislative, judicial and executive powers on several important matters, the Fifth Schedule places the governance of tribal areas in ‘mainland’ India largely in the hands of the Governor. This occurred for two reasons: one, mainland areas had large non-tribal populations and two, the tribes of the Northeast were seen as more advanced and capable of self-governance unlike the tribes in other parts of the sub-continent. As a result, tribes were given
‘protection’ from outside intrusions and land alienation but were not granted much autonomy on political and economic matters.

**Governor’s Report**

Over the years, States with Scheduled Areas have developed a framework around which the Governor’s reports are to be presented. According to the Scheduled Areas and Scheduled Tribes Commission Report (2002-2004), the Governor’s report is expected to contain an objective and independent assessment of the quality of the administration of Scheduled Areas, the implementation of protective safeguards for tribals, and the regulations made by the Governor in keeping with his powers under the Fifth Schedule. It should further cover issues of displacement and rehabilitation, law and order problem, tribal protests, atrocities against tribes, and so on. This report is required to be placed before the TAC for their advice and recommendations. On the basis of this Report, the Union Government may issue directives to the State Governments for better administration of these areas.

According to the Bhuria Commission Report (2002-2004), at the time of their writing, the States of Andhra Pradesh and Madhya Pradesh did not send their reports since 1999-2000, while Maharashtra and Odisha had not sent theirs from 2000-2001 onward. Only Himachal Pradesh has submitted its report regularly. In more recent years, the Ministry of Tribal Affairs reports that, as of 25.5.2013, it had received Governor’s Reports for the year 2011-12 only from Gujarat and was still awaiting reports from the other eight States. Maharashtra had not submitted its report for the previous year 2010-11 either.

Even when the reports are sent regularly, there have been several questions raised regarding the quality and value of the reports. Critics have pointed out that the reports are repetitive, casually and haphazardly constructed and tend to borrow heavily from reports of the tribal welfare department, merely listing out the schemes and programmes for tribal development without even examining their implementation and efficacy on the ground. Pressing issues such as the impacts of insurgency and counter-insurgency on tribal populations and displacement by big industry rarely find mention. The Governor’s Reports offer quantitative rather than qualitative or analytical data about the status of tribal administration in the concerned States – even the statistical information presented relates to the flow of development funds to tribal villages and the number of beneficiaries of government welfare schemes. The reports do not offer an independent assessment of the policies of the State Governments vis-à-vis Scheduled Areas and instead seem to uncritically accept government claims of tremendous achievements with regard to tribal development.

A confidential report sent to the President by the National Commission for Scheduled Tribes (accessed by *Down to Earth* magazine in 2013) has also
complained of the failure of Governors in performing their administrative duties to ensure self-governance in tribal areas. The National Commission advocated that Governors be made more accountable with regard to their roles vis-à-vis Scheduled Areas, namely ensuring the implementation of constitutional provision protecting tribal rights. Most importantly, the Governor should ensure that all laws which contradict the constitutional protections for tribals should be repealed or modified in Scheduled Areas. The NCST further recommended that the Ministry of Tribal Affairs prepare a detailed format for submission of the Governor’s reports which could include a review of all Central and State laws and their compatibility with Constitutional provisions for Scheduled Tribes and consultation with the TACs. Other experts have also advocated the inclusion of an Action Taken Report (ATR) for the previous year in the report of the subsequent year. Where such regulations have been made, they primarily pertain to control of land alienation and money lending in tribal areas and do not venture to cover the spectrum of issues that may be covered under the “peace and good government” of the area. There are several instances in which the Governor has exercised his powers to make regulations. In Odisha, these regulations have included the Odisha Scheduled Areas Transfer of Immovable Property (By Scheduled Tribes) Regulation 1956, Odisha Scheduled Area Money-Lenders Regulation 1967, and the Odisha Schedule Area Debt Relief Regulation. However, reviews of the implementation of these regulations (as well as similar laws seeking to stem land alienation and money-lending in tribal areas) points to their failure owing to excessive dependence on the powerful mainstream bureaucracy unwilling to acknowledge tribal rights over land and forest. More recently, the Bhuria Commission Report has further recommended the inclusion of another subject under which the Governor could exercise his powers – for the regulation of trade and commerce in the Scheduled Areas of the State.

In April 2012, Union Minister for Tribal Affairs, Dr. V. Kishore Chandra Deo requested the Governor of Andhra Pradesh, Shri. E.S.L Narsimhan, to use his powers under the Fifth Schedule to cancel a Memorandum of Understanding (MoU) signed by the Government for bauxite mining in Fifth Schedule areas of Visakhapatnam district. It has also been noted that when Governors do exercise their Fifth Schedule powers, it is only on the advice of the Council of Ministers. Activists have complained that Governors never respond to petitions calling for their intervention in cases of land conflicts, acquisition for mineral extraction and police atrocities against tribal communities.

In order to assist the Governor in the fulfilment of the Constitutional duties of his/her office, the creation of a special Governor’s Cell to work specifically on issues pertaining to the Scheduled Tribes has begun in several States. The governments of Chhattisgarh, Jharkhand, Maharashtra and Rajasthan have informed the Ministry of Tribal Affairs that they have constituted the Governor’s Cell in their States, although the details of their functioning are not yet known. The Governor’s Office in Andhra Pradesh has noted that there is no need for such
a cell in the State since the Tribal Welfare department is capable of performing the same duties. The State of Madhya Pradesh has informed the Ministry that there was no consensus on the creation of such a cell. According to the Government of Himachal Pradesh, such a cell has already been formed in their State.

The formation of the Governor’s Cell is a longstanding necessity in order for the Governor to properly carry out the duties of the post vis-à-vis protection of the tribes. It is imperative that the Cell be set up in all the Fifth Schedule States and that these Cells function independently and conscientiously. Most importantly, the Cell should be prevented from becoming simply another bureaucratic institution among many performing its tasks mechanically with little autonomy or interest in tribal affairs.

**Tribes Advisory Councils**

These Councils have been set up in all the nine States having Scheduled Areas as well as two other States, West Bengal and Tamil Nadu, both having sizeable tribal populations. As discussed above, there are several shortcomings inherent in the structure and mandate of the TACs as laid down in the Constitution. Firstly, the TACs can only discuss and make recommendations on those issues which are referred to it by the Governor. Secondly, it functions only in an advisory capacity and has no power of implementation. Thirdly, the Councils are not accountable to the tribal population given that they are appointed by the Governor or the State Government.

<table>
<thead>
<tr>
<th>State</th>
<th>Dates on which TAC meetings were held (as on 25.5.2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2011-2012</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>18.2.2012</td>
</tr>
<tr>
<td>Gujarat</td>
<td>24.1.2012</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>5.3.2012</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>20.7.2011 and 26.3.2012</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>4.1.2012</td>
</tr>
</tbody>
</table>
A detailed study of the minutes of the meetings of the Tribes Advisory Councils by the Asian Indigenous and Tribal Peoples’ Network (2012) reveals that the meetings of the Councils are almost tokenistic and critical issues (such as land alienation) are rarely discussed. Further, the resolutions of the Councils are not followed up in subsequent meetings and the implementation of their recommendations is not independently verified. The issue of the representativeness of the TACs is also a central issue – while three-fourths of the members are to be tribal MLAs from the concerned State, the non-official, nominated members include the Chief Minister of the State (often the Chairperson of the TAC) and bureaucrats.

The States’ rules for the appointment of members hold that they shall be appointed, either by the State Government (Rajasthan Tribes Advisory Council Rules) or the Governor (Andhra Pradesh TAC Rules and Jharkhand TAC Rules) with no specifying criteria. It is the State Governments rather than the Governor which have framed the rules regarding TAC functioning which has led to the near complete usurpation of these bodies by the political parties in power both in terms of representation within the Councils as well as the issues that are taken up for discussion.

The Gujarat Tribes Advisory Council Rules, 1960 provides that “No business shall be transacted and no proposition shall be moved or discussed at any meeting, unless it has been specified in the notice for convening the meeting.” The Jharkhand Tribes Advisory Council Rules states that only those matters shall be discussed in the Council which has been referred to the Council by the Governor for advice.

The Andhra Pradesh TAC (as of 2009) consists of the Minister of Tribal Welfare, Andhra Pradesh (Chairperson); the Principal Secretary to Government of Andhra Pradesh (TW), Social Welfare Department (Member); the Director for Scheduled Castes and Scheduled Tribes, Government of India (Member); the Director of Tribal Cultural Research and Training Institute, Hyderabad (Member); the Commissioner of Tribal Welfare, Government of Andhra Pradesh (Member Secretary); and 15 tribal MLAs. The Chhattisgarh TAC (as of 2009) comprises the Chief Minister (Chairperson), the Minister of Scheduled Tribes and Schedule Caste Development Department (Vice Chairperson); 15 Scheduled Tribe MLAs (Members); three Members of Parliament (nominated as Members); and Secretary, Scheduled Tribes and Schedule Caste Development Department, Chhattisgarh government (Secretary). Clearly then, a large portion of the
members are State functionaries and there are few independent persons with experience and expertise on tribal issues who are nominated to the Council.

Further, the members of the TAC have few powers even in terms of what can be discussed at the Council meetings. For instance, the Chhattisgarh TAC rules states that, apart from matters referred to it by the Governor, “No issue shall be taken up for discussion and included in the proceedings and no proposals shall be passed in a meeting unless the issue has been mentioned in the notice for the meeting, however, the Chairperson can, using his discretion, permit such issues to be taken up for proceedings, that he thinks necessary and are in the direction of the motto of the Council at large but was excluded in the notice.” The Bhuria Commission Report (2002-04) places on record the dismay of some members of various State Councils who complain that the State Government do not put any important matters to the Council for advice. In all these years of its functioning, the TACs have rarely made any significant policy proposals or recommendations on tribal and developmental issues.

Even when issues are taken up by the TAC, it has been noted that there is rarely any sustained and consistent engagement with the matter in the form of follow-ups and field visits. As per the minutes of their meetings, none of the TACs discussed the issue of land alienation among tribals between the years 2005 and 2011. In the case of the Himachal Pradesh TAC, an excess of items were placed before the Council for discussion but many seem to have been subject to only a cursory examination and no decisive conclusions were reached. For example, the Asian Indigenous and Tribal Peoples’ Network (AITPN) report notes that at the 36th meeting held on 12 May 2006, 102 items were discussed; 104 items were discussed at the 38th meeting on 2 August 2007, and 88 items (including 21 follow up items and 67 new items) were discussed in the 40th meeting held on 15 May 2010. As a result, no single issue or group of issues could be seriously analysed and few concrete decisions could be made or implemented.

In 2012, the extremely limited powers of agenda-setting within the TAC came to the fore when two members of the Jharkhand TAC walked out of a Council meeting on the grounds that the Chairman of the TAC was uninterested in taking up serious problems of the tribal population. The specific matter which the members protested was land acquisition at Nagri for construction of India Institute of Management (IIM) and National University for Study and Research in Law. The Chairperson, however, did not allow discussion on the subject, stating that it be brought before the Council in writing first. The Chairperson’s statement was countered by the members on the grounds that several memorandums had been submitted to the Council already and hence, must be placed for discussion.

There continue to be complaints regarding the legal and actual powers of the Governor with regard to the TAC as well on the point of issues to be discussed
within the Council. While the Constitution holds that the TAC can hold deliberations on matters referred to it by the Governor, experts have argued over whether the Governor as the Constitutional head of the State can make this referral on his own discretion or only on the advice of the Council of Ministers. The question is central since the answer could shape future interpretations of the Fifth Schedule as well as the extent of control of various State Governments over the functioning of TACs. In recent years, the Central Government itself has given two contradictory interpretations on this issue since, in 2010, the Attorney-General Shri. G.E. Vahanvati opined that the Governor did have discretionary powers, but in 2013, the Assistant Solicitor-General, Smt. Fouzia Mirza stated that the Governor can employ his powers on the aid and advice of the Council of Ministers and not at his own discretion. This statement was made to a Public Interest Litigation (PIL) filed by activist Shri. B.K. Manish in the Chhattisgarh High Court (later dismissed) questioning the un-Constitutional functioning of the TACs, which was later argued through a Special Leave Petition (SLP) in the Supreme Court. In light of this case, the Ministry of Law and Justice issued a circular to all law officers in July, 2013 clarifying that Attorney General Shri. Vahanvati’s opinion affirming the discretionary powers of the Governor was the official stand of the Government of India.

Even when serious debate does occur at the TAC, the Council does not follow up on latest development and implementation on their recommendations. The Andhra Pradesh TAC took up the matter of the Polavaram project at its meeting in February 2007 and made the following resolutions: that all landless families to be displaced by the project should be given land in the resettlement areas, resettlement land should be identified in consultation with tribals, a publicity campaign on the R&R package should be held in all affected villages, and the TAC members should visit these villages. Between that meeting and their meeting in March 2011, however, no further inquiry or discussion of the issue was initiated and the matter seems to have been forgotten entirely.

Since the formation of the first TAC in Andhra Pradesh in 1958 until January 2012, 105 meetings of the Council have been held. But since 2006, the APTAC has stopped examining the action taken on decisions made in previous meetings, as was the practice earlier. The concerned departments do not always submit Action Taken Reports to the TAC and therefore, the earlier decisions and recommendations of the TACs, even when implemented, are not revisited in subsequent meetings (as reflected in the minutes). This is true of the Councils in almost all of the States.

4.6 Legal and Administrative Structures in Northeast India
Northeast India, home to numerous diverse ethnic groups and located strategically with borders with Bhutan, China, Myanmar and Bangladesh. Historically, tribes of this region have seen “isolationist” policies of the colonial British who labelled many hilly tribal tracts of the Northeast as “wholly excluded” areas. While the tribal-dominated areas in what is commonly referred to as ‘mainland’ India are largely governed by the provisions of the Fifth Schedule, the States of the Northeast are covered by the Sixth Schedule of the Constitution as well as a host of other legal and administrative arrangements for the protection of tribal autonomy.

As early as 1929, the Nagas submitted a petition to the Simon Commission, asking for autonomy from the future Indian nation-state. Other tribes such as the Khasis and the Mizos called for self-governance on issues such as customary laws, control over resources and so on, while also demanding separation from the larger State of Assam. Several tribes including the Nagas, Mizos, Garos, Khasis and Karbis were (and, in some cases, still are) demanding a united homeland for all their fellow tribes people who are spread across several Indian States and even across international borders.

Some of the other demands made by tribes in this region are: protection against land alienation by settlers, continued authority of traditional Councils, and safeguards against the erosion of their cultures.

The British philosophy of maintaining status quo and isolation was replaced by policies of development and integration of the Northeast through the Sixth Schedule of the Constitution. The Schedule was drafted by a Sub-Committee of the Constituent Assembly called the Northeast Frontier (Assam) Tribal and Excluded Areas Sub-Committee headed by Assamese political leader, Shri. Gopinath Bardoloi. The sub-committee aimed to “…reconcile the aspirations of the hill people for political autonomy with the Assam government’s drive to integrate them with the plains”. The Sixth Schedule is entirely focused on protection of tribal areas and interests, by recognising self-governance through constitutional institutions at the district or regional level.

The Sixth Schedule provides for the creation of Autonomous District and Regional Councils and accords a host of legislative, executive and judicial powers to these autonomous bodies. It applies to certain tribal areas of the States of Assam, Meghalaya, Tripura and Mizoram. Apart from the Sixth Schedule, there are other constitutional provisions in the Northeast such as Article 371-A in Nagaland which provides autonomy on issues of religious and social practices, customary law, civil and criminal justice and ownership of land and resources. Similar provisions are operational in the State of Mizoram under Article 371- G, although parts of Mizoram are also covered under the Sixth Schedule. Manipur is governed by Article 371-C as well as the Manipur (Hill Areas) District Council Act, although this does not compare with the considerable autonomy conferred
on tribal areas by the Sixth Schedule. Additionally, traditional political institutions are present alongside constitutional bodies. These include the institution of Syiems among the Khasi, the Daloi among the Jaintias and Nokma among the Garos of Meghalaya, Khulakpa among the Nagas, and Haosa, Semang and Pachong amongst the Kukis of Manipur.

The following table outlines briefly the various legal and administrative structures in place in the States of the Northeast region:

<table>
<thead>
<tr>
<th>State</th>
<th>Legal and administrative structures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arunachal Pradesh</td>
<td>Article 371H, No Autonomous Councils, Panchayati Raj Institutions</td>
</tr>
<tr>
<td>Assam</td>
<td>Sixth Schedule, Article 371B, Three Autonomous Councils</td>
</tr>
<tr>
<td>Manipur</td>
<td>Article 371C, Manipur Hill Village Authority Act and Manipur Hill Areas District Council</td>
</tr>
<tr>
<td>Mizoram</td>
<td>Sixth Schedule, Article 371G, Three Autonomous Councils</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>Sixth Schedule, Three Autonomous Councils</td>
</tr>
<tr>
<td>Mizoram</td>
<td>Sixth Schedule, Article 371G, Three Autonomous Councils</td>
</tr>
<tr>
<td>Nagaland</td>
<td>Article 371A and Article 371AA, No Autonomous Councils but Village Councils in each major village</td>
</tr>
<tr>
<td>Tripura</td>
<td>Sixth Schedule, One Autonomous Council for all tribes (Tripura Tribal Areas Autonomous District Council)</td>
</tr>
</tbody>
</table>

Broadly, there are three types of legal typologies of administration of local self-government in North East States. These are Sixth Schedule Frame, State Legislation Frame, and National Frame. Sixth Schedule covers the entire Meghalaya except Shillong, parts of Mizoram, Tripura and Assam. Local Self Government of Nagaland and the non-Council areas in Mizoram fall under the
State Legislation frame. Local self-government of Arunachal Pradesh, Sikkim, Manipur (excluding the hill area covered under Hill Area Autonomous Council) and non-Council areas of Assam and Tripura are covered under the National Frame.

Two types of Autonomous District Councils are found in the Northeast States. These are the Autonomous District Council set up under the Sixth Schedule and Autonomous District Council established by various Acts of the State Legislative Assembly which are not under Sixth Schedule.

Assam has three Autonomous Councils under the Sixth Schedule: Dima Hasao District Autonomous Council (DHDAC), the Karbi Anglong Autonomous Council (KAAC), and the Bodoland Territorial Council (BTC).

The entire State of Meghalaya except Shillong area is covered under the provisions of the Sixth Schedule of the Constitution. Meghalaya has three Autonomous District Councils under the Sixth Schedule of the Constitution. These are - Khasi Hills Autonomous District Council (KHADC), Garo Hills Autonomous District Council (GHADC), and the Jaintia Hills Autonomous District Council (JHADC).

There are three Autonomous District Councils in Mizoram under Sixth Schedule. They all cover two administrative districts namely Lawngthlai and Saiha districts. These three Autonomous District Councils are the Chakma Autonomous District Council (CADC), the Mara Autonomous District Council (MADC), and the Lai Autonomous District Council (LADC).

The Tripura Tribal Areas Autonomous District Council (TTAADC) is an independent Council administering the tribal areas of the State of Tripura under the Sixth Schedule.

There are other Autonomous Councils in Assam and Manipur. These are established by Acts passed in the State Legislative Assembly. Assam has 6 other Autonomous District Councils and Manipur has same number of Hill District Councils.

There are also special provisions envisaged in the Constitution of India which can be classified as “Temporary, Transitional and Special Provisions”.

**List of Autonomous Districts and Autonomous Hill Districts in India:**

<table>
<thead>
<tr>
<th>Autonomous District</th>
<th>District</th>
<th>Ethnic Composition</th>
<th>Year of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Region</td>
<td>Headquarters</td>
<td>Tribes and Groups</td>
<td>Formation/Alteration</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Bodoland</td>
<td>Kokrajhar</td>
<td>Bodos, Bengalis, KochRajbongshis, smaller tribes</td>
<td>2003</td>
</tr>
<tr>
<td>Karbi Anglong</td>
<td>Diphu</td>
<td>Karbis, Dimasa, Rengma, Kuki, Garos, Tiwas, Hmars, Mizos, Chakmas, Assamese, Biharis</td>
<td>1951; 1976</td>
</tr>
<tr>
<td>North Cachar</td>
<td>Haflong</td>
<td>Dimasa, Kuki, Hmar, Zemei, Hrangkhawls</td>
<td>1951; 1970</td>
</tr>
<tr>
<td>Garo Hills</td>
<td>Tura</td>
<td>Garos, smaller tribal groups</td>
<td>1972 (bifurcation in 1979)</td>
</tr>
<tr>
<td>Jaintia Hills</td>
<td>Jowai</td>
<td>Pnar and Jaintia, Khasi</td>
<td>1972</td>
</tr>
<tr>
<td>Khasi Hills</td>
<td>Shillong</td>
<td>Khasi, smaller Groups</td>
<td>1972</td>
</tr>
<tr>
<td>Tripura Tribal Area</td>
<td>Khumwng</td>
<td>Bhil, Bhutia, Chainel, Chakma, Garo, Holan, Kuki, Lepcha, Lushai, Mog, Munda, Moatia, Orang, Riang, Santal, Tripura, Uchai.</td>
<td>1982</td>
</tr>
<tr>
<td>Chakma Autonomous District</td>
<td>Chawngte</td>
<td>Chakma</td>
<td>1987</td>
</tr>
<tr>
<td>Lai</td>
<td>Lawngtlai</td>
<td>Lai</td>
<td>1987</td>
</tr>
<tr>
<td>Mara</td>
<td>Siaha</td>
<td>Mara</td>
<td>1987</td>
</tr>
<tr>
<td>Autonomous Hill</td>
<td>Leh</td>
<td>Ladakhi (Bot tribe)</td>
<td>1995</td>
</tr>
</tbody>
</table>
The Sixth Schedule

The original Sixth Schedule areas created in 1952 underwent a drastic reorganization in 1971; some areas were put under newly created States such as Mizoram and Meghalaya which were carved out of the erstwhile Assam State. The Sixth Schedule (Article 244 (2) and 275 (1)) provides for administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram through Autonomous District and Regional Councils endowed with legislative, judicial, and executive powers.

The Sixth Schedule under Article 244 (2) provides for the creation of Autonomous District Councils (ADC) in an Autonomous District and Regional Councils for autonomous regions. These Councils have legislative powers on matters relating to:

- allotment, occupation, or the setting apart of land, other than reserved forests, for the purpose of agricultural or grazing or for residential or other non-agricultural purposes or for any other purpose likely to promote the interests of the inhabitants of any village or town (Provided that nothing in such laws shall prevent the compulsory acquisition of any land, whether occupied or unoccupied for public purpose)
- management of any forest not being a Reserved Forest
- use of any canal or water course for purpose of agriculture
- regulation of the practice of jhum or any other form of shifting cultivation
- establishment of village or town committees or Councils and their powers
- any other matter relating to village or town administration, including village and town police, public health and sanitation
- appointment of succession of chiefs or headmen
- inheritance of property
marriage and divorce

social custom

The Council has legislative powers over matters such as primary education, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport and waterways. The District Council can regulate money lending and trading by non-residents or non-tribal people living in the area. It has the power to collect taxes and tolls on land, buildings and persons, professions, trades, animals, vehicles, boats, entry of goods into the local markets, goods carried on ferries, the maintenance of schools, dispensaries and androids. The ADCs can issue licenses and leases for the prospecting and extraction of minerals and are entitled to get a share of royalties accruing to the State from mineral extraction.

The Sixth Schedule further provides that no Act of the State legislature shall apply to any autonomous district unless approved by the Council. The Governor of the states under the Sixth Schedule has the power to decide to either apply or not apply any Act of Parliament or the Legislature in the autonomous area of Assam, Tripura and Mizoram. Along with this provision, except in Assam, in all other Scheduled Area of the Northeast region, the President of India has the right to apply or not apply any Act of Parliament or the Legislature on any matter.

The Councils have judicial powers for trial of offences committed by members of the Scheduled Tribes in their respective areas of jurisdiction. The District and Regional Councils have been conferred powers under the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1898 for the trial of certain suits, cases and offences. There is a two-tier system for judicial administration at the district and village levels. The village Council can hear cases wherein both parties belong to Scheduled Tribes while the district courts act as a court of appeal. A District Fund for each Autonomous District and a Regional Fund for each Region has been set up to channelize all the funds designated for these areas.

The Governor has the power to annul or suspend any act or resolution of a District or Regional Council which he finds likely to endanger the safety of India or to be prejudicial to public order. The Governor can suspend the Council and exercise all the powers vested in the Council. However the Governor has to lay such an order before the State legislature as soon as possible and the order shall, unless revoked by the legislature, continue for a period of twelve months from the date on which it was made. The Governor has the power to appoint a Commission at any point of time to examine and report on any matter relating to the administration of the autonomous districts and regions in the State or may appoint a Commission to inquire into and report on the administration of autonomous districts and autonomous regions. Further, the Governor has the power to dissolve a District or a Regional Council with the recommendation of such a Commission.
4.6.2 Statutory Autonomous Councils

There are also Statutory Autonomous Councils in the States of Assam and Manipur. These have been established by Acts passed in State Legislative Assembly. These can be categorised under the following heads:

1. Autonomous District Councils in Assam

2. Hill District Councils in Manipur

1. Statutory Autonomous Councils in Assam

Besides the three (i.e. The North Cachar Hills District, The Karbi Anglong District, The Bodoland Territorial Area District) Councils of the Sixth Schedule, Assam has many Autonomous Councils created by the State Government, some of which are:

a) Rabha Hasong Autonomous Council (RHAC),

b) Lalung (TIWA) Autonomous Council (LAC),

c) Mising Autonomous Council (MAC),

d) Thengal Kachori Hill Autonomous Council, (TKAC)

e) Sonowal Kahari Autonomous Council (SKAC)

f) Deori Autonomous Council (DAC)

The administrative structure of these Councils is patterned on the Autonomous District and Regional Councils created by the Sixth Schedule. This, however, has added significant confusion in the administration. There are three authorities operating in parallel in these areas, namely, the Council, the State departments and the Panchayati Raj. These Councils cover non-contiguous villages. There are many other communities – both tribals and non-tribals – who have been living before some of these tribes came. The creation of autonomous tribe-specific councils will: i) violate Part IX A of the Constitution, ii) not be inclusive as the dominant tribe will control the AC, and other communities will face real or perceived discrimination, and iii) lead to violent inter-ethnic conflicts.

2. Hill District Councils in Manipur

The Autonomous Council of Manipur has been established by the Manipur (Hill Areas) District Council Act, 1971. According to the Act, all the hill areas of
Manipur were to be divided into six Autonomous Districts, each with a district Council. These Councils are:

a) Chandel Autonomous District Council,
b) Churachandpur Autonomous District Council,
c) Sadar Hills Autonomous District Council, Kangpokpi
d) Manipur North Autonomous District Council, Senapati
e) Tamenglong Autonomous District Council,
f) Ukhrul Autonomous District Council.

Each district Council has 24 members. Each District Council has an Executive Committee which is constituted by a Chairman, Vice-Chairman and five other members. The Chairman and the Vice-chairman of the District Council is the Ex-officio Chairman and Vice-Chairman respectively of the Executive Committee and five other Executive Members shall be nominated by the Chairman from amongst the Members of the District Council.

These Councils enjoy executive powers under which they are looking after 26 different subjects like construction, repair and maintenance of roads, bridges, channels and buildings; establishment, maintenance and management of schools up to Class VIII; establishment, maintenance and management of dispensaries and Primary Health Sub-Centers, water supply and sanitation schemes; construction, repair and maintenance of embankments, and the supply, storage and control of water for agricultural purposes including irrigation schemes, preservation, reclamation and conservation of soil, animal husbandry and veterinary dispensaries, etc. However, the Manipur District Council Act, 1971 did not confer any legislative powers on the District Council although the Council can recommend legislations on matters concerning Scheduled Tribes such as the appointment or succession of chiefs, inheritance of property, marriage and divorce and social customs. The Manipur District Council Act, 1971, also granted financial power to these District Councils. Under these provisions, the Council can levy taxes on professions, trades and employment, on animals, vehicles and boats, on the entry of goods into the market for sale and goods carried in ferries, on the maintenance of schools, dispensaries or roads and any other tax falling under list II of the Seventh Schedule of the Constitution which the Manipur legislature may, by law, empower the District Council to levy. However, the Council exercises only nominal judicial power, which lies primarily in the hands of the State Government.

**Scheduled Tribe Development Councils**
There are also Tribe Development Councils in parts of the Northeast. These are:

a) Barak Valley Hills Tribe Development Council

b) Amri Karbi Development Council

c) Mech Kachari Development Council

d) Sarania Kachari Development Council

**Ladakh Autonomous Hill Development Council (Leh and Kargil)**

Ladakh, a region located in the Northeastern part of the State of Jammu and Kashmir, is a space known more for its magnificent beauty and inhospitable terrain and less for its strong movements for autonomy and self-rule. This long-standing demand was partially fulfilled in 1995 with the passing of the Ladakh Autonomous Hill Development Council Act which allowed for a measure of autonomy within the Indian State with the Darjeeling Gorkhaland Hill Council set up in 1988 as a model. The initial demand of some Ladakhi activists was, however, for Union Territory (UT) status which was denied – although the call for UT status remains a key electoral issue. The passing of the Act marked the culmination of Ladakhi assertions of autonomy that date back to the 1940s when debates about acceding to the Indian nation-state were rife but these protests escalated in 1989, under the Ladakhi Buddhist Association.

The region of Ladakh is divided into two districts: Leh and Kargil. In the course of Ladakhi protests for autonomy and development, the Indian government granted almost the entire population of Ladakh Scheduled Tribe status in 1989. A total of eight communities were included within the list of Scheduled Tribes. According to the 2001 census, among the two districts of Ladakh, Kargil (88.3 per cent) has the highest proportion of Scheduled Tribes to the total population followed by Leh (82 per cent). The Bot tribe is the largest tribe in the Leh district while the Balti and Purigpa tribes are concentrated in Kargil district. Islam is the predominant religion of the STs (86.3 per cent) in the larger State of Jammu and Kashmir followed by Buddhist (9.3 per cent) and Hindu tribes (4.3 per cent). A majority of the Gujjar, Bakarwal and Brokpa tribes are Muslim while the Bot are primarily Buddhist and the Gaddi mainly followers of the Hindu religion. Within the Ladakh region, the Leh district is largely Buddhist with a substantial Muslim minority and Kargil district is dominated by Shia Muslims with a Buddhist minority. As part of the 1995 Act, separate Autonomous Councils were to be formed for the districts of Leh and Kargil.

The ‘Reasons for Enactment’ section of the law reads as follows:
“Ladakh region is geographically isolated with a sparse population, a vast area and inhospitable terrain which remains landlocked for nearly six months in a year. Consequently, the people of the area have had a distinct regional identity and special problems distinct from those of the other areas of the State of Jammu and Kashmir. The people of Ladakh have, for a long time, been demanding effective local institutional arrangements which can help to promote and accelerate the pace of development and equitable all-round growth and development having regard to its peculiar geoclimatic and locational conditions, and stimulate fullest participation of the local community in the decision making process. It is felt that decentralisation of power by formation of Hill Councils for the Ladakh Region would give a boost to the development activities in Ladakh and meet the aspirations of the people of the said Region. The present measure is enacted to achieve the above object.”


As a result, powers relating to the planning and implementation of development were transferred from government control at the Central and State level to the local district level Council.

Initially, only Leh district opted to form the Council and the Kargil district declined the offer. The first Council for Leh district was sworn in on September 3, 1995. In 2003, Kargil district held elections for appointment to its own Hill Development Council. The Act provides for 30 seats in total for the Council, of which twenty-six seats are filled through elections held on the basis of adult franchise from demarcated constituencies and the remaining four seats are to be filled by persons nominated by the Governor from among the main minority groups (Muslims in the case of Leh) and women. Members of the Council are to meet at least once every year. The Council must elect from among its members a Chief Executive Councillor who chooses four Executive Councillors, and together this group of five constitutes the executive body of the Council. Again, one of the four Councillors must be drawn from among the principal minorities.

The powers and functions of the Council include:

a) Allotment, use and occupation of land vested in the Council (i.e. all ‘wasteland’, excludes land classified as forests)

c) Formulation and review of progress of development programmes for the district

d) Formulation of the budget for the district

e) Formulation of guidelines for implementation of schemes at the grassroots level;
f) Promotion of languages and culture of the area

g) Management of un-demarcated forests and canals or water courses for agriculture;

h) Tourism planning, promotion, and development

i) Vocational training

j) Preservation of the environment and ecology of the area

k) Rights to levy and collect local taxes and fees, including on grazing, business, transport, entertainment, etc. (note, however, that there is no specific mention of tourism, one of the central planks of the economy).

l) Power to hire and fire public servants except for the very highest ranks; all government employees (except in the judiciary and police) are “transferred” to the Council, although the government retains its discretion to recall them.

Clearly, considerable powers have been devolved to the local District Councils which give voice to the peoples’ longstanding aspirations for powers of autonomous decision-making on questions of cultural preservation, environmental protection, and development planning. At the same time, there are several shortcomings in the law itself as well as gaps in its implementation which have resulted in considerable disenchantment with the working of the Councils over the past twenty years. Some of the central drawbacks highlighted are:

Even though the Council has the power to draw up budgets and development plans, these still require the approval of the State Government prior to implementation. Further, these plans can only be formulated within the principles of the National and State-level Five Year Plans. Together, these impediments imply that centralized structures continue to prevail as the State and National Governments have the power to reject or amend the Council’s programmes. In the 1997-98 budget, the Leh Council requested the government for 36 crore rupees in its budget but was only given 27 crores initially and later an additional five crore which still did not meet its requirements for the year.

A large part of the funds for the functioning of the Council flow through the State Government which has often delayed the release of funds, thus effectively putting a halt to most of the Council’s activities.
Members of the Council are representatives of various mainstream political parties. Therefore, when members of a particular party form the majority in the Council but are the oppositional party at the level of the State Government, the Council is side-lined and various obstacles to its functioning are created by the State administration and the government in power. Thus, the effectiveness of the Council is shaped by the National and State political interests of the day. The Ladakh region, having a sparse population and only one Lok Sabha seat, is often viewed as marginal within the framework of electoral politics and hence, ignored by successive governments at the State and Centre.

The Leh Council has also borne witness to struggles between the Council members and the administrative structure regarding issues of rank, privileges and powers.

At the local level, much resentment has arisen from the perceived domination of the Council by members of the former nobility, elites working with various non-governmental organizations, and people from Leh town. The latter has occurred even despite attempts to ensure only locals represent the various constituencies. Some of the decisions implemented by the Leh Council have not resonated with the local people such as making it compulsory for school children to wear the traditional dress or enforce building codes in the area.

It has been argued that the structure of the Council further entrenches communal identities through the creation of separate Councils for the Leh and Kargil districts (on the assumption that territory is equivalent to community), while ignoring the important linkages between communities as well as divisions of gender, class, and so on within communities.

The devolution of power does not, therefore, lead to the empowerment of local communities in any automatic or linear way. The Autonomous Council model in general, does not offer genuine financial autonomy on which political autonomy can be founded. There is a huge discrepancy between the formal rules guaranteeing autonomy and the informal workings of autonomy on the ground. The Councils continue to be heavily dependent on a centralised executive and bureaucratic structure which hamper smooth and independent working of the Councils. Moreover, the powers given to the Councils are limited in several respects such that they are transformed into implementation agencies for development programmes rather than autonomous decision-making bodies. More specifically, the political economy of Ladakh is such that the local people have become heavily dependent on external forces on account of the government policies of encouraging tourism and cash cropping, providing huge agricultural subsidies and rations (Ladakh is also a strategic border area, sharing boundaries with both Pakistan and China).
Further, while territorial autonomy is essential, there are dangers that this model may contribute to discrimination against minority communities through the creation of exclusive spaces for the numerically dominant community within a region. Even within a single community, as can be seen in the Ladakh case, the Councils have been captured by elite groups who have often implemented their own agenda for the region.

**Overall Assessment of the Autonomous District Councils under Sixth Schedule**

After the creation of full States comprising Sixth Schedule areas – such as in Mizoram and Meghalaya – some commentators have questioned the need for these provisions. In Meghalaya, the State Government has held the view that that these Councils ought to stick to their traditional role, which is to protect tribal culture, land and identity and refrain from engaging in developmental activities. In many cases, State Governments have deliberately impeded the functioning of the Councils, particularly through blocking the flow of funds to them. One of the serious limitations of the Sixth Schedule has been the fact that the powers given to the Councils to make legislation and implement development programmes have not been matched with the financial autonomy to follow this through. As a result, ADCs often have to depend on funds from the Central and State Governments (routed through the State Government) which are often antagonistic toward the work of the ADC. Apart from government sources, the Autonomous District Councils receive a small amount from the collection of taxes and land revenue. In many States, the issue of financial resource allocation has become a major bone of contention between the State Government and the ADCs. In Meghalaya, even the salaries of primary school teachers could not be paid regularly because of non-receipt of funds. In this case, the government claimed to have withheld the funds since the ADC in question, the Khasi Hills Autonomous District Council, was engaged in corrupt practices. Further, there is a large gap between the approved budget and the flow of funds from the State Government to the Council, which adversely affects both the planning and the execution processes. This is in sharp contrast to arrangements made for Panchayats, which have been provided with their own Finance Commission which is empowered to periodically review the financial position and lay down appropriate principles of allocation of resources between the Panchayats and the State.

In Mizoram, the situation is somewhat different since the three ADCs in the State cover only 15 per cent of State’s population (the dominant majority are Mizos). Thus, these Councils do not receive sufficient attention from the State Government. The tribal communities have constant frictions, which adversely affect administration and developmental activities. In fact, between the years 1986 and 2000, there have been 21 resolutions submitted in the Mizoram
Legislative Assembly demanding the abolition of the Chakma Autonomous District Council. The Karbi Anglong ADC was dissolved four times between 1988 and 1998.

Furthermore, the structure of the Sixth Schedule is such that the autonomy of the ADCs is seriously restricted in several respects. For example, in Meghalaya, the autonomy of the ADC has been curtailed through the insertion of paragraph 12 A into the Constitution which states that all legislations passed by the State Government take precedence over those passed by the Councils. The powerlessness of the ADC is clear if one examines the issue of regulation of forests – one of the most important subjects entrusted to the ADC. Following a Supreme Court order in 1995-96 in the Godavarman case, felling of timber in private forests was banned irrespective of ownership status in Meghalaya. All forest-related activities could only be carried out as per the Working Plan duly approved by the Forest Department, thus completely bypassing the jurisdiction of the ADCs. Many of the functions of the ADCs are being taken over by the State Governments – in Mizoram as well as the Garo Hills, executive and judicial functions have been taken over by the Deputy Commissioner and District Magistrate, thus rendering the ADC redundant. The Commissioners coordinate development programmes and process legislation, making them extremely powerful at the district level. All the activities and departments under the control of the Councils as per the provisions of the Sixth Schedule have not yet been transferred to them and neither have parallel institutions such as the District Rural Development Agencies (DRDA).

The matters over which the ADCs have powers do not cover the entire gamut of issues pertinent to the creation of genuine autonomy. Thus, control over primary schools, markets, agriculture, forests and so on is necessary but not sufficient for tribal groups to preserve their identities and ensure the development of their districts and regions.

Considerable powers have been handed over to the Governor even in the Sixth Schedule areas which can impede the autonomous functioning of the ADCs. The Governor has the power to decide whether laws made by the State Legislature, on matters other than those over which the ADC has legislative powers, will apply to the Autonomous Districts. The decision regarding applicability of laws made by Parliament in Sixth Schedule areas is made by the Governor in the case of Assam and the President of India in the case of other Northeastern states. Moreover, all legislation passed by the ADCs requires the assent of the Governor to become law. The Governor also has the power to dissolve the ADC.

There is a significant degree of variation in the functions devolved to various Autonomous Councils. For instance, the Bodoland Territorial Council has more power and departments compared to other Autonomous Councils of the
Northeast, though the latter have been in existence for several decades more. This situation has resulted in other areas demanding greater powers and autonomy.

There is also no mandatory time limit for the reconstitution of the ADC once it is dissolved, and hence election is indefinitely postponed. Constitutionally, the Autonomous District Council should have its own Autonomous Agency, similar to the Election Commission of India or the State Election Commission to conduct the elections to the Autonomous Councils. But the Rules of 1951 empowered the State Government to conduct the Council elections through the Hills Area Department of the Assam State Government, a rule which works against the proper functioning of the Sixth Schedule.

While the Seventy-Third Amendment to the Constitution provides for the reservation of one-third of all Panchayats seats at all levels for women, the Councils, unlike Panchayats, do not have any provision for such reservation. In fact, both the Fifth and Sixth Schedules have been silent on the issue of women’s representation and gender justice. As a result, women are almost completely absent from the bodies and institutions created under these provisions. It has been found that only the Bodoland Territorial Council and Autonomous District Councils of Mizoram have a system of reservation of seats for women, although the proportion of reserved seats is very small. The Autonomous District Councils of Mizoram have amended their laws relating to Village Council and District Council and decided to reserve at least one seat in every Village Council for women and two nominated seats of the District Council for women. Reservation of a certain number of seats for women representatives in the ADCs must be made mandatory in order to end the exclusion of women from these political institutions. Further, while the Sixth Schedule aims to ensure the protection of customs as well as social and religious practices of tribes, it is necessary to keep in mind the implications of this protection for gender justice. Even though protecting tribal culture is a vital task and central to the objectives of the Sixth Schedule, this is not incompatible with equality and fairness.

Another important issue to be addressed is the question of representation of minority groups within the Councils. Even those groups which are indigenous to the region – such as smaller tribal groups – do not have any role in the ADCs, a situation which must be rectified. The population composition has changed everywhere over the decades. This demographic change is no longer reflected in the representative structure of the ADCs. Unless reviewed comprehensively, the Sixth Schedule could become one of the chief sources of future conflicts in the region.

Whereas the Sixth Schedule provisions have many positive features and tribes coming under the purview have done well, there are certain other structural constraints which have not allowed the Council to function as effectively as it should have been. Some key constraints as pointed above are non-transfer of
departments to Autonomous Councils, lack of funds available with the Council, absence of provision for women and smaller tribal groups’ participation in Councils which need to be suitably addressed to ensure its more vibrant functioning.

On comparing the Fifth and Sixth Schedules, it is apparent that the provisions of the Sixth Schedule have given greater powers of political autonomy to the tribes of the Northeast, as was the intention of the Constituent Assembly. On examination of the working of the provisions of the Fifth Schedule, it has become clear that the institutional mechanisms for the protection of tribes living in Scheduled Areas have failed to meet its stated goals and is in need of serious review. The Governor as well as the Tribes Advisory Councils have not been performing their constitutionally assigned roles in spirit and have failed to adequately represent the interests of tribal communities. However, several clauses of the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 and the Forest Rights Act provide for the enlargement of territorial rights and autonomy for Scheduled Tribes which must be fully implemented. On the other hand, while the provisions of the Sixth Schedule are extremely commendable, the workings of the Autonomous Councils, as has been demonstrated above, has been far from perfect and several aspects of their functioning – most notably, issues of financial and administrative autonomy, freedom from arbitrary government intervention, checks against ethnic sectarianism, greater representation for smaller tribes and women, and so on.

A restructuring of these institutional frameworks will go a long way in addressing the inequality, dispossession and injustice faced by tribal groups since self-governance, protective mechanisms, political representation and autonomous decision-making are critical components within the project to improve the socio-economic status of tribes.

**Xaxa Recommendations**

During the colonial period, tribal communities inhabited areas were divided into ‘excluded’ and ‘partially excluded’ areas for purpose of administration.

 ✓ Such administrative arrangements have found continuation in post-independence India in the form of Sixth and Fifth Schedules of the Constitution. Laws enacted by the Governor-General in Council or Governor in Council were not automatically applicable in these areas in colonial India unless Governor General or Governor thought otherwise.
In post-Independence India, this legal provision has been continued in Sixth Schedule Areas, but not in Fifth Schedule Areas. Thus, laws passed by the Parliament or State Legislature are not directly applicable in Sixth Schedule Areas unless the Governor thinks it desirable. In the Fifth Schedule Areas, laws passed by these bodies are automatically applicable, unless the Governor thinks it to be not in the interest and welfare of the tribal communities of the State.

There have been laws and policies passed by the Parliament and State Legislatures such as the Forest Conservation Act, 1980, the Wildlife Protection Act, 1972, the Panchayat Acts (prior to the passing of the 73rd Amendment in 1992), and so on which have had an adverse and detrimental impact on tribal communities. Yet the Governors have not exercised their constitutional power towards the protection and welfare of the tribal communities. This opens up two possibilities:

1. Laws and policies enacted by the Parliament and State Legislatures should not be automatically applied in the Fifth Schedule areas (as was the case under colonial rule or as is presently the case in the Sixth Schedule areas). Its applicability should be made contingent on the discretion of the Governor who would determine its applicability or non-applicability or applicability with modifications/amendments on the advice of Tribes Advisory Council and issue a Statement of Objectives and Reasons for decisions on both applicability and inapplicability of laws and policies.

- In case the above is untenable, the Governor should be mandated to take the advice of the Tribes Advisory Council and examine legislations and policies (particularly, though not exclusively, those pertaining to issues such as forests, land acquisition, conservation, mines and minerals, health and education) passed by the Parliament or State Legislatures and the implications of the same on tribal welfare. A mechanism for such examination and action should be clearly stated and established.

- Actions taken by the Governor for safeguarding the interests of tribal communities should be clearly mentioned in the annual Governor’s Reports submitted to the President. The Governors must be mandated to ensure the timely submission of these reports. To this end, the Governor’s office must be adequately assisted by specially set up competent and dedicated team in the form of Governor’s Cell for Scheduled Tribes (as has already been initiated in some States).
The Tribes Advisory Council is an integral part of the administrative structure of the Fifth Schedule. Currently, the TAC consists of 20 members, of which two-thirds is comprised of elected members in the State Legislature belonging to the Scheduled Tribes. The rest are nominated members who generally tend to be government officials working in Ministries and Departments associated with tribal development. In this regard, we recommend that:

There needs to be a radical restructuring of the composition of the TAC. Instead of two-thirds elected members from the State Legislature, this should be restricted to half the members of the TAC. Moreover, these elected representatives must come from different political parties, rather than only from the ruling party. The remaining one-half should be comprised of Chairpersons of the district Panchayat bodies (or chairpersons of the Autonomous Council, wherever established) of the Scheduled Areas on a rotational basis.

Tribes Advisory Council should be empowered, made active and responsible for the tribal affairs in the State through the following measures:

The scope and responsibilities of TAC should be widened to transform it into the Tribes Advisory, Protective and Developmental Council. Constitutional provisions, laws, policies, and administrative matters pertaining to the Scheduled Tribes must come under its ambit. The tribal development plan of a State and its outlay should be approved by the TAC before it is placed before the Legislative Assembly.

In view of the serious responsibility placed on the TAC, it should be made compulsory for the Council to meet at least four times a year.

The Tribal Welfare Department should be made accountable to the TAC. It should present its annual plan, budget and performance report to the TAC and receive its approval for the next year.

The agenda for the TAC meetings should be prepared through due consultation with the members.

The Governor should be made responsible for the overall functioning of the TAC.
The provisions of the Sixth Schedule provide considerable space for autonomy and self-governance. Through the Autonomous Councils, tribals have the opportunity to enact legislations, execute programmes and adjudicate at a scale larger than their individual villages. Such a provision has helped tribes of the Northeast to protect their habitat, land, forests, natural resources, culture and identity. They have not experienced displacement and land alienation on the scale that tribes in ‘mainland’ India have. In view of these powers of political autonomy, the tribal communities in the Northeast region have fared much better in respect of socio-economic, educational and health status. In contrast, the tribes in mainland have fared miserably in all these spheres. Hence, there is an urgent need for extending the pattern of the Sixth Schedule in the form of Autonomous Councils in the Fifth Schedule areas as has been provided for in the Provisions of Panchayat (Extension to Scheduled Areas) Act, 1996. The specific provision notes that, “the State Legislature shall endeavour to follow the pattern of the Sixth Schedule to the Constitution while designing the administrative arrangements in the Panchayats at district levels in the Scheduled Areas”.

This pattern would provide tribal areas with an institutional structure that mediates between the State Government and hamlet-level Gram Sabha. There are various forms of Autonomous Councils in the Sixth Schedule areas. These are represented by Meghalaya, Mizoram, Tripura and Assam. On the question of which pattern would best suit the ‘mainland’ tribal regions should be seriously deliberated and worked upon by the States with Fifth Schedule areas.

There are a large number of States wherein tribes form a sizeable population in blocks or villages, for example, in States like West Bengal, Kerala, Tamil Nadu, Karnataka, Goa, etc. Tribal areas in these States must be brought under the ambit of Scheduled Areas.

There are various impediments to the smooth and inclusive working of the Autonomous Councils in Sixth Schedule areas which must be addressed. In order to do so, we propose the following:

- Autonomous Councils must be covered under State Finance Commission that is empowered to review periodically the financial position and lay down appropriate principles of resource distribution between State and the Autonomous Council. Funding should not be left to arbitrary discretion of the State Governments.
- The ADC should be reconstituted within six months of its dissolution.
✓ There should be provision for reservation for tribal women (one-third) as well as smaller tribal groups in the ADCs and other political institutions.
✓ Traditional political institutions at the village/hamlet level should be formally recognized by the State.

SOCIAL CHANGE AMONG THE TRIBES

Introduction:

During the Pre-colonial period

During the pre-British days, the tribal societies have been leading the existence of total isolation (geographical and cultural) from the centres of Indian civilization. The presence of Antha Mahamatya during Mauryam period reveals that the polity had contacts of the adivasis towards the large Hindus following their customs and traditions including their animistic beliefs.

According to Suresh Singh three major trends were visible during precolonial period according to him:

1) The first was colonisation and establishment of settlements by peasant castes who were encouraged by the Mughal rules and zamindars to reclaim lands and offered various incentives for this purpose or by other categories of immigrants. Trade and strategic routes passing through the jungle regions acquired a new significance. The Jharkhand and Gondwana emerged as historical regions in the medieval period.

2) Secondly tribes such as Bhils, Meena, Kols and Gonds were recognised as dominant tribal societies by the Mughal empire.

3) Thirdly was the rise of state either out of the tribal matrix as in the case of Gond as a result of the imposition on the tribal system of the authority of Rajputs and other cases which established their power in the highlands of Orissa central India, Gujarat and Rajasthan. A crucial precondition of the formation of state in middle Indian was the extinction of cultivation through the reclamation of land and the introduction of new agricultural technology by the pleasantly from the plains. In this context the Gond chiefs encouraged the settlements of non-tribal peasant communities such as Kurmi, Hori, Kunbi who with their superior agricultural technology alone could generate the agricultural surpluses that the new states require. Thus, a new mode of production emerged. The new states acted as the agents of Sanskritization. They also strengthened the sense of tribal identity. State formation stimulated commercial activities, developed trade routes and promoted small state urbanism. A variety of castes ranging generous of land to the artisan communities hooked to the new fort cities. All in all, a complex socio-economic system had emerged in certain parts of tribal societies in middle India before the colonial system was established there.
Colonial period

F.G Bailey (1960), Surjit Singh (1962) N.K Bose (1946) and several others identified the powerful forces of change released for the first time into the tribal societies during the British period. The most apparent aspect is

1) The extension of authority of the state to the forest regions largely inhabited by the tribal populations,

2) Breakdown of isolation of tribes

3) Breakdown of communal mode of production

4) Appearance of minor and major tribal uprisings

Peter Gardner also studied the effects of these changes on individual tribes in Meghalaya in west Bengal, Orissa, Nilgiri hills and southern social changes which took place among the tribes of central, eastern, north-eastern, western and south Indian tribes

According to S.R. Sharma (1999) with the established of colonial rule

a) The relative isolation of most of the tribal societies in India came to an end

b) Old forms of social control and agencies of social change were revised

c) New forms of commercialisation began: - Land became private property. The colonial rule initiated commercial station of production, consumerism and money or cash economy to precisely server their explicable interest. The state power played a decisive role in determining the future of the people. As a result, the self-contained subsistence economy based on agriculture and forest produce was weakened and destroyed

d) The customary law of tribal groups was replaced by the new law of the centralised state power during the British rule and this continued even after that the new law operated through its administrative and Judicial organs helped the process of Hinduization to some extent this process progressed in proportion to the urbanisation and transformation into capitalist feature of the colonial period was the breakdown of communal mode of production and the emergence of private right in the land. A further stage in the penetration of tribal economy by market the traditional form of barter system of tribes took to commodity production on a limited scale even the most primitive economies came gradually at within the operation of market system with the market came the middle man merchants and money lenders. Here the concept
of Dikku (aliens) becomes crucial to the understanding of agrarian relations. A Dikku was the creature of the colonial system he performed a variety of functions as a middle man in administrative matters as a money lender as a trader who controlled production of food grain through the system of advanced credit and as a land grabber.

e) The process of peasantisation and depeasantisation operated at the same time. In this regard several tribals who were not peasants came into the fold of peasantry while a number of tribals after losing their land entered into a different economic system. Substantial sectors of tribes from middle India such as Santhals, Oraons and Mundas had to migrate to the plantations of Assam and the adjoining areas, while others became industrial labour share croppers etc.

f) In tribal markets: - Also had undergone some changes because if the activities undertaken by the British govt in tribal areas. In tribal tracts inter-tribal markets were of socio-cultural importance. They served as the placed not only for economic transactions but also as non-economic activities. With the entry of market forces and creation of demand for commodities manufacture by the outsiders the traditional tribal markets either declined or were transformed into places of formal economic exchange and activities profit making had never been dominant value in tribal economy rather reciprocity, redistribution and co-operation were the bases of the traditional tribal economy all these values were eroded.

   The tribals’ society had started moving closer and closer to the peasant or caste stratified system this had strengthened the role of Sanskritization several tribes in middle India unitedly moved towards the varna system and adopted Kshatriya modes of Sanskritization because it was the easiest and the most popular process the Santhals and the Gonds are the most obvious example of this process.

g) There was change in the religious realm also the role of Christianity as an agent of change also deserves some discussion mainly in the north-east regions as well as pockets of tribals in M.P. Bihar Christianity is the earliest agency of welfare in a number of tribal areas the modernising role of christen missions is also an important feature of social change in those tribal areas where it had a deep impact. But unfortunately there always existed a close link between Christianity and colonial administration at the political level the missionaries in close collaboration with the colonial administrations rationalised, the British rules and sought to create a new bastion of Indian in the initial phases the missionary activities were disruptive of the tribal system evangelisation was inherently ethnocentric. The missionary imposed puritanical ethic on the permissive tribal society even though social
questions markedly varied depending on the exigencies in the north eastern region and middle Indian they (Missionaries mainly worked on the tribes and elsewhere on non-tribal communities mainly in the lower social strata of Hindus and Muslims under the impact of Christianity a number of values and institution of tribes declined obviously the missionaries wanted the same time the Christianity gave a new sense of self respect to the tribal peasants and sough to create a separate identity for them

h) Another dimension of social changed among the tribals during the British period is the role of tribal movements. Many tribes reacted to the change brought about by the British in a variety of ways. As the tribals live in relative isolation for a long time they were able to develop their own social structure and mechanism of imposition of forest policy and the entry of non-tribals created large number of socio-economic problem as a consequence revolt against the administration. According to K.S Singh the first phase (1795-1860) coincided with the rise expansion and establishment of the British Empire these were the primary resistance movements. Traditional tribal chiefs and their subordinates lead them the main reason for staging the movements was land alienation and loss of occupation. The chuar rebellion the uprisings of chorus the Kol and Bhumij insurrections the resistance offered by Gond Zamindars Khond tribals and the Santhals insurrection were example of these movements the second phase (1860-1920) coincided with the intensive phase of colonialism it saw a much deeper penetration of tribal and peasant economies. By merchant capital higher incidence of rent all gains registered during the first phase of the movements were washed away all those non-tribals who were expelled came back and settled at the same time many more also came intensifying the exploitation of tribes unlike the peasants the tribal movements develop a religious and political overtone. The tribals took a critical view of their failure of the first phase of movements on the basis of the introspection they sought to restructure the entire social system. This was the beginning of revitalisation movements the Munda Oraon, Santhal movement the Tana Bhagat movements The Bhil movement led by Govind giri are the examples of this phase they involved participation of the tribes in the national and agrarian movements in Chotanagpur. They also reflected a deep sense of pride in tribal cultures several followers of Mahatma Gandhi sprang up among the Bhils, Gonds Ho’s, or cons Mundas and Santhals they also coincided with the politicisation of the tribes bringing them into the main stream of nation politics and political process. Both the phases of the tribal movements were anti colonial, anti Dikkus and pro ethnic. The tribal movements of the colonial period.
Post-Independent period

A number of Anthropologists like Majumdar (1947) Elvin (1943) S.C Dube (1960). The tribal welfare committee (1952) Roy Burman (1971) and L.P. Vidyarthi (1977) studied social change among the Indian tribes their exercise was largely in terms of the orientation of the contact with mainstream society.

Majumdar identified three classes of primitives on the basis of the degree of social change among them thus he identifies

1) Primitive tribes outside the pale of Hindu influence the so called real primitives eg: Andaman Islands, Birhors, Juangs

2) Primitive tribes which have adopted Hindu customs beliefs and practices and which have shown a degree of association with the Hindu caste and have attained some cultural progress, though they are not recognised as forming prominent castes and Santhals Oraons, Mundas

3) Primitive tribes who are Hinduised but maintain social distance from the clean castes, though some of them are in distinguishable from the inferior ranks of the casts order eg: Gonds, Bhumijas, Bhils

Majumdar agrees that is hardly any tribal community, which is out of contact, and there he emphasises the assimilation adaptation acculturation symbiosis operating among the tribals and between the tribals and Hindus

While talking of external influence on tribal life Elwin (1943) gives a fourfold classification tribes

1) Those who one most primitive live a joint communal life and cultrate with axes

2) Those who, though equally attached to their solitude and ancient traditions are more individualistic less occupied with axe cultivation more used to outside life and generally less simple than the first group

3) Those the most numerous, probably twenty million who are under external influence and are already on the way to lose their tribal culture religion and social organisation

4) Tribes like the Bhil and the Naga which retain much of their original tribal life and tree of culture intact

The tribal welfare committee constituted by the Indian conference of social work in 1952 divided the tribes of India into four main divisions. These are as follows:
a) Tribal communities: - tribals who confined themselves to original habitats and still distinctive in pattern of life. Examples: - Andaman islanders, Birhor, Chenchu and Juang

b) Semi tribal communities: Tribal who have more or less settled down in rural areas take into agriculture and other allied occupations,

   Example: Koli (Maharashtra), Baiga, Pradhan, Yanadi, Yerukala.

c) Acculturated tribal communities: Tribals who have migrated to urban and semi-urban areas and are engaged in modern occupations in industries rest of the population.

   Example: - urban of the Tribals in the townships emerged out of the impact of industrialisation in tribal areas like Ranchi, Bhilai, Jamshedpur, Rurkela, Kothagudem etc., then those people who migrated to Assam and working in tea gardens ex: Santhals, Mundas, Oraon’s, Ho’s etc.,

d) Totally assimilated tribes: example Gonds, Bhils, Banjaras, Cheru, Bhumij.

L. P. Vidyarthi (1977): classified the Indian tribals into five categories on the basis of the degree of social change in terms of Hinduisation, extent influence, culture contact, etc. these are as follows:

1) Distinct tribal communities living in highly hunting isolated regions. These are the forest hunting tribes and the hill cultivators. The forest hunters include Birhors, Korwas, Kadars, Cholanayagan etc., the hill cultivators include Maler, hill Khara, the Khond, the Asur (Jharkhand)

2) Rural tribes who are living in rural areas and are dependent on agricultural and other allied occupations. Examples: - Santhals, Munda, Ho, Oraon, Gond, Bhils, Mundas.

3) Semi acculturated tribals who have successfully blended their own cultural traditions with etc., neighbouring people these are:

   a) The tribes living in mixed villages.

   b) They depend very much on tribals as well as non-tribals

   c) These belong to simple artisan and folk artist type.

       Example is Karmali, Lohar, Gondalia Lohars, Mahalis the Nats (U.P), Pradhans (M.P, Chattisgarh, and A.P)
4) Acculturated tribals: who have adopted modern occupations in urban and industrial fields and have mixed to a great extent to the rest of the population. These are the industrial labourers and urban workers. No particular tribe comes under this category but that to those who work in the town area as office goes and traders come under this category.

5) Totally assimilated tribals who have acquired a place in the Hindu caste ladder for example: the Bhumij, the Majhir, the Khasas and the Raj Gonds come under this category.

Conclusion:

Social change can be summarised in three dimensions

Socio-Cultural

1. Sanskritization and assumption of caste, rituals etc.
The contact with Hindus has led to assumption of Hindu values and rituals by the tribals. Various higher caste groups were models for this social mobility.

2. Marriage
   a) Decline of Polygyny and polyandry
   b) Type of acquiring spouse
   c) Rituals of marriage
   d) Premarital sex and Extra marital affairs
   e) Marriage payments replacement of bride price with dowry

3. Value system
   The tribal values in terms of beliefs, rituals, ideas, practices and customs are increasingly modified due to the onslaught of mainstream culture.

4. Locality and residence
   Tribals have been moving into rural and urban areas in search of livelihood.

5. Status of women
   Traditionally women in tribal societies enjoy equal status with men. However, the urbanization, Sanskritization has reduced the position of women vis-à-vis men. There are cases of rise in dowry, female infanticide

6. Youth dormitories
   They have been on a downward path due to
   ✓ Spread of Christianity and the spread of Victorian era ethics
   ✓ Hindu missionaries burnt them because they thought they were places for 'immoral sex'
✓ The Maoists also did not like them and ordered their girls to get back home after dinner.

7. Cultural festivals and tribal religion

8. Language
Currently around 8.2% of Indian population speaks in tribal languages. However, these tribal languages are slowly on a decline due to the cultural invasion of the mainland societies and of the westernisation.
At least 6 tribal languages are severely endangered, 42 are critically endangered and five languages have already become extinct.

9. Cultural aspects
Cultural aspects like food, dressing, folklore, myths, customs and traditions are endangered due to the enculturation of cultural aspects from the mainstream society.

10. Breakdown of communal living and homogeneity
Tribes have been living a communal living with all the members doing various activities in a group. This gave a strong sense of support to an individual to cope up with various pressures of life.
Changes in occupation, migration, rise of private property and privacy concerns has led to a fall in communal lifestyle of the tribals.

11. Mahua drinking and alcoholism
Consumption of alcohol is a part of social rituals in many tribal communities. At the national level, it is noted that about half of Scheduled Tribe men (51 percent) consume some form of alcohol. The prevalence of alcohol consumption was found to be much lower among non-Scheduled Tribe men (30 percent). Therefore, such a pattern of drinking alcohol among Scheduled Tribe men is bound to have negative effect on their health. The estimated prevalence among Scheduled Tribes is found to be higher in the eastern states like Assam (70 percent), West Bengal (70 percent), Odisha (69 percent), Chhattisgarh (67 percent), Jharkhand (67 percent) followed by Arunachal Pradesh (66 percent) and Andhra Pradesh (66 percent). On the other hand, states like Himachal Pradesh, Maharashtra, Gujarat, and Rajasthan show relatively lower prevalence of alcohol consumption (around 30 percent). In a few exceptional cases like Sikkim, Manipur, West Bengal, Maharashtra and Goa, a higher proportion of urban Scheduled Tribe men drink alcohol as compared to their rural counterparts.
Mahua drinking is one of the cultural elements. However, the excise laws prohibit manufacturing of maha even for personal consumption.
The entry of Indian made foreign liquor and opening of licensed shops have made it easy to acquire alcohol. This slowly led to alcohol addiction.

12. Shifting cultivation
Shifting cultivation has been practised by tribes both as a cultural as well as survival practice. The rising population and the detrimental effects of shifting cultivation has forced the government to take steps to wean away the tribals from the dependence on this practice.

13. **Tribal art**

Tribal art is on a path of decline with little demand from the traditional dependent groups. Moreover, the onslaught of the mainstream goods have further reduced their significance.

But in recent years commodification of tribal art has been taken up by various NGOs and art enthusiasts.

14. **Sacred groves**

Sacred groves of India are forest fragments of varying sizes, which are communally protected, and which usually have a significant religious connotation for the protecting community. Hunting and logging are usually strictly prohibited within these patches. Other forms of forest usage like honey collection and deadwood collection are sometimes allowed on a sustainable basis.

Threats to the grove include urbanization, over-exploitation of resources (like overgrazing and excessive firewood collection), and environmental destruction due to religious practices.

**Economic**

1. **Self-reliance to state dependent**

Tribes, over generations have adapted to the nature and have a self-reliant economy. However, in due course of time, they have transformed into a poor community continuously requiring state assistance.

2. **Barter to market**

Barter exchange is the major means of exchange of goods between tribes and the mainstream society. However, this is slowly replaced by the market system with profit as the motive.

3. **Land as a private property**

Tribes usually do not have the notion of private property. All the land or forest that is used for food gathering, production or grazing is communally owned. But in recent days, the notion of private property
is on rise. The demand for land and the shift in occupation to agriculture has raised the demand for land.

4. **Migration for employment**

The literacy rate of tribes in India is quite less and has led to the under development of these groups. The people are either unemployed or underemployed. They are in search of jobs which can keep them employed throughout the year. They need to be helped in developing secondary source of income.

Tribal people suffer predominantly from the phenomenon of poverty–induced migration because of rain-fed agriculture and absence of other avenues of employment. Fragmentation of land, loss of land due to acquisition and illegal land alienation by non-tribals also cause people to migrate. Deforestation and decreasing access to forests and drought are other contributory factors for tribal migration. Due to compulsion involved in migrating in search of livelihood, it would be more accurate to describe such migration as ‘forced migration’.

5. **Poverty and Indebtedness**

The tribal people are economically one of the most backward communities in the country. According to the reports of Lakdawala committee and Tendulkar committee for the year 2004-2005 27.5% and 37.2% of scheduled tribes population respectively comes under below poverty line. These people are often exploited at the hands of outsiders, landlords and money lenders due to their innocence and illiteracy. The British policies exploited the tribes to the core by benefitting the zamindars, money lenders, forest contractors and revenue officials.

The tribes have been involved in the agriculture of the crudest type since ages. Their participation in tertiary and secondary sector is negligible. Due to the lack of resources and uneconomical land holdings this practice has proved to be futile for them. Many times their land holdings are transferred to the non tribal people and despite their continuous demand for the return of their land they are left empty handed. The demands of the tribes are suppressed by the authorities and they have to lead a life of poverty.

Due to the lack of banking facilities in the tribal areas tribes have to depend on money lenders who exploit them by charging high rate of interest on the loans they provide to the tribal people. The tribes suffer indebtedness due to exorbitantly high rate of interest and often it leads
to dispossession of land. Land alienation is the major cause of indebtedness, also family income and social compulsions lead to it. 

Indebtedness on account of religious and social obligations and expenses on litigation, medical treatment and alcoholism has further accentuated the problem of tribals.

The poverty-stricken tribes due to the lack of employment opportunities agree to work as bonded labourers in agriculture sector, brick kilns, stone queries, power looms and hand looms. They are irregularly paid and are made bonded without workplace protection.

6. **Bonded labour**

Though the main causes of origin, growth and perpetuation of bonded labour system are economic, the social and religious factors to support the custom. The economic causes include:

- extreme poverty of people, inability to find work for livelihood, inadequate size of the landholdings to support family, lack of alternative small-scale loans for the rural and urban poor, natural calamities like drought, floods etc., destruction of men ‘animals, absence of rains, drying away of wells, meagre income from forest produce, and inflation and constant rising prices.

The social factors include:

- High expenses on occasions like marriage, death, feast, birth of a child, etc., leading to heavy debts, caste-based discrimination, lack of concrete social welfare schemes to safeguard against hunger and illness, non-compulsory and unequal educational system, and indifference and corruption among government officials.

Sometimes, exploitation by some persons in a village also compels people to migrate to some other place and seek not only employment on the employer’s conditions but also get protection from influential persons. Religious arguments are used to convince the people of low castes that religion enjoins upon them to serve people of high castes. Illiteracy, ignorance, immaturity and lack of skill and professional training sustain such beliefs. Broadly speaking, it may be maintained that bondage originates mainly from economic and social pressures.

7. **Land alienation**

Land is an important asset in the tribal economy. Alienation of land of tribal communities and loss of rights to Common Property
Resources, mainly forests and large-scale displacement and enforced migration takes place in following ways:

a. Development-induced displacement by acquisition of land by the State based on principle of ‘eminent domain’ for ‘public purpose’ without a ‘land for land’ provision for rehabilitation. Acquisition by the State for development projects also leads to alienation of land and displacement due to environmental pollution and damage to land in the area near projects but tribal people so displaced are not entitled to any compensation.

b. Illegal land alienation takes place due to participation of revenue functionaries and officials, and incorrect interpretation of laws, manipulation of records and permission accorded to alienate land. State Laws are amended to include provisions that facilitate land alienation of tribal communities.

c. Community land of tribal communities is recorded as Government land in survey and settlement operations and most State tenancy laws recognize only individually owned registered land. Such lands have not been fully surveyed and there is no record of user practices, which would be shown as Government land.

d. State action of acquiring tribal lands for settling refugees has resulted in land alienation and displacement. There is also encroachment of tribal land by immigrants.

e. Creation of National Parks have resulted in alienation of rights and consequent displacement and forced migration of tribal people.

f. Conflicts in the Northeast have resulted in tribal people losing everything and being displaced from their home ground.

8. Forest produce

Tribals used forest produce for personal consumption and for exchange of agricultural goods with the villagers. The forest laws restrict access of minor forest produce to tribals. This has brought the tribals in conflict with law.

The MFP that has been collected by the tribals are bought by the mainstream business men at very low prices.

9 Entry of money

Tribals for a very long time used barter system of exchange to fulfil their needs. The contact with mainstream society has led to the replacement of barter with market system. The poor earning capacity and lack of negotiating ability has led to exploitation and impoverishment of tribals.

Political
1. **Traditional head of tribe**

   Tribal societies have a head of the tribe who decides over various issues. With the entry of democratic institutions, there is a clash between the tribal leader and the representative of the government.

2. **Concept of crime and Law and justice system**

   Tribals usually do not have an established criminal justice system. There is no division for civil and criminal law. Every wrongdoing is dealt by the tribal group or by the head of the tribe. Means of oath, ordeals and other means are used for conflict resolution.

   Tribals have their own methods of resolution of conflict through mediation or negotiation. The modern judicial system is alien to them and not suited to their lifestyle. The inability of the tribals to comprehend laws has led to prolonged suffering.

4. **Excise laws and Forest laws**

   The excise laws and forest laws have been framed without consideration of the tribal interests. Drinking of homemade alcohol in the form of mahua is a culturally significant for tribals. But excise laws prohibit such practices which also brings tribals in conflict with law.

   Forest laws establish that the government is the sole authority to protect the forests. Forest officials have been troubling tribals who venture into forests for collection of minor forest produce for consumption and sale.

   The forest rights act is a welcome step in the direction of recognition of rights of the tribals

5. **National parks, sanctuaries**

   In recent years, India has captured international attention for both its high levels of threatened biodiversity as well as the cultural diversity amongst its people. In an attempt to preserve the nation’s forests and wildlife, the government has adopted the international notion that for nature to be conserved, it must remain pristine and uninhabited by humans. Unfortunately, this ideal has created an array of difficulties for the indigenous hill tribe people of the country, especially in the north-eastern states.

   The Wildlife Protection Act, 1972 is a strong regulatory statute which restricts almost all activities inside Protected Areas. These include restrictions on entry to sanctuary (Section 27), removal of forest products including NTFPs (except for bonafide self
consumption), regulation or prohibition of grazing or movement of livestock etc. This effectively exiles people living inside the Protected area from civilization, with restrictions on movement of goods and services. The Protected areas under the act such as National parks and wildlife sanctuaries threaten local villager's traditional livelihoods by tearing them from their homes, denying them access to previously used resources, and preventing them from acquiring land for agriculture.

It is not uncommon for this to have even further negative impacts on the villagers’ food stability, health and economy. In addition, government policies based on the assumption that people are incompatible with wilderness protection have created a hostile environment in which hill tribes’ relations with park management turn bitter and mutual cooperation for the environment’s sake is absent.

Other issues with the govt. Such as,

a) Non-recognition of rights over land in Survey and Settlement: This applies mainly to the practice of shifting cultivation, traditionally practiced by large number of tribal communities.

b) Non-recognition of customary use: Most of the customary uses of the local inhabitants on forests (including other natural resources like water) have not been codified or recorded in any record of rights.

c) Lack of up to date and proper settlements of land rights: Most of the sanctuaries are in the remote tribal areas. In most of these areas, only one round of Settlements have taken place. The current situation in terms of land tenure in these areas is highly confused, with a major discrepancy between formal tenure and informal land use.

For eg., Mankidias and Khadias are the nomadic tribes who preferred to live inside the forest. Following the declaration of Simlipal Tiger Reserve they were assured of rehabilitation and resettlement, which is still under process even after years.

Current discourse thus emphasizes the need to integrate conservation with community development by embracing

a) rights-based approaches
b) hill tribe participation
c) co-management of parks
d) economic incentives for the land’s protection.

Though it is undeniable that conservation policies are essential for the survival of India's precious biodiversity, protection strategies must incorporate indigenous rights in order to be successful in the implementation of conservation of biodiversity programmes.

6. Panchayat raj institutions

PESA was enacted to cover the "Scheduled areas", which are not covered in the 73rd amendment or Panchayati Raj Act of the Indian
Constitution. It was enacted on 24 December 1996 to enable Gram Sabhas to self-govern their natural resources. Implementation of PESA ensured that panchayats and gram sabhas would be benefited by way of ownership of resources and rights in the scheduled areas in true sense and help in realisation of self-reliance in the villages.

PESA Act helps in implementation of various provisions for self-rule for village communities in scheduled areas. The Act provides solution to many issues such as tribal land alienation, deprivation of rights on minor forest produce, lack of control of the residents over natural resources, lack of control over local plans and so forth.

7. Reservations

Reservations in political sphere has enabled tribals to situate themselves in the governance of the nation. Reservations has been provided for the tribals from the panchayat to the parliament level. Though tribals are elected to various positions in the government, the true power in terms of the influence they have over policies and decision making is worrying. Sometimes tribals are put up as proxy for the strong leader of the local dominant caste. In that scenario, though the elected is tribal, the true power remains with the leader of the local dominant caste.
HISTORY OF TRIBAL ADMINISTRATION

1. TRIBAL ADMINISTRATION

Introduction:

The British were the first rulers to evolve a conscious and deliberate policy towards administering the tribal areas. The main features of British Administrative Policy towards the tribes were (i) segregation; and (ii) Laissez Faire or live and let live.

As the freedom struggle gained momentum, the British demonstration ensured that the tribals who were already known for their fierce independence and opposition to external authority, did not in any way join hands with the leaders of the national movement. The British strengthened the isolation of tribal areas, particularly in the North–east, by not developing any means of communication. Whatever communication network they developed was only to facilities the exploitation of tribals by contractors and for their own security purposes.

First Phase (1782-1827):

The British, in their pursuit of territorial expansion, came into contact with the Indian tribal first in Bengal. The seeds of British policy towards tribals emerged out of their attempts to curb the revolt of the Paharias of Rajmahal Hills in Bengal who revolted against the Hindu zamindars. The British suppressed the Paharias revolt at first, but later on, the tribal leaders were bribed and pacified. In order to keep a vigil on the Paharias, retired/ ex-services men were encouraged to settle in and around the areas where the Paharias lived. In 1782, August Cleveland, the administrator of the area put forward a scheme of special administration for the Rajmahal hills. On his suggestion, the Rajmahal hill tracts was removed from the general pattern of administration. The government created local courts made up of local tribal leaders who were given civil and criminal jurisdiction over the Rajmahal Hill area. The Paharias were also allowed to hold rent-free land. Cleveland’s policy marked the beginning of the British approach to the administration of tribal areas, which, by and large, continued till independence.
In 1796 the government passed a regulation for the demonstration of justice and for other demonstrative matters for Rajmahal Hill Assembly. However, this experiment of Cleveland did not succeed because of corruption and mal-administration. In 1827, the Government was forced to withdraw the 1976 regulation and bring the Paharias and other tribes under the partial jurisdiction of the ordinary courts of the land, and providing for special exemption for the tribals in certain cases.

**Second Phase (1888-1919):**

The pattern of administration experimented in the case of Paharia remained till 1855 Santhal Revolt. The upheavals of the Santhals forced the British government to rethink. As a result, they more or less rehabilitation-introduced the policy of separate demonstrative zones for tribal areas. The tribal areas were brought under special administration (called Non-regulation Area) where their officers were given special civil and penal powers. By the Indian councils Act of 1861, the British Parliament gave statutory recognition to the specially administered non-regulation areas.

The Government of India Act of 1870 gave formal powers to Governor-General-in Council to enforce various regulations/laws in the so-called non-regulation areas. The 1870 Act used the term “the scheduled tracts” for tribal areas. Or example, Darjeeling, Kumaon, Garhwal, Chotta Nagpur, Santhal Pangnas, Lakshadweep, North Andhra Pradesh, etc were declared as scheduled Tracts.

In 1874, a Scheduled District Act was passed, to give effects to the provisions of the Government of India Act 1870 in so far as the administration of scheduled tract was concerned. The 1874 Act empowered the local governments to specify the laws and regulations including any modifications required to be applied in the cases of these specially administered tribal areas.

The above policy more or less continued till the passing of Government of India Act 1919. The Government of India Act 1919 brought in the concept of backward tracts. There were two types of tribal areas (a) Scheduled tracts where the tribals more or less constituted the entire population and (b) the backward tracts where the tribals lived along with others, though this distinction was not always maintained. In the case of backward tracts, the government thought that only modification of all India/local laws were enough whereas, in the case of Scheduled tracts, exclusive administrative and local arrangements were necessary.

**Third Phase (1935-1947):**
Under the Government of India Act, 1935 divided the tribal areas into (a) Partially excluded and (b) wholly excluded areas in continuity with the earlier division of backward tracts and scheduled tracts. The following were the main features that distinguished excluded areas from partially excluded areas.

(a) In excluded areas, the Governor functioned on his own discretion. In partially excluded areas, he had to seek the advice of the village administrators.

(b) The expenditure with regard to excluded areas was not subject to vote by the legislature, whereas in the case of partially excluded areas they were subject to vote.

(c) Any discussion in the legislature on any matter concerning excluded areas needed the prior approval of the Governor.

(d) In the partially excluded areas, people were allowed to elect representatives to provincial legislature with a more limited franchise, whereas in excluded areas the tribals were not given any representation. However, the governor could nominate representative from excluded areas. In fact, the tribals were not allowed to form any political parties. The demonstration of these areas was more or less of an authoritarian-paternalistic type. The Deputy Commissioners, who were mostly drawn from I.C.S. were virtually the masters working under the direct control of the Governor. However, the British allowed the tribals, specially in excluded areas, to have their own native political institutions like Siemship, the Lyngdoship, Sirdarship, the Doloship in the Khasi Hills (of the present state of Meghalaya).

In the partially excluded areas, popular ministries in Bihar, Orissa, Bombay, etc., appointed tribal enquiry Committees to go into the conditions of the tribals. However, not much work could be done as the congress ministries resigned in the wake of the Second World War.

Post-Independence Policy:

After independence, the national leaders decided to bring the tribal areas into the national main stream. As a life step, the distinction between the excluded and partially excluded areas was abolished. However, since the tribal areas in some parts of the country needed protection and safeguards, the constituent assembly appointed a sub-committee under the Chairmanship of Shri. Gopinath Bardoloi to examine a set up for tribal areas. On the recommendation of Bardoloi Committee, the Sixth Scheduled of the Constitution was incorporates providing for special administrative set up for tribal areas of North-east (the working of the district councils provided under the sixth Scheduled is discussed separately). The
government has now extended the concept, of district councils to tribal areas outside the north-east as well, to Darjeeling hill district in west Bengal to Ladak in Jammu and Kashmir

**Scheduled Areas**

In the wake of tribal rebellions in the nineteenth century, the British became convinced of the vulnerability of tribal populations in the form of various ‘outsiders’ and assumed the role of paternalist protectors of tribals against the non-tribal exploiters. This brand of protectionism, however, worked to justify British presence in tribal areas as the guardian of their interests. Indeed, British policy toward tribals followed a contradictory path: on the one hand, it advocated protection of these areas through exclusion from the operation of general laws and on the other hand, it facilitated assimilation with the larger social structures through the market.

Even prior to the development of a delineation of the characteristic features of a tribe, there existed a separate system of governance for predominantly tribal areas marked by special legal provisions and the non-applicability of general laws in these areas. Thus, the creation of distinctive tribal spaces in legal-administrative terms preceded the classification of specific groups as tribes based on established criteria. These areas are referred as Scheduled Areas in the post-Independence period.

In the Singhbhum area, for example, the British introduced a system of administration, similar to that already in place in Ramgarh and Jungle Mahals through Regulation XIII of 1833. Wilkinson’s Rules meant the withdrawal of regulations in force in other parts of British India and the assignment of all governance in the district to the Political Agent to the Governor-General. These areas came to be known as Non-Regulation Provinces and were to be governed by special rules for civil and criminal justice, collection of land revenue, and so on. In 1874, another law was passed which renamed the non-regulation tracts as Scheduled Districts and defined their geographical boundaries. In the Northeast region, in addition, the British put in force the Inner Line Regulation in 1873, as the point beyond which general laws for the colony would not be applicable and entry of subjects living outside the area was strictly prohibited.

The separation of these areas continued with the Government of India Act, 1919 which renamed the Scheduled Tracts as ‘Backward Tracts’ and also distinguished between ‘really backward tracts’ wherein the Governor General was exclusively responsible for law and administration and the ‘backward tracts’ wherein the Governor General could act through local officials. This nomenclature was altered to ‘wholly excluded areas’ and ‘partially excluded areas’ respectively by the Simon Commission according to the level of backwardness. The Government of India Act, 1935 followed from this, stating
that the Governor could determine policy directly or through his agents in the tribal areas and prohibited legislative Council members from asking any questions about the administration of the excluded areas. Functionaries of the colonial government were, therefore, singularly responsible for about 15 million people in the sub-continent.

The role of the Agent of the Governor-General in these areas was two-fold: to protect the tribal from the non-tribal populations and to exert a civilizing influence on them through programmes of reform. The policy of exclusion came from the belief of the colonial government that their government would be best for the tribals and that the Indian government would only impose dominant cultural values on them. Thus, a special class of areas with tribal-majority populations was created, within which a distinctive legal framework would operate with the following characteristics: rule by district officers under the governor, simple procedures in dispute settlement, restriction of entry of non-tribals, the exclusion of these areas from the operation of ordinary laws.

One of the primary features of the Partially Excluded areas was that no general laws would apply to these areas, unless the Governor saw it fit to apply these legislations.

In the post-1947 period, however, this feature was altered vis-à-vis the Fifth Schedule areas since now all Central and State laws would automatically apply to tribal areas unless the Governor took the decision to prevent application or modify/amend the legislation in keeping with the circumstances of the Scheduled Areas. Rarely do Governors invoke this power leading to a situation where in all legislations, irrespective of their suitability in Scheduled Areas, are operational without any amendment or alteration.

At the same time, one of the assumptions behind the creation of these spaces was the idea that the tribes could not cope with the complexity of representative institutions. The Montagu-Chelmsford Report which was to later form the basis of the Government of India Act, 1919 even noted that “there was no political material on which to found political institutions” in these areas.

The demand for political autonomy by tribals was overlooked, despite several on-going agitations for political rights. Further, this view neatly separated the related issues of social and economic well-being and political power. The resultant policies were based on the economic integration of tribals through development programmes while attempting to ensure that the cultural aspects of their society such as language and customs were left untouched. This understanding of the tribal question continued into the post-colonial period. The Constitution of India continued with this system of governance through the separate, but inter-linked categories of Scheduled Tribes and Scheduled Areas.
Similar to Scheduled Tribes, the definition for Scheduled Areas (under the Fifth Schedule of the Constitution) is “such areas as the President may by order declare to be Scheduled Areas”. The criterion for the declaration of an area as a Scheduled Area was identified by the first Scheduled Areas and Scheduled Tribes Commission (Dhebar Commission). The features of such an area were: the preponderance of tribal population, compactness and reasonable size of the area, under-developed nature of the area, and marked disparity in the economic standard of the people. Several orders relating to Scheduled Areas have been passed by the President over the years. The present Scheduled Areas follows the pattern of the erstwhile Partially Excluded Areas, although more orders regarding Scheduled Areas have been passed by the President in the post-Independence period. Since 1976, there have been efforts to ensure that the Scheduled Areas coincide with the Tribal Sub-Plan areas through several orders, although this task is still not complete.

It is important to reiterate that there are several tribal-populated and tribal-dominant areas across the country which are not Scheduled Areas and therefore, are not covered by the protections offered under the Fifth Schedule. These include tribals living in the nine States of India which have Scheduled Areas as well as those living outside of these States – for example, in West Bengal, Bihar, Uttar Pradesh, Uttarakhand, Goa, Tamil Nadu, Kerala, and Karnataka and the Union Territories of Daman and Diu, Dadra and Nagar Haveli, Lakshadweep, and the Andaman and Nicobar Islands.

For example, the southern region comprising Karnataka, Kerala and Tamil Nadu comprise over five per cent of the total Scheduled Tribe population. Karnataka alone has 50 recognised tribal groups within its State boundaries while Tamil Nadu has 37 Scheduled Tribes and Kerala has 36 Scheduled Tribes. A large proportion of the tribal population of South India belongs to the Nilgiri hills region, covering all these three States. Although, a survey by the British in 1847 apparently revealed that about 78 per cent of the people in the Nilgiri plateau region were tribal hunter-gatherers, pastoralists and shifting cultivators, these areas were never scheduled, possibly due to British economic interests in the emerging plantation economy. Tribals in this region face serious problems of landlessness, land alienation, malnutrition, bonded labour, eviction from National Parks and Sanctuaries, as well as displacement due to mines and hydroelectric projects. However, by and large, discussions around tribal rights tend to focus on Fifth and Sixth Schedule Areas to the neglect of other non-Scheduled regions with substantial tribal populations.

On the question of Scheduled Areas, the Bhuria Commission (2002-2004) requested the governments in the various States with sizeable tribal populations to comment on the existing criteria for scheduling of areas through an assessment of their validity within the contemporary context and through recommendations that could make the given criteria more specific and precise. For example, it
remains unclear what exactly ‘preponderance’ of tribals means in terms of percentages of the population. There is also the question of the size of the administrative unit within which ‘preponderance’ is necessary – at the level of the district or the block or the village. This is an especially important question given that there has been considerable in-migration of non-tribals to Scheduled Areas as well as non-Scheduled areas with large tribal populations. This influx has changed the relative population of tribal and non-tribal communities in the area, often worsening the disparity between the two groups.

The State Governments, in response to the Bhuria Commission, provided several suggestions on this issue, with some calling for changes in the criteria while others declaring their satisfaction with the status quo as regards their States. The State Government of Chhattisgarh noted that while it has about 81,669 sq. km as Scheduled Areas, there are 88,000 sq. km in the state under the Tribal Sub-Plan (TSP), thus creating a disparity which must be addressed by making Scheduled Areas coterminous with TSP areas. They further suggested the condition of 50% Scheduled Tribe population for declaration of Scheduled Area as well as the treatment of the Gram Sabha as a viable unit. Madhya Pradesh, on the other hand, has suggested a norm of 40% tribal population in a block and Gram Panchayat for eligibility. The government also argued that human development indices may not be a viable standard for exclusion from Scheduled Areas, since there is considerable economic and social differentiation between and within tribal groups. The Rajasthan government recommended that the backwardness of an area be assessed, according to the following parameters: ST female literacy and availability of safe drinking water, healthcare, and electricity. Based on these suggestions, the Bhuria Commission recommended:

that the notification of Scheduled Areas should include villages as well as towns and cities in the blocks, tehsils and districts, including all forest and revenue lands that all the Integrated Tribal Development Projects (ITDPs), Modified Development Approach (MADA) pockets included in the Tribal Sub-Plan should be considered for notification as Scheduled Areas subject to conformity with the established standards.

The parameters for further inclusion of non-Scheduled Areas within the ambit of the Fifth Schedule must be debated by the central and State Governments and action must be taken in this regard immediately. The situation wherein a substantial number of Scheduled Tribes reside outside of the Scheduled Areas needs to be addressed to ensure that tribes are not denied the protections offered by the Constitution and other legislations pertaining to Scheduled Areas. Given the onslaught of global market forces on tribal lands, the extension of such provisions is of the utmost importance and urgency.

Section II: Legal and Administrative Framework in Scheduled Areas
In the post-colonial period, the classification of an area (which may range in size from a single village to a block to an entire district within a State) as a Scheduled Area carries significant legal and political implications since it is on this basis that the provisions of either the Fifth or the Sixth Schedule apply. These constitutional arrangements for the Scheduled Tribes follow different patterns and provide for both protections from non-tribals (particularly on land alienation, money-lending and political representation) and provisions for autonomous decision-making on various matters. These frameworks constitute the recognition of the adverse inclusion of tribal communities within the global political economy as well as the distinctiveness of tribal culture and identity threatened by the cultural imperialism of the non-tribal majority. At the same time, it must be noted that several of these provisions are paternalistic in nature and are not entirely adequate to the onerous task of ensuring the protection of tribal land and resources given the current context of liberalisation. Moreover, the experience of the functioning of the institutions created under these constitutional provisions demonstrates that stricter implementation and further strengthening of laws is an urgent necessity. This section examines the various arrangements instituted for the Scheduled Tribes and briefly analyses the strengths and weaknesses of each. Such an analysis is essential in order to objectively assess whether these provisions have fulfilled their stated goals over the last sixty years and to begin a discussion on potential mechanisms to strengthen their functioning in the future.

TRIBAL DEVELOPMENT

1. APPROACHES FOR TRIBAL DEVELOPMENT

Introduction:

The tribals are relatively isolated and live at various stages of economic, technical and cultural development. The overall development of tribal communities depends largely upon the consideration of their problems and programmes carried accordingly. Considering the socio-economic conditions of the tribals, geographical location of tribal areas, and keeping in mind socio-political issues of the state, various approached by the religious missionaries, social reformers and anthropologists have been evolved to develop the tribal people in India.

Religious Approach

(a) The basic thrust of this approach is to assimilate tribals into a religious culture which, in turn, helps breaking their isolation and passivity and joining them with the national mainstream, the missionaries of various
denominations have been involved in the activities of conversion on while undertaking certain reformative measures for tribal people. (b) The religious agencies like Arya Samaj, the Ramakrishna Mission, the Luther Mission, the catholic Mission, are worth mentioning. These agencies have been carrying out massive conversion activities in central India and north-eastern India. The missionaries have tried to understand tribal culture and language for the sake of its assimilation to the culture of Christian Church. The Hindu religious bodies have also attempted to assimilate tribal into a Hindu framework.

Criticism

But the tribal religion is perceived as ‘animism’ in its various degrees of manifestation within the tribal community. Tribals live in their own religious world, practising some distinct and typical religious rituals and are considered is having a separate religious identity. The conversion of tribes by religious agencies generate a crisis of their identity and ethnicity, and it has often disrupted the tribal cultural fabric or social solidarity.

Voluntary Agency Approach:

(a) This approach aims at the promotion of standard of living and social awareness among the tribal people. The voluntary works in the tribal areas are undertaken by social workers, reformers and other social movement agencies.

(b) The notable voluntary social service organisations are: Indian Red Cross Society, All India Backward Classes Federation, Indian Council for child Welfare, Bharatiya Adimjati Sevak Sangh, Bharatiya Depressed Classes League, Orissa Adivasi Congress, Bihar Adimjati seva Mandal, etc.

(c) These organisations claim that they have no vested interests in rendering social services or extending economic benefits to the tribal people.

(d) They function in both official and non-official spheres.

Political Approach:

(a) This approach emphasizes the participatory role of tribals in various levels of politics, administration and nation-building. This was considered significant to improve the administrative situation in the country. The political approach has not only included policy-making and providing suitable constitutional safeguards for the tribal people, but also a vast administrative structure for tribal welfare. This can be understood in the context of the pre-Independence and the post-Independence period.
The British demonstration dealt with the tribals as basically ‘law and order’ problem keeping them isolated from the main stream of national life. After Independence the Constitution of the tribal people in the national mainstream. To promote the integration of tribal with rest of India, the Constitution provided special safeguard and facilities to this section by way of protective discrimination for a period of ten years. This time period has been extended subsequently.

**Anthropological Approach:**

The anthropologists have dealt with the problems of tribals in different ways and tried to find out possible solutions. They happened to be concept about the problems of integration and isolation. Elwin’s concept of ‘park land, brought about a break through and initiated a debate. His viewpoint was refuted by Ghurye and others who argued for the assimilation of tribals into the Hindu fold. Elwin changed his earlier version of cultural segregation and emphasized a careful planning for tribal development. Applied anthropology in India seeks the co-operations of social welfare workers, applied anthropologists and administrative staff for the effective implementation of plans and programmes for the development of tribals. Anthropologists have laid emphasis on the proper understanding of tribal community, their social organisations and tribal culture. They hold view that no meaningful development projects may be formulated without a thorough knowledge of socio-cultural base and the physical environmental of the people concerned. Above all, this approach looks for a composite culture and greater area of integration of the tribes.

The above-mentioned approaches find support in the three important theories, namely, (i) theory of isolation, (ii) theory of assimilation and (iii) theory of integration. The protagonists of these theories look into the tribal problems in their respective ways.

**Theory of Isolation**

This theory of isolationism is widely known as ‘National Park theory’ popularised by Elwin. He suggested that ‘the first necessity of the establishment of National Park, in which not only the Baiga but thousands of simple Gonds in their neighbourhood might take refuge. A fairly large area was to be marked out for this purpose. The area should be under the direct control of tribe’s commissioner who should be an expert standing between them and legislature”.

In short, the administration was to be ‘so adjusted as to allow the tribes-men to live their lives with utmost possible happiness and freedom. No missionaries of any religion were to be allowed to break up tribal life.

Verrier Elwin in his book, *The Baiga* (1939), advocates establishment of a sort of 'National Park' in a wild and largely inaccessible part of country under
direct control of a tribal commissioner. Inside this area, administration should allow tribesmen to live their life with utmost possible happiness and freedom. Wide power would be given to old tribal council and authority of village headman would be established. Non-tribal settlings in this area would be required to take out license. No missionaries of any religion would be permitted to break up tribal life. Everything possible would be done for the progress of tribals within this area, provided the quality of tribal life would not be impaired. Tribal culture would not be destroyed and tribal freedom would be restored and maintained. Tribe’s contact with outsiders should be minimised. Economic development would be given high priority. Simple and need oriented education would be given to tribal people. Fishing and hunting would be freely permitted and dictatorship of subordinate officials within the area should be eradicated.

Tribal population in India belongs to various stages of cultural development. Verrier Elwin in his book ‘The Aboriginales’ (1943) divides Indian tribes into four classes according to their stage of cultural development.

1. Class I is the purest of pure tribal groups comprising about two or three million persons. Elwin and a large section of missionary reformers and anthropologists grow lyrical over the robust, vibrant and healthy life of this tribal group. According to Elwin, these highlanders do not merely exist like so many villagers, they really live. Their religion is characteristic and alive, their tribal organisation is un-impaired, their artistic and choreographic traditions are unbroken, and their mythology still vitalises healthy organisation of tribal life. Geographical conditions have largely protected them from debasing contacts of the plains. It is said that the hoot of the motor-horn would sound the knell of the aboriginal tribes.

2. A section of the above category of tribes has been experiencing contact with plain and consequently undergoing change. This group is coming under class II of Elwin’s classification. Though such group retain its tribal mode of living it may exhibit many contrasting characteristics with the first group. Instead of communal life this group lives a village life which has become individualistic. Their communal life and traditions are only preserved through their village dormitories. They do not share things with one another. Axe cultivation has ceased to be a way of life for them. Members of these tribes are more contaminated by life outside. They come in contact with groups living on periphery who live a more complex i.e. civilised life. Members of these tribes are less simple and less honest than members of tribes belonging to class I.

3. Tribe belonging to class III constitutes the largest section of total tribal population, about four-fifth of it, i.e. nearly twenty millions. Members of this class of tribal groups are in a peculiar state of transition. They bare tribal in name but have become as like as Hindus
who belong to lower rung of Hindu society. One section of this class has got converted into Christianity. This group of tribes has been appreciably affected by external contacts. They have been exposed to influence of economic and socio-cultural forces of Hindu society. They have also subjected to missionary influences. But above all, they have been most adversely affected by the economic and political policies of the British which resulted in their being dragged into orbit of colonial-capitalist system in India. Members belonging to this category of tribal groups were uprooted from their mode of production in same way as were millions of cultivators and artisans living in the multitude of autarchic of villages of pre-British India from their self-sufficient, self-contained village community setting. During British period under impact of new economic and politico-administrative measures these tribesmen lost their moorings from their economy, social organization and cultural life. A large section of this population was reduced to status of bond slaves or agrestic serfs of money-lender, zamindar and contractor who emerged due to political and economic policy pursued by British. Another section was reduced to category of near to slave labourer working on plantation, mine, railway or road construction or other enterprise. They were uprooted from their habitat and condemned to a wretched existence. A number of these tribes were branded as criminal tribes as their members could survive only by criminal means. They lost their land and occupation and had no alternative means to subsistence because of economic and political exploitation of British.

4. Class IV tribals consists of old aristocracy of country, represented today by great Bhil and Naga Chieftains, Gond Rajas, a few Binshevar and Bhuyia landlords, korku noblemen, wealthy Santal and Uraon leaders and some highly cultured Mundas. They retain their own tribal names, clan and totem rules. They observe elements of tribal religion despite of adopting full Hindu faith and live in modern or even European style. According to Elwin, tribals of this class have won the battle of cultural contacts. It seems that they have acquired aristocratic traditions, economic stability, affluence, outside encouragement, a certain arrogance and self-confidence characteristic alike ancient families and modern enterprise. This class of tribals has secured benefit of civilisation without injury to themselves.

Elwin observes, whole aboriginal problem is to how to enable tribesmen of the first and second classes to advance direct into the fourth class without having to suffer the despair and degradation of the third. For this purpose, Elwin advocates policy of isolation. He feels it is important to give some protection to tribal people in transition period during which they must learn to stand on their own feet and become strong enough to resist those who exploit them. In his book ‘A Philosophy of NEFA’ he advocates for development of tribes residing in remote
areas of North-East Frontier and suggests for spending a great deal of money to eradicate their poverty, degradation and unhappiness.

This approach has been attacked by nationalist leaders and social workers. According to them, tribals should not be kept isolated from the rest of the nation like domestic cattle or zoo exhibits. They are equal citizens of free India. They have contributed towards the country’s advancement they are entitled to share the fruits of development.

**Theory of Assimilation**

Nationalist politicians and social workers like A.V. Thakkar advocated the theory of assimilation. Ghurye is also a protagonist of this theory. Isolationists aimed at keeping the aborigines in the areas untouched by the civilisation of the plains, because they believed that the contact with the Hindus would break tribal solidarity, and social evils of untouchability, early marriage, and purdah would be introduced they characterised indigenous social workers and nationalist politicians as ‘interventionists. Thakkar strongly objected it and pleaded for the policy of assimilation. He wrote: “aborigines should form part of the civilized communities of our country not for the purpose of swelling the figures of the followers of this religion or that, but to share with the advanced communities the privileges and duties on equal terms in the general social and political life of the country. The protagonists of this theory advanced the view that tribes should be assimilated with their neighbouring non-tribal cultures.

Govind Sadashiv Ghurye in book ‘The Scheduled Tribes’ 1959 describes nature of assimilation of tribes in wider Hindu society. Like Elwin, Ghurye also divides tribes into three sections.

1. First section is constituted of Rajgonds and others who have successfully fought the battle and are organised as members of fairly high status within Hindu society.
2. Second category is large mass that has been partially Hinduised and has come to closer contact with Hindus
3. Third, the hill sections, which has exhibited the greater power of resistance to the alien cultures that have passed upon their border.

A large number of tribes in India, according to Ghurye, Santal, Munda, Oraon, Kond, Gond and Korku speak languages which either belong to Kherwari or Mundari group of languages or to Dravidian family. These languages are, more often than not, different from languages of plains people among whom tribals have larger social intercourse. Languages of latter in most cases belong to Indo-Aryan family. Many of these tribes, though they have preserved their tribal languages, can and do employ Indo-Aryan languages of surrounding people in their routine intercourse. Many of them thus are bi-lingual, having their own
mother-tongue and having more or less acquired languages of neighbouring people. There are others, like Baigas, who have taken up Indo-Aryan tongue of the locality in place of their own language. Others like Bhils speak languages which are dialect of local languages. In all case language spoken by so-called aborigine were till recently not spoken tongue and no script of their own. Tribal solidarity, according to Ghurye, has been broken by two distinct agencies. One is Hinduism and its assimilative process and other is British policy. Hindu assimilation makes tribes not so absorbed rather weak and benumbed under feeling of brokenness. If section of tribes gets assimilated in Hindu fold they are ushered into an altogether strange social world. Hindu castes, at least many of them, have characteristics of tribal society as regards to management of internal affairs. Tribal sections on joining Hindu society develop an internal organisation of caste pattern, and thus have been regulating and controlling power within them. Many of tribes get smugly settled into Hindu fold. Moreover, Ghurye is of view that British rule particularly its revenue collection pattern; its central police system and judicial system have broken solidarity of tribal society in India.

According to G.S Ghurye tribal people in India are backward Hindu differing only in degree from the other segment of Hindu society. Their backwardness is due to their imperfect assimilation into Hindu society. Tribes of India have slowly absorbed certain Hindu values and life style through contact with Hindus. Under Hindu influence tribes have given up liquor drinking, they received education and have changed their practices and habits and adopted Hinduism as their religion.

The policy of assimilation was followed by various religious organisations in order to spread values of their respective religions. The missionaries tried to understand tribal culture and learnt their languages in order to raise their status in terms of a Christian identity. A considerable effort has been undertaken to assimilate the tribal people under the guidelines of social culture of caste Hindus. Commercialisation of tribal economy, acculturation under excessive politicisation of tribal people along the lines of regional chauvinism and separatism are factors which inhibit their assimilation into the mainstream.

Assuming the position of tribe at various stages of development the objective of tribal development policy is suggested to bring a progressive advancement of the tribals with and accent on their integration and putting them on an equal footing within a reasonable distance of time. L.P. Vidyarthi recommends the integration of the tribes in regional and nation setting. The notion of ‘unity in diversity’ is to be constituted as the base of the Indian culture for the purpose of national setting. There are varieties of tribal culture in terms of tribal customs, traditions and religions. Even the unity of tribal culture may be come more difficult than the unity of diversity. It logically follows that the integration of the tribals must be taken at regional levels before the integration takes place at national setting.
Theory of integration

D.N. Majumdar has put forward a philosophy and programme of tribal welfare. He called it as creative or generative adaptation. He says that it is not possible to ignore the entire tribal population and leave them to their own lot. It is not also possible to completely assimilate them in the Hindu culture. Therefore, a gradual transformation of the tribal population is the best policy. We should try to help them in assimilating in their own way of life the elements of alien culture which they readily accept. This view was also supported by social reformers and voluntary organisations.

Jawaharlal Nehru in his manuscript “Discovery of India” supported this policy of integration. Though his concept is mainly influenced and drawn from his Panchsheel principle, Nehru categorically rejected both isolation and assimilation approach of tribe.

According to him isolation approach to treat tribal as ‘museum specimen to be observed and written about’ signifies insult to them. Tribe cannot be left cut off from world as they are. Isolation is in any case is impossible at this stage of underdevelopment due to outsiders’ penetration.

To him, assimilation approach of allowing tribes ‘to be engulfed by masses of Indian humanity’ is also wrong. This would lead to loss of their virtuous social and cultural identity as well as there is possibility of capturing tribal land and forest by unscrupulous outsiders. Life of tribal will be in threat in such a position.

Instead of these two approaches, Nehru favours policy of integrating tribal people in Indian society and to make them an integral part of Indian nation without hampering their distinct identity and culture. Policy of integration consists of two types of measures for tribal development. These are Protective measure and Promotional measure. After independence Prime Minister Jawaharlal Nehru laid down a Panchsheel principle for tribal development in India.

Panchasheel Approach:

Nehru mentioned the following five fundamental principles for tribes.

(i) The tribal people should develop along the lines of their own genius and we should avoid imposing anything on them.
(ii) Tribal rights in land and forests should be protected.
(iii) We should try to train and build up a team of their own people to do the work of administration and development. Some technical personnel from outside will, no doubt, be needed, especially in the beginning. But we should avoid too many outsiders into tribal territories.
(iv) We should not over-administer these areas or over-whelm them with a multiplicity of schemes. We should rather work through, and not in rivalry to their own social and cultural institutions.

(v) We should judge results, not by statistics or the amount of money spent, but by the quality of human character that is evolved.

**Conclusion:**

G.S Ghurye’s makes well-known analysis of Scheduled Tribe problem. His anthropological inclinations naturally brought tribes close to his heart. Inspired by the work of his students, Ghurye writes on grand theme of 'Integration of Tribals' in 1943 and it is essentially in reply to 'isolationist' approach of Verrier Elwin, which forms basis of British colonial policy.

G.S Ghurye views that only solution to the problem is their progressive assimilation with the farmers and peasants of the adjoining districts. He has vision to conclude that the major problems of the tribals are never different from the problems of poor rural people in general.

In subsequent editions of the book 'The Scheduled Tribes', G.S Ghurye becomes critical of independent India's government policy which sows seeds of disintegration by its internally contradicting step of laying down integrationist approach in constitution and on other hand promoting fission by giving importance to idea of Scheduled Areas.

Meanwhile, Nehru was appreciating the corporal and communal life among tribes. But he failed to augment the process of planning which would have expanded their community life. The activity of the welfare state destroys the value of community. The philosophy of individualism and the politics of competition weaken the vitality of progress and fellow-felling. After all, culture cannot maintain its isolated entity for all the time to come. It has to be moulded by the social and historical process of life. Nehru’s orientation cannot succeed to protect communal life among tribal communities when the system of production is leading towards the individualistic and mechanical form of social life?

The process of tribal development should generate the feeling of self-help in the minds of tribal people. The process of development should ensure the self-employment of the toiling tribal masses. It warrants the rigorous study of evolution of tribal political economy in relation with the political economy of India. An alternative policy is to be found out for the elimination of various processes of domination and cultural hegemony of ruling social classes. Otherwise, it is impossible to trace out the multiple structures of exploitation in the tribal areas. The policy has to wipe out the structures of exploitation, which block the progress and freedom. Out commitment must be directed against any sort of activities which would destroy the aspirations of tribal masses for the
attainment of a society based on an egalitarian social order. They have a role to play for the construction of a society based on equality, justice and freedom.

2. PLANS AND PROGRAMMES FOR TRIBAL DEVELOPMENT

After Independence, a series of developmental programmes and plans have been undertaken for the all-round development of tribes. We discuss them below chronologically.

The first attempt was made in 1954 when 43 special multipurpose development projects were started to supplement the Community Development Programmes which aimed at comprehensive development of rural areas. Since these projects were in the areas which comprised sparsely populated hill and forest regions, with poor for greater investment and personal attention by extension workers. The efforts, therefore, did not achieve the desired success.

The situation was reviewed in 1956 by Elwin Committee which recommended a cautious approach in the introduction of multiplicity of schemes in tribal areas. On review, the projects were substituted by a less intensive model of tribal development blocks in 1957. The norm for a tribal development block was confined to an area of 150 to 200 sq. miles and a population of about 25000. the blocks were supposed to work for tribal population under intensive development programmes. They were to concentrate on the following four main activities, viz, economic development, education, health and communication and were to have specific targets.

The tribal development policy was subjected to comprehensive review by Dhebar Commission, in 1960. the Commission noted that the pace of development in the tribal areas was slow. Investment and other protective measures were also inadequate and needed urgent attention of the Government. It called for comprehensive legislation to cover all tribals living within the Scheduled Areas and outside, and simple administrative system for tribal areas. It recommended a scheme of tribal development blocks for all area with more than 50 per cent tribal population.

The recommendations of the Commission were accepted and the block approach was continued. By the end of Third Five Year Plan, the scheme was implemented in about 500 blocks covering about 40 per cent of the total tribal population. It precluded a large section of the tribal population from the development programmes. The tribal situation, as far as protective measures and developmental programmes are concerned, remained almost unchanged. In 1969, a Committee under the Chairmanship of Shilu Ao was appointed to review the tribal development programmes. It observes that most of the recommendations of the Dhebar Commission had remained unimplemented and urged that they should
be implemented without any further delay. It disapproved the block approach as inadequate. The block was too small to function effectively as a basic unit of planning and implementation. It pointed out that the main problem of the tribals related to indebtedness, land alienation, economic backwardness and inadequate communication and suggested that those should be tackled on priority basis by formulating a comprehensive programme of development.

During the Fourth Plan, six tribal development agencies were started as pilot schemes in four states, viz., two in Madhya Pradesh two in Orissa and one each in Bihar and Andhra Pradesh. Subsequently, two more agencies were started in Orissa by the end of the Fourth Plan. Each agency covered a group of blocks and was expected to take up various programmes and protective measures on integrated basis by pooling up the resource. In actual practice, however, the agency approach practically remained an agricultural development programmes and failed to achieve the desired results. This approach was not extended to other areas and the blocks continued to be unit of development.

Tribal Sub-plan:

The tribal situation was again reviewed on the eve of the Fifth Five Year Plan by a task force on “Development of Tribal Areas” constituted by the Planning Commission. It opined that the deficiencies and shortcomings pointed out by the earlier Commissions and Committees had generally remained unattended. It observed that one of the important factors for the failure or the development programmes, is that the Scheduled Tribes and tribal areas have been looked upon as a ‘welfare’ problems as distinguished from “development” problem. The Backward classes sector and not on general sector outlays. The administrative structure in tribal areas lacks simplicity. It is beyond the comprehension of the Tribals and therefore it does not evoke any response from them. For carrying out integrated development of tribal areas. The task Force recommended that to ensure balanced socio-economic development of the tribal areas a policy of integrated development would be necessary for the Fifth and subsequent Plans. Therefore, a Tribal sub plan strategy was evolved in 1974-75. this strategy emphasized area development with a focus in improving the quality of life of the tribal communities. Its immediate objectives were elimination of exploitation in all forms, speeding up the process of social and economic development. It observed that any developmental activity for benefiting the tribal population will not succeed unless exploitation in various forms is prevented. For protecting the tribals from exploitation it recommended integrated credit-cum-marketing service, marketing of agricultural and minor forest produce, supply of inputs and essential consumer commodities, credit for production purpose, consumption of social needs, redemption of past debts through legislative and executive measures etc.
For development of tribal economy, the tribal Sub-plan strategy recommended giving high priority to agriculture, land reforms, irrigation, improved methods of cultivation and completion of land records; special attention to vulnerable groups like shifting cultivators and forest villages; generation of employment opportunities for better utilisation of available manpower through programmes in the fields of horticulture, animal husbandry and allied occupations; development of cottage industries based on the local raw material so that the proportion of semi-processed and processed goods is maximised in the export mix of the region and development of basic infrastructure including legal, institution and physical aspects for speeding up the socio-economic development.

Focus

While preparing the Tribal sub-plan which aimed at area development with a focus on tribal families, a thorough review of tribal problems was made which included:

(i) Identification and demarcation of areas of tribal concentration;
(ii) Identification of socio-cultural barriers and promoters of change in development;
(iii) Assessment of potentialities, special problems and felt-needs of the tribal areas;
(iv) Assessment of resources available for Sub-Plan:
(v) Formulation of sectoral programmes and
(vi) Devising suitable administrative set-up.

Components:

The main components of Tribal Sub-Plan strategy are Integrated Tribal Development projects (ITDPs), Modified Area Development Approach (MADA) and Pockets and Primitive Tribal Group Projects. For implementation of Tribal Sub-plan strategy, 194 Integrated states and Union Territories. Each ITDP comprises blocks/Taluks/Tehsils or even whole district with 50 per cent or more tribal population. In delineating the projects areas, the main factors viz., predominance of tribal population, contiguity of area and administrative viability have been kept in view. In certain States like West Bengal, Karnataka, Kerala and Tamil Nadu where concentration of tribal population is not in contiguous belts, a flexible approach has been adopted in delineating ITDP areas.

Besides, 259 modifies Area Development Approach (MADA) pockets have also been carved out in 9 states, covering about 50 lakh tribal population. These areas comprise smaller pockets of tribal concentration having minimum population of 1000 with Scheduled Tribe population of 50 per cent or more. In these areas, the emphasis is on family development by taking up family-oriented income generating programmes. By the end of the Sixth Plan, the Tribal Sub-Plan
approach covered about 75 per cent of the total Territories to which it was applicable.

In 1974 the govt. set up Large-scale Multipurpose Cooperative Societies (LAMPS) for the purpose of providing all the requirements of tribes under a single roof. These Societies take care of their credit-cum-marketing requirements.

The National SC/ST Finance and Development Corporation was set up by the Government of India in 1989 with the objective of stimulating economic development SC/ST and function as an apex institution for the agencies engaged in the economic development of SC/ST.

**Critical Appraisal of Tribal Sub-Plan**

The Tribal Sub-Plan strategy is in operation since the Fifth Five Year Plan, but it has not been to bring about any perceptive improvement in the situation in tribal areas. It has remained a mere conglomeration of sectoral schemes under the State Plan. The general schemes and programmes under the State Plan have been applied to tribal areas some of which do not cater to the needs and aspirations of the local people. The sectoral flow of funds for the Tribal Sub-plan has not been able to solve the problem of imbalance in the investments in tribal areas. In the absence of area specific programmes, it is difficult to identify the physical achievements of investments.

The basic information about the infrastructure development relating to health education, drinking water, sanitation, communication, agriculture, productivity, horticulture, industries, etc. in respect of all tribal areas has not yet been tabulated. Such information is basic to a planned strategy for development of the tribal areas within a time frame.

Integrated tribal Development projects (ITDPs) were devised as viable administrative units for accelerating the balanced development of tribal areas. Each ITDP is headed by a senior officer but he has hardly any role to play as an agent of development or as a co-ordinator. There is no uniformity concerned. In some status the ITDP is a subordinate organisation to District Rural Development Agency (DRDA). In some state no distinct ITDP administrative set-up has been evolved.

The other weaknesses of the tribal developmental programmes are as follows:-(a) non-durable, poor quality of assets, (b) manipulation in identification beneficiaries, (c) communication gap between the administrators tribals, (d) low or negligible participation of tribes, (e) non-utilisation of tribal skills knowledge, (f) role of middlemen, (g) bureaucratic hurdles, (h) corruption, (i) lack of follow-up, (j) lack of marketing facilities (j) apathy of lending
institutions paper-work, (k) poor motivation of staff and lack of properly trained technical staff, (l) contractor-administrator-politician nexus and (m) non-feasible schemes.

Response of The Tribes

Response:

The response of the tribes to developmental programmes and policies is varied ranging from positive acceptance to indifference, if not rejection. The response of a given tribe depends on its numbers, location, relation with non-tribals, rapport with the demonstrative mechanism and also the nature of the developmental programme or project in question. For example, the tribes of the North-East are averse, if not hostile to any project or programme which is likely to bring in outsiders like infrastructural projects. Keeping the above mind, we mat sum up their response and reaction as below.

(i) Some of the developmental programmes in the fields of education, health, horticulture and minor forest produce etc., have been accepted positively. The Khasis, Mishings, Gonds are example of tribes responding well.
(ii) It is seen that the more literate tribes like the Khasis and Meenas have made better use of facilities and programmes.
(iii) The role of local community leaders and credibility of official are also important in determining the response of the tribes to developmental projects and programmes.
(iv) In the North, East, specially Nagaland and Monogram, the role of Christian Missionaries in influencing the tribal’s response is to be taken into account.
(v) Another factor is the past experience of the tribes with governmental agencies.
   (vi) It is generally seen that the tribes respond better to NGO/ Voluntary organisations.

Tribal plans and programs

The Five-Year Plans of the Government too proposed many constructive plans for the tribals.
The First Five Year Plan (1951- 1956) aimed at bringing development in the rural and tribal areas by making an expenditure of Rs 1.03 crores.

The Second Five Year Plan (1956-61) set up the Special Multipurpose Tribal Development Blocks (SMPT) in selected tribal areas on an experimental basis. During this plan, priorities were given to development of education,
communication, agriculture, animal husbandry and medical care in the tribal areas.

The **Fourth Five Year Plan** (1969- 74) initiated a series of development programmes for a specific target group. The Tribal Development Agencies were established on the pattern of the SFDA (Small Farmers Dev Agency) which catered to the need of the individual tribals.

During the **Fifth Five Year Plan** (1974-1979), a comprehensive view of the tribal problem was taken and a new strategy called the Tribal Sub-Plan approach was evolved. The Tribal Sub-Plan Strategy envisages a provision of a minimum amount of 20% of the total plan size of the state to be spent for the development of the tribal areas. The plan also heralded the idea of an integrated Tribal development Plan (ITDP) in which a number of specific projects for the tribals would be given high priority.

During the **Seventh Five Year Plan** (1985-1989), several innovative steps were followed. Efforts were made to alleviate the poverty of the tribals by promoting agriculture, horticulture, forestry, cottage industries, small industry etc. The tribals were given special training of using technology, marketing and advancing monetary assistance.

The **Ninth Five Year Plan** (1997-2002) vowed to empower the tribal communities who are striving for survival for centuries. Hence, the Plan took a holistic vision of the empowerment process and approached. Both the Government and Non-Governmental agencies to contribute in the development of the tribals. The Plan adopted a three-point strategy for tribal development, viz. social empowerment, economic empowerment and social justice. By the three forms of empowerment, the fruits of development would "reach the unreached."

During the **Tenth Five Year Plan** (2002-2007), development of the Primitive Tribal Groups was given high on agenda. The Government of India allocated as much as Rs. 105.03 crores for various activities viz. housing, land distribution, land development, education, agriculture, horticulture development, health, etc. were taken up through State Governments and NGOs.

In the **Eleventh Five Year Plan** (2007-2012) proposed different strategy for two distinct primitive Tribal Groups. The approach of heritage group will emphasise on preservation of eco-system and traditional skills along with an economic component.

**Legislative**

1. Bonded labour
2. Migrant worker act
3. Minimum wages act
4. Land alienation act
5. Money lending regulation act
6. Forest rights act
7. Forest conservation act
8. Panchayat Extension to scheduled areas act (PESA)

Budgetary and government programs

1. Tribal sub plan

The Tribal Sub-Plan (TSP) is a strategy for the rapid Socio-economic development of tribal people. It forms a part of annual Plan of a State/UT. The benefits given to the tribals and tribal areas of a State or UT from the TSP are in addition to what percolates from the overall Plan of a State/UT. The funds provided under the Tribal Sub Plan have to be at least in proportion to the ST population of each State/UT. A total of 28 Central Ministries/Departments are identified for differentiated earmarking of Plan funds under TSP. The other Ministries/Departments also requested to make efforts for providing allocation for TSP on voluntary basis. The TSP is applicable in 22 States and 2 UTs which are: Andhra Pradesh, Assam, Bihar, Chhattisgarh, Gujarat, Goa, Himachal Pradesh, Jammu & Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Rajasthan, Sikkim, Tamilnadu, Tripura, Uttar Pradesh, Uttarakhand, West Bengal, Andaman & Nicobar Island and Daman & Diu.

From the Year 2011-12 onwards, the Planning Commission has made a classification of Central Ministries/Departments for the purpose of TSP and from the responses received so far, no Ministry/Department has expressed any difficulty in segregation of TSP component during 2011-12.

2. Integrated tribal development project/area (ITDP/ITDA)

A detailed and comprehensive review of the tribal peoples' problem was taken up on the eve of the Fifth Five Year Plan period. The main objective of ITDA is socio-economic development of tribal communities through income generating schemes allied with Infrastructure Development programmes and protection of the tribal communities against exploitation.

The ITDA project areas are generally contiguous areas of the size of a Tehsil or Block or more in which the ST population is 50&percnt; or more of the total. Due to the demographic profile of the tribal people in these regions, however, the ITDPs in Assam, Karnataka, Tamil Nadu, and West Bengal may be smaller or not contiguous. Andhra Pradesh and Orissa have
opted for an Agency model under the Registration of Societies Act and the ITDPs there are known as ITD Agencies (ITDAs).

The objectives of ITDA are

1. Achievement of socio-economic development of the tribals
2. Narrowing down the disparities in the levels of development of tribal and non-tribal areas;
3. Raising the productivity levels in the fields of agriculture, horticulture, animal husbandry, forestry and so on to create an economic impact which will enable the targeted number of families in the Tribal Sub-plan to cross the poverty line and
4. Elimination of exploitation of tribals in respect of alienation of land, money lending, debt bondage, forest, excise, etc.

So far, 194 ITDPs / ITDAs have been delineated in the country. In Jammu and Kashmir though no ITDP has been delineated yet, the areas having ST Population in the State are treated as covered under the TSP strategy. In eight states having scheduled areas the ITDPs / ITDAs is generally co-terminus with TSP areas. The ITDPs / ITDAs are headed by Project Officers though they may be designated Project Administrators or Project Directors

3. Modified area development approach (MADA)

MADA scheme has been operating since the Sixth Plan for the total development of the dispersed tribal population residing outside TSP area, which are contiguous smaller areas having a population of 10,000 or more, with 50% tribal concentration. The total number of MADAs identified so far in the various TSP States is 259. Generally, MADA pockets do not have separate administrative structures to implement development programmes. The line Departments of the State Govt. are expected to implement development programmes in MADA pockets under the overall control of the District authorities.

4. Clusters

The cluster approach has been introduced from the middle of the 7th Five Year Plan Period in order to bring smaller areas of tribal concentration beyond the MADA pockets into the mainstream of development. Contiguous areas having a population of 5,000 or more with at least 50% tribal concentration are identified as clusters. As in the case of MADA pockets, there are no separate administrative structures for Clusters. So far 82 Clusters have been identified in various T.S.P. states.
5. Large area multipurpose cooperative societies (LAMPS)

The collection and sale of minor forest products such as honey, tender leaves, amla fruit, soapnut, lichen, tree gums etc., had been a subsidiary occupation of tribal communities right from the Pre-British period. As shifting cultivation and hunting were banned and the tribals got pushed into a monetised exchange economy, their dependence on minor forest products for income increased, even as their access to forests declined. But they were at the mercy of middlemen and MFP contractors, who controlled access to markets, or forests, or both.

The Bawa Committee recommended that LAMPS should be organised in tribal areas on the lines of Farmers' Service Societies (FSS) providing a package of services such as credit for production and consumption needs, technical guidance for agriculture and arranging for marketing of their produce.

Historically, tribal communities were characterised by a lifestyle distinct from agrarian communities. They subsisted on some combination of shifting cultivation, hunting and gathering of forest products: all activities closely linked with forests. Their cultures celebrated and fostered this close bond with nature, while also emphasising communal ownership and consumption, closely knit kinship structures, and minimal hierarchies.

Co-operation as a form of economic organisation is ideally suited to the tribal life and the economy. Since the tribals are economically backward and exploited, socially handicapped and have a greater sense of homogeneity, the cooperative form of organisation may by and large be the most suitable agency for bringing about a thorough transformation in their economic and social conditions.

LAMPS as instruments of tribal development were being organised in India since 1974. Even before Bawa committee recommendations, some cooperative societies on these lines were formed in some states particularly since the First Five Year Plan. They were called 'Forest Labour Contract Societies' and also 'Labour Contact Multipurpose Societies'. They had as their main objective collection and sale of minor forest produces and catering to the credit and marketing needs of the tribal people. But the recommendations of the Bawa Committee gave new impetus to the organisation of LAMPS as they enumerated the broad objectives with which the LAMPS have to be established and the direction in which they have to grow. By 1989, 2912 LAMPS had been established across the country. Out of this more than 80 percent of the societies were in the five states of Madhya Pradesh, Bihar, Maharashtra, Rajasthan and Orissa that have large tribal population.

The broad objectives with which the LAMPS have been organised are as follows:
1) Promotion of subsidy-cum-loan production scheme in the fields of agriculture, horticulture, animal husbandry, irrigation, forestry, cottage and village industries.
2) Liberating the tribals from the clutches of money lenders through supply of production and consumption credit.
3) Purchase from tribals their surplus agricultural produce and forest produce.
4) Supply of essential commodities and agricultural inputs to tribal people.

The LAMPS is a bigger society especially designed for tribal regions. These bigger units were formed by assimilating all the scattered varieties of primary credit, consumer and other co-operative societies working in the area of block or in many cases even a bigger market place under a tribal development project. In a large number of areas new LAMPS were organised at the block level.

The Bawa Committee had proposed setting up of state level tribal development co-operative Corporations/Federations. The primary level societies were to be affiliated to the apex corporations for getting organisational and financial support for their marketing, supply and distributional functions. In accordance with these recommendations states such as Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Orissa and West Bengal have established Tribal Development Corporations/Federations.

Co-operative institutions to cater to the needs exclusively of tribal areas have much relevance. The history of man as a social being begins in small tribal groups. It is generally said that if co-operation has to succeed it has to first succeed among tribals. Because the very way of tribals' life is based on leadership and participation. Since tribals are at a loss to avail credit facilities and to procure necessaries of life and to have a suitable avenue to sell their products, creation of Large-sized Adivasi Multipurpose co-operative Societies to cater to the needs of those people under one roof has acquired greater relevance.

6. **Joint forest management program (JMFP)**

The Indian Forest Policy of 1988 (MoEF, 1988) and the subsequent government resolution on participatory forest management (MoEF, 1990) emphasize the need for people's participation in natural forest management. The policy document asserts that local communities should be motivated to identify themselves with the development and protection of the forests from which they derive benefits. Thus, the policy envisages a process of joint management of forests by the state governments (which have nominal responsibility) and the local people, which would share both the responsibility for managing the resource and the benefits that accrue from this management.
Under joint forest management (JFM), village communities are entrusted with the protection and management of nearby forests. The areas concerned are usually degraded or even deforested areas. However, in Andhra Pradesh and Madhya Pradesh all village fringe forests can come under JFM. The communities are required to organize forest protection committees, village forest committees, village forest conservation and development societies, etc. Each of these bodies has an executive committee that manages its day-to-day affairs.

Non-wood forest products (NWFPs) have a key role in JFM efforts. With the increasing awareness of their economic potential and growing concerns for the sustainability of the resources and the distribution of the benefits derived from them, various state governments have taken over control of a number of NWFPs.

7. Tribal research institutes (TRI)

The tribal ministry is implementing central sector scheme of Support to Tribal Research Institutes (TRIs).

TRIs have been set up in various States namely, Andhra Pradesh, Assam, Chhattisgarh, Jammu & Kashmir, Jharkhand, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tamil Nadu, Telangana, Tripura, West Bengal, Uttar Pradesh, Sikkim and in the Union Territory of Andaman & Nicobar Islands.

These Institutes are engaged in the work of providing planning inputs to the State Governments, conducting research and evaluation studies, collection of data, identify challenges in the field of socio-economic development of tribals and understanding promoting and preserving their culture. Training and capacity building of stakeholders, and knowledge advocacy that would help formulate evidence-based policy and planning are also the thrust area for providing assistance under the scheme.

As part of the research activities of the TRIs, the Ministry also supports construction of tribal museums within the premises of the TRIs to preserve the tribal art, craft and culture.

FUNCTIONS of TRIs:-
(a) as body of knowledge and research
(b) support evidence-based policy, planning and legislations
(c) undertake capacity building of tribal people and personnel and institution associated with tribal affairs and
(d) would be responsible for dissemination of information and creation of awareness.
8. The Tribal Cooperative Marketing Development Federation of India Limited (TRIFED)

In the spheres of tribal development, minor forest produces business and activities of LAMPS, the role of Tribal Co-operative Marketing Development Federation - TRIFED, finds a special and an important place. TRIFED has been set up by the Government of India to pay specific attention to the marketing requirements of tribal forest and agricultural produce and to help speed up the process of assimilation of tribals into the economic main stream of the country. It came into existence in 1987 and is head quartered at New Delhi.

TRIFED is an apex level federation of the State Tribal Development Co-operative Federations and the State Forest Corporations. It has its own national network for procurement, processing and marketing of forest and agricultural commodities produced in the tribal areas of the country. TRIFED has opened zonal offices at Mumbai and Guwahati and Regional Offices at Nasik, Ahmedabad, Udaipur, Jagdalpur, Bhopal, Chennai, Hyderabad, Mysore, Bhubaneswar, Ranchi and Calcutta.

TRIFED like any other co-operative institution has adopted bye laws for governance. Its broad objectives are full utilisation of natural produce of the tribal areas by improving their marketability, ensuring higher earnings and employment opportunities for the tribes, creation of awareness of market forces among the tribal people, enabling them to optimise their incomes and lending marketing support to state tribal co-operative Federations and Forest Corporations engaged in procurement and sale of agricultural and minor forest produces.

TRIFED procures and markets over 50 items of forest and agricultural produce including spices, dry fruits, oil seeds, medicinal herbs and processed foods. Since most of the tribal areas are remote regions and are not accessible even by road, TRIFED has set up hundreds of procurement centres all over the country. To ensure that the produce is not only collected fresh but also stays that way, a chain of warehouses and refrigerated storage facilities are established at strategic locations. The Federation has ensured quality control of the highest international standards. For this, it has set up two well-equipped research and development laboratories at Delhi and Jagdalpur.

TRIFED is engaged also in exports of about 20 minor forest produces in a very big way, important of which are Gum, Karaya, Cashew nuts, Niger seed and Tendu leaves. It is making a breakthrough in procurement and marketing of rare medicinal plants and herbs.

A remarkable achievement of TRIFED is that it has set up plantations of commercial crops and industries based on tribal produce. Tribal industrial complexes are established in Madhya Pradesh, Gujarat, Rajasthan, Orissa, Bihar, West Bengal and Meghalaya. These complexes
are entrusted with the responsibility of processing tribal produce which helps in adding value to these commodities.

As said earlier, TRIFED is an apex level institution co-ordinating the activities of state level federations and corporations engaged in procurement and sale of tribal produce. In the way it has been giving a fillip to the activities of LAMPS and has helped them undertake MFP business on a large scale. Minor forest produce and surplus agricultural produce collected by LAMPS are purchased by State level Federations and Corporations. These institutions sell them to TRIFED, which in turn sells them in the market in India and in other countries across the globe.

TRIFED was thought of as a customary agent of change. The results of this have been quite evident. TRIFED's intervention helped in checking the malpractice of short weighing and unfair bartering, generating substantial employment for them and boosting the ruling price of tribal produces. TRIFED has come a long way towards improving the lot of indigenous people, those dependent upon forest produce for their livelihood, by providing them with remunerative prices for their products on the one hand and generating large number of employment opportunities on the other. Its efforts in the field of tribal service are laudable.

9. Schemes for education and health

✓ Eklavya Model Residential Schools (EMRSs)
✓ Vocational Training Centres in Tribal Areas
✓ Establishment of Ashram Schools in Tribal Sub-Plan Areas
✓ Centrally Sponsored Scheme of Hostels for ST boys and ST Girls

Scholarships

✓ Revised Guidelines of Scheme "National Fellowship and Scholarship for Higher Education of ST Students."
✓ Revised Scheme guidelines of National Overseas Scholarship for ST candidates
✓ Pre-Matric Scholarship (Class IX and X)
✓ Post Matric Scholarship (PMS) for ST students

10. Support to NGOs

✓ Vocational Training Centres in Tribal Areas
✓ Scheme of Grant in Aid to Voluntary Organizations working for welfare of
✓ Scheme of "Development of Particularly Vulnerable Tribal Groups" (PVTGs)
✓ Scheme of Strengthening education among ST Girls in a low literacy Districts
11. PVTGs scheme

The Ministry of Tribal Affairs implements the Scheme of “Development of Particularly Vulnerable Tribal Groups (PVTGs)” exclusively for them. Under the scheme, Conservation-cum-Development (CCD)/Annual Plans are to be prepared by each State/UT for their PVTGs based on their need assessment, which are then appraised and approved by the Project Appraisal Committee of the Ministry. Activities for development of PVTGs are undertaken in Sectors of Education, Health, Livelihood and Skill Development, Agricultural Development, Housing & Habitat, Conservation of Culture etc.

CAUSES OF TRIBALS UNREST AND DISCONTENT.

Tribals in India lead a comparatively and peaceful life prior to the coming of the British. Along with the British rule there came in series of social changes. Some of these changes affected tribal life also. Exposure of the tribals to the modern civilisation also resulted in their exploitation at the hands of the non-tribals. Conversion activities of the Christians missionaries encouraged by the British, especially in the tribal areas, further added confusion to the tribals. Tribals reached very strongly when their religious beliefs were mocked at, when their rights over the forests were removed and when their very way of life was disturbed.

Even now, tribals in India are not happy and are agitated over several things. Ever since the days of the British rule they have been revolting against the establishment, for various reasons. The important tribes involved in revolt in the 19th century were Mizos[1810], Kols[1795 and 1831], Mundas [1889], Daflas[1875], Khasi and Garo [1829], Kacharis [1839], Santhals [1853], Muria Gonds [1886], Nagas[1884 and 1879], Bhuiyas [1868] and Kondhs [1817]. After independence also many tribal revolts took place. The continuing state of discontent among the tribals is revealed through the contemporary tribal movements. Some of the contemporary movements are-the Jharkhand movement, Gond movement, Naga movements, Mizo movement, Bodoland movement, etc.

Some Major Types of Tribal Movements.

It is possible to identify some of the major types of tribals movements.
1. Religious and social reforms movements
2. Movements for statehood within the Indian Union, or for autonomy for tribal areas.
3. Insurgent movements for independence from the Indian Union, and
4. Movements for asserting cultural rights.

It is significant to note that there are lost of variations in tribal movements from region to region. In the North East, the tribals are in an overwhelming majority in some of the states. Example: Meghalaya, Mizoram, Nagaland. Their tribal economy and social system are relatively stable. The tribal movements in this areas are essentially political in nature. Hence, some of the tribal groups[ Ex. Nagas in Nagaland, Mizos in Mizoram] demanded autonomy and for that sake carried on continuous agitations some times back.

The situation in Middle India is far more complex. The tribals have been reduced to a minority in many areas in which they were dominant numerically at one time. Further, they have been exposed to the process of rapid social changes. The tribal movements in this region have essentially and agrarian character and are often related to the exploitation of forest resources.

In some regions the tribal movements have a cultural dimension in the sense that they are related to language, tribal art religions. Tensions have often prevailed in these regions on account of religious conversions and linguistic tussles.

Tribals in South India are either too backward or too few number or widely dispersed over a large area to organise any movements in spite of their exploitation and discontent. “However, Mishra [1982] says that there is evidence of incipient political mobilisation among the tribals in South India. In fact, political consciousness among the tribals of Kerala may be the highest in the country.”

The study of the tribal movements is relatively recent in the field of social anthropology. Tribal movements may be seen as an aspect of social change. The policy of the colonial administration regarding forest and land, later on alienation of the tribal land, the immigration and settlement of an increasing number of non-tribals for the emergence of various tribal movements in the North Eastern states of Manipur, Mijoram, Meghalaya, Arunachal Pradesh and Assam.

According to A.R. Desai, the fundamental problems of the tribal population are economic political such as the security of a job, a decent standard of living, easy accessibility to the resources of civilised life, the acquiring of education, which can enable them to decide what customs, what rituals, and what aesthetic and cultural elements they should retain, or eliminate or absorb from their culture and various other cultures. He is of the opinion that the violent and militant
struggles which are being launched by the tribal populations rehabilitation revolts against various inhuman conditions to which they have been subjected and which are being perpetuated even after independence. He points out:” The tribal problems is problem which raises the fundamental issue- the issue of the establishment of a social order founded on equality of opportunities and the elimination of exploitation.

The Causes of Tribal Unrest.

Tribal unrest and discontent are a cumulative effect of a number of factors. The factors or causes that led to the tribal revolt, unrest and discontent may be listed here.

1. Governmental Failure
   The failure of the Government to take appropriate measures to rehabilitate the tribal population both before and after independence had disappointed the tribals. Independent India’s Constitution envisages a comprehensive and well-designed scheme of action for the tribal protection and development. The State Governments are vested with the responsibility of implementing the Constitutional provisions. Unfortunately, these Constitutional provisions have remained non-operational. Land continues to pass out of the hands of the tribals to non-tribals. Money lenders continue to exploit them. There has been a heavy influx of outsiders into the tribal areas and they have grabbed most of the opportunities.

2. Irresponsibility and Lack of Accountability of the Agencies of Tribal Development
   Indifference irresponsibility, lethargy and lack of sympathy on the part of the administrators and bureaucrats in dealing with the tribal problems and grievances have been obvious. There are a number of agencies to look after and supervise the implementation of the tribal welfare programmes and schemes. Multiplicity of agencies divides the responsibility and to irresponsibility and unaccountability.

3. Unjust Forest Policy
   Inconsiderate unsympathetic forest laws and regulations damaged the tribal emotionality. Lands traditionally owned and cultivated by the tribals have been branded as “forest lands” under the new Forest Policy. As a result, the tribals have become strangers and encroachers in their own land.

4. Alienation of Tribal Land to the Non-Tribals
   Lack of legislation to passing of the tribal land into the hands of non-tribals had added to tribal unrest. Due to some loopholes in the existing
system of law the tribal land continues to be alienated to non-tribals for their own exclusive uses. The state governments have also acquired tribal land for industrial, irrigation, power, mining, and other projects. As a result, the tribals have been deprived of their rights over the land.

5. Political Indifference
   Lack of interest and dynamism among the political elite to solve the tribal problems made them to become disgusted. National level political parties have not paid due attention to the genuine problems of the tribals. Tribals are remembered only at the tribal development and the tribal welfare only for the name sake. Tribals are remembered only at the time of elections. The political indifference has made the tribals to organise their own political parties at local level. Because of their groupism they have not been able to forge a unity to fight for their own cause.

6. Absence of Efficient Tribal Leadership
   Tribals should be able to develop their own leadership to fight against exploitation and to secure justice. But unfortunately, various vested interests have prevented the emergence of powerful tribal leadership. There is virtually a vacuum of tribal leadership. This has very badly affected their development.

7. Forceful Cultural Impositions
   Tribals are trying to come in touch with civilised people. Leaders of various religious communities such as the Hindu, Christian and the Muslim, are trying to approach them and influence their way of life. Tribals who want to retain their original culture are bewildered at this. The Hinduisation, Christianisation and also Islamisation of the tribals have caused lot of anxiety and a sense of insecurity for them.

8. Exploitation of tribals
   Tribals face exploited in many ways. The minor forest produce collected by tribals are brought at very low prices by the main land business men. Money lenders charge usurious interest rates and push tribals into a vicious cycle of poverty and indebtedness. The tribal women are being sexually assaulted and young girls are being exploited.

9. Excise Policy
   Excise policy has clashed with the interests of tribal communities. Consumption of liquor plays a significant part in a tribal's life. Due to ecological reasons the tribals depend to a considerable extent on the forests. Indigenous beverage prepared by fermentation of rice and millets is a part of their daily diet as these beverages have also some food value. Births, marriages, deaths, panchayat meetings, the presence of guests,
festivals and festivities are considered suitable occasions for drunkenness. It has been a symbol of hospitality and is offered to their deities in all religious rites. Introduction of distilled liquor in tribal areas by the British and its continuance has led to the economic exploitation of the tribals. With the coming of contractors in tribal areas, the exploitation of tribals increased as they were lured to consume more and more liquor. With a view to checking such exploitation, Government of India had been time and again impressing upon the States to keep in view the recommendations (made by the Central Advisory Board on Prohibition) regarding the exemption from excise policy to be given to tribal areas.

It is clear from the above, that various social, political, economic and legal factors have contributed to the problem of tribal unrest.
1. CONCEPTS ASSOCIATED WITH ETHNIC RELATIONS

Across the world today, there is serious and growing concern over the issue of ethnic relations and conflicts. India, too shares this concern, as ethnicity poses a serious problem in Indian society. Before we describe the nature of ethnic relations and conflicts in India, we must be clear in our minds as to what the term ethnic and other terms associated with ethnic relations mean. So, our first task is one of definition and clarification of terms associated with ethnic relations. In this section we will define the following terms. (1) ethnic and ethnic groups, (2) ethnicity, (3) ethnic identity, (4) ethnic boundary, (5) majority and minority groups, and (6) conversions.

Ethnic and Ethnic Group:

The term ‘ethnic’ derived from the Greek word ‘ethno’ meaning ‘nation’. It was originally used to denote primitive tribes or societies that formed a nation on the basis of their simplistic forms of government and economy.

But sociologist and social anthropologist use the term ethnic in a wider sense, based on their studies of precolonial and pluralistic societies. Their studies revealed the co-existence of many groups that can termed ‘ethnic’ within a nation. So in the course of time, ethnic has come to mean that which pertains to a group of people who can be distinguished by certain features like race, language or any other aspect of culture.

Ethnic Group, is, therefore, defined as a cultural group whose members either share some or all of the following features- a common language, region, religion, race, endogamy, customs and beliefs. Members may also share a belief in common descent. On the basis of this definition we may say that the Jews, Negros, Japanese, Muslims, Biharis all form distinct ethnic groups. Ethnic group, thus refers to a group of people who share some common physical and/or socio-cultural characteristics.

Here we may ask the question; why is it so important to understand the concept of ethnic groups in the context, of our examination of ethnic relations? We may say it is important because ethnic group defines an individual’s social personality. It is formed on the basis of cultural and racial uniformity. The essence of this group lies in the individual’s feeling of belongingness to it because of cultural association shared with other members. Birth determines incorporation into these groups, thereby making membership relatively restrictive, however, exception to this rule exists, for instance, in the form of conversions. We shall talk about conversion later on in this section.

Ethnicity
Ethnicity refers to the interrelationships between ethnic groups. Thus, the phenomenon of ethnicity becomes more pronounced when viewed at a interactional level. Cohen (1974) defines ethnicity as a process of “interaction between culture” groups operating within common social contexts”. Though ethnicity is manifest in intra-ethnic relations, it becomes more apparent in inter-ethnic situations, as the very essence of ethnicity stems from the need to establish ethnic identity.

**Ethnic Identity.**

Ethnic identity reflects both ‘likeness’ and ‘uniqueness’. On the one hand, it reflects on what the members of an ethnic group hold in common, at the same time differentiating them from other ethnic groups. The following is a diagrammatical representation of some of the factors of ethnic identification as arranged around the ‘self’.

NATIONALITY  
LANGUAGE  
RELIGION  
REGION  
RACE  
CASTE  
SELF

The order of arrangement may vary from one social context to another depending on the issue. Also, some of these factors may vary in significance from society to society. For example, in India, caste happens to be an important form of ethnic identification but it is of no significance when studying a European community.

**Ethnic Boundary**

Ethnic boundary refers to a social boundary which does not always correspond to territorial boundary. The individual defines himself through his ethnic identity whereas ethnic boundary defines the social limit of the ethnic group. A dichotomisation of “others” as strangers, as members of another ethnic group, has two implications:

i) The recognition of one’s own social boundaries (ingroup & outgroup) and
ii) The limitation of common understanding and mutual interest. People outside the boundary are not expected to have a common understanding and interest.

**Majority and Minority Groups:**

The study of ethnic groups incorporates both the majority and the minority groups. The term ‘majority groups’ refer to the numerical representation of persons is a group and its control over economic and political resources. Usually it has been noticed that one ethnic group appears to be in dominance over other ethnic groups. However, we cannot overlook the internal disparities that exist within each ethnic group in terms of economic status. That is, certain sections in the minority group may enjoy majority status and vice-versa, in which the group may occupy either minority or majority status as a totality.

There exists a relationship of inequality between the majority and minority groups. The dominant group or the group enjoys numerical strength and control over economic and political resources. This group has all the privileges and advantages. The minority group on the other hand consists of people who are immigrants to the host society. Their numerical strength is low and they are in a subordinate position to the majority groups, in relation to control over the limited resources.

The co-relation between numerical strength over economic and political resources is a point of argument. As history provides many evidence of minority dominance over mass majority, for example, the British colonialism in India. In the present times, we have the minority White domination of a Black majority in South Africa, or the immigrant Bengal minority occupying higher offices in Assam. These instances reveal that the myth surrounding the ‘minority group’ concept, as being a group, which is subjected to dominance and inferior status because of its low numerical strength, is not true. As it is obvious that a group control over political and economic resources irrespective of its numerical strength become a ‘majority minority’.

**Conversions:**

In our earlier subsection we mentioned that membership into an ethnic group is primarily determined by birth, though conversions constitute and exception to this rule. Conversion, literally, means change into another form. The most popular example of conversion is religious conversion.

Conversions pose a problem in group identification and boundary maintenance. That is, in situations, where members of one group have become members of another ethnic group, there develops a problem regarding the allegiance of these converted members to either of these ethnic groups. The
process of conversion has gone on for centuries. For instance, Hindus have converted themselves into either Islam or Christianity. Caste mobility has also taken place, whereby using a higher caste as their reference group, the lower castes have gradually claimed a higher caste status. Process of miscegenation has taken place, whereby children have born from racial intermixture. These kinds of conversions lead to a problem in the study of inter-ethnic relations. But in spite of these conversions ethnic groups still persist as they are not affected by these changing loyalties.

2. BASIC APPROACHES TO THE STUDY OF ETHNIC RELATIONS

In the previous section, we clarified the terms associated with ethnic relations. We observed that ethnic groups refer primarily to categories of ascription and identification by actors or individuals themselves. We said ethnic identity constitutes the basic form of identity by which an individual defines himself or herself and others. We undertook the task of definition and clarification because this exercise provides a framework for understanding ethnic relations in specific contexts. Before, we move on to examine ethnic in the Indian context, we have to be clear about two more things. Firstly, what are the reasons behind so much interest being shown in the study of ethnic relations and secondly what are the basic approaches in sociology towards the study of ethnic relations.

Factors Associated with the Widespread Interest

Let us take the first question. What are the factors held responsible for the spurt in focus on ethnic relations? Research has pointed out that there are several inter-related factors that have promoted this widespread interest in study of ethnic relations.

The important factors have been:

i) Migration: The movement of individuals from one place to another, within a nation or between nations has led to multiplicity of groups existing within an area.

ii) Culture contact: when people migrate, they take their culture along with them. They come into contact with another type of culture existing in the area to which they have migrated. This leads to the existence of different kinds of culture groups within an area. The nature of interaction between the groups varies from place to place and from time to time depending on several factors.
iii) Development of technology: Technology especially improvement in transport and communication has made the world a smaller place to live in. It has facilitated both movement of people as well as ideas things from one place to another.

iv) Emergence of thickly populated cities: The growth of cities along with the opportunities provided for varied kinds of employment has attracted many people from different socio-cultural and geographical backgrounds to converge in a city. Cities host a plurality of ethnic groups within it.

v) Conflict: The increased frequency if ethnic conflicts, specially between different racial groups and religious groups has drawn world wide attention.

Basic Approaches:

Now coming to the basic approach to the study of ethnic inter-relationship, we can say that explanations regarding ethnic relations can be broadly classified under two categories, namely the “Consensus Approach and the “Conflict Approach”. Let us look at them separately

a) Consensus Approach

This approach views the phenomenon of ethnic inter-relationships from Structural Functional perspective. Structural Functionalists believe that society, like the human body, is a balanced system of institutions. Each unit or institution in society serves a function in maintaining that society. Events outside or inside the society may disrupt the social order of that society, but social institutions make necessary adjustments to restore stability. The Consensus Approach is based on the above-mentioned belief of Structural Functionalism. We will refer to two theories which are based on the Consensus approach here. One theory is based on the study of ethnic relations in American society. It is called the ‘cultural Assimilation’ theory or the ‘Melting Pot’ theory. The other theory is based on the study of precolonial societies. This theory as further developed by sociologists like Barth in the 1960’s understands ethnic inter-relationships in a wider context.

i) Cultural Assimilation Theory or Melting Pot Theory

The theory of ‘Cultural Assimilation’ or the ‘Melting Pot Theory’ reflects the Consensus approach. The theory is based on the study of American Society. This theory assumes that the immigrant minority communities will get totally assimilated into the host society to the extent that the imbibe all the values, norms and attitudes of the host society. In other words, the ethnic identity of the minority group will be merged into that of the host community. In the context of the
American society, this means that the identities of the immigrant communities would get merged into the American identity and they would begin thinking from the standpoint of the Americans in general. This theory did not meet with wide acceptance of the reveal that the immigrant communities such as the Italians, Chinese and others maintain their distinct identity.

ii) Theory Based on the Study of Pre-Colonial Societies

Another theory was put forward by sociologists is based on the study of pre-colonial societies. The basic tenet of this theory is that, though ethnic groups coexisted within a nation, they each maintains separate identities through minimal social contact. This is exemplified by the presence of ethnic division of labour, which means, the preferential treatment meted out to the members of one’s own ethnic group during recruitment to jobs. This indicates an absence of shared values and common will between members of diverse ethnic groups.

This theory was later developed further by sociologists like Barth (1969). According to him ethnic groups are not “maintained due to an absence of mobility and contact” but it entails the “social process of exclusion and incorporation”. Stable social relations are maintained across ethnic boundaries like those of occupational and neighbourhood relations. In fact, Barth says that, social interaction between ethnic groups becomes the foundation for ethnic distinctions. The very persistence of ethnic groups in contact implies not only criterion for identification but also the structuring of interactions which allows the persistence of cultural differences. For instance, in any social milieu we can observe the coexistence of national institutes which cut across ethnic boundaries and at the same time we have voluntary associations and institutions that are formed to facilities the pursuit of cultural and educational activities of a particular community.

b) Conflict Approach

In contrast to the above-mentioned Consensus Approach we have the Conflict Approach to the study of ‘Ethnic relations’. Conflict Approach views ethnic groups as interest groups, which are in relations of inequality, competing for common goals which may led to a total change in the social system. The protagonists of this theory argue that since conflict is ingrained in society, any approach that overlooks this aspect is incomplete. The theorists view ethnic conflict as a means of protect for either improvement of the existing social system or a demand for total change in the system. In recent years there have been a spurt in ethnic conflicts all over the world, for example, the racial discrimination of the Blacks by the Whites in South Africa, religious conflicts between the local Sri Lankans and the immigrant Tamils, and many others. The manifestations have been in terms of riots, terrorism, demonstrations, wreckage, killing and burning of property. Ethnic conflicts are said to arise between groups that are based on
unequal relationship, namely the ‘majority group’ and the ‘minority group’. The attempts of the dominant group is to maintain their social status and authority whereas the minority group tries to alter this position. Sometimes, these attempts may take the shape of peaceful protests and endeavour to bring about change through constitutional and democratic means. But mostly, it takes the shape of deviant behaviour ranging from violent protests, riots and disturbances to crimes against person and property, organised terrorism and overthrow of the existing power.

3. DIMENSIONS OF ETHNIC RELATIONS IN INDIA

India is a country of immense diversity. Race, language, religion and caste constitute the major forms of diversity in India. Groups of people in India differ from each other not only in physical or demographic characteristics but also in distinctive patterns of behaviour. These patterns of behaviour are determined by social and cultural factors like language, region religion and caste. According to Punekar (1974) the four major premises where ethnicity in India operates are language, region, religion and caste. It may be argued that castes are divided into sub castes, language into dialects, region into sub regions, religion into sects on ethnic lines. However, ethnic diversity is less obvious at these sub levels when compared to the larger levels of caste, language, religious and region.

Let us now examine each of the premises in detail. Language and region have been combined, as in India the division of territory or states is on the basis of language.

Language and Region

During the colonial rule, India was divided into several provinces for administrative purpose. This division paved the way for the language communities, in the post-colonial era, to make demand for a separate state of their own. The formation of Andhra Pradesh in 1953, on the demand of Telugu speakers in Madras Province opened doors for other language groups to make similar demands. Further, these demands were endorsed by some of the nationalist leaders. Thus today, each language group has State of its own, such as, Gujarat for the Gujaratis, Bihar for the Biharis and so on. At the state level, regional language is often used as the medium of instruction in schools, and colleges. This affinity and allegiance felt towards one’s own language and region is often reflected outside the State of origin, that is when migrants to a new setting start their own voluntary associations to cater to their cultural needs. Thus language, in India, has been an important premise on which people have established their identities and have drawn social boundaries for defining their ‘in group’ and the ‘out group’. Thus, it is not uncommon to find a Tamil Association
in northern belt like UP or Delhi or a Malayalee association in Middle East or a Bengal association in U.S.

**Religion**

Another form of ethnic identification is religion. In India Hindu, Islam, Christianity, Sikhism and Zoroastrianism are some of the religions practised by its people. In terms of numerical strength, Hindus form the majority community in India. A number of Hindu Gods and Goddesses are worshipped by different linguistic groups spread across India. It is the numerical strength of the Hindus that has been one of the factors which have led certain Hindu loyalists like the RSS (Rashtriya Swayam Sevak Sangh) to assert that India is a Hindu State. In terms of economic dominance, there are disparities within a religious group and between religious communities, there are disparities within a religious group and between religious communities. For instance, the Zoroastrian community is numerically very small in India. But their economic resources and status is much better than many other communities.

There is historical evidence to prove that the various religious communities in India have coexisted peacefully through time. Of course, there is also evidence that reflects the conflict between religious communities. The most well known clashes have been between Hindus and Muslims. One of the major social problems of India in the 80s has been the communal divide problem. When one group asserts its interests and identity at the cost of another group, the communal divide emerges. For more information on the problem of communal divide, you must listen to the audio program that has been specially prepared for this unit relating to Block 8 at your Study Centre.

**Caste:** Caste is another very important premise for ethnicity in India. Caste operates in different ways in the context of ethnic relations. Generally speaking people belonging to the same caste of different linguistic states belong to one ethnic group. However, they rarely intermarry or involve themselves in any other close interactions. This has made some scholars to assert that there is no conscious solidarity of caste across the language boundaries. Some others argue caste at the same time causing fission within a particular ethnic group. For example, the Kashmiris are divided into several caste groups, which causes fission within the group, yet at the same time, a Kashmiri Brahman finds his counterparts in other linguistic groups such as the Tamil and the Bengalis, this brings fusion to the group in a broad sense. Further, in an otherwise unranked system of ethnic dichotomy, this pan Indian system of stratification is the only factor that ranks ethnic groups hierarchically. The following figure will make this explanation clear. Under the varna system, the total Hindu population can be divided into four categories—the Brahman, the Kshatriya, the Vaishya and the Shudra.

<table>
<thead>
<tr>
<th>VARNA</th>
<th>Tamil</th>
<th>Kashmiri</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brahman</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kshatriya</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vaishya</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shudra</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The early Vedic literature and religious texts prescribed each of the castes with their rightful occupation, rights and duties. The Brahmans, with their occupation of priesthood and scholarly purists occupied the top of the social ladder; the Kshatriyas, were the warriors, and were second in status, the third were the Vaishyas, the traders and the last were the Shudras, who pursued menial and lowly occupations. The ‘outcaste’ like that Chandalas were not included in the varna scheme. There was restriction of social interaction between the three “twice born” caste and Shudras, and no interaction with the outcastes. Thus members of a caste group formed as in group and others who did not belong to it formed the out-group. Caste identity was important for the individual and social boundaries were drawn for interaction between castes.

The varna system, however, has provided flexibility in terms of social mobility. Over the ages, several lower castes have used a higher caste status as a reference group and have sanskritised their ways and formulated mythologists to legitimise their claims. For instance, a tailor caste in Tamil Nadu, which claimed the status of the Bhavsara Kshatriyas, went to the extent of organising and All India Conference in order to legitimise their claims.

This social mobility when accompanied with economic and political power automatically brought about and enhancement in the lower castes. But most of
the situations show the close association of ritual purity, economic and political power and education, as echoed in the varna scheme. Thus the “twice born castes” not only had ritual purity but also had greater access to economic and political power and education. The Shudras and the outcastes, on the other hand, not only suffered the stigma of ritual impurity but also lived in abject poverty, illiteracy and had no political power.

Since the British rule, however, the political, economic power equation between different castes has been altered. Both the British government and the Constitution of free India tried to introduce legal provisions to reduce the inequality between castes. The Backward Classes movements which emerged significantly in the 19th and 20th centuries also contributed to upwards social mobility of the Scheduled Castes, Scheduled Tribes and other Backward Classes. Group of cognates (related) castes, formed a large ethnic block and began to fight for a shift in the traditional distribution of power. They became politically viable. In the next unit, on social movements, we will be referring to the Backward Classes movements. What is important to remember here is that the caste has become an important basis of division between different groups of castes. In some case, the cleavage has been between the Brahmin and the non-Brahmin upper castes. For instance, the Satya Shodhak Samaj (Truth Seeks Society) founded in 1873 by Jotiba Phule was anti-Brahmin in its orientation. Phule fostered a sense of identity among many middle level non-Brahmin castes like the Kunbis, Malis and Dhangars in Maharashtra, Brahmins were identified as exploiters and the non-Brahmins as the exploited.

In some other cases the cleavage has been between upper non-Brahmin castes and lower non-Brahmin castes as in many parts of north India. Lower non-Brahmin castes have formed their own caste associations in order to gain access to modern economic, educational and political benefits. Still another kind of cleavage has been between certain untouchable castes and the clean Hindu castes. The SNDP movements, which we will be describing in our next unit, is an example of this type of conflict. Izhavas (toddy tappers of Kerala) organised themselves in the late 19th century to fight the exploitation of clean Hindu castes like the Nayars and Nambudiris of Kerala. The Scheduled Tribes have also formed their own respective ethnic block in different parts of India in order to fight the exploitation by the non-tribals.

4. ROLE OF THE BRITISH ADMINISTRATION AND THE CONSTITUIONS OF INDIA IN RELATION TO ETHNIC GROUPS

So far, we have observed that language, religion and caste have been the premises on which ethnicity operates in India. It would be interesting at this point,
to find out what has been the attitude or position at the governmental level towards ethnic groups. In this section, we will briefly state the role of the British administration and the Constitution of Independent India towards ethnic groups.

**British Administration**

It was during the British rule that ethnic groups like certain backward castes and classes began to organise themselves into strong associations. The British administration, on its part, provided its own source of legitimacy to the awakening among the non-Brahmin and depressed castes. Several new avenues were thrown open for claiming higher status. English education became the basis of new employment opportunities which were free of caste consideration. Education was made available to everyone, though in actuality only the Brahmin and upper non-Brahmin Castes made use of it.

The British introduced a series of administrative reforms such as the Minto-Morley Reforms of 1909, Montague Chelmsford Reforms of 1919 and the Govt. of India Act of 1935 which gave the backward classes and minority groups increased political power, economic benefits and educational opportunities. In 1850 the Caste Disabilities Removal Act was passed to provide liberty to all for conversions at will from one religion or caste did not lose their rights of inheritance, including property. Freedom to practise one’s own religion, language and culture was bestowed on all.

**The Constitution of India**

After the advent of independence in 1947, Dr. B.R. Ambedkar was appointed Chairman of the Drafting Committee and Minister of Law in the Government. For deliberations of important subjects’ different committees were set up. The Minorities Committee was set up under the Chairmanship of Sardar Vallabhbhai Patel. Reservations in Legislature and Services was discussed by this committee. After heated debates it was agreed that the Constitution that was being drawn for India must contain adequate safeguards for those people who have been hitherto discriminated and exploited. The constitution of India conceived of equality in terms of equality of opportunity and equal protection under the laws.

Certain groups were specifically singled out for special treatment namely: (a) the Scheduled Castes, (b) The Scheduled Tribes, and (c) The socially and educationally Backward Classes. The Constitution sanctioned reservation of seats in the educational institutions, in public employment and in State legislatures including the national Parliament in favour of members of theScheduled Castes and Tribes. It is also sanctioned reservations in educational institutions and public employment in favour of socially and educationally backward classes of citizens.
The Constitutional provisions are arranged in five sections. The various provisions relate to several aspects like right to equality, prohibitions of discrimination on grounds of religion, race, caste, sex or place of birth and right to profess and practise religion. the Constitution through its article 17 abolishes the inhuman practise of untouchability and forbids the practice of it in any form, making it an offence punishable by law.

The Constitution has also made provisions for the minorities. Though the Constitution has not specifically defined a minority, it has established the liberty of the minorities by making freedom from disabilities a fundamental right. According to the Constitution any group which constitutes numerically less than 50% of the population can be called a minority. But this leaves the term ambiguous, as it does not explain whether this “less than 50% of the population” is as compared to that of a region or State of India. The minority Acts however, cover all regions excepting Hinduism, Scheduled Castes and Scheduled Tribes.

The following are some of the Acts passed in favour of the minorities. Article 15, of the Constitution, explains the specific discriminatory situation on religion, caste, race, sex and so on. It prohibits the subjection of any citizen to any disability, liability, restriction or conditions on groups only of the above mentioned factors. Article 29(1) endows the right to any citizen who possesses, a district language, script or culture to conversion the same. Article 30(1), bestows the right on the linguistic and religious minorities to establish and administer educational institutions.

The intension of the Constitutional guarantee on minority rights, is mainly to promote the distinctiveness of religious and linguistic minorities in the country. Their distinctiveness was not seen as division by the founding fathers of Indian Constitution. They felt that minorities were in a weaker position and that they needed protection if they were to participate in national development. The legislation on Scheduled Castes, Tribes and other Backward Classes was meant to promote the advancement of socially and economically disadvantage groups.

Both minority reservation policy the Backward Classes are becoming increasingly sensitive issues in Indian society. In several ways and at different times both have been the focus of divisive debate and destructive violence. In our next section, we will describe certain forms of conflicts that have emerged on ethnic grounds.

5. ETHNIC CONFLICTS IN INDIA

The civil rights endowed with the minorities and the existence of social relations across ethnic boundaries have not prevented the occurrence of violence between ethnic groups. Over the years, form time to time, we have evidenced a great show of violence and hostility breaking out between ethnic groups. This
surge of violence is a concerning issue for the government. The question arises as to why people who have co-existed peacefully for decades, suddenly turn hostile towards one another. The manifest issues are mostly religion and language.

In the following pages we shall examine a few of these issues and analyse the latent causes behind this violence.

Language Conflict

In recent years tension and conflict arose over the issues of language. The government’s desire to create a wider national movement in an otherwise segmental ethnic society, expedited tension in several parts of the country. The Government selected Hindi as the national language to create a national community by joining all the members of the different ethnic communities. This attempt at ‘unity in diversity’ has adverse effect on the Indian population. We have evidence of violence in the South like Tamil Nadu, where severe rioting took place over the Hindi issue. According to the non-Hindi speakers, the language policy of the government meant an advantage for the Hindi speakers, who are perceived to dominate the economic institutions and have political authority. To illustrate this type of conflict, we will describe the language conflict in Assam.

In Assam too, riots broke out in 1972, between the immigrant Bengali Hindus and the local Assamese population. The Assamese demand the withdrawal of the option of answering in Bengali. Earlier, similar riots had occurred after independence, when the Assamese had demanded their language be made the regional language. These conflicts must be viewed within the economic and political structure of Assam.

There are three communities that dominate the different sections of the economic sphere of Assam. The Bengali Muslims, who are migrants from Bangladesh, who either serve in the tea gardens or manage their own land; the Marwaris, who monopolise trade; and the Bengali Hindus, who are migrants from West Bengal, and dominate the administrative services. The Assamese were unable to avail these opportunities as they lacked in skills and contacts to take up banking activities of the Marwaris. Secondly, they lacked education to take up the administrative jobs. Finally, they were unwilling to work in the estates at low wages.

India’s Independence had two effects on Assam. The Congress party that came to power in the State then, was dominated by Assamese and there was a growing emergence of an Assamese middle class. This middle class with its interest in the administrative services considered the Bengali Hindus an obstacle to their economic advancement. Also an policy giving job preference to the
Assamese would have automatically applied to the Bengali Hindus who have lived there for recruitment. These facts materialised in the growing fear of economic domination amongst the Assamese middle class who wanted to prevent the growing economic strength of the Bengali Hindus. The Assamese middle class reacted through an assertive regional identity in order to claim their due share in the economic development.

**Religious Conflict**

The genesis of religious conflicts in India, is often attributed to the advent of Muslims to this country. But this kind of theorisation is erroneous, as communalism, as a socio-political form is a modern phenomenon. Tensions had prevailed between the Hindus and Muslims prior to the colonial rule, due to the expropriation or dispossession of power of the Hindus and Muslims (Malabar). But these tensions were accentuated later with the British introduction of electoral policy and the imperialist divide-and-rule policy, this gave rise to the competitiveness and hostility between the two communities. This later materialised in the emergence of the Muslim League leading to later the formation of Pakistan.

Though the nationalist leaders believed that the communal problems will be resolved in the post-Independent period they were proved wrong. Let us look at some examples of ethnic conflict based directly on region.

1) **Hindu- Muslim Conflicts in Moradabad, Uttar Pradesh**

The manifest cause behind the rioting of August 1980, was the entry of a pig in a congregation during id. Some 50,000 persons were gathered to listen to the qutbah or sermon, when the pig wandered inside violating the Muslim sense of cleanliness and defining the sanctity of the prayer. This incident was followed by looting, arson, rape by a frenzied mob. The rampaging and killing by one group was retaliated by the other party.

This incident throws light on the socio-political structure of the town. The Muslims in this town had been traditional artisans engaged in making brassware vessels. Recently, some of them have started manufacturing brassware and exporting it to the West Asian countries. This has broken the existing monopoly of the immigrant Punjabi Businessmen. These immigrant Hindu Punjabis were originally from Pakistan who came to India after Partition. The relative success and prosperity of the Muslim businessmen distributed their Hindi counterparts. The Muslims were securing extensive orders from West Asian countries and their commonality of region with these West Asian countries magnified and adverse fears of the Hindu businessmen in communal lines. The Muslims were rapidly acquiring sufficient capital to purchase sophisticated tools, to own property and were expanding their business in a large scale. The Spectre of Muslims
dominance and Gulf money was raised. The political parties exploited these fears. The trade interests and economic jealousies became instrumental in fanning the fires of communalism aided by political parties and financed by traders. A climate of hostility and suspicion was created, which resulted in violent rioting.

2) **Hindu-Sikh Conflicts in Punjab**

When viewing the Hindu-Sikh situation we are faced with a problem. Compared to the previous cases of language and religious conflicts discussed earlier, here we are confronted with people who are culturally well assimilated. The Hindus and the Sikhs in Punjab often intermarried. The case of one of the sons of a Punjab-Hindu family being converted to Sikhism is not uncommon. Unlike the Hindu-Muslim relations, there have been no historical animosity between the Sikhs and the Hindus. Yet sharp conflicts have arisen between the two communities in recent times.

There has occurred a succession of violent happening. Starting with the killing of innocent people in Punjab, followed by the army action in the Golden Temple, and the subsequent assassination of the late Prime Minister, Mrs. Indira Gandhi. This assassination was followed by a frenzy of mass killing of Sikhs in Delhi and surrounding areas. There was a one-sided brutal assault on the Sikhs. Their property was set on fire and goods stolen from their shops. The whole community was made a scapegoat for the actions of a few co-religionists. The intensity of the violence was more on the outskirts of the city than within.

The Punjab problem can be viewed in the light of the rivalry between one-time ruling Congress party at the Centre and the Akali Dal in Punjab. This militant political wing of the Sikh community demands not only religious autonomy but economic and political autonomy as well.

The Akalis represent the aspirations of the Sikh upper class, who have come in direct conflict with the Punjabi Hindu upper class. The difference in the ideologies of the Hindus and the Sikhs can be traced to their social division. A high proportion of the Sikhs reside in the rural areas and are engaged in rural activities, where a high proportion of the Hindus live in the urban areas and follow commercial and administrative services. In their inter-commercial rivalry, the businessmen of the two communities find it to their advantage to mobilise their respective communities. The Akalis on their part want to assert their religious hold over the prosperous Jat Sikhs, who dominate the rural areas, and are getting increasingly alienated from the traditional regions hold. Thus, both for the Akalis and the affluent section of the Sikhs, the assertion of the communal identity by way of religious channel has become most essential for mass support. This growing need to alienate from the mainstream of Indian nationalism, derives its support and finance from affluent Sikhs, especially those residing abroad. Today,
the Sikhs are divided into the terrorists, the supporter of the fundamentalist ideology and those who do not support it, the moderates.

**Common Features of Ethnic Conflicts**

Certain general features can be observed from the study of ethnic conflicts in India. These are:

Ethnic conflicts are a consequence of organised communal bodies. For the conflict to become a public issue, usually the organised bodies which are backed by political parties have to come to the fore. Thus communal bodies become institutionalised.

Ethnic conflicts indicate that whatever be the manifest cause—language, region or religion—the latent cause is not rooted in cultural disparity. Conflicting economic and political interests form the basis of the latent cause. The tensions generally arise when a minority group feels deprived of an equal position in either the economic or political sphere as compared to the majority group, uses the primary ties to motivate and activate their ethnic group against the dominant group. For instance, the Hindu-Sikh conflict is between peoples who are not culturally different, but rather are well assimilated group. Thus, we may say, that ethnic conflicts arise not because of mon common goals but because of conflicting interests.

The allegiance or the basis of group loyalty depends on the principle of mutual interest. For instance, during the 1972 Assam riots, the Bengali Muslims, who share cultural similarities with Bengali Hindus did not side with them, instead they supported the Assamese exchange of not being outside from their land, by the politically active Assamese.

6. **SOLUTIONS TO THE PROBLEM OF ETHNIC CONFLICTS**

A coherent and effective response to ethnic conflicts has to keep in mind, the common as well as the unique factors which account for clashes between groups of people. Some insist that so long as economic inequalities exist, such clashes are bound to persist. Since it is not easy to end economic disparities between people, ethnic conflicts will also not be easy to stop.

Some others argue that before looking at the long-term solutions to these problems, certain immediate steps can be taken. Those who favour this suggest that the first step towards sustenance of communal harmony is to identify the causes that flare up riots. These are: (a) rumours, (b) suspicion against the other community, (c) building up sectarian feelings amongst people by religious heads,
local political party, and self-styled leaders. To overcome these, it is important to induce encouragement in people to widen their perspectives, to keep an open mind and to be tolerant towards others. This can be achieved by encouraging the members of the different communities to have a dialogue, with each other. This would help in understanding the other community and also reflect their own limitations and the possibility of overcoming them. People favouring these measures also insist that cross-cultural participation must be more frequent, especially during festivities and ceremonies. The people in the riot prone areas must be made to understand not to give ear to rumours unless it is followed with evidence. Because of the absence of direct communications, politicians, self-styled leaders and miscreants’ circular rumours which cannot be verified. This aggravates tensions. The process of sustenance of communal harmony is most essential in spite of it being slow and requiring a lot of patience and toil to reach to the grassroots level of society in order to motivate and socialise people.

**TRIBE AND NATION STATE**

1. **Concept of tribe- nation state**

   A tribe refers to a stage of social formation in an ablutionary scheme of development of technology knowledge and capacity for centric of the forces of nature method of transmission of the same perception of man’s relationship with man and with nature and scale of organisation of social group further a tribe can outgrow its primitive and maintain its social ground any and essential features of identity.

   Historical process of formation of tribes has been the progressive advancement towards asperity of entities called nation –states societies and enters to indicate the dichotomy of tribal and non-tribal category more than a technology or occupation it is a words view an identification and a scale of that matter in catenations the people as an tribals a non-tribals organization in day there are numerous nation states every nation state multiplicity of ethnic groups including the tribals in almost all nation states expect Saudi Arabia the non-tribals comprise the dominant ethnic group caustically and population the tribe is a peripheral ethnic group in all nation states Saudi Arabia the nation- states like Russia. China and Iran have developed out of an amalgamation of indigenous populations on the entrant the nation –states such as of the colonization and domination of the native population by an outside population the outside population the nation state as its own after overrunning the indigenous population.

   The term tribe has always been used in the context if primary ethnic groups those, which are the native inhabitants of a territory.

   As tribe is no longer synonymous with primitiveness but only with identity or ethnicity. The term ethnic group enchants all those groups “Who conceive
themselves as being alike by virtue of their common ancestry, real or fictitious and those who are so regarded by others

**Nation- states and tribals**

In the earliest times the various ethnic groups, especially the tribals who occupied the more inhospitable and marginal areas away from civilization were largely ignored.

The two factors that have pushed the tribals and non-tribals in active interaction have been the spread of European colonization and the emergence of modern nation –states.

Russia, China, India and Middle East under the feudal rule maintained various types of policies regarding their tribal populations the feudals did not go beyond collections of revenues and maintenance of some semblance of order. The income from tribal economies was not visualized as remunerative to the state hence in China, India Russia and Iran, the state and tribal interactions were not integrative.

The tribes, being by definition ethnically restrict and autonomous were never integrated into any consolidated state machinery. The regions inhabited by the tribals became important only when in the course of industrial development and in the political content of the nation state their population and the mineral reserves under their contract became important for adding to the political and economic strength of the dominant ethnic group

**2. TRIBE AND NATION –STATE IN CHINA**

In China the term minorities have been used for all the Non –Han population the 40- million Chinese Muslims who from 1/10th of Chinese population and are known as here the total ministry population comprises of over 67 million and covering over 62% of the country’s total land area including much of Chinas border like Mongolia, Tibet, Hannah and Kwangsi

The China state is a communist state its ideology professed complete political and social equality of all groups. The national self- determination policy of supported this ideology as such the communists govt of China maintained ethnic cultural identifies and upgraded the social and economic station of all groups to the national level it become obvious that an increase in regional autonomy as endanger both the security and the national identify as well as deprive the state of extremely valuable in the compromise in the policies formulated by the state.

The state policy towards the minorities comprises the following elements
1) Improved medical and economic care, which the state claims, has led to a marked increase in the rate of growth of the minority population.

2) An input of industry in minority areas, which has increased their rates of urbanization. Today the rural/urban ratio in the same all over China.

3) The government has adopted a policy of regional national autonomy in areas where the minority people live in compact communities farther from the law on regional autonomy guaranteed and its general principles policies and plans must be implemented the government the national autonomous region the right of self-government, of adopting species policies and flexible measures (but only as provided long as) they do not contravene the constitution and the law they can nature their own local economic contraction but under the guidance of state plans they can also have locally administered projects for education science encomer health and sports.

While giving a number of conditions for independent use and exploitation of local resources, it stipulated that self-government organization may independently arrange for utilization of industrial agriculture and other local products after fulfilling the planned goudas for state purchase of those products. Communist China compromised its ideology in famous of a nation state dominated by the Hams. The minorities are given only enough concessions to pay lip service to equality but in real terms they are subordinated and their resources are aped for the state or the dominant population.

3. TRIBE AND NATION STATE IN RUSSIA

The Russia mode was supposed to have been a glowing example of the successful solution of multi-racial and multi-ethnic statehood. The Russia claimed to have successfully delivered their people into a utopian co-existence where each group is maintaining its regional, political and social autonomy under the guidance of the benevolent Russia “Big Brother” the Russia unlike other white states did not have the kind of racism prejudice that led them to segregate themselves from non-white population from the earliest times of contact in the middle of the 10th century, social inter-marriage was a perceived solution of integration and largely practised while Russians wanted that such marriages slowed assimilate more and more people into the soviet communist flow but folk ideology and popular folklores of the ethnic minorities stressed otherwise. The strong Russia nationalism had farmed integration much before the ardent of the communities.

The erstwhile soviet continuations provided for fifteen fully-fledged soviet republics sixteen autonomous republics, mine autonomous provided and ten
national areas, which can be disbanded if they any way violate the narrowly defined interests of soviet, state as a whole

The economic policy of soviet union was directed towards homogenising economic disparities which was to be done through industrialisation and general economic development of previously neglected minority areas the coal production and other related industrial activities increased in manifold proportional this implied in reality a virtual colonization of the areas by the white Russians between 1920’s and 30’s nearly 1.7 millions Europeans entered soviet central Africa alone the picture clearly emerges that the minorities are to be tolerated only if they how own to the paternalistic attitude of the soviet that is to from dominate soviet nationalism.

In more of the indigenous areas was the local ethnic population ever sufficiently represented in the industries the more resources were exploited in their areas the more marginalized the local population became all decisions regarding there minorities were always fulcen with communist interests without ever considering the minorities themselves

Although USSR recognised the identity of other ethnic groups, a Russia predominance which was both demographic (52% of total population and political and cultural as a result of official policies existed

Ultimately the summering dissuasion led to the dissention the soviet socialist republic in 1991, the political entity of soviet Russia dissolved

4. TRIBE AND NATION- STATE IN IRAN

The ethnically diverse people of Iran are constitution by

a) A number of very large nomadic pastoral groups the dominant character of these groups is

b) Their a cephalous nature which refuses to bow down its any centralized authorities Iran itself has entered through several historical regimes from its early comoladiation under Islamism rule to the present day regime established by ayatoecah khomeini intervened by a along period of dynastic rule by the pahearis

c) The dominant ethnic majority who have formed the state here are the pesriam the nomadic and semi nomadic people of the vast descents were earlier rarely attempted to be brought
d) The movements were brought under rigid state control and filled about the mid twenties they were rules indirectly through their indigenous leaders.

e) The state took advantage of their inter tribal wayfarer to keep them divided and under control.

f) Tribes like qashgai and bakhtian were made targets of state intervention only when they came in competition over strategic resources one reason for this was their large population, control over vital trade rotates and national resources like oil wells and well organized tribal leadership.

The political intervention over the qaswgar increased enormously due to development of trade routes by the British through the rugged mountainous between Shiraz and the Persian Gulf, part of Bushier.

a) The first consolidated attempt to extent political control over the qashgai was at the instance of the British who found them a constant interference in their trade and communication links the game of power between the Germans and the British in which each tried to play up these tribes against the others made the qashgai powerful enough to the state the British armed them against German factions.

b) As a result the tribes became locally autonomous and powerful.

c) The European interference and their own military and ultimately appear as powerful enemies of their own state. The Iranian tribes have suffered more because of foreign intervention where they have been used as strategic political resources.

d) The entry of the America capitalist made the situation more worse.

e) In order to bring them politically under control in 1950, the shah made an unsuccessful attempt is settle these nomadic pastorals the government passed land reform laws which made no provision for the seasonal use of pastures by there people these policies encomaged the in dispreads expansion of settled cultivation at the expense of grazing lands belonging to tribes.

f) The deliberate policy of capitalization introduced under American guidance was for the earlier policies of direct of their traditional pastoral means of subsistence the tribes rapidly became enyrovished and were deliberately converted by the state into laborers to work in the newly founded industries in Iran in 1979, the collapse of the state led to a resurgence of cultural identity which is stile held onto.
In the history of various tribes especially in relation to the white colonialism survival even demographically has not been possible in their greed to control the resources of the world, the European powers in the part one or two centuries have depleted and ravaged indigenous populations the prime examples of there are Africa Australia and the united states

Russia, China, Iran, and other nation states dealing with their own ethnic have atleast ideologically maintained a semblance of ethnic equality. But misguided by their religions theology and scientific tenets of evolutionism and social Darwinism, the European populations interaction and policies regarding the socially different population of colonized territories has raved from treating them as non-human, inferior humans, Irrational humans and so on.

5. TRIBE AND NATION –STATE IN AFRICA: COLONIALPOLICY IN AFRICA

Two major interests dominated European colonial son the political economic one of control over resources and the more altruistic one of humanizing the pagan by proselytization both carried on with equal zeal the officially declared objective of extending British interests in East Africa were

a) Establishment if political power or so-called sphere of influence
b) The conversion of Africa is Christianity
c) The development of trade and commerce for the provision of raw materials is expanding endvotry in Great Britain.

In South Africa, the whites (government) followed a four phased policy for the natives namely 1) Foreign policy 2) Taffies phase 3) Paternalism 4) Integration

The first phase of content had no social annotation to begin with the initial aim was to establish trade relations this period ear led fill about 1909 but during this time white political centric steadily increased British portage and Dubach interests also played up blacks against each other in reality it was more like a negotiation and power between the white colonists themselves using indigenous political leaders as pawns

The second phase is marked by a derive, albeit unachieved on the part of the whites and blacks, followed by a period of contact in which the whites gradually arrowed supremacy. This period was also marked by widespread slave trading the white economic interest was dominated by minerals the white government attitude was purely economic and paternalistic, looking upon blacks in an attitude of tolerance
The last phase antinised almost total political economic centric by the whites a system of integration was formulated, which was based on a doctrine of racial compartmentalization by allotting each race a particular place in the economic and political division of labour and keeping them apart by the policy of strict racial segregation a system of integration based on inter dependence was achieved.

There were extensive restriction on the geographically mobility of Africa and India labour. The “less than human” ideology prevailed exactly as it was during slave trading.

6. TRIBE AND NATION STATE IN AUSTRALIA

The unabashed cultural and racial ethnocentrism as in the case of Africa was followed in Australia also in the initial period of contact the policies were more cautious and exploratory the grading ideology was an equation of human with Christianity and with white culture.

In Australia the first phase treated all nature as British subjects and as such they were expected to behave according to the normative patterns of British citizens the natives didn’t meekly submit to the policies of making human out of them although official they were treated as English subject no white British subject coned be hung for killing an Australia aborigine.

Two recent became of the white and aboriginal contact were a) The creation of a hybrid race by miscegenation b) The total extinction (like of Tasmanians) or depopulation and cultural, economic pauperisation by the time the Australia aborigines had abraded the full impact of white in them by way of competition.

The Australia governments major policy at the end of the 19th century was one of protectionism this involved herding the remnants of various tribal groups into the most essential items of survival like food and blankets up to 1957, to he called a British citizen a person had to dissolve all tribal affiliation only after 1958 was the native welfare act amended a separate ethnic identity of a mixed population was also evolved.

The tribal policy or aboriginal policy of protectionism excluded administratively those who lived close to Europeans and who could be treated as disadvantaged people within the European community them in Australia the term aborigine obtained a socio-economic connotation Rather than a purely racial one.

They were viewed as people with a kind of liability and special legal protection laws were made, making them totally dependant upon the state losing
what ever identity they had they were reduced to a state of passivity and not
deemed social adults in any sense of the texts the earlier policy of the Australia
government to keep the aboriginals away from the mainstream in reservation
underwent a national turnover by the discovery of valuable mining resources as
the Aboriginal land in 1968, the aborigines in yirrkala filed a petition to stop
mining altogether an it violated their scared lands they were total by the law court
that they were not legal owners if the land in 1977, the Aboriginal land right act
was passed by which some amount of land was transferred into aboriginal
ownership

The economic input from the royalties gave the aborigines the financial
backup to fight their cases simultaneously there has been a growth of outstation
movement under which the aborigines are increasingly moving away from
reservations into their own territories presumably to carry on their own way of
life the government has been sympathetic towards decentralization.

The government approval of policies of decentralization server to create
perhaps a much derived dichotomy between the whites and the aboriginals but
the catter in the process have developed a political commissioners which is
bringing than into continuous conflity with the capitalists over questions of
resource control the whites claim to land and resources is a hang up of the white
man’s original ideology of theirs being a natural or birth right over most territories
which they had luppened to wrusp by sheer force
The history of colonization of America unfolds a similar story. The America Indian and white contacts follow a long bloody line of negotiations and wercion the aim of every white who lands on the new continent was to wrest its resources from the original inhabitants in the initial period the military unguents were not effective but a number of treaties totalling up to nearly from hundred were singed with the tribal chiefs and ultimately each was broken to establish a forced domination over land even the semblance of some sort of civilized negotiation was discarded after the civil war.

Food, clothing and shelter were destroyed, animals were seized and land was devastated learning the Indian with the option of either surrendering or staring the ecological effects of these wars was devastating the buffaloes of the plains which was essential for Indian survival was almost totally and deliberately eliminated an estimated 13 millions bison’s existed on the plains in 1867, by 1883, only 200 were left.

The policy was one of clean extermination and control of resources it was backed by racist ideology and nearly non-human view of the Indians the dominant social Darwinism advocated by so called savage races were anyway deemed to extinction.

The concentrated genocide still left behind some servings Indian population the government took the option out by putting them into reservations of land earmarked only for there are such territories obviously were the most unwanted ones the creation of reservation took away all political making activities from these people.

They were made totally dependant and subservient on the state the government by 1865, negotiated with the protestant missionaries to educate the Indian in English language to make them Christians and teach them the agricultural out that is having completely was made to rerocialize them as white Americans all things Indian were totally for hidden.

After 1880, the public opinion became oriented to assimilation of Indian into mainstream American life to make “yankee farmers“ out of them with this in view the Dawes act was formulated in 1887, according to which reservation land was to be broken into each family of the native Indian. Citizenship right were first granted in 1901 to fire civilized tribes of ohcahoma and by 1924 extended to all tribes till 1940, however seven states did not grant right of franchise to Indians.

The reorganization but called for the return to tribal ownership of all surplus lands not yet leaders the formation of an Indian civil service self- determination
of tribal governments on reservation and the guarantee of the exercise of religious freedom and the use of Indian language the majority of American Indian viewed this act as pluralistic and opposed it thus the American Indian were made to vacillate between assimilation and pluralism

The Canadian tribes such as the cree Indians have through their traditional made of substance hunting have established an economic viability through the fun trade are stating claim to the back to homeland movement along with this a concentrated move against government or outside encroachments on indigenous resources

The red power movement composed largely of educated Indian was aimed towards a pluralistic society under a successful protest from the American Indian movement the government had to concede to the extent of raising the bureau of Indian Affairs budget from 20 million to 593 million the success of this event made 150 Indian in war paint to take over the village of wounded knee the demand was a return of the Dakotas Montanans and Nebraska to the Indians. The government put up a resistance and took recourse to military interventions, but taking care not to involve a loss of life. However, the government is increasingly becoming conscious of the civil rights movement.

**Conclusion:**

From the above account it becomes clear that the tribal policies have always been conditioned by the tribe and non-tribe contact situation and have changed or modified only according to the charging demands of the is equation.

From the non-tribal side, whether they have been white colonists usurping native territories or indigenous ethnic population forming nation states, the dominance has always been to establish a control over coveted resources quite often conflict and a necessary demonstration of force has been necessary because the acquisition of coveted resources may clash with he interests of native group, not because both want he same things but because impossible to obtain in a complementary fashion.

The European colonisation its accompanied brutality accepted European superiority as the national order of things. In Russia, Russian superiority has been advocated ideologically in the interests of the global spread of socialism. China and other so called ethically pluralistic societies have perpetuated dominations in he name of national interest whenever the relationship has been of equality or perceived equality, direct conflict has occurred as in Iran and in the initial phase of colonisation of Africa, America and Australia.

The last phase in historical terms or rather the current phase is an increasing tendency for the dominated groups to reassert themselves. The move is, by and
large, to reclaim their lost assets and to come to a relationship of equality with the dominant group. In political terms this would mean that many such populations would want to succeed from the mother Nation.

To what extent self-determination by tribal and minority groups, endanger the very existence of Nation states, is the crucial question, as an equitable global distribution of resources is not possible with the existing structure of Nation and the capital system. Ethically and morally one should stand-up for policies of self-determination.
COMMUNALISM AND REGIONALISM

COMMUNALISM

Definition:
Communalism stands for the feeling of hatred, notice and animosity among various religious or communities which disregard the benefits of other religious groups or communities for their sake. In Indian sub-continent communism means conflict between groups of people professing either different religion, speaking different languages or belonging to distinct cultures.

Causes of Communalism:
On the basis of an analysis of several hundreds of communal riots and struggles that took place in India in the past 100 years. Anthropologists, Historians, Political Scientists in general have identified major causes of communalism viz., Historical, geographical, psychological, cultural and miscellaneous causes.

Historical Causes:
Historians have trace the origin of communal politics to the British times and the demand of a separate Muslim country further consolidated the differences between the communities.

The process of unification was subdued due to the process of segregation. The bitter experiences of the partition further increased the cleavages between different communities and the spirit of tolerance that had characterized various communities gradually waned.

Economic reasons:
Several studies have isolated the Economic reasons as crucial for communal violence.

i. The Muslims are not an economically prosperous group An overwhelming majority of Muslims are at the lowest step of the economic ladder. They are susceptible to exploitation by vested interests.

ii. The level of entrepreneur ship is not high in the Muslims as such there are differences in economic achievements between Hindus and Muslims. These differences are ignited by political ideological and segregation factors. The first major riot after Independence was caused by intense competition between Hindu and Muslim Beedi workers in Jabalpur in 1962.

iii. The center for research in rural and Industrial development Chandigarh pointed out with regard to communal sturrings in Jaipur increasing religiosity, communication issues like the Urdu language and the upcoming Arabic institute. Competition for jobs and the mere absence
of Muslims from the non-household industries provide sufficient conditions for communal riots.

Psychological reasons:

The psychological conditions such as tendency of Hindu - Muslim discord prejudice, hatred, malice etc. create communal tensions.

i. The partition of the Indian sub-continent on the basis of the ill-conceived 2 nation theory not only lead to the biggest known uprooting of humanity in history but created a psychological distance between Hindus and Muslims.

ii. The formation of 2 Muslim nations in succession in 1947 and in 1971 as immediate neighbours of India, rendered Indian Muslims objects of suspicion in the eyes of non-Muslim Indians in general and Hindus in constantly prove the loyalty to India. In this process the Indian Muslim faces double estrangement most of its erstwhile who were co-religious neighbours became aliens in the sense (Pak and Bangladesh) and his fellow Hindu citizens have become strange neighbours.

iii. There is identity crisis communities’ doubting each other for various reason have lost the spirit of tolerance towards each other. In this regard purist movements came up in different religions Agarwal (1966) reports the case of the ‘Meos’ of Rajasthan who are converted to Islam in the 15th century and for almost 4 centuries they have continued to practice a combination of Hindu and Muslim rituals and values in the same frame workout in the last 40 years the process of islamisation has begun in them Agarwal writes it is not at all an exaggeration to say that the ‘Meos’ (plains people in Rajasthan) have adopted more Muslim practices in the last 21 years they had in the previous 450 years. The solution to identity crisis is to revive the identity in their pure term (Agarwal 1966).

Politico-religious reasons:

Numerous studies have shown that quite often politico religious factors and forces triggered communalism in India.

i. Politicization of religion creates communalism the 1980’s saw the highest degree of politicization of religion In India. The unfortunate Sha Banu controversy lead to another controversy viz., the Ram Janm Bhoomi - Babri masjid. Further, the Moradabad riots 1980. Bihari Shariffi riot and Baroda 182 Muslim riots, the anti-Sikh riots, Bhiwandi Bombay riots, Meerut riots 1987 and Bhagalpur riots 1989, the communal riots in Hyderabad, Karnataka, Gujarat, Uttar Pradesh, Maharashtra, Rajasthan in 1990’s are all created on the basis of politicization of religion.
ii. The political overtones of religious conversions have precipitated several communal singles. Some lower castes like the Mahars of Maharashtra embraced Buddhism to escape the scourge untouchability and inequality tied the caste system under the guardianship of Ambedkar 70,000 Mahars became Buddhists in 1956. Another case of conversion to Buddhism are the ‘Jatavs’ of Agra. After religious conversions with other religious groups anthropologically oriented to the Hindus as a result of communal politics (Lynch, 1969), other conversions to Islam by low caste Hindus occurred at Meenakshi prawn in 1980) In Tamil nadu where more than 2000 people got converted, at Ramanathpuram in 1984, 950 families from 10 villages decided to embrace Islam. These conversions intern lead to Hindu revivalist organization tried to win back the converts and intern clashing with the other religious groups. The elite who were hitherto indifferent to religious matter are now taking part in religious fundamentalism.

iii. The elite who were hitherto indifferent to religious matter take active part in politicising religion and wooing the religious sentiment of the people for political gains whenever a political leader in some status are to be unpopularized, the opposition either within the leader party or in another party creates Hindu Muslim riots on some ground or another. The riots goon till the leader is unseated from the position or the leader concedes to the demands of the troublemakers. Andhra Pradesh, Uttar Pradesh and Bihar can be sited and examples in this content. Finally of late terrorist agencies are also trying to foment communal troubles if Osama Bin laden is organizing terrorism at International level, Islamic countries like Lebanon and Libya are aiding and abetting the terrorism, there are internal terrorist organizations like the mafia gangs in Bombay. Al-Uma organizations at Coimbatore which create communal troubles take the nearest opportunity to put Muslims against Hindus and fan the flames of communal violence. Between 1990 and 1997 in India at least 5 clashes 2 in Hyderabad one in Maharashtra, one in Kashmir and one in Tamil Nadu were aided by internal or international terrorist organizations.

Cultural Reasons:

Communication tension flared up due to cultural values, customs manners standard of living of art and literature of Hindus and Muslims first Muslim are socially enclosed in that they live in exclusive neighbourhood clutters. This is partly due to cultural factors but party at least a product of insecurity faced by them through the recurrent communal riots. Whatever the reason exclusive Hindu neighbourhood which intern inhibit the interaction between the two communities leading to reinforcement of prejudices and differences this can be seen in the old
and residential areas in luck now, Hyderabad Varanasi, Patna, Coimbatore, Ahmadabad and other cities in India.

For a variety of reasons Urdu came to be associated with North Muslims bestowing upon them the states of speech community, reinforcing a specific Muslim cultural identity in this process millions of Hindus disowned Urdu as their mother tongue as the Hindus of Punjab did vis a vis Punjabi. Muslim came to perceive Hindus as destroyer of their language and culture. At least 2 major communal classes in recent years, Bombay riots in 1970’ can be attributed to the linguistic factors and forces

Sometimes the communal clashes are on very clamps cultural grounds. An exchange of heated argues between person of different communities’ lead to a riot rationality of the rioters disappears in the irrational of violence. In 1998 a Hindu girl eloped with a Muslim boy in Ahmadabad in Gujarat. this tri happening has triggered off communal violence.

Thus, there are several cultural tractors and forces which have created the communal clashes the cities in India however communalism is not a problem in Indian villages at the local level, the communities, (which are communally oriented) at some point of time interact appreciate the differences they have with one another and these differences are respected

The day today interaction that goes between different religious communities produce a composite culture old did not is a good example of such a cultural integration

**Consequences of communalism:-**

1. One of the consequences of communalism is political instability. Communal violence leans the community wounded, interpersonal relations strained, economic development thwarted and political stability is affected.
2. Another consequence is irrationality. Irrationality touches its peak and informational levels of society on change with irrational judgements and misgivings for e.g. in Ahmedabad there was a feeling of jubilation amongst some Hindus on their victory over Muslims. Other thought that they had avenged Pruthvi raj Chauhan’s defeated against Mohammad ghor after 100 years.

**REGIONALISM**

**Introduction**
Expression ownership on attachment with one’s region and with the people inhabiting in specific region, which is apparent in their common conduct, views and beliefs, is called regionalism

Regionalism may be due to geographical differences, historical isolation, political interests, psychological prejudices and predilections, linguistic chauvinism, and cultural differences.

Eg: - In tribal areas the problem of regionalism has surfaced in certain areas numerically big tribal groups have certain areas. Numerically big tribal groups have taken up their cause, demanding a better deal from the govt in these places the tribal societies have passed from an isolated folk living to become an ethnic group in relation to the tribals of their neighbourhood. And have finally demanded a separate region for themselves. These may be illustrated with the following examples.

According to the 1991 census of India there are 15 tribal groups included in the categories of Naga in Nagaland. However unofficial reports put their number around 30 or more. Each Naga tribe has its icon distinct identity, territorial distribution and speaks a different language. Now quite a few Naga languages have acquired a roman script, thanks to the work of the Christian missionaries in different parts of Nagaland. Each tribe is endogamous intertribal marriages are negligible; because of hilly terrains and want of avenues of communication the Naga villages were widely dispersed. Each village were divided into smaller units called khels (It is an Assamese word) and in past each khel was a self-sufficient village with its own barricades, walls and gates that were protective mechanism against extraneous threats. Relations between different khels were organised in terms of democratic lines

With the advent of the British in the Naga hill the structural relations between different khels started changing. The then Naga was used for all the inhabitants as the Naga. The opening of the Naga Hills facilitated inters tribal relations against the external domination of the Assamese. All the Naga groups united and formed a common platform for struggle. They innovated a pidgin language. Once the group experiences exploitation at the hands of outsiders it develops political machinery. The regional felling ultimately favoured a national feeling, which ultimately resulted in the formation of separate state. In this regard ethnicity and regionalism resulted from extraneous situations

Regionalism also comes into means when non-tribals exploit tribals for eg: ethnicity in the scheduled areas of Adilabad dt in A.P is an effect of the exploitation perpetrated by the non-tribals as a protest against land alienation and indebtedness, the Gonds formed the Gond Sabha with an accentuation of exploitation the feeling of separateness and regionalism came to settle
The incident of 1981, which culminated in firing, was farther reinforcement of Gond identity and their feeling of regionalism.

On April 20th 1981 the Gonds had planned to protest against land alienation and indebtedness. The local govt fearing problems from it imposed section 144 criminal penal code the Gonds were ignorant of it, and more over the particular day happened to be hat day. The Gonds assembled in large number and started protesting. The police opened fire and according to official estimate 400 Gonds were killed.

Incidents of this type to which the tribe may be subjected are enough to strengthen emotional integration of people to their group. The loyalty of the people to their group already exists and it is cemented against the backdrop. India has been a meeting pot of culture and races but neither racial discrimination nor cultural unification has reached a level where all primordial loyalties of a group are mitigated therefore there is every likelihood that an ethnic group and the demand of a region is a natural outcome of such sentiments and solidarity.

A region has vertical solidarity. It is not a static category but a dynamic category. Its boundaries are flexibly designed but its identification is dependent on the concentration of a population having common cultural and linguistic characteristic. There have been various cases where a region was demanded by the tribal societies. The Gonds and the Bhils demanded a separate state but the demand was turned down. Never the less these demands have come up. In 1941 a Gond called kumara Bhima in Adilabad demanded the formation of separate states for Gonds (Haimendorf, 1945) The Raj Gond lead raja Naresh Singh submitted a proposal for forming an adivasi region out of the tribal areas of Chhattisgarh.

In the late 1950’s a movement of the Gonds of lower strata developed under the stewardship of a Gond Hira Singh are organisation called adivasi Kalyan samithies was founded to safeguard the interest of the Gond in 1960 the movement reached its peak. The objectives of the movement were to promote development programmes for libels and aid their efficacious implementation encourage cultivation among these Gonds who were more dependent on forest products and receive Gond culture the confrontation of the movement with the local govt began then Hira Singh advocated that the Gonds should be taxed to hill govt although is the movement gained considerable following it began petering out in the 1960’s after the leaders were arrested with the formation of Chhattisgarh. The Gond regionalism subsided to some extent however the Gonds demand their greater region not the lesser region. Thus, regionalism among the Gonds still persist.

Bodo’s: - Similarly the udayachal movement started as a social-cultural and economic movement among the Bodo kachari tribe, concentrated in the northern
parts Assam. It has developed into a socio-political movement for a separate state within the Indian union. Initially the movement had a literary bend. The bodo sahitya Sabha aimed at uniting the bodo on the language issue and work towards developing the bodo language. Later the leaders of the movement believed that for upliftment of their people an autonomous state was imperative. Thus, ethnicity, language and regionalism are closely related to each other.

The most powerful movement, which also gained representation in state and central legislature, was the Jharkhand movement. It can be used as a good example to understand transition from ethnicity to regionalism (Suresh Singh 1985). In 1918 the educated Christian tribals organised the Chotanagpur improvement society in the period from 1938 to 1937 the movement grew militant under the name of adivasi Mahasabha. In 1949 the Mahasabha was merged with a regional party, the Jharkhand party it was believed that political action would be an alternative to social reforms it is a clear. Case where it was believed that Sanskritization or evangelisation would not succeed in raising the status of the tribals. The consolidation of the Jharkhand party began under the leadership of Jaipal Singh a Munda, who had graduated from on ford and party demanded a tribal state called Jharkhand to be earned out of 20 districts in M.P, Bihar, Orissa and W. Bengal. It was stated when the tribal state was formed in the period from 1952 to 1957 in the second general election its influence was noticed in Orissa also but, by 1960 the decline of Jharkhand party began mainly because of several internal reasons. By 1967 the Jharkhand party lost its popularity. Its ranks were observed by the congress while the militant sections joined the naxalbari movement where they got opportunity to adopt a radial part for the realisation of their demands in 1973 the Jharkhand mukhthi morcha was formed and demanded a separate Jharkhand state a change in agrarian relations, recovery of land from the land lords and cultural revivalism. Its militant phase began from Oct 1977 especially after Jayaprakash Narayan’s advice for the formation of smaller status and favouring the reorganisation of status. The feeling of ethnicity has been further reinforced because of urbanisation and the spread of modernity. At long last the Jharkhand state has emerged but the presence of dikkus (non-tribals) posed a constant threat to tribal identity. Now the Jharkhand people want to purge their state or region from dikkus and make it a pure region or state protecting the interest of tribals.

M.N.Srinivas suggests that natural regions must be formed to solved the problem of regionalism be formed to solved the must be based on scientific criteria rather than language or any other identity. The help of geographers, geologists and ethnographers should be region must be administered by a council responsible for its development on the basis of scientific criteria.

The rise of regionalism lies in imbalances between regions created by economic development. In all regional movements the protest is against
inequality because all regions have not benefited equally from development and modernisation. The promises of modernisation have not reached all on the country. Development has deepened the already existing crisis. The problem can be handled by distributing gains equally to all parts of the society. Evaluator schemes must be strengthened to see whether the gains are reaching properly. It has been seen from all these cases that when there is a spurt in development activities and benefits come to the people there is a decline in their demands of a state or region. Moreover, there is a need to spread national conscious to various regions through several agencies.

Srinivas, 1976 suggests that for neutralising the regional movements, various positive measures (both short and long-term) need to be taken. Srinivas thinks that for certain categories of jobs especially semiskilled and unskilled the local people should be allocated preferences there must be training course for inculcating skills in the local people and preparing special qualifications should be filled on merit and on all India basis in this way the principle of proportional as well as compensatory equality can be combined for neutralising regional movements.

Ethnicity, regionalism and integration

In the case of tribal societies, the problem of ethnicity and region has surfaced in certain areas. Numerically big tribal groups have taken up their cause, demanding a better deal from the govt in these cases the tribal societies have passed from isolated folk living in to become an ethic group in relation to the tribals of their neighbourhood and have finally demanded a separate region for themselves (Nagas, Gonds) Bodo, Kachin, Jharkhand movements)

All these movements often called sons of the soil movements are supposed to look of the native interest as well as removed the aliens from the native land.

The crux of regionalism lies in imbalances between regions created by economic development. In all regional movements the protest is against inequality because all region has not benefited equally from development and modernisation. The promises of modernisation have not reached all on the contrary development has deepened the crisis.

Srinivas suggest that natural regions must be formed to solve the problems of the regionalism. These natural regions must be based on scientific criteria rather than language or any other identity each region should be administers by a council responsible for its development on the basis of scientific criteria more attention shall be paid on less developed people. Positive measures may be taken to neutralise regional movements once these regional disparities are overcome,
automatically. All people will be able to merge with the main cultural stream of Indian there by achieving integration and unity.

**SHIFTING CULTIVATION**

**Introduction:**

Shifting cultivation is very popular among the tribes in India whose main occupation is agriculture. It is primarily practised in all the North Eastern states namely Assam, Arunachal Pradesh, Manipur, Meghalaya, Mijoram, Nagaland, and Tripura. It is practised partially in Andhra Pradesh, Jharkhand, Madhya Pradesh, Chattisgarh, Orissa, Kerala, Maharashtra, Karnataka and Sikkim. Shifting cultivation is known by different names Jhum in the North-East, Padu in Andhra Pradesh, Dahior Bewar in Madhya Pradesh and Chattisgarh, Kumri in Karnataka, Bhurty in Tamil Nadu, Kurwa-Chos in Jharkhand, Panan or Ponun in Kerala.

In India about 6.4 lakhs of tribals families are involved in the practice of shifting cultivation over an approximate area of one million hectares every year. The total area affected by this practice is about five million hectares in 15 states of the country. Shifting cultivation basically consists of clearing the forest slopes and setting fire to the trees and bushes so cleared and just broadcasting the seeds in the soil. It is defined as an agricultural system in which fields are cleared by firing and are cropped discontinuously.

Shifting cultivation starts normally before summer i.e., February-March, when trees are felled and the place is left be dried during the first half of he summer. Next, in the second half of the summer i.e., May-June, the trees and bushes are set on fire. After they burn to ashes, seeds are sown at the commencement of rainy season. No other agricultural operation is carried out and the crop is harvested after the rains. The tribes sow on the plot for one or more seasons (one to three years). They then move on to another plot of land and repeat shifting cultivation.

**Socio-economic implications:**
Shifting cultivation is very popular in the Indian tribes whose main occupations is agriculture. It is Known by different names Jhum in North East, Podu in Andhra Pradesh, Bevar in Madhya Pradesh Shifting cultivation is more prevalent in the states of Andhra Pradesh, Bihar, Orissa and Madhya Pradesh.

Shifting cultivation should be seen in the overall socio-economic and socio-cultural context of the tribes. Shifting cultivation hardly requires any improved inputs or farm management practices. It does not require high yielding variety seeds, fertilisers, pesticides and irrigation nor does it require ploughing. There is no expenditure involved in shifting cultivation. In view of these factors and the availability of land in the forest, the method had got itself firmly entrenched amongst the tribes. Some tribes like Baigas of Madhya Pradesh and Orissa believe that shifting cultivation has a religious sanction. They believe that their god has ordered them to do shifting cultivation. They also believe that the mother earth should not be tortured by ploughing. As long as they do not plough, mother earth will bless them.

**Consequences of shifting cultivation:**

Ecologists and agricultural scientists are unanimous in their view of the harmful consequences of shifting cultivation which are:

(i) Denudation of forests with its chain of consequences like reduced rainfall.

(ii) Soil erosion.

(iii) Loss of fertility

(iv) Drying up of springs in the hills.

Apart from these harmful consequences to the environment, it is essentially wasteful-the yields is very low. The effects of prolonged shifting cultivation ahş reduced many forest areas infertile, particularly in Orissa.

There are others who do not condemn shifting cultivation totally. They advocate that shifting cultivation is to be viewed in the total geo-physical and socio-cultural context of the tribes. A correct approach would be to bring in a changes gradually.

**Remedial measures:**

There is no single satisfactory solution to the problem of shifting cultivation. However, the following measures are suggested for improving the situation. Some of these measures have been suggested by the Debhar Commission in 1961.
i) Gradual regulation of shifting cultivation. (In some states, shifting cultivation has been banned, for example, Madhya Pradesh)

ii) Change to terraced cultivation wherever soil conditions permit. This method has yielded some success in the North-East.

iii) Establishment of agricultural colonies so that the tribals can change over to settled cultivation. This experiment was tried out in Andhra Pradesh, West Bengal, Madhya Pradesh with limited success. The establishment of colonies has to be supplemented with communications, drinking water, agricultural inputs, etc.

iv) Setting up of demonstration farms

v) Distribution of improved agricultural implements, manures and fertilizers and high yielding varieties of seeds.

vi) Providing credit facilities.

A strategy has been evolved to deal with the problem. This was a result of careful consideration of report and recommendations of various Committees and Commissions, namely, the National Commission in Agriculture (1976), Working Group on Tribal Development during Sixth Plan (October 1980), the National Committee on the Development of Backward Areas (1981), ministry of Home Affairs Committee on Forest and Tribals in India (1982), Research Highlights on shifting Cultivation and its Alternatives of ICAR Research Complex for North Eastern Hill Region, Shillong (1982), the Task Force on Shifting Cultivation in India (October 1983), Working Group on Development of Scheduled Tribes during the Seventh Five Year Plan of Ministry of Home Affairs (December, 1984), the Fifth Meeting of the Board on Shifting Cultivation held at Kohima on 13th February, 1985 and the Open House seminar to wean shifting cultivators held at Aizawl on 4th and 5th August, 1986.

The strategy for control of shifting cultivation involves an integrated programme of reclamation and development of land for settlement of Jhumiias under regular agriculture, animal husbandry, horticulture and forestry.

The problem of Jhum control programme are threefold viz., (1) rehabilitation of Jhumiia families, (2) development of their economy, (3) provision of advance technology and capital investment. All these programmes are capital intensive.

The Task Force on shifting cultivation (1983) has estimated that taking a perspective of fifteen years, a package of measures for rehabilitation of a Jhumiia family would require an investment of Rs. 30,000/- per family on an average, in addition to the fund allocated under other programmes of the State and Central Government. On the basis of 1983 price norm, it would require an investment of about Rs. 3,000 crores per annum to settle 50,000 Jhumiia families. Keeping in view the resource constraints it would be a difficult task to tackle this problem. The selection of package measures and priority areas have to be done very
carefully. The measures have to be both long term and short term. A beginning has been made by the Ministry of agriculture on a small scale by earmarking an amount of Rs. 15 crores during 1988-89 as Central assistance to nine states of Andhra Pradesh, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mijoram, Nagaland, Orissa and Tripura. About 27,000 families are to be rehabilitated under various schemes. Rehabilitation of shifting cultivators would have to be closely monitored by the administrative agencies and there should be a periodical review of the progress at various levels.

DORMITORIES IN INDIAN TRIBES

Dormitories are named youth organisations prevalent in tribal societies. The members of a dormitory generally fall in the age group of five to twenty-five years. Dormitories are often bisexual, or rarely unisexual. An individual is a member of the dormitory until his marriage. In most tribes, membership in the dormitory is compulsory, and attendance is obligatory. The admission into a dormitory is usually after the performance of some elaborate initiation ceremony. The dormitory is housed in a distinct, special building which is generally constructed a little away from the regular residential quarters of the people. This is where the youth assemble, gossip, dance, sing and play together. However, life in a dormitory is not mere fun and frolic, but is fraught with educational implications. The members within a dormitory, by virtue of belonging to different age groups, are generally divided into the seniors and juniors. The seniors being well-versed in tribal lore and tradition impart these aspects, including training in sexual acts, to their juniors, who in due course assume the role of seniors to their understudies. Most seniors have a some juniors as their immediate assistants and help-in-hands. The scope of training imparted in dormitories is very broad and includes all the spheres in the life of an individual. Teaching involves not merely verbal instructions but also practical demonstrations. The juniors are helped and guided by their seniors in various communal endeavours which the seniors indulge in such as house building, harvesting, marriage, festivals, etc., while families bestow upon their children primary socialisation and informal education, the dormitories impart secondary socialisation and formal education. Thus, the dormitories serve the crucial purpose of imparting educational instructions that prepare youth for discharging their adult roles effectively and efficiently.

<table>
<thead>
<tr>
<th>Dormitory</th>
<th>Tribe</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murias, Gonds</td>
<td>Gotul</td>
</tr>
<tr>
<td>Nagas</td>
<td>Morung -Boys Yo- Girls</td>
</tr>
<tr>
<td>Ho</td>
<td>Gitiora</td>
</tr>
</tbody>
</table>
Oraon | Dhumkuria or jonkerpa  
---|---  
Ao Naga | Arichu  
Angami Naga | Kichuki  
Bhuiyan | Dhangar bhasa  

**Characteristics of dormitory**

The following are the important characteristics of the youth dormitory:

1. While at some places there are separate dormitories for boys and girls, in other tribes they live in a common dormitory. This is the custom in the Muria tribe. On the other hand, among the Konayak Nagas of Assam, the boys live in the Morung and the girls sleep at Yo.

2. Normally the dormitories are situated outside the village in the forest, but they may also be near the fields as it is in the case of dormitories of the Nagas. In Oraon tribe the dormitory is situated in the centre of the village.

3. The life in the dormitory is based on certain traditions and customs which are invariably followed by all the members.

4. The age of membership of the dormitory differs from tribe to tribe. As a general rule it is four or five years in most of the tribes.

5. The boys and girls live in the dormitory till they are married when their membership is automatically dissolved.

6. If a girl becomes a widow she can again enter the dormitory as its member.

7. In the evening the members of the dormitory gather after taking their meals at their homes. At the dormitory they gather after fire, sit around it, tell stories, sing, dance and play and finally sleep.
8. The members of the dormitory are divided into two classes according to age - seniors and juniors. The head of the dormitory is selected from the senior group. It is his job to take care of all the members of the dormitory and maintain discipline among them. The juniors follow the commands of the seniors and receive different types of education from them.

9. It is the duty of every member of the dormitory to keep everything secret about the dormitory.

10. The members of the dormitory carry out several functions together e.g., construction of a house on the occasion of marriage or helping the village folk in harvesting the crop etc.

There are several ideas as to how and why tribes were created and relied heavily on the use of dormitories:

✓ Safety - Since the dormitories are usually at the center of a tribal community, it is thought they were created to have warriors organized, together and ready at a moment's notice in times of battle.
✓ Community - The dormitories create a sense of community and help ensure the longevity of the tribe and its culture.
✓ Tradition - Tribes in ancient India used to live in communal houses and allowed for everyone to work together. With this tradition, the tribes may have tried to recreate this on a smaller scale.
✓ Separation - Dormitories might have been created to segregate the genders, so the males and females did not have access to each other, keeping them pure. (Morality and sexuality is thought of differently in many Indian tribes, so this may be less likely).

✓ D.N. Majumdar
  Helping parents
  Saving from wild animals
  Social education
✓ S C Roy
  Effective economic organization for purpose of food quest
  Seminary for training young men in their social and other duties
  As a place for the performance of magico-religious ceremonies

Decline of the dormitories

With the Christianity and church gaining a firm footing within the tribal areas the Morung, Ghotul and Nokpantes met with a natural death. First the structure of the Ghotul collapses due to disuse and non-maintenance. The church premises and church activities taking away the major part of the time. At places it is turned into a club which primarily caters to the sports need of the youth, however, also used for organizing the youth to mobilise for certain socio-political goals. The
Independence movement in India set in motion various social reformatory movement in our country and in different areas these were initiated by different socio-political agencies. The prime objective of these were to inculcate, personal hygiene, abandoning tribal belief pattern of nature worship, abstinence from alcohol and of course general cleansing of Ghotuls and dangarbasas. The effect seen in Ghotul was that of increase in masturbation and homosexuality, unknown earlier. Gambling in various forms taking over the youth gradually.

And in most recent times the outsiders non-Gonds from urban areas try, to vandalize the sanctity of the few Ghotuls left in the interior by debasing the togetherness of the youth. A safe and secure shelter where they can spend some time and discover themselves and shed all the curiosity regarding opposite sex. All these revelations are made in stages along with the learning of various arts and craft. During the community services and annual ceremonial dancing the spirit of sharing, cooperation pervades over the general bonhomie bringing all of them close together to uphold with pride the ethos and spirit of their community, cherishing it unto death.

These Ashram, Pathshala, Gurukul and Morungs have survived the ravages of time mainly because they are the institutions which strengthen and ensure the survival of healthy community. In recent years, it was revealed that Anganwadi, Prathamik shala, Ashram shala and Samaj Bhawan were taking up the prime places in each village. The Ghotuls were partially maintained, abandoned or left for self-decay. Yet some villages did maintain the structure and used it frequently. The circular pattern of the Ghotul structure at places was converted to barrack like rooms obviously girls’ room and boys’ room with a window conjoining the two. They still sound the hakum to call upon the youth to collect in these Ghotuls for work and entertainment. But the governmental programmes under IRDP, TRISM and NGO’s educational activities attract the children more to these schools. Not because of formal education but because of the mid-day meals served at these centres. The Anganwadi also provide meals to the pregnant mother which confirms presence of her children in these institutions.

On reviewing the entire setup, it can be concluded that the youth get acquainted with their own physiology and to the act of sexual intercourse within the premises of the Ghotul. It should not be imagined that they practise all this, rather, through dance, songs all the adult roles are enacted or mimicked. The general belief of people regarding Ghotul as an institution to encourage premarital promiscuity is totally untrue and biased with false morality and decorum. They fail to see the immense purpose of Ghotul, where the youth power is channelized, disciplined, regimentalised and educated for taking over the duties of an adult. Instead the visitors and the people who matter, magnify the aspect of boys and girls sleeping together at night. The most impressionistic period of youth is the time when it is easy to divert the individual from the set pattern of societal norms towards a directionless future. This malady exists in several societies, where
youth power is being wasted or misused for vested interest. Formal education, lack of employment opportunities and crumbling traditional values are unable to give anchorage to the youth who turn out to be menace for the family and society where as the youth dormitory system within the confines of Ghotul is able to propagate, channelize and utilize the youth power for the general benefit of the village society. However, with the introduction of the formal education system within the village confines, the school curriculum not only made the children aware of the three R’S in education. But the moral values and the standard pan Indian social norms were introduced to them through the textbooks and the non-tribal teaching staff. Along with education, they learnt to question themselves and feel ashamed of their tribal heritage and culture. The sparse clothing of their woman appeared as nakedness. The colourfull headgear and long hair of the unmarried youth became rustic. The songs and dance were only subscribed for sexual titillation. And Ghotul one of the prime village institutions was branded as vulgar and cheap by the urbanized moral standards. Some of the social workers with particular religious orientation preached against pre-marital interaction and abstinence against drinking of alcohol. In the Gond family before their meals the entire family relaxes with leaf cups full of sulphi, toddy, landa, mandia. All the village gatherings had the tradition of the hostess of the Ghotul or Motiari serving the drink to all the invitees. The outsiders viewed this with disapproval. The constant ridicule of their way of life did affect and eroded the tribal wisdom of long standing. Children became irregular to their Ghotul duties; parents insisted that children remain at home and study for their examination. The tribal songs, dances and tales were lost and no more repeated to the younger generation. Radio and television took its place. Cheap Hindi lyrics replaced the soul touching words and the rhythm of the tribal songs. With time and increased negligence, the structure of Ghotul fell apart and the children flocked around TV sets or Cinema halls if available. Outsider’s i.e. non-resident villagers started visiting the Ghotul at night, which further deteriorated the functioning of the institution. The naxalite dictates compelled the youths to desert the Ghotul. Instead of freedom the sense of fear stalked the Ghotul youths. The parents of the school going girls stopped sending their daughters to Ghotul even at the cost of paying Ghotul dand and not being helped by Ghotul inmates when required. In Mahaka village the dysfunctional Ghotul is almost reduced to a boys’ club. However, the programme of adult literacy at least is the pretext of maintaining the structure of Ghotul. After dinner the adult men and women collect here for learning to read and write. By the light of petromax or hurricane the classes are being held, a youth who is willing and has at least had primary education is given the responsibility for conducting the classes. Black board, chalk, hurricane and kerosene oil are all provided by the block office.

Introduction of formal education, government aids, tribal sub-plans and intervention by bureaucrats, social reformers and NGO’s have left these people disillusioned the dand imposed by the Ghotul for not sending the children which
ranged from 2-3 thousand rupees had not made any impact on families even at the cost of social boycott. Added to beaurocratic indifference and exploitative tendencies prevailing in this region, tribals are left with a sense of helplessness. Though they had been garnered to achieve the statehood which they have, the state of affairs of these people remain pathetic and doleful. The once happy, healthy and contended people have expressed their feeling in dadariya folksong lamenting over the state of affairs of Chattisgarh.

The youth energy is no more channelised and diverted towards constructive aspect of society. Which ranged from helping the villagers for maintaining road, defending the village boundary or helping the village destitute and arranging communal dinner and festivities. These places were being used for proselytization after which they were automatically abandoned on moral ground falling into disuse and decayed. Revived in Independent India for adult education and for dance practice and recitals for the visiting VIPs. Even the tribal parents feel that their children should concentrate on school syllabus rather than Ghotul. Little realizing that where they send their children for education and ahram-shalas run under tribal sub plan where the child stays in the school dormitory eats hostel (non-tribal diet) food, dons tunic / salwar and recites, writes, speaks in a language not his own. Further, the things taught to him are alien to his environment. The current trend of teaching the three R’s to the tribal children has been to include the culturo-ecological environment of the group in all the teaching aids. Recent trends in India and abroad have revealed the importance and essentiality of the institution of bachelor’s hut. IDEA – Integrated development through Environmental Awakening is a non-governmental research and developmental organization established in 1981 in Visakhapatnam, Andhra Pradesh. This had been one of the pioneering institutions, which had started community development education programme for the stability and sustainability of the tribal traditional agro-eco-cultural knowledge systems and worldviews. In this the dormitory education training programme was conducted with the tribal youth, tribal traditional institutional functionaries and functionaries of modern developmental agencies. Through dormitories, 1200 tribal youth have been given training. Besides, village leaders, youth, farmers, women and traditional institutional functionaries in subjects as Agro-ecological, health practices, eco-developments, watershed management, mountain and land management. In some of the interior tribal areas where opening of school and retaining the staff is a challenging proposal. The Ghotuls are abundantly being used for extending Literacy programme in the morning for the children and at night for their parents under spread of adult literacy. One of the tribal youth of the village, itself is engaged for imparting the training.

In countries outside India poverty, demoralization and rapid culture change reduces the effective parenting. Resulting in increase of domestic violence, spousal abuse, incest, drug abuse – i.e. instability of the family with negative mental health effects. In these countries the government has provision to
immediately remove the children in care centres and foster homes. However, in certain instance the authorities relied upon the cultural traditions like Whipper Man a non-parental disciplinarian. These traditional systems proved to be effective not only as a means of social control but also improved upon the delinquent behaviour specifically in case of Navajo (Dinges et al., 1974). The falling back on tradition helped the families not only in social survival but prepared their children to cope with the rapidly changing world thereby giving them cultural identification, strengthening of family ties improving the self image of the child.

For the last fifty-five years in the socio-political arena, the central debate has been how to bring these marginal communities within the mainstream. The efforts had been centered around education. It is true that the basics of education not at the cost of the character; the personality and character which takes shape within the cultural milieu needs to be restored for overall development of the youth in nation building.

**Revival of Gotul**

- Gond Adivasis are trying to revive gotuls.
- Gotuls are being developed as centres for skill development. Tribals have become part of a movement to restart them in adivasi villages as centers of alternative education where youth can learn from each other.
- Gotuls can also be linked with modern technological tools like mobiles, internet and radio. Gotul Radio with the help of CGnet Swara is one such initiative.
- Gandhian organisations like the Ekta Parishad are also trying to revive the mating ritual. And pro-ghotul slogans have begun appearing on walls in Bastar.

**FORESTS & TRIBALS**

**Introduction:**

Invariably, tribals in India are referred to as the people of the forests. They are Vanyajati or Vanavasi –inhabitants of the forest. Forests played an important part in the lives and economy of the tribals. The tribals had lived in the forest or near the forest throughout history. The original place of living and the migration pattern as exemplified in the scriptures and tribal myths support this conjecture. Even now the largest concentration of tribals is in the forest region of Madhya Pradesh, Jharkhand, Bihar and Orissa. The contribution of forests to the daily life of the tribals and to their economic of forests to the habits, and their spiritual and to their economic purists, their food laws and their operation from 1898 onwards show how tribals were deprived of their natural rights in forest and forest produce.
Role of forest in tribal life:

The role of forest in tribal life is manifold:

(i) Forest is an important source of livelihood. It gives sustenance. It provides materials to build their houses, provides edible stuffs like roots, tubers, fruits, flowers, and leaves and provides fuel.

Forest is a source of game. Hunting is an important mode of supplementing the food requirements of the tribals. In earlier days, hunting took place on a regular basis. But not the scope of hunting has not been reduced considerably due to the scarcity of game and peculiarity of forest rules. Even now tribals go hunting in the forest mainly on festival occasions. Hunting is always collectively organised by the members of one or more villages.

Forest is a source of cultivation. It provides for shifting cultivation and agriculture.

(ii) Forest is a source of raw materials for the tribal crafts. Forests not only supply woods, etc. but also provide a number of raw materials for crafts like rope-making, basket-making and woodwork. The tribals sell these crafts in the market for cash or food grain and thus supplement their daily earnings. Basketry is the traditional occupation of some of the tribals. Almost all the tribals know carpentry and rope-making.

(iii) Forest is a source of indigenous medicines. Forests provide the tribals with a number of indigenous medicines which can cure many types of diseases. The tribals have identified a number of roots and tubers and herbs with medicinal values. There are expert persons in the village who have a thorough knowledge about the utility of these plants and roots. The medicines for diseases like cold and fever is effective. Some roots are used for keeping away the snakes. The village nurse and the witch doctor are experts in identifying and collecting these roots.

(iv) Forest is a source of marketing produce. The tribals exploit the minor forest produce to supplement their meagre income. The tribals sell the forest produce to the people in the neighbouring villages against cash a food stuff. Gathering from the forest is a complementary economic activity in the life of the tribals who are otherwise settled agriculturists.

(v) Forest is the source of employment. Forests provide employment for a large number of tribals during the lean months. Especially the tribals get employment in cutting, the wood or felling the trees, transporting the wood from the forest to the plains areas.
Forest is the source of religious values. Forests and the tribals are inextricably interwoven with each other. The gods and deities of the tribals live in the forest. Tribals worship many trees. On account of this, the tribals are able to protect the forests.

**Forest management and tribals:**

In the past, the tribals enjoyed considerable freedom in the use of forest resources. They were virtually lords of forests. With the introduction of state management of the forests, particularly since the close of the 19th century, the relationship between the tribals and the forest has undergone considerable change.

(i) In 1855 Lord Dalhousie laid down a definite and farsighted forest policy. Further progress was delayed for a time by the Mutiny, but in 1862, owing largely to the increasing difficulty of adequate supply of timber for the unprecedented expansion of railway lines then being undertaken, the Government of India was forced to take steps to protect, the forest that still survived, and forest organisation was rapidly expanded to all the provinces of India. Exploration, demarcation and settlement, followed by efforts to introduce protection and some form of regular management.

(ii) In 1864, the Imperial Forest Department was established mainly to ensure the sustained availability of timber for railways sleepers. The government felt that for effective functioning of the department, the previously exercised unlimited rights of the forest dwellers should be restricted. A memorandum providing guideline restricting the rights of the forest dwellers was issued in August 1855 and was later modified in 1884.

(iii) The Government Forest Act, 1865 empowered the government to declare any land covered with trees, brushwood or jungle as government forest by notification. Rules made in pursuance of this Act prohibited marketing, girdling, felling, lopping off the branches of trees. It also prohibited collection of fruits, dry leaves, grass, wood-oil, resin, wax, honey, stones, lime or any natural produce of such forests.

(iv) Indian Forest Act, 1878 was more comprehensive than the earlier one and defined several terms precisely and for the time. ‘Trees included palms, bamboo, stumps, brushwood and canes; ‘Timber includes trees fallen or felled; and ‘forest produce’ carried and exhaustive list of items from timber to charcoal, lac, flowers etc.

Also, for the first time, forest was classified as “Reserved’ forests, “Protected’ forests and ‘Village’ forests. The government could declare any class
of trees in a protected forest or any tree in any such forest, to be reserved from a
date fixed by notification.

**Derecognition of Communal Ownership:**

Derecognition of communal control of property was one of the instruments
government wielded to disorganise the tribal community. In the pre-British period
the Indian villages used to pay revenue to the results as a community rather than
individually. The British insisted on individual land settlement and payment of
revenue at an enhanced rate.

**National Forest Policy, 1894:**

The first national policy on forests was formulated in 1894. it is introduced
state control over forests in public interest which resulted in the curtailment of
rights and privileges of the tribals over the forest resources.

The aims of the policy emphasised: regulation of rights and the restriction
of the privileges of the user in the forest by the neighbouring populations”, along
with the preservation of forests on hills slopes and river-beds. It was also made
clear that the forests were to be managed on commercial lines as a source of
revenue.

For the implementation of the policy, forests were broadly classified into
following four categories:

(i) Forests, the preservation of which was essential on climatic or physical
grounds;
(ii) Forests which afford supply of valuable timber for commercial
purposes;
(iii) Minor forests:
(iv) Pasture land.

The policy gave maximum importance to the revenue aspect of forests and
commercialised supply of major forest produce needed in order to comply with
the general forest needs of the country.

The policy did more “harm than good” to the tribals. It was detrimental “to the
economic position of the tribals through ignorance and neglected of their rights
and customs”.

**National Forest Policy, 1952**

The exact impact the 1894 policy was not realised during the pre-
independence period as the forests were in plenty then. It was only after the
independence that the damage caused by the clearing of forests was realised and
efforts were made for their economic development. Accordingly, a new forest policy was formulated in 1952 and its objectives were:

(ii) Evolution of a system of balanced and complementary land use,
(iii) Checking of soil erosion,
(iv) Stablemen of tree lands,
(v) Creation of small woods for grazing and collecting wood for agricultural implements and fuel purposes.
(vi) Supply of timber for national needs, and
(vii) Realisation of maximum annual revenue.

The new policy classified the forests into four categories viz:

(i) the protected forests which are to be preserved for physical and climatic conditions,
(ii) the national forests for meeting the needs of defence, communication, industries, etc.,
(iii) the village forests for providing fuel, timber, grazing and agricultural requirements, and
(iv) the tree lands for preservation of environment of the country.

The policy explained the Government’s view regarding local needs: “Villages communities in the neighbourhood of a forest will naturally make greater use of its products for the satisfaction of their domestic and agricultural needs. Such use, however, should in no event be permitted at the cost of national interests. The accident of a village being situated close to a forest does not prejudice the right of the country as a whole to receive the benefits of a national asset. The scientific conservation of a forest inevitably involved the regulation of rights and the restriction of the privilege of user depending upon the value and importance of the forest, however some such restraints may be to the neighbouring areas. While, therefore, the needs of the local population must be met to a reasonable extent, national interests should not be satisfied because they are not directly discernible, nor show, the rights and interests of future generations be subordinated to the improvidence of the present generation.” (The National Forest Policy, Ministry of Food and agriculture, Government of India.

The policy of 1952 differed significantly from the old policy of 1894 as far as the rights of use of tribals are concerned:

(ii) While the old policy envisaged the release of forest land for cultivation subject to certain conditions, the new policy completely denied this concession.
(iii) The old policy left a margin for the supply of the villagers' needs from the outlying areas of the reserved forests. The new policy decided that there should be village forests for this purpose.
(iv) The old policy did not touch the private forests of the tribals. The Neolithic policy had controlled the rights to use of this type of forests.
(v) While according to the old policy grazing was free, under the new policy fees were introduced and grazing was to be kept to the minimum.

The Immediate objective of the forestry development is to attain self-sufficiency in industrial and commercial timber, in fuel woods and other forest products for consumer and other ancillary industries. The objective was proposed to be achieved by increasing the area under man-made forest, by increasing productivity of existing forest through better legging techniques, by improvement of communication so that hitherto unused resources can be exploited.

As a result of the new policy, the tribals who considered themselves the masters of the forests became their subjects. They were under the control of the forest Department. The traditional rights of the tribals were reduced to mere concessions.

The emphasis in the new policy, on collection of maximum revenue from forest resources had led to the involvement of the contractors in various forestry operations. The damage caused by them in connivance with the forest personal have not only devastated the forests but have also caused uncontrolled exploitation of the tribals.

The tribals being ignorant of the laws are completely left at the mercy of the contractors who dictate terms to them for purchase of forest produce.

**New Forest Policy, 1988**

The new forest policy was adopted on December 7, 1988. It can be termed as the first attempt on the part of the government to completely change its attitude towards forests and tribal. The policy accepts the important role of tribal regarding forest protection and management.

**Basic Objectives.**

The basic objectives that should govern the National Forest Policy include the requirements of fuelwood, fodder, minor forest produce and small timber of the rural and tribal populations, along with the maintenance of environmental stability conserving natural heritage etc. The policy also recognises the need to encourage efficient utilisation of forest produce and maximise substitution of wood.

The essential of forest management clearly mention that ‘Provision of sufficient fodder, fuel and pasture especially in areas adjoining forest, is necessary.’ It further adds that ‘the programmes of afforestation should be
intensified with special emphasis on augmenting fuelwood production to meet the requirement of the rural people”

Ownership Rights over Trees

The policy suggests the village and community lands which are not required for other productive uses, should be taken up for the development of tree crops and fodder resources. Technical assistance and other inputs necessary for initiating such programme is to be Government. More important is the fact that the revenue generated through such programmes will belong to the panchayats where the lands are vested in them.

In case of individuals, particularly from the weaker sections such as tribals, landless labour etc., certain ownership rights over trees are to be created subject to appropriate regulations where beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

Rights and Concessions:

The document accepts the fact that the life of tribals revolves around forests. Therefore, “The rights and concessions enjoyed by them should be fully protected.” It asserts further that “the holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests”.

Also, for the first time has the policy mentioned that to relieve the existing pressure on forests substitution of wood needs to be taken resource to. Use of fuel-efficient chullas and stall-feeding of cattle too have been taken into consideration.

Tribal People and Forests:

Having regard to the symbolic relationship between the tribal people and forests, policy emphasises that “the primary task of all agencies responsible for forest management is that they should associate the tribal people closely in the protection, regeneration and development of forest as well as provide gainful employment to people living in and around the forests.”

Forest-based Industries.

The policy states that “as far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements”. It does not forget to add that, “The fuel, fodder and timber requirements of the local people should not be sacrificed.” It also sees to it that the forest-based industries not only provide employment to local people on priority but also involve them fully in raising trees and raw material.

The policy statement contains many more valuable suggestions regarding forestry education, conservation programmes, training centres for farmers etc,

The scheduled tribes and other traditional forest dwellers (recognition of forest rights) act, 2006
The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a result of the protracted struggle by the marginal and tribal communities of our country to assert their rights over the forestland over which they were traditionally dependent. This Act is crucial to the rights of millions of tribals and other forest dwellers in different parts of our country as it provides for the restitution of deprived forest rights across India, including both individual rights to cultivated land in forestland and community rights over common property resources. The notification of Rules for the implementation of the Forest Rights Act, 2006 on 1st Jan 2008, has finally paved the way to undo the ‘historic injustice’ done to the tribals and other forest dwellers.

The livelihood of perhaps 100 million poorest of the poor (The Indian Forest Rights Act 2006: Communing Enclosures) stands to improve if implementation can succeed. The Act is significant as it provides scope and historic opportunity of integrating conservation and livelihood rights of the people.

This Act is a potential tool

✓ To empower and strengthen the local self-governance
✓ To address the livelihood security of the people, leading to poverty alleviation and pro poor growth
✓ To address the issues of Conservation and management of the Natural Resources and conservation governance of India.

SIGNIFICANCE OF THE ACT

For the first time Forest Rights Act recognises and secures

✓ Community Rights or rights over common property resources of the communities in addition to their individual rights
✓ Rights in and over disputed land Rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests into revenue villages
✓ Right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use.
✓ Right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
✓ Rights of displaced communities
✓ Rights over developmental activities

Forest dweller and rights

There are two stages to be eligible under this Act.
First, everyone has to satisfy two conditions:
a) Primarily residing in forests or forest lands;
b) Depends on forests and forest land for a livelihood (namely “bona fide livelihood needs”)

Second, one has to prove:

✓ That the above conditions have been true for 75 years, in which case one is another Traditional Forest Dweller or

✓ That you are a member of a Scheduled Tribe and That you are residing in the area where they are Scheduled.

Rights of forest dwellers

The law recognises three types of rights:

1. Land Rights

No one gets rights to any land that they have not been cultivating prior to December 13, 2005 and that they are not cultivating right now. Those who are cultivating land but don’t have document can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood. Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or whose land is the subject of a dispute between Forest and Revenue Departments, can claim those lands.

There is no question of granting 4 hectares of land to every family. If one is cultivating half a hectare on December 13, 2005, one receives title to that half a hectare alone; and if one is cultivating nothing, one receives nothing. If one is cultivating more than 4 hectares without documents or a dispute, one receives title to only 4 hectares.

The land cannot be sold or transferred to anyone except by inheritance

2. Use Rights

The law secondly provides for rights to use and/or collect the following:

a. Minor forest produce things like tendu patta, herbs, medicinal plants etc “that has been traditionally collected. This does not include timber.

b. Grazing grounds and water bodies
c. Traditional areas of use by nomadic or pastoralist communities i.e. communities that move with their herds, as opposed to practicing settled agriculture.

3. **Right to Protect and Conserve**

Though the forest is supposed to belong to all of us, till date no one except the Forest Department had a right to protect it. If the Forest Department should decide to destroy it, or to hand it over to someone who would, stopping them was a criminal offence.

For the first time, this law also gives the community the right to protect and manage the forest. Section 3(1) (i) provide a right and a power to conserve community forest resources, while section 5 gives the community a general power to protect wildlife, forests, etc. This is vital for the thousands of village communities who are protecting their forests and wildlife against threats from forest mafias, industries and land grabbers, most of whom operate in connivance with the Forest Department.

**Recognition of rights**

Section 6 of the Act provides a transparent three step procedure for deciding on who gets rights.

- **✓** First, the gram Sabha (full village assembly, NOT the gram panchayat) makes a recommendation – i.e who has been cultivating land for how long, which minor forest produce is collected, etc. The gram Sabha plays this role because it is a public body where all people participate, and hence is fully democratic and transparent. The gram Sabha’s recommendation goes through two stages of screening committees at the taluka and district levels.
- **✓** The district level committee makes the final decision (see section 6(6)). The Committees have six members – three government officers and three elected persons. At both the taluka and the district levels, any person who believes a claim is false can appeal to the Committees, and if they prove their case the right is denied (sections 6(2) and 6(4)).
- **✓** Finally, land recognised under this Act cannot be sold or transferred.

**Forest Rights Act**

The enactment of the FRA has been a very important move in taking away the burden of illegality from the shoulders of tribals, and forest dwelling and dependent communities. The Indian Forest Act, 1927 and its predecessor Act of 1878 vested control over the forest resources in the
state. Forest area covers 23 percent of land mass and over the years, forest communities have been treated as encroachers and their activities in forest areas as ‘forest offences’.

**Implementation of the FRA**

Implementation of the FRA has been weak. In 2010, the Ministry of Tribal Affairs (MoTA) and Ministry of Environment and Forests jointly constituted a committee to study the factors that aid or impede the implementation of the law and recommend necessary policy changes (hereinafter ‘2010 Joint Committee Report’). It appears that many of their findings persist and recommendations remain relevant. These include:

The implementation of the FRA has been poor, and therefore it’s potential to achieve livelihood security and changes in forest governance along with strengthening of forest conservation, has hardly been achieved.

There have been serious flaws in many states relating to the constitution of the Forest Rights Committee (FRC) at the grassroots level which has the crucial role of assisting the Gram Sabha (GS) in determining the claims from individuals by receiving, consolidating and verifying them on the ground.

Several states have utilized GPS technology for plot delineation. It is recommended that a special set of guidelines need to be worked out for the proper use of spatial technology in the delineation, location, and status verification of claims filed, to ensure reliability, objectivity and transparency.

The FRA stipulates that forest-dwelling Scheduled Tribes and Other Traditional Forest Dwellers (OTFDs) are not to be evicted or removed from forest land under their occupation till the process of recognition and verification of their rights is complete. The committee members found that this provision of the Act has been violated such as in Thane, Maharashtra where FRA claimants were evicted even as their claims were pending with no notice.

The relocation from Protected Areas including Tiger Reserves without having
completed the procedures under the FRA was identified as a gross violation of the FRA.

Though the FRA does not and should not provide any deadline for completion of the process, states should expedite recognition of rights within an appropriate time frame which is to be decided in consultation with the forest dwellers and civil society, so that governments do not slacken off on implementation.

The MoTA should issue a clarification that OTFDs as defined under the FRA are all those who can prove seventy five years of residence in the area (not necessarily on the plot being claimed), and dependence on the forest land as of December, 2005. The MoTA should also clarify what kinds of evidences may be used for such proof and how these are to be made available to the villagers. MoTA should also clarify that no disqualifications on the basis of possession of additional revenue land or jobs, or location of residence on revenue land, etc. are permissible under the FRA.

State governments should review their State Level Management Committees, District Level Committees, and Sub-Divisional Level Committees, regarding their composition, functioning, public interface, and transparency, and issue directions for necessary correctives in each of these institutions.

Most states have concentrated almost entirely on implementing the provisions for individual forest rights (IFR).

Claims are being rejected without assigning reasons, or based on wrong interpretation of the ‘OTFD’ definition and the ‘dependence’ clause, or simply for lack of evidence or ‘absence of GPS survey’ (lacunae which only require the claim to be referred back to the lower-level body), or because the land is wrongly considered as ‘not forest land’, or because only forest offence receipts are considered as adequate evidence. The rejections are not being communicated to the claimants, and their right to appeal is not being explained to them nor its exercise facilitated.
Section 3 (1) (m) of the FRA, regarding the rights of persons illegally displaced or evicted by development projects without proper compensation, has not been implemented at all.

While on one hand, we see an absence of the procedure stipulated in the FRA, on the other, strict adherence to conditions not even required or permitted under the Act are used to disregard claims.

The term “individual forest rights” isn’t actually used in the FRA, it has found its way to official records and common parlance to denote rights to forest land with individual tenure. Section 3 of the Act includes: “right to hold and live in the forest land under the individual and common occupation for habitation or for self-cultivation for livelihood by a member or members of a forest dwelling Scheduled Tribe or other Traditional Forest Dwellers”.

In addition to the findings from the Joint Committee Report, 2010, it has been found that:

A common ground of rejection is that the person is not a Scheduled Tribe (ST) even though the FRA unambiguously states that rights to forest land are available to “Scheduled Tribe or other Traditional Forest Dweller”. Claims are often rejected due to absence of ST community certificates. OTFD claims in Andhra Pradesh have largely not been entertained due to lack of evidence. In Odisha, OTFD’s have mainly been discouraged from filing claims and most of their claims have been rejected at the Gram Sabha level itself or not accepted by the FRC. Claims have also been rejected due to inability to prove plot cultivation for seventy five years prior to 13th December 2005.

There are reports of claims being rejected on the ground that the claimed land is ‘disputed’. As per SCSTRTI Report, 2013: “In Chhattisgarh, the issue of Ghas zameen (revenue land) is disputed by villagers in many sites which they consider as narangikshetra, something that is popularly known as ‘orange areas’ in government parlance, an area, ownership of which is disputed between the forest and revenue department. It must be noted that these orange areas are recorded in records of both forest and revenue department and so
long as the land is recorded as forest land, it comes under the ambit of the FRA. Thus, denying rights over such lands is in violation of the law.” A dispute between two departments cannot be a reason for denying people their due under the law.

**Community Forest Rights**

The FRA recognizes various community forest rights which could potentially operate as a powerful, and meaningful, way for forest dwelling communities to protect their way of life. Till as late as 2012, however, these rights were almost entirely ignored. Most often, they were confused with the Section 3(2) provisions which provide communities with education and health facilities and connectivity when there was diversion of forest land for non-forest purposes.

Despite very poor implementation of community rights, the Joint Committee Report, 2010 was quick to caution that “the current status of community claims is not indicative of the potential of such claims. If the various shortcomings in implementation described below are removed, the claims could spread to several million hectares in the next few years.”

It is clear that unless enforcement of CFR is a community driven process, its implementation will be incomplete. When it comes to community rights awareness among claimants and FRC members is still abysmally low, even when compared to awareness regarding individual claims. This is corroborated by surveys conducted on the Status of level of Awareness amongst Multiple Stakeholders (percent) by SCSTRTI in 2013.

In many cases, the Forest Department is actively impeding the process of CFR rights and recognition. For example, as per a recent study conducted, 27 CFR titles have been claimed and even conferred in Sarguja district of Madhya Pradesh but the Forest Department does not recognize them.

The general misunderstanding is that FRA is a “scheme for tribals” to the exclusion of OTFDs and therefore, CFR titles will be granted to “Scheduled Tribes only” villages. Right from its first phase of implementation, it is noted that district administrations refuses to accept oral evidence from elders although it is allowed as per the Act. Authorities are also incorrectly requiring proof of “occupation” (and not proof of “residence” as stipulated under the FRA and as clarified by the guidelines issued by MoTA) of forest land for three generations prior to 13th
December, 2005. In the Nayagarh district of Odisha, CFRs have not been recognized in villages with a mixed population of Scheduled Tribes and OTFDs. In Jharkhand as well, 73 claims out of 47 claims filed by OTFDs, have been rejected (i.e. 50 percent rejection).

In Chhattisgarh, there are continuing reports of Forest Rights Committees (FRCs) being constituted at Panchayat level overseeing several villages. In most cases, members of such FRCs are not aware of their membership and their duties. Lack of awareness, information and training on filing CFR claims in such FRCs prevents interested communities from filing claims. There are also reports of such FRCs being manipulated by village elites leading to conflicts.

In Tamil Nadu, it is the Court that has restricted recognition of these rights. The Madras High Court order dated 30th April 2008 restricted the issuance of titles under Section 3(1) unless approved by the Court. The order clarified that the process of verification of the claim shall continue but even so implementing authorities interpreted the order to mean that no action is to be taken on the claims, including the process of recognition of claims, without the High Court order being vacated. On 2nd September 2008, the Court clarified that the process of identity and recognition may go on and only the final decision shall not be taken without leave of the Court.

Exercise of rights over the Minor Forest Produce (MFP), a community right under the FRA, remains a big challenge across the states. There is no institutional mechanism developed so far to support the rights holders in the process of exercising the MFP rights particularly in the disposal and marketing of the produce. The problem is seen more in case of nationalized produce like Bamboo and Tendu leaves. Apart from these challenges in the trade of MFP, the non-commercial values of such produce are of critical importance to the lives of forest dwelling communities.

**Joint Forest Management**

In areas where Joint Forest Management (JFM) was in practice, there were complaints that the FRA was sought to be kept out. Further, attempts were to convert the village forest committees set up into forest rights committees under the FRA, which is not in consonance with the law.

In Andhra Pradesh, the SCSTRTI study notes that “community forest rights were generally understood as rights over areas of Vana Samrakhyan Samiti (VSS), an institution created by the Forest Department under the
Joint Forest Management Program. Instead of conferring title to the Gram Sabha, CFR titles have been found to have been issued in the name of individuals like VSS chairperson or village elder or Sarpanch, which is a clear violation of the law”.

In a letter addressed to the State Forest Department, dated 17th August 2013, MoTA clarified that the grant of community rights titled in the name of VSSs under the FRA was a violation of the Act and such JFM committees could not be claimants under the FRA.

In Gadchiroli, Maharashtra a study reports “In almost all the villages we visited in Gadchiroli, JFM has been implemented, even after the CFR titles have been granted. The reason given by facilitators is that for works taken up under JFM, funding is provided by the Forest Department. CFR rights come with the responsibility of protecting, conserving and regenerating their forests. However, there is no provision of funding for work related to these responsibilities. Also, though the CFR titles have been granted, the forests given under CFR to many villages do not have bamboo or any other NTFPs, which could help communities earn livelihood.” In Tamil Nadu, “they have not been allowing filing of CFRs (as in Madurai, Virudhunagar, and Tirunelveli districts of Tamil Nadu) because forests rights like grazing have been curtailed under former JFM programs.”

In Uttarakhand, “considering the historical background of Van Panchayats and clash with JFM strongholds, there is poor awareness about FRA at the village and administrative level and a negation of the hamlet level process of FRC constitution and recognition of OTFDs and of community forest rights.”

Women

Women’s participation in processes under the FRA remains low. Women are dependent on forest and forestland for their livelihood and active participants in the various forest activities. In a telling statement, the women’s cooperative President in Panibhandar village in Odisha reportedly said in an interview, “My land and forest is important for me, what will I do with other things if there is no right over forest. Forest is the only resource from which women are getting income.” The absence of their voice at various levels (from Gram Sabhas to forest committees) means that critical issues are often overlooked.

Empowering provisions for women under FRA include:
Section 2(g) of the Act provides for the full and unrestricted participation of women in Gram Sabha

Rule 4 (2) provides that “The quorum of the Gram Sabha meeting shall be not less than one-half of all members of such Gram Sabha: Provided that at least one-third of the members present shall be women

Rule 3 (1) provides that not less than 1/3rd of the members of the FRC shall be women

Rule 5 (c) requires that at least one of the three PRI members nominated to the SDLC shall be a woman.

Similarly, rule 7 (c) requires that out of the three members of the district panchayat to be nominated to the DLC by the district panchayat, at least one shall be a woman.

Section 4 (4) A right conferred by sub-section (1) shall be heritable but not alienable or transferable and shall be registered jointly in the name of both the spouses in case of married persons and in the name of the single head in the case of a household headed by a single person.

There has been little perceptible effort to create awareness among women regarding the process of claim making, verification and the rules relating to it. However, according to the field study, most women gain awareness through NGOs working in their area and through their cooperative societies. A large majority (80 percent) are not aware of the amount of land claimed by their husbands and how much land is recognized.

The field report reveals that although the population of women in villages is often more than men, this is not reflected in their representation in the Gram Sabha.

Even among the women who participate in the Gram Sabha, the study points to lack of basic awareness. Single women and widows were a majority of the women present. Others only come when their husbands are unable to do so and stated that they were usually not allowed to air their opinion and therefore preferred not to participate.

Representation in Forest Rights Committee (FRC): One third representation of women in the FRC is mandated by law. Field studies in Odisha revealed that in most places, there was only 20 percent representation of women.
Joint titles: The law mandates that certificates for forest claims must be issued jointly in the name of both the husband and wife; however studies show that this provision has been largely ignored in Odisha, and the survey shows low levels of awareness about this provision among women.

**Forest Rights Act in Protected Areas**

There are about 690 Protected Areas (PAs), i.e., National Parks and Sanctuaries in India. These areas are established under the Wildlife Protection Act, 1972 (as amended in 2006), and recognized under the Forest Rights Act.

**Protected Areas of India**

<table>
<thead>
<tr>
<th>Protected Areas</th>
<th>No.</th>
<th>Area (km²)</th>
<th>Percent of Geographical Area of India</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Parks</td>
<td>102</td>
<td>40075</td>
<td>1.22</td>
</tr>
<tr>
<td>Wildlife Sanctuaries</td>
<td>526</td>
<td>124239</td>
<td>3.78</td>
</tr>
<tr>
<td>Conservation Reserves</td>
<td>57</td>
<td>2017.94</td>
<td>0.06</td>
</tr>
<tr>
<td>Community Reserves</td>
<td>4</td>
<td>20.69</td>
<td>0.0</td>
</tr>
<tr>
<td>Protected Areas</td>
<td>689</td>
<td>166352.63</td>
<td>5.06</td>
</tr>
</tbody>
</table>

Geographical Area of India (FSI, 1999) = 32,87,263 km²
Recorded Forest Area of India (FSI, 2001) = 768,436 km²
Forest Area = 23.38 percent of Geographical Area of India

Approximately, three million people in India, most of whom are tribals, live inside PAs and are dependent on them for forest resources. However, in the decades running into a century, forest dwelling and forest dependent tribal communities were treated as encroachers and forest offenders even when, for instance, they would be found collecting minor forest produce. The FRA recognizes not only the right that the tribals and the Other Traditional Forest Dwellers (OTFDs) have in relation to the forest, but it
also empowers the holders of any forest right, Gram Sabha and village level institutions in areas where there are holders of any forest right under this Act to:

“(a) Protect the wild life, forest and biodiversity;

Ensure that adjoining catchments area, water sources and other ecological sensitive areas are adequately protected;

Ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage;

Ensure that the decisions taken in the Gram Sabha to regulate access to community forest resources and stop any activity which adversely affects the wild animals, forest and the biodiversity are complied with.”

There have been situations where tribals and OTFDs have continued to be viewed as communities who should be evicted from the forest so as to pursue other conservation goals. Most states exclude PAs from the application of the FRA due to a lack of understanding and awareness of the law, and that the tribal population is a menace to wildlife in those areas. Moreover, forced eviction, relocation and harassment by forest officials is commonplace. Reports suggest that between 100,000 and 300,000 people have been evicted from protected areas at different times. This is despite the law stating that eviction before verification and settlement of claims under the FRA is complete, is unlawful. Yet widespread displacement of tribals continues to occur. This has caused a decline in their economic status, as well as erosion of their customary forest practices. A detailed issue-based analysis is provided below.

Critical Wildlife Habitats (CWH)

Critical Wildlife Habitats (CWH) are a specific kind of protected area, defined under the FRA as, “areas of National Parks and Sanctuaries where it has been specifically and clearly established, case by case, on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of wildlife conservation as may be determined and notified by the Central Government in the Ministry of Environment and Forests after an open process of consultation by an Expert Committee, which includes experts from the locality appointed by that Government wherein a representative of the Ministry of Tribal Affairs shall also be
included, in determining such areas according to the procedural requirements arising from sub-sections (1) and (2) of section 4.”

The following constitute the conditions laid down under the FRA, all of which must be fulfilled, before declaring CWHs.

- The process of recognition of forest rights in PAs must be complete
- The impact caused by the presence of the rights holders must be sufficient to cause irreversible damage to the species and their habitat
- The State government concludes that co-existence is not possible
- A resettlement package has been prepared and communicated to the affected communities
- Free and informed consent of the Gram Sabha to the proposed resettlement has been taken
- No resettlement to take place until land allocation according to the promised package is complete.

- Rushed notification of CWH by government agencies leads to a host of problems that overlook the conditions required by FRA.

**Non-recognition and rejection of Community Forest Rights claims**

CFRs assume special importance in PAs as the FRA defines the use of community forest resource to which the community had traditional access within protected areas like national parks and sanctuaries. There are certain incorrect assumptions regarding implementation of the FRA. At the Forest Department level, it was believed that rights under FRA couldn’t be claimed in PAs or when resettlement was already underway before the FRA was enacted, and that FRA is not applicable in Tiger Reserves. In Tamil Nadu’s State Action Plan, it is stated that Minor Forest Produce collection in PAs is not affected by FRA because it is not a traditional right. The Government of Sikkim via a notification dated 28.1.2008 constituted an Expert Committee for identification of Critical Wildlife habitats in Protected Areas. It has also constituted other Committees under the Act namely SDLC, DLC and SLMC. However, the Government has remarked that ‘In Sikkim, there are no Forest Dwelling Scheduled Tribes and Other Traditional Forest Dwellers in the true sense of the terms. Most of the Scheduled Tribes of Sikkim hold revenue land in their own name and they are not solely dependent on the forests for their livelihood.’ This kind of misinterpretation and non-implementation of the FRA makes recognizing CFRs more problematic in PAs.
Pending claims are common in PAs, since officials incorrectly believe that FRA is not applicable in these areas. In the Palamu Tiger Reserve in Jharkhand, CFR claims have been pending since 2011. In Biligiri Rangaswamy Temple Sanctuary (Karnataka), Soliga adivasis have applied for CFRs with detailed documentation and maps, yet their claims have been pending. In Wadala, in Tadoba Andhari Tiger Reserve, CFR claims were rejected by the SDLC, because the villagers would have a negative impact on the area. In Badrama Wild life Sanctuary in Sambalpur CFR rights are not being recognized. The Raika tribe in Rajasthan are a pastoral community. However, for grazing cattle in Kumbhalgarh Sanctuary of Rajasthan, no permits have been issued to them since 2002, though higher penalties are being imposed for grazing in the PAs. A possible reason for rejection of claims is that the area claimed does not use new technology like satellite imagery and instead relies on traditional methods of land demarcation.

Consultation with and consent of the Gram Sabha

Both the FRA and the Wildlife Protection Act, 1972 amended in 2006 (WLPA), require that the Gram Sabhas of the affected areas be consulted before declaring CWHs or PAs. Examples indicate that this provision remains in disuse. In Yawal Wildlife Sanctuary of Maharashtra, a committee was formed for demarcation of a CWH minus participation from the affected villagers. Often Gram Sabhas are neither sent notices for consultation, nor are their consent signatures taken by the Government for declaring CWHs. Further field visits to Sariska tiger reserve have indicated that Gram Sabha Consent has not been taken, only individual families have been approached by the Forest Department. Further, they have been ‘informed’ that they must consent to one of two options under the compensation scheme-cash for land, or land for land. If they do not choose either, they will have missed the opportunity.

Relocation without following process under WLPA and FRA

The FRA makes it abundantly clear that relocation cannot be undertaken without rights recognition and consent of the Gram Sabha, among other conditions. The focus remains on relocation instead of exploring co-existence. Even so, there are examples of illegal relocation in the areas of Bandipur and Nagarhole National Park in Karnataka, Simlipal in Odisha, Sariska in Rajasthan, and Udanti and Achanakmar in Chhattisgarh. A letter by the Additional Inspector General (FC), MoEF (FP Section) compelled the Scheduled Tribes in the National Parks and Wildlife Sanctuaries to
leave the premises of National Parks and Wildlife Sanctuaries without settling the rights under the provisions of the FRA. In 2012 the Ministry of Tribal Affairs communicated to the Chief Ministers of State Governments that tiger and wildlife habitats were being demarcated in violation of the law, and affected tribals were being asked to relocate without settlement of rights.

**Tiger Reserves**

There are 41 Tiger Reserves in India declared under the WLPA 2006. The Tiger Reserve areas largely overlap with the Scheduled Areas where the population is predominantly tribal. The WLPA defines critical tiger habitat and ‘core’ or ‘buffer’ areas. The purpose of this Act was to attain the objectives of ‘tiger conservation’ while ensuring that the rights of tribal people living in and around Tiger Reserves are not impeded. Tiger Reserves are to be notified by the State Governments on the recommendations of National Tiger Conservation Authority (NTCA). Core and buffer/peripheral areas must also be designated and included in the tiger reserve, at the time of notification. As per explanation (i) of Section 38(v) (4) of Wildlife Protection Act:

“For the purposes of this section, the expression “Tiger Reserve” includes Core or Critical Tiger Habitat (CTH) areas of national parks and wildlife sanctuaries where it has been established on the basis of scientific and objective criteria, that such areas are required to be kept as inviolate for the purposes of tiger conservation, without affecting the rights of the Scheduled Tribes or such other forest dwellers, and notified as such by the State Government in consultation with an Expert Committee constituted for the purpose”. (emphasis supplied)

Tiger Reserves have assumed greater complications in light of the judicial intervention by the Supreme Court in a case that has been challenging tiger tourism. On 24th July 2012, the Supreme Court issued an order, stating, among other things that “till the final directions issued by this court with reference to the guidelines submitted by the National Tiger Conservation Authority (NTCA), core zone or core areas in the Tiger Reserved Areas will not be used for tourism.” The Court had directed concerned state governments with tiger reserve areas, to issue and submit their notifications in relation to core and buffer areas, within 3 weeks from the date of the order. On 3rd April 2012 the court had also ordered a time bound issuance of notification viz. within 3 months from the date of that order.
The problem is the disproportionate haste with which state governments have issued notifications of buffer areas, without following the processes prescribed under the FRA and the Wildlife Protection Act, of rights settlement, exploring coexistence and free and informed Gram Sabha consent. The NTCA Relocation Committee Report, 2010, highlights the following issues in connection with the FRA:

- No rights recognition happening in Achankmar, Panna, Sariska reserves
- Mostly individual consent, no evidence of ‘Gram Sabha consent’ and ‘informed’ consent. Field investigations of the Sariska reports reveals a lack of FRA information, while the Achanakmar report mentions only individual consent
- Land option and compensation for actual assets not being made available, inconsistencies in resettlement package were reported from Sariska, Panna, Ranthambore, Achanakmar, Panna and Bandhavgarh Tiger Reserves
- Insufficient water facilities leading to scarcity for drinking and irrigation in the resettled land in Achanakmar and Panna.

The Supreme Court orders led the Ministry of Tribal Affairs to intervene. In an affidavit before the Court, the MoTA stated that core areas and buffer areas categories have been in existence for a long time. Any further declaration of additional buffer areas will incorporate large areas of private lands, revenue lands, or forest lands, on which Scheduled Tribes and other traditional forest dwellers are exercising pre-existing rights. Therefore, “declaration of further Buffer Areas by the State Governments will cause enormous hardship to the Scheduled Tribes and forest dwellers who eke out their livelihood in these areas.” It goes on to say that consultation with the local communities, a prerequisite under PESA and FRA, has been inadequate and non-existent, because of the time bound nature of the orders of the Supreme Court, causing state governments to respond hastily and without following the law.

Though, the MoEF has issued a multitude of circulars and guidelines stating that relocation can only occur if processes under FRA and WLPA are implemented, ground reality suggests otherwise.

*Case study of Simlipal Tiger Reserve*
Problems in connection with the notification of the Simlipal Tiger Reserve include relocation and resettlement without following the process under the FRA and WLPA, as well as tribals being restricted by forest guards from using Non Timber Forest Produce (NTFP) within the reserve.

The Simlipal tiger reserve is located in the Mayurbhanj district of Odisha. There are 65 villages situated inside the Sanctuary area of which 61 villages are in the buffer area and 4 villages are in the core area. According to the 2001 Census, the Scheduled Tribe population in the Simlipal area is around 11,520 (91.77per cent) and includes two particularly vulnerable tribal groups (PVTGs), namely, Khadia and Mankidia, who depend primarily on the forests of Simlipal. These communities are originally nomadic tribes, known for making siali ropes, catching and eating monkeys and live in areas, which are now part of the Simlipal Tiger Reserve. Their nomadic pattern is seasonal and depends on availability of non-timber forest products (NTFPs). In order to discourage this custom of killing monkeys and to decrease their use of siali (which is one of the main sources of food for elephants), many PVTGs in Mayurbhanj were relocated by the State government from the Simlipal Tiger Reserve areas into permanent colonies run by the Integrated Tribal Development Agency (ITDA). These PVTGs are restricted by forest guards to enter into the Similipal area to collect NTFPs such as the Siali Bark, amra, mahuva, char and sal leaves, which they have always traditionally collected.

Field studies indicate that 61 families belonging to the Khadia community were relocated from the village of Jenabil within the Similipal reserve, to Ambadiha colony in 2010. However, as per information shared by the families, the relocation was carried out without recognition of their rights under FRA and WLPA. Reportedly, individual land claims under the FRA had been made by Jenabil residents, however, they were immediately struck down by Forest Department officials, as they were in a Tiger reserve area. Post-relocation facilities in Ambadiha are also poor. Land was demarcated for them to cultivate but was not yet formally handed over to the relocated families, neither were there irrigation facilities. Another village, Kabataghai, which is a revenue village, in the Jashipur block is one of the core villages to be relocated. The village consists of 35 households of Scheduled Tribes. The villagers organized a Palli Sabha in June 2011 to discuss the proposed relocation where they opposed it. They have also submitted 23 individual forest rights claims which are yet to be recognized.
Petitions have been filed by the Kabatghai village with the State Level Monitoring Committee in 2011 against the relocation process. About 32 families residing in both UparBarhakamuda and Bahaghara settlements have been relocated from the core area in November 2013. As, in other relocations, in this case, too the legal procedure under FRA and WLPA has not been followed.

**Elephant Corridor**

In April 2011, the Madras High Court heard a case in which the Principal Chief Conservator of Forest and the Chief Wildlife Warden had suggested that the private/patta land forming the traditional movement corridors of animals particularly the elephants, be brought under the control of the Forest Department by acquiring the land and paying compensation to the owners. The Expert Committee set up by the court, comprising five senior forest officials, has stated in its report that “all revenue lands within the elephant corridor area should be handed over to the Forest Department.”

The High Court had said that:

> with regard to the forest dwellers whose interests are protected under the FRA, the State government is directed to strictly adhere to and comply with the Act (FRA) when dealing with forest dwellers and others who fall within the ambit of the act and the case of any forest dweller who is evicted from the identified elephant corridor, they be provided with best alternate and suitable accommodation.’

This matter is now before the Supreme Court.

The local tribals were apprehensive that the order would be used to evict them from areas that were being declared as part of the elephant corridor. This anxiety is also reflected in the affidavit of the Ministry of Environment and Forest in the Supreme Court, which speaks of 700 families mostly dalits and tribals, who are dependent on the land for their livelihood. The affidavit filed in 2012, points out that the rights of the occupants have not been settled yet under the FRA. The Elephant Task Force in 2010 had categorically stated that “the Task Force is convinced that local people resident in the reserve area should be partners and allies for conservation and not be treated as adversaries.” This is in keeping with the provisions of the FRA cited above.

Tribals whom the Committee spoke to near the Mudumalai Reserve in Tamil Nadu spoke with a conviction that their eviction was a means for the Forest Department to reassert control over their land. This was a common
refrain in places where the elephant corridor is seen as threatening to dispossess tribals. It was also a sign of a breakdown of trust between the tribals and the Forest Department which needs to be urgently addressed.

Both the Tiger Reserve and Elephant Corridor cases demonstrate the deliberate circumvention of provisions of the PESA and the FRA by state governments. It also shows how tribals find themselves caught between conservationists and the forest bureaucracy.

Evictions: Letter dated May 3, 2002

The preamble of the FRA recognizes the rights of forest dwelling communities evicted from their lands at the hands of the state: “and whereas it has become necessary to address the long standing insecurity of tenurial and access rights of forest dwelling Scheduled Tribes and other traditional forest dwellers including those who were forced to relocate their dwelling due to state development interventions”.

This recognition comes in light of a long history of arbitrary forced evictions of these communities. The colonization of forest land took place, first through the operation of the Indian Forest Act, by earmarking ‘reserved forests’, and thereafter evicting forest dwelling communities. Evictions have continued in the post-colonial phase, sometimes for “conservation” and at others for “scientific forestry”.

In a letter dated 28th May 1990, the Commissioner for Scheduled Castes and Scheduled Tribes highlighted how state government orders which recognized the rights of tribal communities were being openly disregarded. The MoEF in turn issued six circulars which also remained dead letter.

On 3rd May, 2002, the Inspector General of Forests (IGF) issued a letter to the Chief Secretaries of all States, directing State authorities to prepare a time bound program for summary eviction of all encroachments not eligible for regularization. This was supposedly in a follow up to a Supreme Court order in Godavarman Thirumulpad v. UOI dated 23rd November, 2001.

What this court order actually did was merely restrain the Central government from regularizing encroachments in the country, without the court’s permission. The IGF’s letter was, in effect, a misinterpretation of this order of the court. What resulted was large scale forced evictions of tribal communities by the state. The scale is indicated in the figures below:
In Bihar the area evicted appears to exceed the existing encroachments. The evictions have not been reversed, and in most places those evicted have not been able to access their rights under the FRA. This is a situation where restorative justice and reparation must be given to those wrongfully evicted.

Panchayats (Extension to the Scheduled Areas) Act, 1996, (PESA)

Scheduled Areas, because of their richness in natural resources, are, as a letter from the Ministry of Panchayati Raj stated, historically characterized as susceptible to pressure from “unscrupulous elements indulging in illegal mining & forest felling” leading to land alienation, exploitation and “dislocation of the communities and loss of major sources of livelihood.” Therefore, it was vital that customs, rights and livelihoods of those living in Scheduled Areas were protected. Accordingly, the Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, (PESA), was enacted, extending Part IX of the Constitution to the Schedule V Areas. In enabling the Panchayats to ‘function as institutions of self-government’, a state government is mandated to ensure that the Panchayats at various levels and the Gram Sabha are endowed inter alia with:

- power to prevent alienation of land in the Scheduled areas and to take appropriate action
- to restore any unlawfully alienated land of a Scheduled Tribe
- ownership of minor forest produce
- power to enforce prohibition, or to regulate or restrict the sale and consumption of any intoxicant
- power to exercise control over money lending to the Scheduled Tribes
- power to exercise control over institutions and functionaries in all social sectors
- power to control local plans, and resources for such plans including tribal sub-plans
- power of prior recommendation in granting prospecting license or mining leases for minor minerals as well as for grant of concessions for the exploitation of minor minerals by auction
- right to be consulted on matters of land acquisition
- power to issue utilization certificates for government works undertaken in their village.
PESA is an acronym for the Provisions of Panchayats (Extension to Scheduled Areas) Act 1996. Article 243-M (4)(b) of the Constitution states that “Parliament may, by law extend the provisions of this Part (Part IX relating to Panchayats) to the Scheduled Areas…subject to such exceptions and modifications as may be specified in such law”. And “no such law shall be deemed to be an amendment of this Constitution…”. It bears reiteration that the provisions of the 73rd Amendment relating to Panchayats do not automatically apply in Scheduled Areas. They have to be extended to Scheduled Areas by Parliament subject to “exceptions and modifications”. [Article 243M (4)(b), Constitution of India] This was in recognition of "the unique characteristics of tribal communities in the Scheduled Areas”[Union of India v. Rakesh Kumar, (2001) 4 SCC 309, at Para 8]

While Parliament has enacted a law in relation to Panchayats, there is as yet no law on Nagar Palikas in Scheduled Areas. Article 243-ZC (3) contains a provision parallel to Section 243-M(4)(b). The committee had their attention drawn to the proliferation of Nagar Palikas in Scheduled Areas and to the expansion of already established towns and municipalities. This is being done without the consent of Gram Sabhas which are affected by the proposal to establish or extend a Nagar Palikas or to be merged with one already in existence. This, as a report points out, creates pockets of ‘unscheduled areas’ [Shankar Gopalakrishnan, India and the Rights of Indigenous Peoples: Illusion and Disillusion; Constitutional, Legislative and Administrative Provisions Concerning Indigenous and Tribal Peoples, 2010.] within Scheduled Areas, as cities and towns lose the dynamic that animates villages and hamlets. In 2008, the Jharkhand High Court held that, despite Article 243-ZC, the law relating to municipalities that pre-existed the 74th amendment would continue to apply in Scheduled Areas too, because that is what Article 243-ZF says should be done till the legislature or other competent authority amends or repeals it. [Uday Shankar Ojha and Ors vs. Jharkhand State Election Commission and Anr, judgment and order dated 29.02.2008; High Court of Jharkhand; 2008 (2) JCR 249 (Jhr) referred to in ibid.] This decision does not recognize that the 74th Amendment makes a distinction between other municipalities and those in Scheduled Areas, and that it is Parliament that has to make a law with ‘such exceptions and modifications’ so as to ensure that the constitutional protections that extend to Scheduled Areas do not get diluted or negated. That Parliament has not performed the task of law making regarding municipalities in Scheduled Areas cannot be a reason for denying the protections to the tribals. This would be a way of defeating the purpose of the special status that has been given constitutional recognition in Article 243-ZC. The law relating to municipalities, without setting out the ‘exceptions and modifications’, cannot be constitutionally valid in Scheduled Areas. Till Parliament makes a law that sets out the ‘exceptions and modifications’ while extending the law relating to municipalities to
Scheduled Areas, or it makes a fresh legislation for municipalities in Scheduled Areas, any extension of municipalities or the establishing of new municipalities would be legally untenable.

It may be recalled that in 2001, the Municipalities (Extension to Scheduled Areas) Act was introduced in the Rajya Sabha. This Bill was referred to the Standing Committee of Parliament on Urban Development and Poverty Alleviation which, in its fiftieth report in 2003, recommended its adoption with some modifications. After being listed a few times in the list of business of Parliament, the Bill has gone into oblivion, indicating a lack of urgency that is contradictory to the constitutional requirement of a law on municipalities in Scheduled Areas.

However, state wide incorporation of the PESA tenets has been largely absent. Forest Departments in several states continue to have control over forest produce, and deny access to the tribals. Further, Gram Sabha consultations have to be merely ‘considered’ by government officials when deciding land acquisition proposals. Though consideration is mandatory, the choice of words indicates that the final say rests with the Land Acquisition Officer and not the Gram Sabha. Forged and manipulated Gram Sabha resolutions, lack of consent before land acquisition and other grave issues still persist in the implementation of the PESA.
The Rules framed by state governments are not compliant with PESA

Definition of Village

Sec 4(b) of the PESA states that “a village shall ordinarily consist of a habitation or a group of habitations or a hamlet or a group of hamlets comprising a community and managing its affairs in accordance with traditions and customs.” This is in keeping with the spirit behind the 73rd constitutional amendment and the PESA, since takes into consideration the smallest unit of democratic participation, i.e. a village. States have not respected this provision.

In Orissa for example, the Orissa Gram Panchayat Act, 1964, stipulates that the ‘Grama’ shall have a population of 2000-10000, which, in the case of tribal habitations, is usually not the case since they have small populations. The Himachal Pradesh Panchayati Raj (Extension to the Scheduled Areas) Rules, 2011 does not define village at all. It only states that the Gram Sabha shall consist of persons, whose names are on electoral rolls in the Gram Panchayat.

All these instances violate PESA and attack its very core of empowering the Gram Sabha of the village at the habitation/hamlet or group of habitations/hamlets.

Traditional System of Leadership

PESA also empowers the Gram Sabha under Sec.4 (d), “to be competent to safeguard and preserve the traditions and customs of the people, their cultural identity, community resources and the customary mode of dispute resolution.”

In Rajasthan, however, the meeting of the Gram Sabha is presided over by the Sarpanch of the Gram Panchayat concerned and, in his absence, by the Up-Sarpanch.

In Andhra Pradesh, the Sarpanch of the Gram Panchayat is to be the President of the Gram Sabha and only in his absence can the traditional village leader of the habitation preside. This is completely contrary to the PESA that preserves traditional methods of leadership.

Consultation on Acquisition of Land, Resettlement and Rehabilitation

Section 4(i) of the PESA states that the “Gram Sabha or the Panchayats at the appropriate level shall be consulted before making the acquisition of
land in the Scheduled Areas for development projects and before re-settling or rehabilitating persons affected by such projects in the Scheduled Areas; the actual planning and implementation of the projects in the Scheduled Areas shall be coordinated at the State level.”

In Andhra Pradesh, such process is confined only to land owning displaced persons. It also states that only Mandal Parishads would be informed of such acquisition, displacement, rehabilitation and resettlement programs. While PESA makes it mandatory for the government to follow recommendations of Gram Sabha and Gram Panchayat before granting of mining or prospective licenses and lease of exploration of minor minerals by auction, the state act instead reduces it to mere consideration of these recommendations at best and too as prescribed by the state.

In Himachal Pradesh, the rules in force vest power in the Land Acquisition Officer to ‘consider’ the recommendation of the Gram Sabha regarding the land acquisition proposal. Consultation and consent with the Gram Sabha are virtually non-existent. In Rajasthan, the recommendation of Gram Sabha shall be considered by the Government or the authority concerned. If after a second consultation, the Government or the authority concerned passes an order against the recommendations of the Gram Sabha, record the reasons for doing so in writing. This is similar to the rules in Himachal Pradesh.

Access to and ownership of Minor Forest Produce is not PESA compliant under various state rules

The FRA defines minor forest produce as including “all non-timber forest produce of plant origin including bamboo, brush wood, stumps, cane, tussar, cocoons, honey, wax, lac, tendu or kendu leaves, medicinal plants and herbs, roots, tubers and the like”. The PESA confers the ownership of minor forest produce on the Gram Sabha. However, a Planning Commission report acknowledges that “in absence of a comprehensive national/central policy/approach, contradictory legal provisions still prevail while differential state regimes create some of the biggest limitations which constrain a healthy growth of the Non Timber Forest Produce (NTFP) sector. Bamboo, for instance, is defined as a ‘minor forest produce’ in the Forest Rights Act, 2006 whereas the Indian Forest Act, 1927 treats it at par with timber. PESA, 1996 gives ownership rights to local communities over MFPs whereas the regime created under Wildlife Protection Act doesn’t.” The report goes on to say that the then Minister for Environment and Forests wrote letters to state Chief Ministers to recognize bamboo as a minor forest produce and transfer ownership of the
same to local communities, but the state Forest Departments were unwilling to accept that. Though monopoly rights of states are legally questionable they continue with this practice.

Gadchiroli, Maharashtra is seen an example of how control over bamboo was vested from the Forest Department and rightly handed over to the Gram Sabha. However, in Andhra Pradesh a state-owned agency, Girijan Cooperative Corporation (GCC), has obstructed tribals from taking away their non-timber forest produce (hill brooms) from the Scheduled Areas of East Godavari district. In response, the community submitted a memorandum to the concerned officials under the FRA. The Andhra Pradesh Rules on ownership and mode of disposal of minor forest produce states that it “shall vest with the individual members of Gram Sabha subject to monopoly rights of GCC … for procurement of MFP, except Bamboo and Beedi leaf. In respect of Bamboo and Beedi leaf, management, harvesting and disposal shall be done by the Forest Department…(which) shall pass on the net revenue from such disposal of the Bamboo and Beedi leaf harvesting from the area allotted to the Gram Sabha, to the respective Gram Sabha.” While tribal communities may find support for marketing and investment of proceeds of sales helpful, the erosion of their autonomy is against the purpose for which PESA was enacted.

Gram Sabha consent is frequently overridden and forest land is illegally diverted, as the examples below will indicate:

Example 1: Essel and Mining Company Ltd case in Keonjhar district, Orissa

It appears that no recognition of rights under the FRA is taking place in the mineral rich mining areas of districts like Keonjhar (under Schedule V). Instead, the administration has been facilitating illegal diversion of forest land to mining companies by engineering fraudulent Gram Sabhas of the concerned villages. In a case concerning diversion of forest land for Essel and Mining Company Ltd., an MLA from Jharsuguda, Naba Kishore Das, wrote a complaint to the Union Tribal Affairs Secretary, MoTA. The Union Secretary called for records pertaining to the alleged Gram Sabha approval of the forest land diversion. During his visit to the area, the Secretary examined Gram Sabha records and found that Gram Sabhas were held in Jalahari, Bholbeda, Jajanga Jurudi, Banspani and Khuntpani villages coming under Joda –Badbil Tahasil on 1st Nov 2013 for obtaining their consent for the diversion of 342.602 ha of forest land out of the total area of 456.1 ha for Essel Mining and Industries Ltd. It was found that in the same meeting it was decided that the villagers had no forest rights and that
they had no objection to the diversion of the concerned forest land. His observations were as follows:

“The notice which had been issued showed that a meeting had been convened to obtain approval of Gram Sabha for transfer of forest land to Essel Mining and Industries Limited. In the same meeting, forest rights were to be ascertained. The minutes of the meeting show that in the same meeting it was decided that the villagers have no forest rights. It was also decided that they had no objection to transfer of forest land to the firm. This is in complete violation of FRA. The process envisaged under FRA has to be completed before the transfer of forest land for non-forest use is considered under the Forest Conservation Act. Therefore, the transfer of forest to the firm is invalid.”

Terming the procedure in violation of the FRA as completion of the recognition of rights needs to be undertaken prior to any discussion on the diversion of forest land, the Secretary termed the approval for diversion invalid and advised the Collector to withdraw the approval.

On further investigation, the district administration has claimed that no claims were received for forest rights during Gram Sabha meetings held earlier and it is only after that that the Gram Sabhas seeking consent for forest diversion were held. The matter is under further investigation as a large number of the tribal families in the above villages have no titles for the land they are cultivating yet none of them ostensibly filed any claims for recognition of forest rights.

**Example 2: Mahan Coal block in Singrauli district, Madhya Pradesh**

The Mahan coal block was granted in-principle (Stage I) forest clearance by the MoEF on 18th October 2012, after substantial pressure from the Group of Ministers (GoM) on coal mining, after the MoEF had rejected it on environmental and ecological grounds. This approval was for the diversion of 1182.351 ha of forest land and was conditional on, among others, completion of the recognition of forest rights.

Yet, not a single community forest right has been recognized in the Singrauli district where there are a large number of forest land diversions taking place for non-forest use. Several representations written by the affected parties to the authorities on the issue of non-implementation of FRA in this region have yielded no results whatsoever.
Villagers in Amelia and Suhira were not allowed to make their CFR claims at the Gram Sabha meeting held on 15<sup>th</sup> August 2012 despite the fact that 300 people attended the meeting that day. Stage-I conditional forest clearance was granted for mining of the Mahan Coal Block in Madhya Pradesh on 30<sup>th</sup> October 2012 without detailed assessments of social and ecological impacts or obtaining Gram Sabha consent required under MoEF’s 2009 order.

Following this, the administration organized a special Gram Sabha on March 6, 2013 which was attended by only 184 persons. However, over 11000 signatures were forged onto the resolution which included the signatures of some dead people. Despite strong protests by the villagers, including letters written in their support by the Minister of Tribal Affairs to the Madhya Pradesh Governor and Chief Minister, MoEF granted final forest clearance for the Mahan coal block in February 2014.

**Example 3: Polavaram Project**

The Polavaram Project has now been given national status. The Union Cabinet has approved the setting up of the Polavaram Project Authority, where the Centre will provide funds for the project and help in getting environmental and forest clearances. The Environmental Impact Assessment (EIA) of the project says 276 villages will be affected; an estimated 177,275 people live in these villages. The Polavaram Project Environmental Impact Appraisal Report of 1985 expected 150,697 people to be displaced in 226 villages. But the population of these villages according to the Census 2001 is much higher—236,834. State officials find it hard to explain the difference of 59,559 while estimating the number of people who will be displaced. According to a report by the Central Empowered Committee the table below illustrates the number of affected families.

**Table 9.5: Number of settlements and people affected by Polavaram Project**

<table>
<thead>
<tr>
<th>State</th>
<th>No. of settlements</th>
<th>No. of project affected families</th>
<th>No. of population affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>276</td>
<td>44,57</td>
<td>1,77,275</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>4</td>
<td>2,335</td>
<td>11,766</td>
</tr>
</tbody>
</table>
The report also says that “out of the above, 14.94 percent are Scheduled Castes, 48.67 percent Scheduled Tribes, 17.45 percent backward classes and the balance 18.94 percent, fall in other categories.” However, this report is dated 2006. The figures have not been updated since then. This is contrary to the Draft National Tribal Policy that states,

“There shall be a threshold of displacement viz. the maximum number of persons that can be displaced in one project. Projects involving displacement of more than a fixed number, say 50000, would not be considered, if the majority are Scheduled Tribes, or would be subjected to more stringent appraisal norms.”

However, the project has acquired greater complexity in light of the Andhra Pradesh Reorganization Bill, approved by the Union Government, whereby the villages to be submerged are now located in Seemandhra, originally in the Telangana region. The bill as passed by the Lok Sabha States that:

“90. (1) The Polavaram Irrigation Project is hereby declared to be a national project.

It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of the Polavaram Irrigation Project for the purposes of irrigation

The consent for Polavaram Irrigation Project shall be deemed to have been given by the successor State of Telangana.

The Central Government shall execute the project and obtain all requisite clearances including environmental, forests, and rehabilitation and resettlement norms.”

Though, the clearance of the project is subject to the settlement of claims under the Forest Rights Act, a number of people have had their claims rejected. The reason was that their villages were going to be submerged anyway. A fact finding team comprising Dr. B.D. Sharma, Former National Commissioner for Scheduled Castes and Tribes, Dr. Jayashankar, former Vice-chancellor, Kakatiya University, Dr. I. Thirumali, Reader in History, Sri Venkateswara College, University of Delhi, G N Saibaba, Lecturer in English, University of Delhi, Shirish Medhi, Social Activist from Mumbai, Dr. Gopinath, Eminent Cardiologist, Andhra Pradesh, Rona Wilson, Research Scholar, Jawaharlal Nehru University, Ajay Mishra, Reporter, Sunday Post (Hindi), Suresh Kumar, Advocate, Hyderabad, Ch. Prabhakar,
Advocate, Hyderabad and Ravichandra, Teacher, AP Government Residential Schools, toured nine mandals in the districts of Khammam, East and West Godavari districts that are to be affected by the Polavaram Dam Project between 3rd March and 6th March, 2007. They reached the following conclusions:

In Maredubaka village in Kukunoor Mandal, people passed resolutions against Polavaram dam and the Resettlement & Rehabilitation package offered by the Government. Resolutions were ignored, suppressed and manipulated. Some Mandal Praja Parishads (MPP) also have passed resolutions against the construction of the dam but time and again over the last one year the officials have not accepted or recorded the written resolutions sent by the MPPs as told by Kantepale Raju, Sarpanch of Maredubaka and also by the sarpanch of Amaravaram of Kukkunoor mandal. They also noted that in Paidipakka village in Polavaram mandal, the District Collector sat in the Gram Sabha along with armed police force. There he told the people that the government can’t pay more than 1.3 lakhs and the villagers had no other option but to leave. This is in keeping with other reports that state an absence of public hearings and faulty clearances.

Example 4: Public hearings are mandated both under the Environmental Impact Assessment Notification, 2006 as well as the PESA

In an appeal before the National Green Tribunal (NGT) challenging the Environmental Clearance (EC) granted to a Coal Mining Project by M/s Jindal Steel and Power Limited at Raigarh District of Chhattisgarh State by the Ministry of Environment and Forests, the NGT in an order dated 20th April, 2012 held that the public hearing conducted on 5.1.2008, was a “farce” and a “mockery” of the procedure required to be followed.

The Tribunal went on to say that:

“The way in which the proceedings are conducted is nauseating and no reasonable person would accept that it was conducted fairly and much less properly. This is not a case where there are a few ignorable procedural lapses in conducting the public hearing. This is a case of a mockery of public hearing, one of the essential parts of the decision making process, in the grant of Environmental Clearance. This is a classic example of violation of the rules and the principles of natural justice to its brim.”

Similarly, in Chhattisgarh, Korba district, villagers are resisting 36 coal-fired power plants that seek to acquire close to 40,000 acres. In 2010,
after a Gram Sabha hearing to discuss the land acquisition proceedings, the District Collector there reportedly recorded that there is no legal basis for the Gram Sabha's objections and the issues raised.

**Amendment to the PESA**

The proposed PESA Amendment seeks to change the existing law by providing for “prior informed consent” of the Gram Sabha to be mandatory before any land acquisition, which will bring it in tune with international developments where free prior informed consent has evolved as a precondition to the location of projects, and its consequences. The proposed amendment also mandates “prior informed consent” of the Gram Sabhas before granting of prospecting license or mining lease for minor minerals in the Scheduled Areas and before granting of concession for the exploitation of minor minerals by auction.

**Linear Projects**

On 5 February 2013, a letter was issued from the MoEF exempting linear projects from the requirement of obtaining consent from Gram Sabhas under the Forest Rights Act: ‘This ministry has received representations from various ministries to exempt projects … where linear diversion of forest land in several villages are involved, from the requirement of obtaining consent of Gram Sabha, as stipulated in this ministry’s said letter dated 3-8-2009.’

The matter has also been examined by an inter-ministerial committee. The committee, after examination of the matter had inter alia recommended that a resolution of the Gram Sabha of the area based on full and prior information of the project and a public hearing, endorsing that the project is in the interest of the people living on forest land, use of which is proposed to be diverted for non-forest purposes may not be required for the projects like construction of roads, canals, laying of pipelines/optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognized rights of Primitive Tribal Groups (PTG) and Pre-Agricultural Communities (PAC) are being affected.”

The letter says that the Minister for Tribal Affairs had agreed with this recommendation.

There were further circulars to this effect on 3rd August, 2009 and 15th January, 2014. On 7th March, 2014, the Ministry of Tribal Affairs had to issue a notice to all Chief Secretaries clarifying ‘the correct position in law’. It said:
The FRA “does not provide any exemption to any category of projects”.
“Compliance with the provisions of FRA in no way counters the provision of basic developmental initiatives, particularly in less developed Scheduled Areas. In fact, Section 3(2) of the Act expedites projects meant for forest dwellers”.
“The central role of the Gram Sabha in the developmental initiatives is not unique to the FRA 2006. It also finds mention in the PESA where consultation with Panchayats is a necessary precondition for alienation of any land in the Scheduled Areas for development projects. The Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 also requires consent of the Gram Sabha for acquisition of land in Scheduled Areas for development”.
The Supreme Court, in its 2013 decision where the tribal hamlets in Niyamgiri were asked to be consulted in their Gram Sabha, has reiterated that the proper process has to be followed for the determination of community forest resource rights and that the decision has to be taken by the Gram Sabha.

“In view of the above, compliance with FRA is a mandatory requirement before forest land can be diverted. Failure to do so would be a violation of law.”
This was issued with the approval of the Minister, Tribal Affairs and Panchayati Raj.
This instance is symptomatic of the disregard for laws that have been enacted to protect the interests of Scheduled Tribes and Other Traditional Forest Dwellers. There is no answerability when this deliberate disrespect for the law is manifest. It was pointed out to us that the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 prescribes punishment where a person, not being a member of a Scheduled Caste or Scheduled Tribe “wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water”. The serious consequences of depriving tribals of their land is recognized in the Atrocities Act, 1989, and must inform public policy. Development projects and infrastructure projects are being allowed to relegate laws made to safeguard tribal interests to irrelevance.
Any land that may have been taken over by following the letters/notices of the MoEF dated 5th February, 2013, 5th July, 2013 and 15th January, 2014 must be restored to the community.

**Land Acquisition Law of 2013, Forest Rights Act, 2006 and PESA, 1996**

The Land Acquisition Law, 2013 that replaced the Land Acquisition Act, 1894 brings the Scheduled Tribes and those covered by the Forest Rights Act within this law, and considers the possibility of involuntary displacement from land and habitat. Unlike the 1894 Act, this law expressly provides for acquisition for private companies and for projects to be executed through public-private partnership. There is an implicit erosion of the principles relating to land alienation in the Fifth Schedule areas which does not allow transfer of land from a tribal to a non-tribal. Just by way of clarification, private companies are non-tribals.

The Land Acquisition Law, 2013 has been enacted at a time when the potential of the Forest Rights Act to bring forest dwellers out of the disabilities induced by illegality is still being worked out. There are multiple hurdles that communities have been experiencing in having their rights to the forest recognized. While there has been some movement on recognition of individual rights, community rights and the rights of access are still in the initial stages of being understood and implemented. The 2013 law, however, reveals an impatience to get forest and Fifth Schedule land into the process of forcible acquisition. Although the 2013 law acknowledges that there are special provisions in relation to land in Scheduled Areas, and that the Forest Rights Act is a piece of legislation that is about recognizing rights and not about opening up the land for transactions, yet it speaks of involuntary displacement for a project. So, in Section 41 of the 2013 law, it says:

“(1) As far as possible, no acquisition of land shall be made in the Scheduled Areas. (2) Where such acquisition does take place it shall be done only as a demonstrable last resort.” The qualifying phrases leave the field wide open to interpretation and use. In clause (3) the law speaks of prior consent of the Gram Sabha or Panchayat or Autonomous District Council. Yet, this is immediately followed with provision for “projects involving land acquisition on behalf of a requiring body which involves involuntary displacement of the Scheduled Castes' or the Scheduled Tribes’ families...”
The Constitution does not treat eminent domain as a flat doctrine. It does not apply equally or in an identical manner in all territory within India. Scheduled Areas, forests, and the rights of tribal communities to land have been specifically treated distinctly from other private holdings of land. The Land Acquisition Law, 2013, in attempting to make more land available for development projects, is still poised to defy the constitutional and legal principles in relation to landholding, land ownership, land use and land alienation in tribal areas.

**Land alienation: Kerala**

In 2001, landless tribal communities in Kerala, represented by their leader Shri C.K. Janu, entered into an agreement with the Chief Minister under which all landless tribal families in the State would get land not exceeding 5 acres. Two years on, and the land allotments promised were not implemented at all. In a symbolic and strategic move, the community decided to enter the Muthanga forests and occupy the land. The decision to move to Muthanga evolved out of widespread consultative process across the state’s tribal belt- where a 60 member tribal court declared that since the agreement was being openly disregarded, the community should assert their rights by occupying the land. A month later, a part of the forest area occupied by the tribals including hutments were set on fire and property destroyed allegedly by police and government officials. The tribals ‘took captive’ about twenty state police and Forest Department officials. Statements of these officials were recorded, and thereafter, they were handed over, unharmed, to the District Collector. Meanwhile, 500 armed policemen and forest officials descended on the area, and around 300 tribals were reportedly arrested. According to the People’s Judicial Enquiry Commission headed by Justice Shamsher and Justice Shamshuddin, men and women were rounded up and taken to the police station and many were beaten ruthlessly. Though the government record states that there were two deaths, a tribal and the other a policeman- many unofficial accounts point to a higher number of deaths.

The intensity of conflict this demonstrates can be explained in the context of a long history of marginalization, perpetual landlessness, laws that have bypassed constitutional obligations, and High Court orders that have been consistently ignored by the Government. In Kerala, more than 30 per cent tribal households are landless and the highest proportions are from Wayanad and Palakkad districts. Given the large influx of non-tribals, large tracts of arable land have been encroached upon.
The sub-committee constituted by the Kerala state assembly in 1976 conducted a study on land alienation in the Wayanad district. The study examined 298 cases and it was found that 71 were grabbed by force, 67 were grabbed for miniscule sums, while the rest for a very small amount.

In 1975, the State government passed the Kerala Scheduled Tribes Act (Restriction on Transfer of Lands and Restoration of Alienated Lands), later incorporated into the Ninth Schedule. The Act renders all transactions of adivasi lands between 1960 and 1982 invalid and restores land to the original owners. The Act also restricts transfer of adivasi lands to non-adivasis from 1982, without the prior consent of the authorities.

The 1986 Rules finally operationalized the Act, but even so there were no steps taken towards their implementation. Of the 8754 claims, filed by adivasis for about 9910 hectares till 1991, only about 545 hectares were restored. Acting on a petition filed in 1988, in October 1993, the High Court passed an order directing the government to “dispose of the applications pending before them within six months”.

Faced with pressure from the High Court, an amendment the ‘Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Amendment Bill, was passed in 1996 to avoid contempt of court proceedings. The President of India, however, rejected this amendment which substituted restoration of original lands with providing ‘alternate lands’ up to 5 acres only. Finally, in 1999, the state government replaced the 1975 legislation with the Kerala Restriction on Transfer and Restoration of Lands to Scheduled Tribes Act, 1999. The Act provided that only land in excess of two hectares would be restored, and in all other cases alternate land would be given to the extent of two hectares. The number of applicants claiming more than two hectares was negligible, so in practical terms, the stated intent of the law to provide for ‘restoration’ of land was rendered meaningless.

It is pertinent to note that neither the 1975 Act nor its successor, the 1999 Act, were able to address the issues of lack of documentary proof to establish past land ownerships.

The intention behind the 1975 Act was entirely negated, first, through systematic refusal to implement and then through the enactment of the 1999 Act, which renders that intention meaningless. Judicial response has been weak and unable to curb inaction and evasion by the State. Finally the brutal repression of the occupation of the Muthanya forests by tribals has
only spurred a spate of such occupations- a demonstration of anger and loss of faith in the state machinery.

**Memoranda of Understanding (MoUs)**

In recent years, state governments and corporations have been entering MoUs which impose a responsibility on the state to facilitate various aspects of their projects. The proliferation of such MoUs is noticeable. For instance, Chhattisgarh has reportedly entered into 121 MoUs for industries relating to coal, sponge iron, railways, and electricity. Jharkhand has also signed 74 MoUs for Mega Investment, indicating a total investment of Rs 2,93,360.33 crores in Project Cost. As on 2011, there are another 25 MoUs Jharkhand has signed with a total investment cost of Rs 78,871.83 Cr and reportedly providing employment to 1,20,320 persons.

Many of these MoUs pertain to Fifth Schedule Areas. These are some common clauses found in these MoUs:

“*The Government agrees to acquire, the required land……and hand over the required land free from all encumbrances to SEL through Orissa Industrial Development Corporation (IDCO) for the project and allied facilities.”*

*Source: MOU between Sterlite Energy(P) Ltd. And the Govt. of Orissa dated 29th Sept. 2006*

“*Government agree to assist BEL in obtaining all clearance/permits/approvals from the Central Government, State Government departments or agencies, Regulatory Commissions and Local Bodies(Municipal, Panchayat, etc.)”*

*Source: MOU between Bhusan Energy(P) Ltd. And the Govt. of Orissa dated 29th Sept. 2006*

“(a) The Govt. of Jharkhand agrees to forward proposal of M/s Essar Steel Jharkhand Ltd.(ESJL) in obtaining NOC through the State Pollution Control Board for the construction of Plant, the housing colony, mines, pipelines etc.

Government. of Jharkhand agrees to forward proposal of M/s Essar Steel Jharkhand Ltd. In obtaining necessary clearances from the Central Government M/s Essar Steel Jharkhand Ltd. Will arrange to conduct a Rapid Environment Impact Assessment (EIA) an detailed EIA and prepare an Environment management Plan(EMP) for the project. The Govt. of Jharkhand agrees to extend any assistance in the shape of providing
data/information available with it during the time when the EIA is conducted and EMP is prepared.”

Source: MOU between Essar Steel Jharkhand Ltd. and the Government of Jharkhand dated 6th July 2007

These MoUs, it has been pointed out to us, change the relationship between the state and the corporation, and the state and project affected people. For instance, in Fifth Schedule Areas, it is the legal and constitutional obligation of the state to ensure that tribal land alienation does not occur, causing detriment to the interests of the tribals. The Samatha judgment of the Supreme Court was a reflection of this understanding. The court in that case held, “the State Government….stands prohibited to transfer by way of lease or any other form known to law, the Government land in Scheduled Area to non-tribal person, be it natural or juristic person except to its instrumentality or a Co-operative Society composed solely of tribes”. Yet, MoUs such as those described here, or the one that the Orissa Mining Corporation entered into with Vedanta, conveniently makes the transfer of land in Scheduled Areas into a contractual arrangement, in a complete breakdown of constitutional principles safeguarding tribal interests.

In 2005, when the Government of Orissa entered into a MoU with POSCO, which is now a contentious project and where local people including tribals have been protesting land acquisition for the project, it included a clause that read:

“(i) The Government of Orissa agrees to facilitate and use its best efforts to enable the Company to obtain a “No Objection Certificate” (NOC) through the State Pollution Control Board in the minimum possible time for the development and operation of the Project.

The Company will conduct a rapid Environment Impact Assessment (“EIA”) and prepare a detailed EIA Report and an Environment Management Plan (“EMP”) for the Project. The Government of Orissa agrees to provide any assistance requested by the Company during the time the EIA is conducted and the EMP is prepared.

The Government of Orissa agrees to use its best efforts to procure the grant of all environmental approvals and forest clearances from the Central Government within the minimum possible time for the Project.”
Again, environmental laws have been made to protect both the environment and those depending on it. The onus that the state casts on itself through such MoUs results in a dilution of procedures such as EIA. This amounts to a clear overriding of statutory provisions.

These MoUs have been criticized for prioritizing the interests of the corporations over those of the tribals and local populations. The state is expected to protect the tribal from losing land through land alienation, preserve the environment and protect the forest. Even if the state’s prerogative is ‘rapid industrialization’, the responsibilities it sets for itself through the MoUs would dilute the law, and this is a disturbing trend that has spread across states. For example, the MoU between the Government of Orissa and POSCO (2005) includes these clauses:

“A dedicated High Powered Committee shall be constituted jointly by the Government of Orissa and the Company to ensure that the Project proceeds as per the planned schedule. The High Powered Committee shall include as permanent members, senior officers of the departments of Steel and Mines, Industries, Energy, Water Resources, Works, Commerce and Transport, Environment and Forests and representatives from the Company. The Government of Orissa shall arrange for representatives of other departments to be present for each meeting as required.”

“Immediately following the execution of this MoU, the Government of Orissa shall second (at its own cost) to the Company’s Project office in Bhubaneswar, an Officer of the appropriate level to be dedicated to the facilitation of the Project”

Source: MOU between Govt. of Odisha and M/s POSCO dated 22nd June, 2005

The altered understanding of the role that government officials are claiming for themselves, namely getting projects started, is setting at naught, the responsibilities that they owe the tribals, and subverts the law. There is a further clause that is found in recent MoUs, to which our attention was drawn. It reads:

“The Government and its concerned departments or agencies will facilitate and assist JSPL during various stages of the project as also of the captive coal mine, in a smooth and unhampered manner by maintaining the law and order in the Project area and its vicinity.”

Source: Copy of the MOU between Jindal Steel and Power Ltd. and the Government of Orissa dated 7th February, 2009
“The Government of Orissa will take action to provide overall security as per applicable law, as may be required to all parts of the Project during the operation phase. All necessary steps in this regard including setting up of police stations, if required, would be taken by Government of Orissa.”

Source: Copy of the MOU between POSCO and the Government of Orissa dated 22nd June, 2005

The development paradigm adopted by states has raised questions from many quarters, and is manifest as protest, resistance, dharnas and court challenges. It is frequently seen that protestors are subjected to the heavy hand of the law, and find themselves arrested, charged with a variety of offences including even stringent provisions of the law such as sedition. There have been many occurrences of crackdown on displaced people, people from whom land has been taken for the project and on those protesting the location of a project. These have been documented in a variety of ways including video recordings, fact-finding reports, and in national dailies and magazines. There is little to indicate that the concerns of the local people which is expressed in the protests and movements of resistance is being addressed. (see later section). This has had the effect of criminalizing protest.

It appears that some MoUs have begun to take shape between the state and civil society organizations. Its purpose is significantly different from that seen in MoUs of the state with corporations. Where the latter sought to ensure that the law would not be a hurdle to the progress of their project, the former was to work for the implementation of the law. The draft MoU that the committee saw was a memorandum to ensure that the Forests Rights Act is properly implemented.

**Cabinet Committee on Investment (CCI)**

The Cabinet Committee on Investments was an institutional apparatus set up to aid the government in pushing ahead with its agenda of growth and project development, especially of large projects. The logic, and functioning, of the CCI shows an impatience with what the law says, with Gram Sabha autonomy, and with the FRA.

The CCI was constituted in 2013 specifically to expedite clearances of projects worth Rs. 1000 crores or more. The CCI raison d’etre was the expeditious clearance to be given to projects and to remove impediments that the CCI saw as delaying projects. Disturbingly but not unexpectedly, land acquisition, FRA implementation, environmental clearances and Gram Sabha consent were in focus. Decisions made by the CCI allow the
FRA to be bypassed. The status report of the CCI dated 22.3.2013 stated that since obtaining Gram Sabha consent for each linear projects is time consuming, the MoEF issued an OM stating that this is not necessary anymore. Further, the notification also says that “for one time capacity expansion of 25 percent or less, coal mining projects have now been exempted from public hearing provided that public hearing had taken place at the time of obtaining the existing EC and the mining is confined to the existing lease area. This would help boost production of coal which is in short supply in the country.” This limit has now increased to 50 percent, as per a MoEF OM, 2014 also exempt from public hearing. The CCI has iterated that this is a good policy decision to avoid delays in projects.

This is a blatant instance of the flouting of laws, relating to Scheduled Tribes, OTFD, forests and the environment. This is a case of expediency, as defined by the executive government – over principle, law and the lives of tribal communities. This deliberate subversion of the law is possible, because there are no consequences for such breaches of law. It is necessary both to review the decisions that have been made by the CCI to undo the illegalities, which have resulted from its functioning; and to provide for penalties in the law, for such defiance of the law.

**Niyamgiri**

The FRA recognizes individual, community, traditional and cultural rights of Scheduled Tribes and other Traditional Forest Dwellers. This is a definite shift away from the Indian Forest Act, 1927 and its preceding laws which kept forest dwelling and forest dependent communities on the margins of legality. In 2006, when the FRA was enacted, the preamble to the Act acknowledged this when it said that this was “an Act to recognize and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other Traditional Forest Dwellers who have been residing in such forests for generations but whose rights could not be recorded…”

The forest laws that culminated in the Forest Act of 1927 vested control over the forests in the colonial state to assist it in its expansionist enterprise. It was with the Forest Conservation Act, 1980 that the extent to which forests were being lost to industrial and mining projects became a concern that had to be addressed urgently. Yet, the FCA 1980 only shifted the decision making from the states to the centre, even as ‘Environment and Forests’ was moved from the state to the Concurrent legislative list in the Seventh Schedule to the Constitution. While this may have provided pause
in the decisions made to divert forests to non-forest uses, the model of development adopted, and the priorities of different governments, has made relentless demands that conservation and protection agenda be put aside and the interests of foreign direct investment, growth rate and corporate involvement in the economy be given priority. As the state has begun to enter into MoUs and agreements with corporations with promises of land, water, clearances and law and order, the concerns of local populations have been relegated to the periphery. This has also been a time when, even as laws are made to protect tribals, forest dwellers, the environment including forests, the law has been ignored and sidestepped.

It is in this context that the processes of decision-making in tribal areas have not been adhered to in many instances. The Supreme Court’s decision in the Lafarge case\(^2\) is revealing about how procedures could get subverted in the process of grant of permission for diversion of forest land for non-forest purposes in places inhabited by tribal communities. Lafarge was about quarrying for limestone in Meghalaya, and the forest clearance had been sought on the basis of a report that said that there were no forests in the area. This was later demonstrated that it is not an accurate statement of fact. Although there were around 1800 tribals in the affected area, in the first instance, it was recorded that 31 tribals had been consulted and, at a later date when the matter was in court, the views of 200 of them were said to have been heard. The spectrum of agencies had worked in ways that revealed severe weaknesses in regulation.

Similarly, the government is also faced with a \textit{fait accompli} kind of situation, which in the ultimate analysis leads to grant of ex facto clearance.” This is a severe indictment of how processes are violated and the purpose of the law overturned.

The Niyamgiri experience is iconic, demonstrating a clear break from before the time that the FRA was enacted. Niyamgiri hills is inhabited by the Dongria Khond, a Particularly Vulnerable Tribal Group. Vedanta Aluminium Ltd. approached the Supreme Court asking that the company be allowed to mine bauxite in the Niyamgiri hills to feed their aluminium plant located at the foothills. The Dongria Khonds opposed the mining, After two rounds of consideration by the Supreme Court, a hearing before the National Environment Appellate Authority, and two reports on the effect the project may have on the Dongria Khonds, the Supreme Court directed, on 18th April, 2013, that the Gram Sabha needed to consider the rights that were being affected by the proposed mining. Excerpts:
“Many of the Scheduled Tribes and other Traditional Forest Dwellers are totally unaware of their rights. They also experience lot of difficulties in obtaining effective access to justice, because of their distinct culture and limited contact with mainstream society. Many a times, they do not have the financial resources to engage in any legal actions against development projects undertaken in their abode or the forest in which they stay. They have a vital role to play in the environmental management and development because of their knowledge and traditional practices. State has got a duty to recognize and duly support their identity, culture and interest so that they can effectively participate in achieving sustainable development.

Religious freedom guaranteed to Scheduled Tribes and the OTFDs under Articles 25 and 26 of the Constitution is intended to be a guide to a community of life and social demands. The above mentioned Articles guarantee them the right to practice and propagate not only matters of faith or belief, but all those rituals and observations which are regarded as integral part of their religion. Their right to worship the deity Niyam-Raja has, therefore, to be protected and preserved.

We are, therefore, of the view that the question whether Scheduled Tribes and OTFDs, like Dongria Khond, Kutia Konds and others, have got any religious rights, i.e. rights of worship over the Niyamgiri hills, known as Nimagiri, near Hundaljali, which is the hill top known as Niamraja, have to be considered by the Gram Sabha. The Gram Sabha can also examine whether the proposed mining area Niyama Danger, ten km away from the peak, would in any way affect the abode of Niyam-Raja. Needless to say, if the BMP, in any way, affects their religious rights, especially their right to worship their deity, known as Niyam Raja, in the hills top of the Niyamgiri range of hills, that right has to be preserved and protected. We find that this aspect of the matter has not been placed before the Gram Sabha for their active consideration, but only the individual claims and community claims received from Rayagada and Kalahandi districts, most of which the Gram Sabha has dealt with and settled.

The Gram Sabha is also free to consider all the community, individual as well as cultural and religious claims, over and above the claims which have already been received from Rayagada and Kalahandi districts. Any such fresh claims should be filed before the Gram Sabha within six weeks from the date of this judgment. State Government as well as the Ministry
of Tribal Affairs, Government of India, would assist the Gram Sabha for settling of individual as well as community claims.”

The ‘Palli Sabhas’ were held in Niyamgiri between 18th July and 19th August, 2013 in twelve hamlets in Rayagada and Kalahandi districts, which the state government considered were likely to be affected by the mining. The proposed mining was unequivocally rejected by all twelve Palli Sabhas.

**Salwa Judum**

Salwa Judum, translated variously as peace march, people’s resistance movement or as purification hunt, was a government initiative in Bastar region. It was set up in 2005, to counter the naxalites presence in the area. Its mainstay was the SPOs (Special Police Officers) who were local tribal youth, some as young as 16 years, who were recruited, paid a stipend, armed and handed the task of fighting the naxalites. What resulted was a civil strife which displaced whole villages, rapes, excesses of power, murders and the burning of houses. The SPOs were projected as an essential part of the security apparatus of the state and they would act as guides, spotters and translators, and work as a source of intelligence, and firearms were provided to them, for their self-defense. The civil strife that ensued resulted in the emptying out of villages, forced migration in many cases into neighbouring states, and the abandoning of their agricultural land, their livestock and other means of production and livelihood.

A report of the Planning Commission said:

“This involuntary displacement and migration has caused further distress among the tribals.....Through this process of forced migration, large mineral areas got vacated, where the mining corporate lessees are starting operation. Often the displaced people/villagers/tribals look on hopelessly and sometimes they seek support of the naxalite groups. Such situations create space for naxalite interventions.”

Over the years, SPOs have turned into an institutionalised category, with greater numbers of unemployed tribal youth signing up as SPOs.

In a writ petition challenging the constitutionality of the Salwa Judum and the situation of human rights violations, it was perpetrating in Chhattisgarh in July, 2011, the court condemned the state of Chhattisgarh for allowing such atrocities to continue and raised concerns about the manner of recruitment, the qualifications and training of the SPOs. The judgment
unequivocally condemned the use of local untrained youth as SPOs, arming them and giving them the task of becoming part of the security establishment with no preparedness to perform the task.

Two important developments arose subsequent to the Salwa Judum judgment. One, a clarification was issued by the Supreme Court stating that: “Under the July 5 judgment we have asked the Union of India to cease and desist from using any funds directly or indirectly for SPOs. The order as passed was in the context of Chhattisgarh and (the) Solicitor-General….has observed that it should be confined to Chhattisgarh, otherwise it will create a great deal of law and order problem in other States.” This order was issued pursuant to concerns expressed by the Central Government that if the July 5th 2011 order was fully implemented, the government would have severe difficulties in undertaking anti-insurgency operations in the Northeast, Jammu and Kashmir, Andhra Pradesh, Orissa, Bihar and other parts of the country. This modification is likely to have consequences for other parts of the country which would include the tribal dominated areas in the country that are victims of Maoist and state excesses.

Secondly, two months after the July 5th 2011 judgment, the Chhattisgarh Assembly passed the Chhattisgarh Auxiliary Armed Police Force Act, 2011 (the Act) authorising an “auxiliary armed force to assist security forces in prevention and control and combating maoist/naxal violence.” The object of the Act is to “establish a trained armed force of persons having knowledge of local area and topography and local language/dialect” since inaccessible tribal areas in Chhattisgarh are affected by Naxal violence. S. 11 of the Act regularises existing SPOs and inducts them into the auxiliary armed force. S.14 grants them impunity in respect of any act committed by them under the Act. This is despite the Supreme Court ordering that, “The State of Chhattisgarh immediately cease and desist from using SPOs in any manner or form in any activities, directly or indirectly, aimed at controlling, countering, mitigating or otherwise eliminating Maoist/Naxalite activities in the State of Chhattisgarh”.

Though the court has expressed shock, dismay and anger over the Chhattisgarh Government’s abuse of power, the Act explicitly defies the court order, continuing its earlier violent policies to combat extremism, the very same that the court declared constitutionally impermissible and abhorrent. Unless there is a conscious commitment by the state to move away from this skewed notion of protecting its citizenry, the vicious circle of violence and counter violence will continue.
Criminal Law

An extremely disturbing feature that we witnessed in Scheduled Areas, where projects are being located, is the filing of cases against local people and their supporters. Land acquisition, displacement and the commencement of project work without settling issues that arise in the context of the project have given rise to various forms of protest and resistance. Local people complained that when they raised their voices against a project proposal that was brought to them, they invariably found themselves charged with criminal cases. Many of them spoke of attending Court in relation to cases filed against them. They were not always aware of what they were charged with, but they appeared to have an understanding of what they had done which had provoked the administration to bring the law down on them. For instance, in a village in Orissa, a woman and her husband were having to attend Court because they had led a resistance against the diversion of land for building a jail and a courthouse in their village. In project areas, persons opposing land acquisition or the location of projects in that area find themselves charged with multiple offences.

It appears to have become commonplace to file cases against those participating in these protests. The large numbers of FIRs include charges under Section 147, 148, 149, 120B, 307, 506 of the Indian Penal Code and Sections 25 and 26 of the Arms Act and under Goonda Act in states, as well as the Chhattisgarh Special Public Security Act. Often, arrests occur and, it is not unusual to see further charges being added on in relation to persons already charged. Persons charged with these offences are brought within the entrails of the criminal justice system.

In Chhattisgarh, for instance, it was found that a large number of tribals have been languishing in jails for long years without their trial concluding. When the under-trial women in Jagdalpur jail were asked to explain with what offences they had been charged, the answer almost invariably was ‘naxal offence’. There is of course, no such offence defined in law. Here too, after the first FIR lodged against them, there would be further FIRs filed over a period of time implicating them in various episodes of violence. Persons charged with naxal offences find it extremely difficult to get bail, and so end up spending long years in jail. Trials do not conclude in many cases because official witnesses were absent. This may happen because a member of paramilitary force cited as a prosecution witness had been repatriated with his unit and was no longer in the state. The committee also
met with criminal lawyers in Dantewada courts. They assessed that over 95 percent of the cases were baseless and it was no surprise that the acquittal rate in cases where trials ended, resulted in acquittal. In reply to an RTI application, the court registers for all cases disposed of between 2005 and 2012 revealed that average rate of acquittal over these years was 95.7 percent.

The problem posed by this application of criminal law has, in fact, been recognized by the State Government which, in May 2012 set up a committee chaired by Ms. Nirmala Buch to review the delay in prosecution of under trials in Chhattisgarh jails. It has applied itself to the question of expediting bail applications. The committee has recommended grant of bail, in most cases on the ground of poverty of the person and in some others on the ground of ill-health.

The situation in various places of conflict between local communities and the state and project authorities is grim. It is important to urgently establish a judicial commission that will go into the cases pending against tribals and their supporters where either they are charged with the expression of their concerns about projects and project implementation, or where the tag of naxal offences is sending people into prisons and courts. It is a significant fact that tribals are getting caught in the conflict between the state and the naxals. While the state may consider deploying various devices to deal with the issue of naxalism, it should not lead to a situation of oppression of the tribals.

There are, indeed, occasions when villagers are called upon by the naxalites to attend meetings, and that they are often not in a position to exercise a choice on whether or not to go. Merely attending these meetings, they said, is being treated as support for naxalism. Where is the state to protect us if we were in fact to refuse, they asked. The notion that tribals are either with the state or with the naxalites has to be abandoned for a wider and more real assessment of the situation.

Naxal attacks that have left large numbers dead has placed an enormous burden on the state to address both the causes of the violence and the violence itself, without adversely impacting local communities. The attacks which took place on 25th May, 2013 in which 18 Congress leaders and workers died in Bastar when they were returning from Sukma after an election rally, and on 6th April, 2010, killing seventy four members of the CRPF and two policemen from Chhattisgarh, has understandably shaken the establishment.

The occurrence of encounter killings where state forces have shot and killed villagers has also raised the pitch of the conflict and left a gulf
between the state and local communities. The Edasmeta killings in Bijapur
district where eight villagers including three children were shot dead on
17th May, 2013 was explained by the CRPF as having being caused by the
return of fire in an encounter with naxals. The villagers, however, have
been vehemently denying that such an encounter took place. In Sarkeguda,
seventeen people were shot dead by the CRPF on the night of 29th June,
2012. This was, again, attempted to be explained as based on intelligence
received on the presence of naxal leaders and a major naxal movement in
the area. Seventeen villagers, including seven minors, were declared dead.
A judicial commission is looking into this encounter.

In Orissa there are cases questioning the killing of persons in what were
termed encounters. Encounter killings do not have the sanction of the law
beyond the exercise of the right of self-defense. 'Encounters' as a way of
dealing with the naxal issue needs to be done away with, and lawful ways
found to deal with it. Where encounters do occur, an FIR must be registered
and the incident investigated to make sure that it was a legitimate use of
force. This is the minimum that needs to be done in these circumstances.

Leadership emerging from tribal communities and public defenders
working for the tribal interest also have cases registered against them:
illustratively, Dayamani Barla, Lado Sikakaand, Ramesh Aggarwal.
Dayamani Barla has been at the forefront of land struggle in Jharkhand.
Since 2006, when she spearheaded a protest against Arcelor Mittal’s
proposed steel plant on 11,000 acres of land in Gumla and Khunti where
the Chotanagpur Tenancy Act prohibits the sale of tribal land to non-tribals,
she has been charged in connection with other protests in the region: for
having led a march demanding that villagers be given MGNREGS job
cards or given unemployment allowance in villages in Angada block in
Ranchi district, for “leading a group of over 100-150 farmers, who entered
the plot where NUSRL and IIM had already constructed boundary walls
and cultivated the land” in a place 25 kms from Ranchi where land had
been taken over for a Law University and an Indian Institute of
Management. Lado Sikakawas picked up by the police on 9th August, 2010
and released three days later following an outcry. The police said they had
picked him up because they thought he may be a Maoist and let him off
when they found he was not. Lado Sikaka is a Dongria Khond tribal who
has been leading the resistance against Vedanta’s plans to mine in
Niyamgiri.

Dayamani Barla has been awarded Cultural Survival’s Ellen L. Lutz
Indigenous Rights Award. Ramesh Aggarwal, who was shot at by gunmen,
disabling him, soon after he had led from the front in the closing down of
a coal mine in Raigarh was recently awarded the Goldman Environmental
Prize (commonly known as the ‘Green Nobel’). This seems to indicate the
existence of two divergent world views in the understanding of offence and protection.

In another case, Prof. Nandini Sundar was accused of links with the Maoists. Prof Nandini Sundar was a lead petitioner in the case in the Supreme Court that challenged the Salwa Judum policy, and is held in high esteem in the region for having brought Salwa Judum to a close. Social activists like Himanshu Kumar (who used to run the Vanvashi Chetna Ashram NGO in Dantewada, before it was demolished by police), Swami Agnivesh and writer Arundhati Roy have also been “branded” as having links with Maoists. The Supreme Court has, in *Nandini Sundar v. State of Chhattisgarh*, commented on this practice of the State:

“We must state that we were aghast at the blindness to constitutional limitations of the State of Chhattisgarh, and some of its advocates, in claiming that anyone who questions the conditions of inhumanity that are rampant in many parts of that state ought to necessarily be treated as Maoists, or their sympathizers, and yet in the same breath also claim that it needs the constitutional sanction under our Constitution, to perpetrate its policies of ruthless violence against the people of Chhattisgarh to establish a Constitutional order.”

**Soni Sori Case**

Soni Sori was picked up from a marketplace in Dantewada district, Chhattisgarh on 4th October, 2011. She, along with Lingaram Kodopi, was accused of acting as a conduit between the naxalites and Essar for payment of money from Essar. D.V.C.S Verma, the Essar general manager and B.K. Lala, the company’s chief contractor, were also arrested in connection with this charge in September, 2011. Two others, accused of being naxal commanders, have been absconding. The Dantewada district court granted bail to D.V.C.S. Verma in January, 2012, and to B.K. Lala in February, 2012. More than two years later, in an appeal against an order of the Chhattisgarh High Court, on 7th February, 2014, the Supreme Court directed that Soni Sori and Lingaram Kodopi be released on bail.

Soni Sori complained of severe torture and of being sexually assaulted when she was held in police custody. On 19th October, 2011, the Supreme Court directed that Soni Sori be examined by doctors in a Kolkata hospital in connection with the injuries she sustained in police custody. The medical report from the hospital found two stones in her private parts and rectum, confirming her complaint of rape.
In a series of letters addressed to the Supreme Court, Soni Sori had charged Ankit Garg, Superintendent of Police of Dantewada police station, of verbally abusing her and directing police personnel to strip her naked and administer electric shocks. Ankit Garg was given the Presidents Gallantry Award soon after.

There are serious questions about each of these issues: Soni Sori’s father was shot in his leg by the naxalites: why would anyone say that Soni would support the naxalites, he asked, when the committee met him. Why was no FIR filed and investigation done either, when Soni Sori complained of torture, or when the Kolkata hospital found evidence of the torture, including sexual torture? Why was Ankit Garg given the Gallantry Award, when there were serious charges that had been made against him which had not yet been investigated. The DGP (Home Guards) reportedly said, in explanation: “The Police Medal for Gallantry is for a specific instance… it is not like the award for Meritorious Service … Ankit Garg led one of the teams in the Mahasamund [encounter].”

**Narayanpatna**

Narayanpatna block, Koraput district in Odisha has been the site of a powerful movement on issues of bonded labour, a dominant liquor mafia and land grabbing by non-tribals. Nachika Linga, the leader of the tribal collective Chausi Mulia Adivasi Sangh (CMAS) was liberated from bonded labour after five generations of his family had suffered under its yoke. The CMAS was also at the forefront of resistance to mining operations for bauxite in the Mali Parbat and Deomali areas. Despite the non-violent nature of their activities, government and police forces have branded them as Maoists and launched brutal operations against them with this justification.

In the last few years, Narayanpatna has become a heavily militarized zone, with three BSF camps in the block and several allegations against central security forces for brutal attacks and repression of dissent. On 20th November, 2009, when hundreds of CMAS activists protested the acts of the security forces outside the Narayanpatna police station, police opened fire killed two leading figures of the movement, and arrested and jailed several others. We were told that many had died in prison due to lack of proper medical facilities. Widows of this incident had approached the Odisha High Court for justice where the court directed payment of compensation.
According to a press statement in 2010, the number of persons taken into judicial custody from Narayanapatna block in Koraput district touched 104, including tribal children. There are around 15 children below the age of 14 confined in Koraput District Jail. The children do not know the language (Odia) which the jail authorities speak and are unaware about why they are in jail.

In a press statement, several Panchayat functionaries of the block alleged that the State government was not allowing them to function and was unleashing a “reign of terror” in the area.

Narayanapatna seems caught in the crossfire between state agencies and Maoist groups. On the one hand, many in the CMAS movements have been labeled as Maoists and persecuted on that basis. Simultaneously, there have been several attacks by Maoists on leaders of movements in the area as well as those accused of being “informants” to the State. In 2010, there was an IED blast that killed four civilian lives and another on 11th January 2011 that injured three government officials. Militarization has also made it difficult for outsiders, including journalists and others, to go to the area. This has led to the isolation of Narayanapatna and left its residents neglected and beleaguered after years of conflict.

**Andaman and Nicobar Islands**

In May 2002, the Supreme Court ordered a closure of the Andaman Trunk Road where it runs alongside or through the forests of the Jarawa reserve. This order has not been implemented so far. The administration had instead, in December 2004 produced a ‘Policy on Jarawa tribe of Andaman Islands’ which spoke of ‘regulation of traffic on Andaman Trunk Road’ (ATR) and not of its closure. The consequences have been severe. It is now widely reported that the ATR spawned a variety of tourism that makes a spectacle of Jarawa tribals. In 2012, a *Guardian* report about tourists escorted by a policeman through the ATR captured on camera naked Jarawa women dancing for them, at the behest of the policeman. A video clip accompanied the news report. The report, which is corroborated by activists working in the Andamans, speaks of convoys of buses and cars, which travel the ATR seeking this ‘safari’ as a tourist attraction. In January, 2013, the Supreme Court ordered that all commercial and tourism activities within five km radius of the Jarawa Tribal Reserve be banned. A newspaper reports; “Except 30 villages notified in the schedule, the notification declares a buffer zone of an area up to a five-km radius, adjacent and contiguous to the Jarawa Tribal Reserve Area, starting from the Constance Bay in South Andaman to Lewis Inlet Bay in Middle Andaman. No person
shall operate any commercial or tourist establishment directly or indirectly in the buffer zone. Furthermore, no one shall carry out any activity, which may be prejudicial to the safety, security and interests of the Jarawas in any of the settlement villages.” The Supreme Court directed further that only government officials, persons residing in the reserve and vehicles carrying essential commodities for the Jarawas would be allowed on the ATR.

The Calcutta High Court has adopted a different approach which was contrary to the orders of the Supreme Court, and which now stands overruled. In the case in the Calcutta High Court, a former director of the Anthropological Survey of India argued; “ATR is like a public thoroughfare through a private courtyard… In the whole of human history, we find that the dominant group for their own advantage has always won over the minorities, not always paying attention to the issue of ethics. Closure of the ATR would perhaps be the first gesture of goodwill on part of the dominant towards an acutely marginalized group, almost on the verge of extinction”.

The situation has progressively deteriorated. In January, 2014, there was apprehension of incidence of sexual exploitation of Jarawas. Eight Jarawa women were abducted on January 15, allegedly by local poachers who, as alleged, lure the Jarawa girls with food and drink and exploit them sexually’. This episode has drawn a member of the tribe to contact the outside world to protest about the sexual abuse of young women by outsiders.

There is now discussion about integration of Jarawas with the outside world. Such integration should not be forced on them and it must be only when the Jarawas are ready to make the ecological shift. Until then, a policy of integration should not be pursued.

In February 2010, the last member of the Bo tribe, a tribe that is believed to have inhabited the Islands for 65,000 years, died. It is a somber reminder of the fragility of indigenous communities, a loss that has not yet been interpreted and understood.

Genetic studies have been expanding in the scientific community around the world. In August 2013, it was reported that a geneticist from the Centre for Cellular and Molecular Biology, Hyderabad had travelled to the Andaman Islands to collect blood samples from Andamanese tribals. He reportedly explained that this would ‘help him understand the pivotal moment in India’s genetic history’. The report proceeds to say “the tribesmen had never heard of a gene before or an academic study for that matter, and the whole pitch struck them as an interesting diversion from
their usual routine of spearfishing.” “They mostly laughed,” the geneticist reportedly said, and continues: “before they offered up their arms in exchange for food. A few needle pricks later, they returned to their boats to fling short wooden spears into the water with uncanny aim, while (the geneticist) made the long journey home to Hyderabad. He deposited the latest samples into a blood bank, alongside another 32,000 samples from his countrymen.”

There is no mention of the protocols that they follow in collecting the blood sample, and efforts by the committee to secure these protocols failed. The question of consent, especially, is too serious to ignore. This report requires further weight, when considered in the context of the draft Human DNA Profiling Bill, 2012, which proposes to database the DNA of various classes and groups of people.

**Recommendations**

The past twenty years have been dramatic in the changes in the economy, and in the effect that economic policy has had on tribal communities. This has also been the period when laws, notably the Provisions of Panchayats (Extension to Scheduled Areas) Act, 1996 and the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, have been enacted which recognize autonomy and rights of tribal communities.

The implementation of these laws is, however, sputtering and reluctant. The FRA framework includes provisions for: (i) recognition and vesting of rights (towards a secure tenure and livelihood/food security of the Scheduled Tribes and Other traditional forest dwellers), (ii) protection of the rights till the recognition and vesting process is completed, and (iii) control over forests of the local community and the Gram Sabhas. This framework, however, is missing from the process adopted for implementation of the law and the implementation structure does not have the necessary mechanisms and the vision to realize the objectives of the law. What is needed foremost is to strengthen the institutional system to support the process of implementation, including strengthening of the Gram Sabhas and FRCs, streamlining functioning of the subdivisional and district level committees, strengthening the
functioning of the state level monitoring committees and a dedicated structure within the nodal ministry (Ministry Of Tribal Affairs).

The implementation of the community forest rights has hardly taken off. It needs to have a clear mechanism and plan for recognition of various community forest rights and rights of vulnerable communities such as PVTGs and pastoralist communities.

The implementation of the protective provisions in the law and the process of recognition and assertion of forest rights is so far largely affected (obstructed) by contradictory processes like: diversion of forest land which, among other things, is displacing Scheduled Tribes/OTFDs and alienating their rights, displacement from the protected areas and Tiger Reserves, and displacement due to intervention by the Forest Department through forceful plantation in the forest lands. While the protective clause under FRA is meant to prevent such cases of violation of forest rights, the implementation process has almost entirely ignored the protective parts of the law.

The democratic structure in forests with the Gram Sabhas as laid out in the FRA faces great resistance from the current forest regime and the various forestry institutions and programs implemented by the Forest Department and the MoEF. In the Joint Forest Management program, for instance, the operation of working plans are found to be obstructing the process of assertion of rights by the Gram Sabhas. It is necessary to remodel the entire structure of forest administration, the Forest Department, the MoEF and its programs to complement and enable the control and management of forests by Gram Sabhas and local communities.

The changed paradigm has not yet permeated administration, and projects and plans continue to approach forests as the exclusive domain of the state. This is resulting in multiple ways and situations in which the laws are subverted, and the rights of tribal communities denied. The exception to linear projects and the decisions of the Cabinet Committee on Investment illustrate the point. Such deliberate flouting of the law currently has no penalties attaching to
it. Such penalties that will deter the breaching of the FRA need to be introduced.

The FRA mandates the representation of women in Gram Sabha and in the other tiers prescribed by the law. Effective participation has, however, been elusive. Given the close relationship between forests, forest produce and women’s lives, there is work to be done to turn this around.

The difference between states of poverty and of vulnerability has been explored in the context of PVTGs. Access to resources in forests makes a difference in the extent of their vulnerability. Where there has been a depletion of forest cover, and the emphasis is on timber trees, the effect is to add to the vulnerability of PVTGs. Where, on the other hand, the resources are safeguarded and the community has access, the ability to prevent nutritional distress can be augmented.

Displacement for creating Tiger Reserves and Elephant Corridors take away from the provisions that recognize that tribals need to be asked to be displaced only if co-existence is impossible and with Gram Sabha consent. The resettlement experience of those displaced speaks to continued marginalization of affected communities. This is a common tale, and that is the way it has largely been through the years. Even where the decision to displace is taken reasonably and according to the process prescribed, the inability displayed in effecting rehabilitation has to be acknowledged. There is an urgent need to review the ability of administrators who are responsible for rehabilitation, and for revising the rehabilitation process. Failed rehabilitation has consequences that have been ignored for far too long.

The import of PESA has not been internalized into administrative practice, and government officials including Forest Departments continue to deny access to tribals to that which is their right. Bureaucracies and judicial institutions need to be introduced to the changes that PESA has brought into administration and control in Fifth Schedule areas.
An exercise to bring rules made by state governments in conformity with PESA needs to be undertaken.

Government officials who were the agencies to prevent tribal loss of land are increasingly being seen to be negotiators on behalf of project authorities. This is a very disturbing trend, where the very authority who had been tasked with preventing land alienation from a tribal to non-tribals becomes an agent for effecting such alienation. This must be stopped.

There have been recorded cases of Gram Sabha consent being fraudulently obtained or forged; such conduct must face penalties, and projects that proceed on the basis of consent so obtained cannot be allowed to proceed. If such consequences do not flow, there will be no incentive to refrain from such actions.

Given the constitutional provision in Article 243-ZC, the creation of new Nagar Palikas or the extension of those already in existence in Fifth Schedule areas and tribal areas, as defined in the provision, must be preceded by a law made by Parliament, which sets out the exceptions and modifications from the chapter on Municipalities introduced by the 74th Amendment to the Constitution.

The amendments proposed to PESA has an important component of prior informed consent. This is a necessary condition for the effective implementation of PESA.

There has been a proliferation of MoUs between states and companies that imposes responsibility on the state to facilitate various aspects of project clearances including in matters of environmental and forest clearances. Increasingly, the state undertakes to maintain law and order for the smooth execution of the project. These MoUs make the state a party to an agreement and take away the neutrality of the state. The idea such MoUs needs to be reviewed. Institutions such as the Cabinet Committee on Investment that set priorities and pursue them even where it is in direct breach of the law amounts to deliberate flouting of the law and such practices of expediency need be halted.
Public policy and practice must draw on the iconic experience of Niyamgiri, and the adverse lessons from the Salwa Judum.

The encounter of the tribal with criminal law has been one of the disturbing aspects in the past decade. Large numbers of tribals, men and women, are in jails for what are termed ‘naxal offences’. There is, of course, no legal basis for terming anything a ‘naxal offence’. Others are charged in areas where there is resistance and protest against projects, provoking the assessment that the criminal law is being used as a tool of the state to suppress dissent. The acquittal rate is extraordinarily high, raising doubts about the use of criminal law. Yet, the years spent in jail, multiple charges that are imposed on the tribals and the charges on tribal leadership and on supporters have become the new normal. The committee is of the view that a Judicial Commission needs to be appointed to investigate cases filed against tribals and their supporters; only this will allay the concerns that have risen about the misuse of criminal law by the state.

De-notified Tribes have been asking that steps be taken to remove stigma and prejudice from their lives. More specifically, the Habitual Offenders Act, which has served to continue to attach criminality to them, be repealed. Anti-beggary laws render the talents that they possess, such as juggling and acrobatics, into punishable conduct; there are earnest demands for the repeal of these provisions in the law. Women bear the brunt of this attribution of criminality, and whole communities of women find themselves in prostitution without a choice. Complaints about police brutality including custodial rape were rife, speaking of lawlessness among the law enforcers. Such lawlessness is unacceptable and action must be taken in accordance with law.

The Andaman Trunk Road which the Supreme Court ordered to be closed in 2002 still continues to be open to traffic. Although there are formal directions against plying commercial traffic on the road, these have been observed only in the breach. Tourist vehicles including buses and taxis ply on this road. In the past few years, the exploitation of Jarawas as a tourist attraction, and the sexual exploitation of the Jarawas has been recorded and reported on. The problem has however not abated. The Andaman Trunk Road will have to be closed if the Jarawas are to be protected from such
unwelcome interest. DNA testing on Jarawas has been reported. Efforts to get the protocols used to ensure the consent of the indigenous population did not yield result. This becomes of especial significance in the context of the Human DNA Bill, 2012 which proposes the creation of DNA data bases. Informed consent is a necessary part of such exercises, also among the indigenous population.

The persistence of bonded labour, and the trafficking, in large measure, of women from tribal areas needs a concerted effort to end it. The state has to take primary responsibility to identify, release and rehabilitate bonded labour, wherever they are found.

**Nomadic, Semi nomadic and Denotified tribes**

It has been estimated that South Asia has the world’s largest nomadic population. In India, roughly 10 per cent of the population is Denotified and Nomadic. While the number of Denotified Tribes is about 150, the population of Nomadic Tribes consists of about 500 different communities. While the Denotified Tribes have almost settled in various States of the country, the Nomadic Communities continue to be largely nomadic in pursuit of their traditional professions.

The Indian Constitution does not mention the Denotified or Nomadic Tribes. It confines itself to the Scheduled Castes, the Scheduled Tribes and the Backward Classes. The Denotified & Nomadic Tribes have thus been largely out of focus of the social sector management except in a couple of States like Maharashtra and Gujarat. It has also been painfully observed that even though a large number of these Tribes and Communities are in the lists of SCs, STs and BCs/OBCs, they have not been able to take advantage of the affirmative action programmes launched by the Union and the States from time to time due to illiteracy and ignorance. As a result, these Communities continue to be the most disadvantaged and the most vulnerable section of the Indian society.
Denotified, Nomadic and Semi-Nomadic Tribes-Historical Perspective

Denotified Tribes
The so-called Criminal Tribes were notified as such by the British by enacting the Criminal Tribes Act, 1871 as a part of their misconceived strategy to control crime in British India by branding a large number of Indian castes and communities as criminal. This led to the creation of settlements of these tribes in various parts of the country to enable the police to exercise constant surveillance over the movement and behaviour of such tribes and thus prevent them from committing crime. This arrangement caused considerable harassment and hardships to these castes and communities and adversely affected their lifestyles and sustenance. After India achieved independence in 1947, the Criminal Tribes...
Act, 1871 was reviewed and eventually repealed in 1952. As a result, all the castes and communities which were notified under the Criminal Tribes Act, 1871 were denotified. Unfortunately, though the Act was repealed, its adverse impact continued on both the castes and communities which were earlier branded as criminal by the civil society at large. This antisocial legacy of the British Rule persists even today and both the police and the civil society treat them with suspicion and humiliation.

The media continues to brand these communities as ‘criminal tribes’. Even educated members of these communities, who constitute a few first-generation office-goers or professionals, are subjected to deep suspicion and insult by the wider society when they set out to look for jobs, and at their workplaces. There is constant, relentless humiliation they suffer at the hands of ‘respectable’ people. Swimming against the tide each day, they struggle to enter the virtuous cycle of education, work and respectability, which has eluded them and their children for several generations. Since ‘criminal tribes’ continue to make sensational headlines so frequently, the phenomenon needs to be examined historically.

To begin with, the Criminal Tribes Act was operational mainly in Punjab and North West Frontier Provinces. Criminal Tribes Act, 1911, replaced this Act, and was applied to the whole of British India. Compared to the 1871 Act, the new CTA gave more powers to local governments to declare any tribe, section or class of people as a Criminal Tribe; to order registration of members of the Criminal Tribe and taking of their finger prints; to direct that every such registered member would report himself at fixed intervals to a police officer of the village; report to the police officer or the headman any change of residence; and to restrict the movements of Criminal Tribe members to a particular area.

The Criminal Tribes Act denied members of the Criminal Tribe normal rights under the common law and took away the jurisdiction of the courts to question the validity of notifications issued under the most crucial sections of the CTA by the Government. The registration of an individual or a community could no longer be questioned under this section, nor could their restriction of movements. It was not for any offence committed that all these punitive measures were employed, but only for ‘preventive action’ which was the professed purpose, albeit unofficially, of the Criminal Tribes Act. This could be done even though a Criminal Tribe member had no convictions, had never been imprisoned or even never sentenced to a fine. This was because all that was required for the notification of a community as a Criminal Tribe was the ‘reason to believe’ that the community was addicted to crime.

Another important feature of the CTA was that local governments were authorized to establish industrial, agricultural or reformatory schools and settlements for members of the Criminal Tribe. Under this scheme, employment was to be given to the Criminal Tribes either on government agricultural land, or in a private enterprise. The members were not allowed to go out without a pass,
which was issued at the discretion of the manager of the settlement. The local government could subject them to further ‘discipline’, if any members tried to escape from such settlements. Hours of work in a settlement, rate of payment, disposal of products made by the settlers, all were decided by rules that the local governments had made.

Most nomadic communities were declared criminal and put into these settlements where they were forced to work without payment in British owned enterprises, plantations, mills, quarries and factories. This measure was meant to reform them, and surveillance of these supposed criminals was achieved through missionary organizations. One of these organizations, Salvation Army, was extremely influential with the British government, and considered these settlements to be an experiment in ‘curing criminals’.

The communities which had already lost their means of livelihood suffered grievously because of their having been notified as Criminal Tribes. Declaring them criminal only worsened the situation as far as finding work was concerned as they were feared and mistrusted. The British administration also admitted that those who were registered under the Act were left at the mercy of subordinate police officers.

The practical criteria that the administration came to apply for a community to be notified were (i) blood relationship of individuals with members of the Criminal Tribe who had conviction in their names; and (ii) blood relationship with those who had already been notified. Administratively speaking, what this meant was that once notification of a particular section of a community was done, it could be an automatic basis for a number of fresh notifications.

There is historical evidence that a number of communities in the north of India were involved in the rebellion against the British in 1857. These communities were used by the rebel princes and rajahs either directly to fight against the British or were indirectly involved in a variety of ways in assisting their armies. As a result, these communities were brutally suppressed during 1857, and later declared Criminal Tribes under the Criminal Tribes Act, 1871.

The 1857 war of independence convinced the British that it was time to sort out the faithful from the rebellious, to differentiate between the loyal and the disloyal. A number of communities that had sided with the rebels and mutineers in 1857 were declared Criminal Tribes in 1871. Similarly, those communities that not only assisted Rana Pratap but also fought the British were declared Criminal Tribes. Another set of communities which fell in the net had acquired a criminal image with the Madras administration because of the resistance they put up to the British attempts of annexing areas they had dominated.

To give an example of the broadness and flexibility of the term ‘criminal’, and the open-ended uses to which the Criminal Tribes Act was put, it was suggested within the British administration that the Act could be used
profitably ‘for combating secret societies, political preachers who might create
unrest and so on’ for combating the newly emerging nationalist movement.

The forest laws put into force from mid-nineteenth century onwards
deprieved a large number of communities of their traditional rights of grazing,
hunting and gathering, and shifting cultivation in specific areas. The affected
communities were ignorant of the new laws, and frequently found themselves on
the wrong side of the law because of the new legislation against their livelihoods.
Moreover, throughout the nineteenth century, the British government cleared the
forests for commercial use, and ordered the forest communities to provide the
labour for the newly established plantations. The communities which resisted this
move were declared criminal.

A large number of communities were nomadic and earned livelihood
through petty trade with local settled communities. They used to carry their
merchandise on the backs of their animals and moved around selling petty
articles. Such communities slowly lost their means of livelihood when the road
and railway networks began to connect villages and towns. Historical records
show that in any case the British administrators suspected all nomadic people. It
was also argued that once such communities had lost their legitimate means of
livelihood, they must have been living by indulging in criminal activities. There
is ample evidence to show that a very large number of communities that were
formerly nomadic fell in the net of the Criminal Tribes Act because of such an
argument. Communities forced to settle down were used in British owned
enterprises or were handed over to loyal landlords who were allowed to use them
on their land as free agricultural labourers.

The provisions of the CTA were such that they only required reasonable suspicion
on the part of the authorities, and not substantive proof of a community’s
criminality. If ‘respectable’ people of the village (landlords, high castes or those
who paid taxes to the British) testified that a community was criminal, it got
notified. As mentioned earlier, a criminal could be any one who resisted the
British. A community could also be declared a criminal tribe if it resisted a local
oppressive landlord or high caste member.

Indian society always had traditional groups which subsisted on alms and charity
or paid in kind for ‘spiritual’ services. Such groups had a low but legitimate place
in the social hierarchy of settled people. Many of them, sadhus, fakirs, religious
mendicants, fortune-tellers, genealogists, traditional healers, etc., were accepted
by the settled society for their services. There were groups that entertained the
public through performing arts. There were nomadic musicians, dancers,
storytellers, acrobats, gymnasts and tightrope walkers. The British declared a
number of these nomadic communities criminal tribes. Similarly, many nomadic
groups, which entertained the public with the help of performing animals and
birds (such as bears, monkeys, snakes, owls, birds) were also declared criminal tribes.

A number of communities which used to work with iron, clay, bamboo, etc., made and repaired a variety of domestic articles, implements and artefacts were also notified as criminals.

As it will be seen from the above description, the Criminal Tribes Act was extremely arbitrary and unjust and a large number of communities all over the country suffered its impact. Though the Criminal Tribes Act, 1871 was repealed in 1952, its legacy continues to socio-economically harm these tribes and their proper settlement and rehabilitation continues to be a major challenge before the Union and the State Governments even today.

**Nomadic and Semi-nomadic Tribes**

**Hunting and Food-gathering Communities:**

Hunting and gathering is said to be as old as the history of mankind. Mankind all over the world practiced it for centuries as a source of subsistence and livelihood. ‘Hunting’ is defined as catching or killing animals for food. Hunting communities use arrows, traps and nets or similar other strategies to catch animals. On the other hand, ‘food gathering’ (or simply, ‘gathering’) refers to the collection and accumulation of food like tubers, roots, shoots, berries, nuts, leaves, and fruit from plants for consumption. People practicing these forms of livelihood are called hunters and food gatherers, or even the term ‘forager’ is used for them. Hunting and gathering as a source of livelihood is different from hunting for pleasure and sport and poaching, which may be a violation of laws in many countries.

Some nomadic communities are in the process of settling down in permanent villages but they still largely depend on hunting and gathering as livelihood support and continue to traverse seasonally to forests for hunting and gathering.

Hunters and food-gatherers have always been nomads. These communities move in search of forests for food according to a seasonal pattern. Eco-systems are usually connected with migratory game species and hunter-gatherers tend to adopt migratory settlement patterns. Hunter-gatherers have been described as egalitarian, living in small community groups in forests, in social harmony with each other, and in ecological tune with their forest environment. Some of these communities are full-time nomadic foragers. They have been described as small, autonomous and highly mobile communal units spread over large territories. The policy of the colonial rulers towards hunting-gathering communities was biased. The remarks of the colonial administrators about them were rooted in the values of racism and ethnocentrism. The colonial rulers felt that while white people were
more refined, civilized and hence superior, the forest dwellers were ‘animal-like, inferior, and un-human’. Braidwood sums up the colonial view of the forest dwellers in the following words: ‘A man who spends his whole life following animals just to kill them to eat, or moving from one berry patch to another, is really living just like an animal.’

The colonial governments all over the world believed that hunting-gathering people belonged to the natural world and not to the civilised society. An author notes that in one country colonised by the whites, living aboriginal hunter-gatherers until 1960 were counted in wildlife tallies for animals rather than in population census. Often the hunter-gatherers were referred to as ‘primitive people’ or ‘primitive race’ belonging to the ‘past’.

The advent of colonization had a disastrous bearing on the lives of hunting and gathering communities. In colonial societies, the administrators saw the nomadic lifestyle of hunting-gathering communities as a ‘problem’. Nomadism was seen as an administrative obstacle that prevented the authorities to exercise their control over these communities. They also could not collect revenue from hunter-gatherers, as they were not settled at one place. The colonial rulers made all efforts to ensure that the hunters and gatherers settled down rather than wandered about.

Following the Criminal Tribes Act, 1871, some of the hunting communities were declared as ‘criminal tribes’ by the British from time to time and this continued to impinge on the lives of their descendents. Interestingly, the notification of these communities as ‘criminal tribes’ was not resorted to because of the poaching habits or any other disastrous ecological activities involved in by the British. Many of these communities, including those in the princely states, were regularly employed by both the British and the royal India gentlemen to hunt for pleasure. The skills of these communities in hunting were explicitly recognized, and their active assistance taken by hunting parties in precisely locating the game, to guide them through the thick forests, and to attract the actual prey – frequently the now endangered tiger.

The colonial administrators gradually asserted that hunter-gatherers were responsible for the decline of wildlife. They did not realise that they indulged in hunting for sport as a matter of right. The colonial rulers systematically exploited the forest resources for its commercial and industrial ventures at home. Resources were siphoned off from the colonies, and strict forest laws were enacted to stop its use by natives, having traditional rights over them. All this led to a situation where hunting-gathering communities lost their sources of food and livelihood.

The thinking of colonial rulers on the issue of the relationship between these tribes and forests has continued even in independent India. The forest administrators have gone a step forward. Their strategy for forest conservation is not only continued with the earlier laws, but also to enact new, and stricter laws.
The result is that the forest laws have led to a large number of such communities being subjected to intense hunger for the following reasons:

a. Lack of access to small games, like fowl, rabbits, deer, monkeys, which used to be staple for a large number of hunting communities.

b. Lack of access to bark, roots, tubers, corns, leaves, flowers, seeds, fruits, sap, honey, toddy and other forest products, which were a regular source of nutrition for gathering communities.

c. Lack of access to fish in ponds and streams in the forest that used to be a traditional source of protein.

d. Lack of access to pasture land for grazing animals has led to a decline in the population of cattle which used to be the main source of milk and meat for some hunting gathering communities.

The new forest policy of the Government of India has served to displace hunting and gathering communities from the forests by creating National Parks, Wildlife Sanctuaries, and protected areas. Hunting-gathering communities have lived along with wildlife in the forests since ages.

Although this process has not been much documented in India, some cases illustrating the marginalization and acute proletarianization of hunter-gatherers may be culled from literature.

According to a survey done in 2003, more than seventy per cent of a particular community in Rajasthan gave hunting as their main occupation. Because of restrictions on hunting, a majority of this particular community has taken to protecting agricultural fields against crop depredation by animals like the nilgai (blue bull). Other communities living in the vicinity of forests are informally using their skill at hunting animals. But as this utilization continues at an informal level and there is no official recognition of their role as a protector of crops, the community members merely get in return for their efforts some food-grains and a piece of land to build temporary shelters on the farmers’ fields. Unlike the earlier times when hunting was their major occupation, today they only resort to hunting in the times of distress. As a result, the study shows that on an average, more than seventy per cent of the families of this community interviewed faced food shortage crises.

To conclude, today’s hunting-gathering communities are in a state of penury as they have not only lost their traditional means of livelihood, but their very survival is also in jeopardy.

2. **Nomadic Pastoral and Non-Pastoral Communities**
Nomadism, along with its different variants, is a perpetually changing social formation. Communities which were always nomadic are slowly settling down, and those which had settled in the past are being constrained to a peregrinating existence. For instance, certain communities of displaced persons and project-affected people usually become nomadic when their land is alienated and the compensatory alternatives, which the state provides them, fall short of sustaining them or their traditional lifestyles. Nomadism and sedentary living may be approached as cultural alternatives to seeking livelihood. What one chooses, or is forced to choose, depends upon the extraneous factors that are unremittingly shaped by the history of the community and the political state that exercises control over it.

Perhaps, as archaeologists remind us, in pre-historic times, all human communities were nomadic and migratory. The search for better habitats, and what is metaphorically called ‘green pastures’, drove people from one place to another. Inter-community hostilities and scrimmages made people shift from the comforts of a place, where they had happily settled down, to less secure, difficult, and ecologically harsh lands. The folklore of many communities is replete with the stories of migration undertaken perforce under the environments of acrimony. The Gaddi of Bhanmore (in Himachal Pradesh), a Scheduled Tribe, attribute their nomadic existence to migration from Lahore (in Pakistan), where at one time they lived well until they were forced to move to their present location as a consequence of the atrocities to which the dominant community (professing a different religion) incessantly subjected them. When they reached the hills, they had to take up an occupation in harmony with its ecological demands. The caste-people, who came from Lahore, became ‘herdpersons’ (gadarīā), and came to be known collectively as Gaddi (the corrupt form of the Hindi word gadarīā), a community that comprises groups from different castes. The Gaddi offer a classical example of a tribal community which is composed of different castes, thus interrogating the distinction that anthropologists make between ‘tribe’ and ‘caste’ (Saberwal, 1999). A well-known saying in which the Gaddi sum up their history is: ujadā Lahore, basā Bhanmore (‘Lahore was deserted, Bhanmore was inhabited’). A lesson from this example is that for understanding the contemporary state of a community, it is imperative to look into its history (and also, ‘ethno-history’, which means the ‘past as the people construct it’).

Another example here could be of a well-known nomadic community of blacksmiths of north India, originally from Chittorgarh in Rajasthan, called the Gadulia Lohar (Misra, 1977, The Nomadic Gadulia Lohar of Eastern Rajasthan, Anthropological Survey of India, Calcutta). These erstwhile sedentary people were constrained to leave their ancestral homes in Chittorgarh as it came under the control of the Mughal army in 1568. Along with the other great warriors, the Gadulia Lohar vowed that until Chittorgarh was liberated, they would not go to their fort, live in houses, sleep on cots, light lamps, and keep ropes for drawing water from the well, and this marked the beginning of their nomadic existence on
bullock carts, moving from one place to another. Although in 1955, Prime Minister Jawaharlal Nehru led them in a procession into Chittorgarh fort, thereby fulfilling their vows, they have continued to live nomadically perhaps because of the nature of their occupation, and its adaptation to social as well as natural environments.

Archaeologists tell us that with the Neolithic revolution (the age of food-production, around 10,000 B.C.) came the gradual settlement of wandering communities. The settled agriculturalists developed symbiotic relationships with the other occupational communities (such as of the carpenters, basket-makers, blacksmiths, potters, barbers, laundrymen, ethno-veterinarians, etc). Gradually, multi-community villages came into existence. Although the process of sedentarization of communities had begun, it did not imply that each community was destined to settle down. As some communities were settling down, along side were those that endured their nomadic way of life. For example, a study of the literary compositions in Tamil, dating back to the first six hundred years after the Christian era, points out that around two thousand years there were ‘wandering people’ who served the other communities as musicians, entertainers, fortune-tellers, and herbalists. They were also entrusted with the task of carrying messages from one state to the other. Some of them eked out their livelihood from beggary. These non-pastoral nomads, often dwelling the fringe areas of a community, occupied a lowly place in social hierarchy.

The relations of settled occupational communities with agricultural communities were different from the relations they and the agricultural communities had with nomadic people. The occupational communities served the agriculturists for the entire year, providing the products (say baskets, ploughs, shares, etc.) they produced, and were reciprocated in the form of grains at the end of the harvest season. By comparison, the services the nomads (including the pastoral) provided were not really a part of the agricultural operations or what the agricultural communities regularly needed. The peasants often kept milch and traction animals with them, and therefore, did not require an immediate dependence upon pastoral nomads for a regular supply of their products.

In other words, nomadic communities were not a part of the patron-client relations (what in north India are known as jajmānī ties) that usually characterized peasant villages in India. A settled occupational caste, which is a part of the jajmānī system, could remain dependent on a few peasant households, and meet its survival needs, but the nomads, particularly the non-pastoral, require a large number of clients dispersed over a large area for meeting their needs. The pastoral nomads needed to traverse a vast tract of land in search of grazing grounds for their flocks of animals. In that sense, a nomadic way of life was imperative for certain communities.
Moreover, it seems that in the past, the state wanted to keep some communities itinerant, for they would not only serve as ‘traditional postmen’, carrying messages from one state to the other, but also act as spies. Although appearing as bumpkin and rustic, the nomads were expected to bring in the ‘secrets’ of the other state. The role of peregrinators (not only of nomadic communities but also of mendicants) was recommended (and even extolled) by the Indological texts, including Arthasastra.

In addition, the policy of the ancient, and later on medieval, state with respect to nomadic communities was that of non-intervention. The state permitted the nomadic communities to wander and pursue an occupation they wished. Only when indulging in serious violations of law were they strictly dealt with, punished, and excommunicated. Interestingly, although the state was autocratic, it did not try to homogenize its subjects. On the contrary, if a community tried to usurp the occupation or the lifestyle of another community to which it objected, the state intervened to keep the multi-cultural world of the people intact. Obviously, against this backdrop, if a community desired to remain nomadic, it could do so.

Some communities were not fully nomadic, for they (or some of their members) returned to their villages during the months of monsoon for cultivation. Either they owned some cultivable land, which they tilled with domestic labour, or they worked on the land of others for wages. In the latter case, they returned to their respective camps after receiving wages. This was viewed as additional income. Those who had land and tilled it, kept the produce with them for domestic consumption. However, in many cases, as it was difficult to transport the bags of grains and cereals from one place to another, they were sold off to agricultural castes, or even brought to the markets for disposal. Such communities, generally called semi-nomadic, usually cultivated just one crop. Sometimes they left the land fallow if the rains that year had been measly.

Agriculture was caste-free. Anyone, from any caste, could take up agriculture as his occupation, either as a landlord or a tenant, or could render an agricultural operation (such as of weeding, ploughing, guarding the fields, as a labourer) for wages. Along side, each community also had a near monopoly on an occupation, the services and products of which it supplied to other caste communities. While pastoral nomads specialized in animal breeding and tending, thus contributing in a significant manner to the village economy, the non-pastoral nomads rendered a variety of services to a wide range of clients. They made and supplied a myriad of little useful items, such as mats, baskets, brooms, toys, brushes, and earthenwares. They also dealt with spices, honey, and plant and animal medicine. For instance, moving through villages, the Vaidus (or traditional healers) provided herbal medicines to their clients. Ghatiya Jogis made and repaired grinding stones. Some communities (such as Banjara, Lambadi) moved in caravans of packed animals with salt, while their women bartered jewellery (in silver or any other metal) they themselves had.
made. Gadulia Lohar arrived at the onset of the monsoon in peasant villages, selling and repairing agricultural tools and implements. In all cases, there obtained a relation of synergism between settled and nomadic communities, and as noted earlier, the state (or the nobility), whether in ancient or medieval times, did not force a community to follow a particular style of living. Each one was free to live the way it did, provided it did not defy the rules that sustained the autonomy of communities and communal harmony. We learn from historical accounts that the condition of nomads in ancient and medieval days was good, almost romantically eulogized.

But the condition of nomads began changing during the British times, and gradually they lost their autonomy, peace and harmony. However, initially, the British rulers found nomads extremely useful for their knowledge. The nomads had established extensive communication networks with the communities to which they provided their services and goods. Since they travelled far and wide, they not only knew about different communities, their lifestyles and habits, but also about the paths, routes, hidden passes, and could guide visitors in their travels through deserts where a newcomer had the danger of being engulfed by a sand dune. For exercising effective control over their colonies, the British needed information about the people and their country, for which they took nomads under their patronage. Furthermore, they relied upon the nomads to help them setting up their trade routes and lead their armies through unknown terrains.

However, this period of honeymooning between the British and the nomads was short-lived. Soon the diabolical policies of the British started precipitating. The British gradually brought the areas where the nomads, shifting cultivators, and forest-dependent people lived, under their control. They also took over the common land. Intense demands were placed on the natural resources of the country for obtaining raw material for factories back home. More and more land was brought under cultivation, thus was not available for the flocks of animals. New forest laws were imposed, the outcome of which was that the forests became a public property, needing protection in name of the national interest. Shifting cultivation was viewed as destructive to forests; that was the reason why it deserved to be banned. Shifting cultivators – the ‘plunderers of forests’ – were believed to be in a state of ‘wildness’ and urgently needed to be civilized.

The consequence of all these policies was that the people were suddenly deprived of their life-support system. Thrown in a state of conundrum, they had no option but to shift to those areas that were hitherto un-surveyed, but soon, as was to happen, they also came under the control of the administration. Under these circumstances, the people had no alternative but to take up a criminal style of living that eventually alarmed the British, who went ahead with severely punitive legal and corporeal measures to domesticate the deprived communities. What the administration conveniently forgot was that it was solely responsible for making people deviant and criminal.
We may take some examples to show that one of occupational alternatives before nomadic and semi-nomadic communities as a result of the forces the British rule unleashed on them was to take up crime as a way of life.

Take the case of the Lodha of West Bengal. These people of a pre-agricultural economy, mainly dependent upon forest products, lost the control of their forests to the Rajas and Zamindars, who secured it on fixed revenue from the British administration. As a consequence, the forests were cleared and converted into agricultural fields. Those who at one time were the ‘lords of the forests’, had the freedom to move from one part to the other, became ‘encroachers’, greatly restrained by forest guards from making use of the forest resources for their bare minimal survival. A situation of haplessness through which they passed forced them to adopt the ‘path of extra-legal activity’. From then on, they continued to indulge in anti-social activities, with the result that in 1871 they were declared to be a Criminal Tribe.

A sympathetic understanding of their history tells us that it was the outside invasions into their area, leading to usurping of their resources and a marauding of their life-support system, which led to these people opting for a criminal way of life. The stigma of criminality has dwarfed their status and prestige and thwarted their efforts to get a job and earn their livelihood. Suffering frequent police oppression, arrest, and confinement in prisons, their self-esteem is abysmally low. Under these circumstances, they have become incessantly migratory, as a consequence of which their group cohesion and family bondage grievously suffer, contributing to an atomistic (or individualistic) living.

The Kanjar is one of the widely distributed communities of north India. Like the other foraging peoples, they have been living in the midst of settled communities for at least two millennia. Gradually, more and more forests were cleared up for agriculture. Settlements, roads, railway lines, and industries were laid out. In this process, the original habitat of the Kanjar was steadily destroyed. Resources for hunting and foraging were greatly reduced. Nagar (2008: 37) writes: ‘From being totally nomadic, the Kanjar bands had to settle down in the vicinity of villages and towns.’ Once their traditional sources of livelihood were jeopardized, they made new adjustments in their subsistence strategies, and one of them was to take crime as an alternative source of livelihood. Whilst the Kanjar were not as notorious as were the other communities of the plains (such as the Aheriyas, Haburas, and Sansi), they were known to commit theft and highway robbery. Travellers were afraid of moving through lonely or sparsely populated areas in the vicinity of Kanjar habitations.

The Pardhi of Madhya Pradesh are a semi-nomadic tribe, who have permanent houses away from peasant villages, where they live during the rainy season. During the dry months of the year, they are on the move, usually camping in forests, trying to catch wild animals that they hunt. This has been their traditional occupation. Beginning with the British rule, there has been a deterioration of
forests and a ban on hunting. Under the circumstances of not getting enough food for their survival, at some point of time, the Pardhi perforce took crime as a way of life. Enthoven) noted that though the Pardhi had peaceful habits, they often lived by thieving. They often robbed standing crops. So much were the landlords fearful of them that they tried to secure their goodwill by giving them gifts and a part of the produce. In this way, they were able to save their crops, otherwise they would have their total crops taken away or destroyed. Because of their proclivity to crime, all members of their community were regarded as criminal, and were rounded up by law-enforcing agencies whenever a case of crime occurred.

In addition to the colonial rule’s take over of the land and resources of nomadic and semi-nomadic communities, there were some other factors responsible for the degradation of their condition. Nomads loved the freedom of movement, recognizing neither the national nor the international borders, which the administration tried to curtail. The leaders of nomadic groups were irritated by such moves. Many nomadic and semi-nomadic groups participated in the freedom movement of 1857, which was also a cause of worry for the administration, for it did not want it to snowball into a ‘national movement’. The nomads also carried information from one part to the other, thereby linking different communities, which made the British particularly nervous. Against this background the British prepared a list of Criminal Tribes, in which nomads, shifting cultivators, and forest-dwellers were classified, for the administration thought that this was the best way to deal with these communities, and keep them isolated from rest of the country.

The marginalization of nomadic and semi-nomadic tribes that began during the British rule continued unabated even after independence. Land reforms, which began in the 1950s, were a step towards the expansion of agriculture in the country. The emphasis in these reform programmes was on generating the maximum revenue. The public land was colonized for cultivation of crops. The commons came to be grabbed by the influential villagers. In course of time, many forests and permanent pastures became private. Under the policy of ‘grow more food’, agriculture received the maximum attention to the neglect of pastoralism. Areas that were earlier used as grazing sites came to be developed for agricultural fields, and were acquired by the peasant communities. For instance, the Rajasthan canal has brought vast tracts of land under cultivation, thus pushing the nomads out, who earlier used it for grazing purposes. In Gujarat, in 1950s and 1960s, the state supported land reforms known as Bhūdān movement, under which common lands were given away to low caste landless people. In the south-central region of Gujarat, known as Saurashtra, high tracts of commons were converted into croplands. As a result, permanent pastures were heavily reduced; they were less than twenty per cent of what they were at the time of independence.

Pastoral nomads chose those lands for grazing their animals that had water sources nearby, but in course of time, they also started disappearing as the grazing lands were taken over by peasants. As a result, the condition of the nomads has
worsened. At one time, there developed synergistic relations between the pastoralists and peasants. After the harvest, the agricultural fields were free to accommodate the migrating flocks of animals, which ate away what all was left and deposited manure therein. The agriculturists in fact invited nomadic pastoralists to their fields on the promise of some payment so that they could receive manure. However, with fields becoming double or triple cropped, the symbiotic relations between peasants and pastoralists have broken down. Not only that, they are now of hostility and conflict. Every year, physical conflicts take place between migratory herds of animals and peasants, sometimes culminating in casualties on both sides. As a consequence, some nomadic pastoralists – such as the Raika of Rajasthan – have demanded the state to arm them so that they could protect them from peasants who consider the visit of animal-breeders to their areas as a nuisance and wish to deal with it strictly (Srivastava, 1999, in M.K. Bhasin and Veena Bhasin (eds.), *People of Rajasthan*, Kamla-Raj Enterprises, Delhi). Against this background, the nomadic pastoralists think that their occupation has become a difficult proposition.

**Recongnition of denotified, nomadic and semi nomadic tribes**

Independent India envisioned building an egalitarian society in which people with diverse socio-cultural and economic backgrounds can have equal opportunities in different fields with dignity and honour. To achieve this society, some sort of social engineering was imperative for bringing the historically wronged and deprived communities at par with the historically favoured and privileged. Positive discrimination along with developmental interventions, and capacity and asset building, was considered essential to this social engineering. For achieving a state of social and economic equality, the builders of modern India have undertaken certain measures right from the time of Independence.

As a part of this process the people who had been historically wronged and disadvantaged were put under different social categories, such as the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). Each was accorded certain privileges to overcome its socio-economic disabilities. In this categorisation, the communities that were earlier part of the Denotified, Nomadic and Semi-Nomadic Tribes were also included in the lists of SC, ST, and OBC categories. However, their categorisation was not logical or uniform. There are still a number of Denotified, Nomadic and Semi-Nomadic Tribes which have not been included in any one of these categories. Instead, they are placed at par with the communities of the general category. These communities have a long history of marginalisation, neglect and oppression, first during the colonial rule, and subsequently, in independent India.
Summary of Views of Different Committees and Commissions on Denotified and Nomadic Communities:

a) The Criminal Tribes Inquiry Committee, 1947

The Criminal Tribes Inquiry Committee, 1947, was constituted in the United Province. In its report, this Committee felt that till the Gypsies settled down, they would continue with criminal tendencies. It proposed that ‘efforts should be made under sanction of law (suitable provision may be made in the Habitual Offenders and Vagrants Act) to settle them and teach them a life of industry and honest calling as against idleness, prostitution and crime to which their conditions of existence make them prone’.

b) Ayyangar Committee

A Committee was established under the Chairmanship of Mr. Ananthsayanam Ayyangar in 1949. After a detailed study of the working of the Criminal Tribes Act throughout the country, it submitted its report in 1950, in which it made several recommendations for the repeal of the Act and gave reasons for this. The Committee also emphasized the need for allocation of adequate funds for their welfare and rehabilitation. It recommended that the Central Government should make a liberal contribution not exceeding 50 percent of the allocation to the State Governments for the initiation and execution of the schemes for a period of ten years in the first instance.

The Government of India accepted some of the recommendations of the Ayyangar Committee. It repealed the Criminal Tribes Act with effect from 31 August 1952 by the Criminal Tribes (Repeal) Act, 1952 (Act No XXIV of 1952). But, to keep effective control over the so-called hardened criminals, Habitual Offenders Act was placed in the statute book.

c) Kalelkar Commission

The first Backward Class Commission was appointed on 29 January 1953 under the Chairmanship of Mr. Kakasaheb Kalelkar. This Commission in paragraph 48 of its report suggested that the erstwhile ‘Criminal Tribes’ should not be called ‘Tribes’ nor should the names ‘Criminal’ or ‘Ex-Criminal’ be attached to them. They could be called ‘Denotified Communities’. The Kalelkar Commission further recommended that “these groups may be distributed in small groups in towns and villages where they would come in contact with other people and get an opportunity for turning a new leaf. This would help in their eventual assimilation in society”.

The first Backward Class Commission in paragraph 41 mentions that there were as many as 127 groups aggregating 22.68 lakhs in 1949 and 24.64 lakhs in 1951.
described in official records as Ex-Criminal Tribes. These groups could be divided into two sections, i.e., (i) Nomadic; and (ii) Settled. The nomadic groups included the gypsy-like tribes such as Sansis, Kanjars, etc., and ‘had an innate preference for a life of adventure.’ The settled and semi-settled groups were deemed to have descended from irregular fighting men or persons uprooted from their original homes due to invasions and political upheavals.

The first Backward Class Commission took special note of the ‘wandering communities’ separately in the later part of its report in paragraph no. 135. The relevant portion is quoted below: ‘There are a large number of small communities who eke out a precarious existence in the countryside. They have no fixed place of residence and they move from place to place in search of food or employment. They often rear pigs and poultry, hunt wild animals to satisfy their hunger and collect forest produce to make a living. They live in thatched sheds or gunny tents and move in groups. They believe in witchcraft. Because of the insecurity of their life, some of these communities are given to crime. It should be the special responsibility of Government to give them a settled life’.

d) Lokur Committee

In 1965, an Advisory Committee was constituted for the revision of the Scheduled Castes and Scheduled Tribes list by the Government of India under the Chairmanship of Mr B.N. Lokur. The pre-independence list of ‘Denotified and Nomadic Tribes’ consequently got divided into the three constitutionally recognized categories, i.e. Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Although the Lokur Committee in general followed the strict guideline for entertaining the requests of revision of the Schedule Caste and Scheduled Tribes lists, it had given quite favourable recommendations with regard to Denotified and Nomadic Tribes.

The Committee was aware of the anomalous situation of the communities being listed as SC in one State and as ST in another (and also OBC in another). According to the Committee, ‘This anomalous classification appears to have had its origin in the fact that members of the Denotified and nomadic communities possess a complex combination of tribal characteristics, traditional untouchability, nomadic traits, and anti-social heritage’.

The Lokur Committee observed that its ‘discussion with the State Governments, however, revealed that the type of development schemes usually designed for Scheduled Castes and Scheduled Tribes have not benefited the denotified and nomadic tribes to any significant extent because of their relatively small numbers, and their tendency to be constantly on the move. It is also clear that while these communities may possess some characteristics usually associated with the Scheduled Castes and Scheduled Tribes, the dominant factors which govern their
life are their anti-social heritage and tendency to move from place to place in small groups. We are inclined to feel that it would be in the best interest of these communities if they are taken out from the lists of Scheduled Castes and Scheduled Tribes and treated exclusively as distinct group, with development schemes specially designed to suit their dominant characteristics’. Lokur Committee further suggested that ‘the present anomalous position regarding the denotified and nomadic tribes, who could more properly be identified as communities rather than tribes, should be rectified as soon as possible after a detailed investigation’

e) Mandal Commission

The Second Backward Class Commission under the Chairmanship of Mr. B.P. Mandal (1980) criticized the government policy for emphasizing the economic criteria and dismissing caste as a criterion to determine social and educational backwardness.

Mr L. R. Naik wrote a separate minute of dissent with reference to the categorization of the socially and educationally backward classes. He states that, ‘By way of clarity they would be hereinafter, called ‘Depressed Backward Classes’ as distinct from the ‘Intermediate Backward Classes’…. The intermediate backward classes, in my opinion, are those whose traditional occupation had been agriculture, market, gardening, betel-leaves growers, pastoral activities, village industries like artisans, tailors, dyers and weavers, petty business-cum-agricultural activities, heralding, temple service, toddy selling, oil mongering, combating, astrology, etc. etc., who have co-existed since times immemorial with upper castes and had, therefore, some scope to imbibe better association and what all it connotes than many unfortunate ‘Depressed Backward Classes’ whose intermingling with the Indian society was either denied, prohibited and even segregated obviously on account of stigma of nomadism, resulting in their abysmally low social status. They, generally, are ex-criminal tribes, nomadic and wandering tribes, earth diggers, fishermen, boatmen and palanquin bearers, salt makers, washermen, shepherds, barbers, scavengers, basket makers, furriers and tanners, landless agricultural labourers, watermen, toddy tapers, camel-herdsmen, pig-keepers, pack bullock carriers, collectors of forest produce, hunters and fowlers, corn parchers, primitive tribes (not specified as Scheduled Tribes), exterior classes (not specified as Scheduled Castes), and begging communities etc. etc.… These very names amply connote their social and educational backwardness and, therefore, should have been postulated by the Founding Fathers of our Constitution as in the case of the Scheduled Castes and Scheduled Tribes for the purpose of specification…. Liberty, Equality and Fraternity so richly enshrined in the Constitution of our country have still to acquire meaningful proposition for all of them’ (Pp. 229-230, emphasis added).
f) Justice Venkatachaliah Commission


The Report states that ‘The denotified tribes/communities have been wrongly stigmatized as crime prone and subjected to high handed treatment as well as exploitation by the representatives of law and order as well as by the general society. Some of them are included in the list of Scheduled Tribes and others are in the list of Scheduled Castes and list of backward classes. It is further suggested in the Report of Justice Venkatachaliah Commission that, ‘The Commission also considered the representations made on behalf of the Denotified and Nomadic Tribal Rights Action Group and decided to forward them to the Ministry of Social Justice & Empowerment with the suggestion that they may examine the same preferably through a Commission’.

It is apparent from the observations of the above Committees or Commissions that the conditions of the Denotified, Nomadic and Semi-Nomadic Tribes or Communities are deplorable and deserve a separate and special treatment so that their lot can be improved. This is essential for bringing this very large section of downtrodden citizens of India into the ambit of development and to confer upon them the dignity of citizenship with all its appended social, cultural, economic and political rights on par with the others. Otherwise, the words ‘constitution’ and ‘citizenship’ are hollow and irrelevant to them.

History

a) The Criminal Tribes Acts (CTA) of 1871
b) The Criminal Tribes Acts (CTA) 1911 under which between 150 and 200 communities were deemed to be ‘hereditary criminals’ and subject to surveillance, confinement and gross discrimination.
c) Habitual offenders act, 1952
d) Denotified tribes act/ Vimukta Jati based on recommendations of Kaka Kallekar committee and All India Criminal Tribes Inquiry Committee (1949)

Consists of

a) Nomadic, semi nomadic and gypsy like people
b) Trace descent from irregular fighting clans
c) They left their homes due to
   - Invasions
   - Political upheaval
   - Innate adventurous nature

d) Psychological and cultural belief

Problems

a) Poverty
b) Unemployment
c) Discrimination
d) Isolated in colonies
e) Dark cloak around neck
f) Automatic criminalisation due to birth
g) Creation of separate reformatory settlements for the children of these tribes thus isolating children from their parents
h) Social stigma and alienation
i) Harassment and discrimination
j) Suspicion during crimes
k) Lack of provision of atrocities act
l) Lack of reservations
m) Economic hardships

Atrocities and Human right Violations

Denotified and Nomadic communities have always been on the receiving end, be it in the arena of development, law enforcement, justice delivery or what have you. Their situation is somewhat paradoxical. To put differently, if the fence eats the crop who can save the crop and to whom the crop can complain? If the State, which is supposed to look after the welfare of its citizens, becomes the tormentor, who can rescue its subjects and to whom can they look up to for help. This is exactly the dilemma that the Denotified and Nomadic communities have been facing since the British rule. Prevailing situation today calls for an overhaul of law enforcement and civil administration. It also requires educating the general public/civil society about these communities to remove the false images that they have developed about these communities. The following discussion would bring to the fore the alarming situation concerning these communities today.

Human rights situation of Denotified and Nomadic communities, more so in case of the former, is appalling and deplorable, to say the least. They are subjected to atrocities everyday by the police, civic and revenue administration, and civil society. Many of these atrocities go unnoticed as they are never reported or reported wrongly. Unwittingly, media is one of the major enhancers of stigma wrongly attributed to them and their relentless campaign against these hapless communities day in and day out in their columns. While reporting crime in their daily columns they report that these crimes are done by some Pardhi, Sansi,
Bavaria, etc., gangs. This makes the readers to believe that these communities are criminal in nature.

There are varied reasons for the perpetuation of atrocities on these communities, the major one being the colonial rule. In a way, they are the helpless victims of the wronged past as well as the present due to deliberate orchestration of falsehood by the dominant groups or interests. Today, law enforcement, revenue and civic administration are the major culprits and colluders in perpetuating atrocities and human rights violations on these communities. The mindset of these perpetrators is one of arrogance, disrespect for law and human values. This is more so in case of lower rung officials of different departments of government and even judiciary who are steeped in corruption and debased values. They behave as if they are the rule-makers and take law into their hands and harass these helpless and poor members of the communities. The harassment is not restricted to individuals only but is extended to the other members of the family and their wider kin. These communities being poor, resource-less, homeless, illiterate, naïve and ignorant, fatalistic, and scattered, consider these happenings as their misfortune for being what they are. They lack organisation, political clout, and resources. They are disadvantaged in all respects and hence, become an easy prey. In this regard, no discrimination is made between men, women, children or aged by the perpetrators of violence and abuse, be they the police, neighbouring caste communities, wider civil society and visual and print media.

Denotified and Nomadic communities encounter many a humiliation, and both verbal and physical abuse for meeting their basic needs, like food and shelter, and in accessing amenities like drinking water, fuel, fodder, burial place for their dead, etc. They are constantly hounded out, living in grip of fear and threat for their existence. In light of this, one can easily understand the atrocities committed by the police, village communities, local power-holders, revenue and civic officials, who all form a cliché against these hapless Denotified and Nomadic communities. Commission has witnessed this in many places across the country that it had visited. Many a time, the complaints from the Denotified and Nomadic communities are not even registered, leave aside their expediting. They prejudge and regard them as bad elements, criminals and are always wrong. Police assert that the Denotified and, in some cases, Nomadic communities, continue to be criminal by birth and invariably are made liable to all crimes in their jurisdiction. In a way, they are law unto themselves.

Justice is a mirage and unaffordable to these communities. They do not have any one to stand in their support, except for a handful of civil rights activists. There is a need for massive campaigning against the ill-conceived notions about these hapless communities, sensitizing the police, officials, and civil society on the lines of HIV/AIDS. In fact, this social malaise is no less dangerous than the dreadful disease that the HIV/AIDS is.
Bala Krishna Renke committee

The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes (NCDNSNT) is a national commission set under Ministry of Social Justice and Empowerment, Government of India, to study various developmental aspects of Denotified and nomadic or semi-nomadic tribes in India.

The recommendations of the committee are:

a) Denotified tribes to be identified as a special group
b) Reservations in education, employment and other sectors
c) Special housing scheme for five years
d) Provision of land for agriculture
e) Scheme for skill development
f) Establishing a national commission and corporation for education and health
g) Aadhar card for every person of DNT.
h) Union Government initiate steps to enumerate DNTs in the next census due in 2011
i) For implementation of welfare Schemes for DNTs State-wise list of such tribes should be prepared.
j) Advisory Committees may be made at District and State level to assist the socio-economic condition of the DNTs, so that action plan can be drawn for their welfare.
k) State Government may take special steps to issue Caste Certificates and ration cards to every member of DNT, and BPL Certificates and to the concerned members, expeditiously.
l) Union of India may take special campaign for issue of voter ID to the eligible members of DNT.
m) Basic civic amenities be provided to the DNTs living in colonies and clusters.

n) Ministry of SJ&E may earmark outlay for the welfare of DNTs.
o) Central should modify the existing Housing Schemes in urban/rural areas and earmark specifically for DNTs.
p) Special drive be made for awareness of DNTs particularly among women to avail the benefit of various schemes for educational empowerment. Special Residential Schools for DNT Boys and Girls be made to encourage education among them.
q) Skill Development Programmes be taken up for DNTs to improve their self employability and wage employment, in collaboration with National Small Industries Corporation (NSIC), Khadi & Village Industries Commission (KVIC), the Central Cottage Industries Corporation of India Limited, the Handicrafts and Handlooms Exports Corporations of India Limited.
r) States/UTs and Central Ministries should formulate and implement DNT Sub-Plan for DNTs
s) Separate Finance and Development Corporation for DNTs, like National Scheduled Castes Finance & Development Corporation, may be set up at the centre.

t) Considering the gravity of their plight, there is a need for a separate department for the welfare of DNTs at the State level and separate Ministry/Department for the welfare of DNTs at the Centre.

u) It is necessary that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 be, mutatis mutandis, made applicable to DNTs, and the implementation of the same be reviewed and monitored from time to time.

v) Constitution may be amended to include “Scheduled Communities” under Article 330 and Article 332 to enable these communities to be eligible for reservation of seats in the Houses of the People and in the Legislative Assemblies of the States.

w) Seats may be reserved in Block/Taluka Panchayats and Zila Panchayats/Zilla Parishad, and the Urban Local Bodies for DNTs wherever their population is concentrated.

x) To mobilise additional resources to improve the socio-economic conditions of DNTs, it is suggested that 10% of the funds earmarked for M.P. Local Area Development Fund.

y) It is suggested that the DNTs be given 10% reservation in Government jobs even if the total reservation exceeds 50%.

z) Research Institutes should be set up by the States/UTs for DNTs.

aa) A multicultural complex/Academy may be set up in every State/UT to develop, preserve and exhibit the diverse and rich cultural heritage of DNTs.
Particularly Vulnerable Tribal Groups

Tribal communities are often identified by some specific signs such as primitive traits, distinctive culture, geographical isolation, shyness to contact with the community at large and backwardness. Along with these, some tribal groups have some specific features such as dependency on hunting, gathering for food, having (i) pre-agriculture level of technology, (ii) zero or negative growth of population and (iii) extremely low level of literacy. These groups are called Particularly Vulnerable Tribal Groups.

The need for identification

PVTGs are more vulnerable among the tribal groups. Due to this factor, more developed and assertive tribal groups take a major chunk of the tribal development funds, because of which PVTGs need more funds directed for their development. In this context, in 1975, the Government of India initiated to identify the most vulnerable tribal groups as a separate category called PVTGs and declared 52 such groups, while in 1993 an additional 23 groups were added to the category, making it a total of 75 PVTGs out of 705 Scheduled Tribes, spread over 17 states and one Union Territory (UT), in the country (2011 census).

How they are identified

Government of India designed a procedure to identify PVTGs. According to the procedure, the state governments or UT governments submit proposals to the Central Ministry of Tribal Welfare for identification of PVTGs. After ensuring the criteria is fulfilled, the Central Ministry selects those groups as PVTGs.

<table>
<thead>
<tr>
<th>State / UT Name</th>
<th>PVTGs Name</th>
</tr>
</thead>
</table>
The characteristics of PVTGs

In 1973, the Dhebar Commission created Primitive Tribal Groups (PTGs) as a separate category, who are less developed among the tribal groups. In 2006, the Government of India renamed the PTGs as Particularly Vulnerable Tribal Groups (PVTGs). PVTGs have some basic characteristics -they are mostly homogenous, with a small population, relatively physically isolated, social institutes cast in a simple mould, absence of written language, relatively simple technology and a slower rate of change etc.

Population

In India, tribal population makes up for 8.6% of the total population. Tribal people live in about 15% of the geographical area of the country. The places they live vary from plains, forests, hills, inaccessible areas etc. PVTGs are scattered in different geographical areas of the country. According to the 2001 census, the PVTGs population is approximately 27,68,322. There are 12 PVTGs having a population above 50,000 and the remaining groups have a population of 1000 or less. The PVTG of Sahariyas has the highest population of 4,50,217, while the PVTGs of Sentinelese and Andamanese has a very small population of 39 and 43, respectively.

Social conditions and declining population
The cultural practices, systems, self governance and livelihood practices of PVTGs have a lot of variations, depending on the group and locality. These tribal groups are widely different culturally. The level of inequalities in social and economical conditions is very high amongst PVTGs. Their problems are also very different from group to group. The growth of PVTGs' population is either stagnating or declining, compared to the general population growth, particularly in the Andaman and Nicobar Islands where the declining rate is very high. There are five PVTGs in the Andaman islands such as Great Andamanese, Jarawas, Onges, Sentinelese and Shom Pens. In 1858, the Great Andamanese were estimated at nearly 3500, in 1901 their number declined to 625. According to the 2001 Census, the Great Andamanese stood at just 43, Jarawas are 241, Onges are 96, Sentineles are 39 and Shom Pens are 398.

Livelihoods

PVTGs depend on various livelihoods such as food gathering, non Timber Forest Produce (NTFP), hunting, livestock rearing, shifting cultivation and artisan works. Most of their livelihoods depend on the forest. The forest is their life and livelihood. They collect various NTFP items such as honey, gum, amla, bamboo, shrubs, fuel wood, dry leaves, nuts, sprouts, wax, medical plants, roots and tubes. Most of the NTFP items they gather are for consumption and they sell the remaining to middle men. But due to the shrinking forests, environmental changes and new forest conservation policies, their NTFP collection is getting hampered. Because of the lack of awareness about the value of NTFP produce, PVTGs have been exploited by the middle men.

Health conditions

Health is a prerequisite for human development and it is an essential component in well-being of humankind. Health problems of any community are influenced by different factors such as social, economical and political factors. The health status of PVTGs is in an awful condition because of multiple factors like poverty, illiteracy, lack of safe drinking water, bad sanitary conditions, difficult terrain, malnutrition, poor maternal and child health services, unavailability of health and nutritional services, superstition and deforestation. The diseases like anemia, upper respiratory problem, malaria; gastro-intestinal disorders like acute diarrhea, Intestinal protozoan; micro nutrient deficiency and skin infection diseases are common among PVTGs. Many of these diseases can be prevented by providing nutrition food, timely medical facilities and health awareness. The condition of education is also very poor, with an average literacy rate of 10% to 44% in PVTGs.

Particularly Vulnerable Tribal Groups: Food Security and Habitat Rights
The Right to Food Commissioner’s Report identifies Particularly Vulnerable Tribal Groups (PVTGs) as most susceptible to malnutrition. The report acknowledges that these communities derive their nutrition from the forest and habitat they live in. Tribals are denied access to the forest and its produce, often due to persistent lobbying by conservationists and environmentalists.

PVTGs inhabit areas that are inaccessible by road, and therefore cannot travel easily to Anganwadi centers, where food is prepared. Moreover, their hamlets are considered too small to open an Anganwadi centre. As far as the Midday Meal Schemes are concerned, tribals are wary of their children attending mainstream schools, either due to fear of stigmatization in school or physical distance.

A spate of infant deaths among the PVTG in Attapadi in the Palakkad district of Kerala brought back the spectre of malnourishment, anaemia and extreme poverty. The report of the advisor to the commissioners in the Right to Food petition before the Supreme Court received information that 36 children had died in the six months preceding his visit in May 2013.

Severe anemia, malnourishment, the lack of potable water, the absence of specialized doctors and of equipment led to the precarious nature of health care and protection in Attapadi, leading to the death of infants. At a public hearing in Attapadi, speaker after speaker spoke of the distance between the dwellings of Kurumba tribals and the ration shop, the paucity of minor irrigation projects that could ensure drinking water and irrigation to the tribal community, the inaccessibility to remote tribal villages and the problem brought on by drought. One issue that was raised was about forest-dwelling communities which have had a sudden shift in their nutrition status after rules that have been made which prevent killing of animals without providing them with alternatives that would make up for the loss of nourishment.

Attapadi has again highlighted the implications of extreme poverty and inaccessibility. Attapadi is a stark reminder of how forgotten tribal communities can become and what contexts of direness are produced by extreme poverty, remoteness and the non-provision of services by an administration.

An ‘Attapadi package’ was put together “intended to improve the health services, functioning of the Anganwadis and also revive traditional agricultural practices in the region, along with implementation of the Kurumba package which itself includes house construction, buying of land, electrical works, soil conservation, drinking water program, road, health, poverty alleviation, community area development, etc.” Although this was a response to an emergency, it reveals the extent of systemic changes needed to deal with situations of extreme poverty and vulnerability.

Years of deprivation has caused malnutrition rates to escalate. Control over forest resources is, therefore, essential for the survival of PVTGs. In recognition of this
vulnerability, the FRA has a special provision for PVTGs for “rights including community tenures of habitat and habitation” under Section 3(1) (e). Habitat is defined as including the ‘area comprising the customary habitat and such other habitats in Reserved Forests and Protected Forests’.

In the *Orissa Mining Corporation. v. MoEF* case, the Court pointed to the FRA Rules, 2012 which state:

“In view of the differential vulnerability of Particularly Vulnerable Tribal Groups (PTGs) amongst the forest dwellers, District Level Committee should play a pro-active role in ensuring that all PTGs receive habitat rights in consultation with the concerned PTGs’ traditional institutions and their claims for habitat rights are filed before the concerned Gram Sabhas.”

The Rules further state that the DLC is also vested with the function of examining whether claims filed by PVTGs have been addressed keeping in mind the objectives of the FRA.

For PVTGs, the implementation of FRA has been poorest since their habitat rights are not clearly defined or understood by the Forest Department. No disaggregated information and data at the national level on status of the implementation of the provision for rights of PVTGs particularly of habitat rights under the FRA. The Joint Committee Report, 2010, found that “Orissa is the only state that has taken some pro-active steps on PTGs and issued a number of circulars focusing their rights, and entrusted the responsibility on the micro-project officers and project administrators of ITDAs, but neither ‘habitat right’ nor CFRs in any case has been finalized.” Out of the 75 PVTGs, there are hardly one or two examples of habitat rights claims (claims by the Juangs in Keonjhar, Odisha and by Madia in Bhamragarh of Maharashtra). The claims by the Juangs are still pending.

Some problems that arise for tribal communities in claiming habitat rights include: lack of clarity over definition and interpretation of what is entailed in habitat rights; multiple interpretations of habitat, especially if the user rights of other, non-PVTG groups sharing the same territory are involved; or if the traditional habitat boundaries of PVTGs overlap with wildlife habitats; and a lack of awareness among such communities about the terms in which to articulate such claims. The definition of ‘habitat’ among PVTGs is still evolving. One example is the work being done in the Baigachak area of Dindori district, Madhya Pradesh to document the traditional ‘garhs’ or places of origin of the Baigas, a forest-dependent PVTG belonging to Madhya Pradesh and Chhattisgarh. Garhs are sacred paces (villages, trees, rocks, or caves) that could extend much further than the traditional village or forest boundaries of Baigas resident in one particular area. Garhs are often in Reserved Forests, and are associated with deities, sacred plants and totemic animal species revered and protected by particular clans of the Baigas. The worship of garhs is a living tradition. Activists in Dindori are attempting, through tracing the garhs of various Baiga clans, to establish a history
of the range and pattern of movement through which Baigas have settled in their present habitations.

The difference between states of poverty and of vulnerability has been explored in the context of PVTGs. It is doubtless true, that many communities of Scheduled Tribes, and more particularly of PVTG, can be classified as being in poverty. Yet, their access to resources in forests makes a difference to the extent of their vulnerability. Where there has been a depletion of forest cover, and the emphasis is on timber trees, it was pointed out that the effect was to add to the vulnerability of PVTGs. Where, on the other hand, the resources are safeguarded and the community has access, the ability to prevent nutritional distress can be augmented.

There are attempts underway to document and give value to the resources which are found in PVTG areas. The Jana Swasthya Sahyog in Chhattisgarh has, for instance, identified the various food, fruits and flora in the region and explained the nutritional value of the produce.

The depletion of these resources, or denial of access to the resources, threatens a descent from poverty to vulnerability. This is a tangible loss and must be accounted for, and averted, when any program or project is proposed.

**Scheme for PVTGs**

The Scheme for Development of Primitive Vulnerable Tribal Groups (PVTGs), came into effect from April 1, 2008. The Scheme defines PVTGs as the most vulnerable among the Scheduled Tribes and the Scheme therefore seeks to prioritise their protection and development. It identifies 75 PVTGs. The Scheme seeks to adopt a holistic approach to the socio-economic development of PVTGs and gives state governments flexibility in planning initiatives that are geared towards the specific socio-cultural imperatives of the specific groups at hand.

Activities supported under the scheme include housing, land distribution, land development, agricultural development, cattle development, construction of link roads, installation of non-conventional sources of energy, social security, etc. Funds are made available only for activities essential for the survival, protection and development of PVTGs and not already funded by any other Scheme of the central/state governments. Each state and the Andaman and Nicobar Islands’ administration, is required to prepare a long term Conservation-cum-Development (CCD) plan, valid for a period of five years for each PVTG within its territory, outlining the initiatives it will undertake, financial planning for the same and the agencies charged with the responsibility of undertaking the same. The CCD Plan is approved by an Expert Committee, appointed by the Ministry of Tribal Affairs. The Scheme is then funded entirely by the Central government.
Pseudo tribalism

Tribalism is the state of being organized by, or advocating for, tribes or tribal lifestyles. It has been defined as a "subjectivity" or "way of being" social frame in which communities are bound socially beyond immediate birth ties by the dominance of various modalities of face-to-face and object integration.

Tribalism implies the possession of a strong cultural or ethnic identity that separates one member of a group from the members of another group. Based on strong relations of proximity and kinship, members of a tribe tend to possess a strong feeling of identity. Objectively, for a customary tribal society to form their needs to be ongoing customary organization, enquiry and exchange. However, intense feelings of common identity can lead people to feel tribally connected.

Meanwhile, the word "tribe" can be defined to mean an extended kin group or clan with a common ancestor or can also be described as a group with shared interests, lifestyles and habits.

**Tribe in Indian context**

In India, the local equivalent of the term ‘tribe’ is often assumed to be ‘jana’ or ‘communities of people’ based on the usage of the term in ancient Buddhist and puranic texts. In this conception, the term jana was used in opposition to the term jati to indicate that these communities were outside the jati or hierarchical caste system of social organisation. This view, however, was not universally accepted, since other scholars point out that the categories of jana and jati do not neatly overlap with that of tribe and caste respectively in the present context.

It was largely following the various tribal rebellions during the colonial period that tribes came to be seen as the region’s ‘original inhabitants’ who existed outside of the caste system and had been marginalised by the more advanced caste-Hindu society. The nineteenth-century ethnographic view of tribes argued that the term referred to both a particular type of society based on kinship ties and a stage of evolution. In the former view, standard definitions describe the tribe as a social group with a definite area, dialect, cultural homogeneity and unifying social organisation. An amalgam of the various traits ascribed to tribal groups include: relative egalitarianism within the group, the
absence of complex political structures, strong and functional kinship bonds, cooperation, territorial integrity, cultural and linguistic distinctiveness, and lower levels of technology. In the case of the latter view, tribes are seen as ‘primitive’ societies in the sense of lacking all the traits of modern, Western society in that they are non-literate, ‘uncivilised’, non-industrial, rural, and so on.

The two views are connected in that tribes were seen as having primitive social organisation, implying that tribal people were at a lower stage in the evolutionary social hierarchy in terms of their socio-cultural characteristics, economy and political structures, often being described as simple as well as insulated from changes in the larger regional polity. Tribes in the Indian context have also been defined as groups remaining outside of the structures of State and civilisation.

**Fight for ST status**

The Indian Constitution ensures certain protection for communities deemed as having Scheduled Tribe (ST) status. However, which groups should be accorded that status has been contentious. Getting ST status means that members of the group have access to highly desired tangible benefits such as political representation, reserved seats in schools, and government jobs. Over the years, social and political mobilization has led to the number of STs growing from 225 in 1960 to 700 today (with overlapping communities in more than one state). As the number of communities clamoring to be recognized as ST expands, so do the number of people who question the legitimacy of awarding ST status, bringing the criteria of this recognition under increasing scrutiny.

The Indian Constitution only states that STs are specified by the President after consultation with the Governor; it does not specify specific criteria. According to the Ministry of Tribal Affairs, the criterion—while not spelled out in legislation—“is well established,” and includes indication of “primitive” traits, distinctive culture, geographical isolation, “shyness of connect” with the community at large, and “backwardness.”

These general standards were established following the definitions of the 1931 Census, the reports of the First Backward Classes Commission 1955, Kalelkar Advisory Committee, and Revision of SC/ST lists by the Lokur Committee. However, more than a half-century later, these broad criteria leave a lot of discretion.

In order to avail of the protections and benefits of being accorded ST status, communities in India try to prove themselves as meeting the criteria. This is being done in order to gain the various benefits the tribal tag provides in terms of reservation and other allied programs. Some of the major groups are:

<table>
<thead>
<tr>
<th>State</th>
<th>Group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assam</td>
<td>Koch rajbongshi</td>
</tr>
<tr>
<td></td>
<td>Tai ahom</td>
</tr>
<tr>
<td></td>
<td>Morans</td>
</tr>
<tr>
<td></td>
<td>Mattack</td>
</tr>
<tr>
<td></td>
<td>Chutia</td>
</tr>
<tr>
<td></td>
<td>Adivasi (tea tribes)</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>Gujjar</td>
</tr>
<tr>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td>Manipur</td>
<td>Meitei</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>Pahari</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>Badagas</td>
</tr>
<tr>
<td></td>
<td>Narrikurovar</td>
</tr>
</tbody>
</table>

**Cause of the problem**

The concept of Tribe varies from State to State or area to area depending upon local socio-economic conditions of particular community and the consequent inclusion of a particular group in the list of scheduled Tribes or Scheduled Castes. A community may be Scheduled Tribe in one State and it may be Scheduled Caste in another State and same may be backward class or forward class in another State. For example, Lambadas or Banjaras or Sugalis are Scheduled Tribes in Andhra Pradesh, but they are classified as Scheduled Castes in Karnataka and Union Territory of Delhi and Backward Class in neighbouring Maharashtra. Korcha community which is synonymous of Yerukula tribe is in the list of Scheduled Castes in Karnataka State and in Andhra Pradesh, they are Scheduled Tribes. Similarly, ‘Goudu’ is Scheduled Tribe within the Agency tracts of Andhra Pradesh but they are not recognised as Scheduled Tribes in adjoining State of Orissa even though they are predominantly found in tribal areas of, Orissa State. This kind of anomalies lead to emigration of identical communities from a State where they are not Scheduled to a State where the same group is scheduled in order to utilise the benefits under the garb of Scheduled Tribes.

Identical nomenclature of certain communities, sometimes based on identical traditional occupations within the State also is leading to much confusion and facilitating these non-tribal caste groups to claim Scheduled Tribe social status. The Kammara caste group people (which is included in State B.C. list) who are blacksmiths in the plain areas, are also claiming as Kammaras of Agency tracts for the sake of cornering the reservation benefits of Scheduled Tribes. These two are quite distinct communities and they differ widely in their customs, traditions, habits and values. The social organisation of these two communities and associated ritual practices are diametrically opposite to each community. Likewise Goudu of Agency tracts (Pastorals) are included in Scheduled Tribe list but Gowda, Gamalla, Goundla or Ediga of plain areas who are traditional toddy tappers are included as Backward Classes. Both communities are distinct and different. The High Court in its Writ Appeal No.439 of 1980 also clearly brought out this distinction between these two communities and Gowda or Gamalla people even residing in Agency areas cannot be recognised as Scheduled Tribes. In view of identical nomenclatures, - some of the plain people belonging to Kapu, Reddi, Thoti, Bagata, Mannervarlu, Samantha or Samantiya, Benatho Oriya or Bentho Oriya, Holva, Boya Valmiki, Pala Ekiri etc. communities are managing to produce Scheduled Tribe Certificates. Some of the people belonging to Pala Ekiri caste are styling themselves as Erukula and are producing bogus tribal certificates. Some of the communities,
who even without any kind of identical nomenclature, are also fraudulently claiming as if they belong to some of the sub-divisions mentioned under certain generic names or main group. For example, Mannevarlu under Kolam, Bentho Oriya under Kotia, Lingadhari Koya under Koya etc., eventhough they do not actually belong to these sub-divisions. “Since these words enable parts of groups of a tribal community to be specified under a single entry of the Scheduled Tribe order, it follows that the communities mentioned against the entry are those which have mutual affinities among them as being included in the same tribe. The entry has to be interpreted accordingly”.

Badagas
Till the 1931 Census, the Badagas were classified as 'important primitive tribes'. There was no census held in 1941 due to the world war. In 1950, post-independence, the community was deleted from the ST list for reasons unknown. The Badaga people woke up to the matter only in the late 1970s. Since then, they have been fighting for lost ground but in vain. The state government sent two recommendations to Centre for reinstating the community's tribal status but there was no response.

Thus, it can be seen that there is mushroom growth of sham tribals to enjoy the unintended concessions and privilege in the fields of education, employment and developmental activities. Unless this process of pseudo tribalism is strictly controlled the genuine tribals cannot be developed as envisaged in the Constitution.

Tribes as Indigenous People of India
Virginius Xaxa

Defining 'tribe' has conceptual as well as empirical problems for the academician. But this term of administrative convenience has now been adopted by the tribals themselves to mean the dispossessed, deprived people of a region. There is no claim to being the original inhabitants of that region, but a prior claim to the natural resources is asserted vis-a-vis the outsiders and the dominant caste. The tribal identity now gives the marginalised peoples self-esteem and pride.

THE idea of 'indigenous people' is an issue of considerable contention in India today. This was hardly so till a few years ago. In fact, social workers, administrators, politicians and even scholars widely used the term to refer to a certain category of people. They hardly felt any unease in the use of native equivalent of this term, viz, 'Adivasi. Ghurye had of course some reservation to the use of such terms; the expression he used was 'so-called aborigines'. Again, it is they who took the term along with all the prejudices and conjectures to the masses. That is how the identity of Adivasis has entered into the consciousness of the tribal people. The identity that was forced upon them from outside precisely to mark out differences from the dominant community has now been internalised by the people themselves. Not only has it become an important mark of social
differentiation and identity assertion but also an important tool of articulation for empowerment.

The term tribe

The Anthropological Survey of India under the 'People of India Project' identifies 461 tribal communities in India. The question of tribes in India is closely linked with administrative and political considerations. Hence there has been increasing demand by groups and communities for their inclusion in the list of scheduled tribes of the Indian Constitution. That partly explains the steady increase in the proportion of the scheduled tribe population in India especially in the period between 1971 and 1981. There has been more concern with the identification of tribes than with their definition. This does not mean that lists have been drawn without any conception of tribe whatsoever. There did exist some conception. This was obvious from the use of criteria that were adopted. These ranged from such features as geographical isolation, simple technology and condition of living, general backwardness to the practice of animism, tribal language, physical features, etc. The problem however lay in the fact that they were neither clearly formulated nor systematically applied. One set of criteria was used in one context and quite another in another context. The result is that the list includes groups and communities strikingly different from each other in respect of not only size of the population but also the level of technology and other characteristics. Indian anthropologists have been acutely aware of a certain lack of fit between what their discipline defines as tribe and what they are obliged to describe as tribes. Yet they have continued with the existing labels.

The early ethnographers were not very clear about the distinction between caste and tribe in the 18th century writings, for example, showed synonymous use of the term tribe with caste, later it was even used in a cognate manner as one could see in the use of phrase 'caste and tribes of India' by Risley and many others in their writings. Efforts to make a distinction between the two began to be made after initiative was taken to collect detailed information about the people for the census. The census officials were however far from clear with regard to the criterion of distinction. It is with the 1901 census that one finds a mention of criteria howsoever inadequate that may be. It defined tribes as those who practised animism. In the subsequent censuses animism was replaced by the tribal religion. Although the criterion no introduced was highly unsatisfactory, it continued to be used widely and extensively.

It is only in the post-independence period that more systematic effort was made towards distinguishing tribe from caste. Though the distinction between the two was made in both colonial and post-colonial ethnography, the relation between the two was differently conceived in the two ethnographies. In the colonial ethnography, the concern shown by the British administrators-scholars was to mark off tribe from caste. Hence tribes were shown to be living in complete isolation from the rest of the population and therefore without any interaction or interrelation with them. In contrast the main concern in the native ethnography has been to show close interaction of the tribes with the larger society or the civilisation. Both Ghurye (1963) and Bose (1475), for example, stressed the nature of interaction between tribes and the larger-Hindu society and the ways in
which tribes have been drawn into the Hindu society. They stressed similarities between the two societies. Sinha (1958) even goes to the extent of viewing tribes as a dimension of little tradition that cannot be adequately understood unless it is seen in relation to the great tradition.

In view of such conception, tribes have come to be primarily studied in relation to features and characteristics of the larger society. The focus is on how tribes are getting absorbed into the larger society, the so-called mainstream, by becoming caste, peasant, class and so on. With such conceptualisation, the identity of the tribal group or community is indeed put at risk. This is because of the way tribes have been conceptualised in anthropological literature and the reference with which tribal society in India is studied.

Tribes are primarily seen as a stage and type of society. They represent a society that lacks positive traits of the modern society and thus constitutes a simple, illiterate and backward society. With change in these features on account of education, modern occupation, new technology, etc. tribal society is no longer considered to be tribal if transformation is in the direction of caste society then it is described as having become caste society. If the reference is peasant then it is posited as the peasant society and if the general direction of transformation is social differentiation, then it is described as differentiated or stratified, and thus ceases to be tribal society. In the process it is forgotten that tribe besides being a stage and type of society is also a society alike and similar many other kinds of society. say the Oriya or the Bengali. But it is precisely this that comes to be denied on account of the changed situation. Of course, it is true that the tribes are not of the same stage and type as Bengali or Oriya societies. There is then something clumsy about the use of the term tribe in describing the Indian social reality.

Concept of indigenous

Such conceptual and empirical problems inherent in the use of the term tribe or tribal society could to some extent be overcome by the use of the term indigenous but not without giving rise to other problems. The term indigenous or its equivalent has been used in anthropology to describe groups called tribes for quite some time. Its use now has however gone beyond the discipline of anthropology. The international agencies are increasingly and extensively making use of this term and concept in their deliberations and discussions. With this the term has come to occupy wide currency in general as well as in the other social sciences literature. In the deliberations of the international agencies, the term was used for the first time in 1957 [Roy-Burman undated]. It gained wide currency after 1993 with the declaration of the year 1993 as the international year of the indigenous people. In 1957 the general conference of the ILO adopted a convention concerning protection and integration of indigenous and other tribal and semi-tribal population in independent countries. The convention framed general international standards for facilitating government actions towards protecting and promoting progressive integration of these people into the respective national communities (Convention No 107). By 1985 the ILO felt the need to revise the convention on account of changes in attitudes and approaches towards these people worldwide. The ILO had earlier proposed integration as the desired
objective but this was no longer being seen as appropriate. This was so because the international organisations and increasing number of governments were moving toward greater recognition of the rights of indigenous and tribal people to retain their specific identities and to participate fully in the planning and execution of the activities affecting their way of life. Accordingly, the ILO adopted a revised convention (No 169) in 1989 after the expert committee appointed by the ILO gave its recommendation and the same was passed in consultation with other international bodies.

The context of the discourse on the indigenous, initiated by the ILO and later accepted by the UNO thus basically hinged on the twin concepts of 'need right' and 'power right' of a certain social category of people all over the world. This category of people was progressively being marginalised and dispossessed from their sources of livelihood and were vulnerable to cultural shock and decimation of their collective identity.

The ILO convention referred to above and the Working Group on Indigenous Population set up by the Human Rights Commission of the UNO speaks of the indigenous population as follows. They are those tribal and semi-tribal population that are regarded as having their descent from the populations which inhabited the country or the geographical region to which the country belongs, at the time of the conquest or colonisation by Europe. They are in addition also those who irrespective of their legal status live more in conformity with their social, economic and cultural institutions than with the institution of the nation to which they belong [Roy-Burman undated; Pathy 19924 The semi-tribal population are defined as those who are in the process of losing their identity but not yet integrated in the national community. Thus, there are three aspects which are central to the conceptualisation of the indigenous people. First, the indigenous are those people who lived in the country to which they belong before colonisation or conquest by people from outside the country or the geographical region. Secondly, they have become marginalised as an aftermath of conquest and colonisation by the people from outside the region. Thirdly, such people govern their life more in terms of their own social, economic and the cultural institution than the laws applicable to the society or the country at large. What is important here is that the notion of indigenous people, despite sharing attributes in common with the people described as the tribal and semi-tribal population, is seen as different from the latter in the sense that the indigenous are invariably marked out as a distinct international entity. That is, the indigenous are invariably seen as victims of conquest and colonisation from outside the region; hence the outsiders are easily identifiable.

Tribes as indigenous

The term indigenous people, though of recent coinage at the international level, has been in use in India for a long time. In fact, the social workers, missionaries and political activists have been using the term 'Adivasi', the Indian-language term for the indigenous people, freely to refer to the tribal people since the tom of the present century. The term, in conjunction with other related terms such as aborigines, autochthonous, etc, has also been extensively used by scholars and administrators in their writings and reports. The term was used mainly as a
mark of identification and differentiation, that is, to mark out a group of people
different in physical features, language, religion, custom, social organisation, etc.
Even Ghurye (1963:12) who otherwise talks of tribes as backward Hindus and
has reservation about the use of the term 'Adivasi', refers to them as the
aborigines. He writes, "when the history of internal movements of peoples is not
known, it is utterly un-scientific to regard some tribe or the other as the original
owner of the soil. It is possible to contend that even if the tribes are not aborigines
of the exact area they now occupy, they are the autochthonous of India and to that
extent they may be called the aborigines."

Thus, hardly any unease was felt by scholars in the use of the term to refer
to these groups of people. No effort whatsoever was made to dispel the myth
associated with the term then. The term however did not remain confined to only
the scholars, administrators, politicians and social workers; it percolated down
also to the people. Indeed, it is social workers, political activists, administrators
who took the term and along with it all the prejudices and conjectures to the
masses (Sengupta 1988:1003). The term thus came to be widely used to refer to
the tribal people. It was hardly questioned, let alone debated. So long as it had
not assumed a political dimension, it had remained an accepted term of
description and designation of certain category of people. It is only with the
internationalisation of the rights and privileges associated with it that the use of
the term indigenous has come to be critically examined or even challenged in the
Indian context. The sense in which the term was used earlier and the sense in
which it has come to be used today are definitely not identical though they overlap
in some sense. Today, aspects of marginalisation are built into the definition of
indigenous people. Only those people that have been subjected to domination and
subjugation have come to constitute the component of the indigenous people. Yet
the use of the term Adivasi (indigenous) to designate certain category of people
and not the other category clearly reveals that these aspects were not altogether
lost sight of it may be noted that even earlier the term was used to delineate people
who were backward and cut off from the mainstream civilisation. The basic mark
of differentiation was between those who were part of the civilisation and those
who were not. Hence the use of the term Adivasi to describe tribe: people seems
to have some validity even in the sense of marginalisation. Historical antiquity
may have been a more distant criteria, but the most immediate and proximate
seemed to be the fact that they were not part of the civilisation. In a certain sense
then there was the aspect of marginalisation that was taken note of while
designating a group as Adivasi. This seems all the more obvious when we take
the other aspects of the Indian society. The coming of the Aryans has been
invariably taken as the decisive historical factor to determine the original people
of India. Yet not all the original people have been called the indigenous people.
The groups speaking languages belonging to the Dravidian linguistic stock no
doubt have been considered the inhabitants of India before the coming of the
Aryans. Yet they have never been de-scribed as the indigenous people, mainly
because they do not constitute the marginalised groups. The government of India
had in fact placed no objection to Meuse of the term when it was deliberated upon
in the ILO convention in 1957 and was tied to cotenant 107. This was so because
the term then had not raised such issues as empowerment and rights. rather it had articulated the need of integrating the indigenous and tribal people into the larger social and political system. By contrast the focus had shifted from integration to one of rights and empowerment by 1989. And no sooner had the issue shifted than the argument ensued that a category such as this does not hold in the Indian context.

Arguments against

Much of the discussion questioning the indigenous people's status in India has centred on the complex historical processes of the movement of the population and their settlement in the subcontinent. It is said that unlike in the Americas, Australia, New Zealand with a recent history of conquest, immigration and colonisation in India identification of indigenous people is not easy. Rather there have been in India waves of movement of populations with different language, race, culture, religion dating back centuries and millennia. Even groups or communities described as tribes have not been outside of this process. Given this, how far back should one go in history to determine people who are natives and who are immigrants. Indeed, any demarcation is going to be arbitrary and hence extremely contentious. And indeed, so has been the case as we can see from the discussion below. It is also maintained that the communities described as tribes have been living in close proximity with the non-tribal people for over centuries leading to much acculturation and even assimilation into the larger Hindu society. The Indian experience, it is stated, is different from that of the new world where it was marked by conquest, subjugation and even decimation. his hence argued that it is not only the point of departure that is problematic but also the Indian experience.

It is with the people described as tribes that the term indigenous people has generally come to be associated in India. It is assumed that they have been the original sealers of what geographically constitutes India today or at least people who inhabited the region before the coming of the more dominant sections of the Indian society, viz, the Aryans. They are said to belong to social groups other than the Aryans and speak a variety of dialects belonging presumably to two main linguistic families, viz, the Dravidian and the Austro-Asiatic. The plausibility of groups speaking Tibeto-Burman languages is not altogether ruled out from the purview of the status of the original inhabitants in India. These groups have generally been described as Adivasis or the original people by social workers, missionaries, political activist’s scholars and administrators since the beginning of the present century. Ray t1973:124-2S) writes, "The communities of people of today whom the anthropologists call Tribals, happen to be the indigenous, autochthonous (Adivasis) people of the land, in the sense that they had long been settled in different parts of the country before the Aryan-speaking peoples penetrated India to settle down first, in the Kabul and Indus valleys and then within a millennium and half, to spread out in slow stages, over large areas of the country and push their way of life and civilisation over practically the entire area of the country along the plains and the river valleys."

The question that is of central importance here is (1) whether groups designated as tribes have been natives of India and non-tribes immigrants; and (2) if they
have not been natives whether their settlement is prior to that of the arrival of the major social group, the Aryans. Most of the scholars are of the view that tribes could hardly make legitimate claim that they are the only natives of India. They cite observations made by scholars, however conflicting they maybe, in support of their position. Hutton for example is of the view that only the Negritos may be considered as the original inhabitants of India though they do not have any marked presence now. He considers groups belonging to the Austro-Dravidian categories etc. as much outsiders as the Aryans. Guha is also cited for making similar observation in the context of Austro-Dravidian speaking people [Shah 1982]. But more authoritative sources on which such claim is questioned are the traditions of the tribes themselves as they speak. Dube (1977.2) writes, “it is difficult to speak of ‘original’ inhabitants, for tribal traditions themselves make repeated mention of migration of their ancestors. There is considerable evidence to suggest that several groups were pushed out of the areas where they were first settled and had to seek shelter elsewhere. And there are several groups, now absorbed in Hindu society, which can make an equally tenable claim to being original or at any rate very, old inhabitants”. Beteille (19913) makes similar observation on the point under reference. There are two substantive points that have been made here. One is whether one can speak of tribes as the original people especially in view of their migratory movement. This is indeed an important argument and cannot be brushed aside. The other makes reference to tine claims that may be made by groups that have been absorbed into the Hindu society. The latter suffers from a certain flaw. Firstly, it is hypothetical. The second is that the groups lose the right to make such claim by virtue of their choice to get absorbed into the dominant, viz, the Hindu society.

If the issue of tribes as natives is questionable, is it so also with the second question? That is, areal tribal groups the inhabitants that settled the territory before the coming of the Aryans, the assumed cut-off points for demarcating the indigenous people in India? Whereas this is more or less the case, it cannot be said with certainty for all the groups described as tribes in India. It is said that there are tribes in India especially in the north-east whose settlement in the territories they inhabit today is an even later phenomenon than the settlement of many non-tribes in other parts of India. The Nagar for example are stated to have come to India around the middle of the first millennium BC first to Tibet and later to the territory where they live now, as period later than the coming of the Aryans. The Mizos are said to have settled in the territory where they live only in the 16th century. The Kuki settlement is considered even later than that of the Mizos. In contrast to this, the non-tribal groups like the Bengalis, Gujaratis, Oriyas, etc, have a much longer history of settlement than these tribes. Given this, it becomes indeed problematic to say that all tribal people in India are earlier settlers than the Aryans and therefore tribes are indigenous and non-tribes non-indigenous. There is a need to make distinction between settlement in the context of country (India being the reference point here) as a whole and settlement within its parts or regions. In the discourse on indigenous people, the two aspects are either ignored or mixed or even interchanged. An argument valid at one level, for ex-ample at the local level, is often used to substantiate the argument at another level, such as
the country as a whole. The Santhals may have settled in the territory where they live now, the Santhal Pargana or its adjacent areas, in the beginning of the 19th century. They may have even settled there later than the Bengalis. But that in no way negates the fact that their settlement in India is prior to that of the groups commonly referred to as the Aryans such as the Bengalis or Gujaratis. But to claim indigenous status on this ground is not so simple as one can see from the discussion that follows. Conversely, the settlement of the Micas in the country called India may have been a later development than those of the Gujaratis or Bengalis, but the fact remains that they are the original settlers of the place where they live now. It needs to be mentioned here that the tribal groups in India are not solely comprised of the Dravidian and Austro-Asiatic speaking groups. A very large number of the tribal groups in fact belong to the Tibeto-Burman speaking groups, many of whom can hardly be considered indigenous if the arrival of the Aryans is taken as the cut-off mark to decide who is indigenous and who is not indigenous. To restrict the terms indigenous to refer to only those groups of people who had entry prior to those of Indo-Aryan group would be to exclude many tribal groups of the Tibeto-Burman family from the status of indigenous people. There are also tribal groups like the Bhils that speak languages of the Indo-Aryan family. This poses the problem of their identification as indigenous people. Yet it is generally held that the groups no referred have been drawn into the languages they speak through the process of interaction and acculturation with the Indo-Aryan speaking groups. In terms of their culture and physical features, they are however still considered different from the Indo-Aryan population.

What this means is that people identified and described as tribals are not to be necessarily treated as indigenous and that there are tribal groups which could be treated as indigenous and others which could not. In contrast many groups and communities especially, those belonging to the Dravidian language speaking group such as the Tamilians, Telugus, Malayali’s, could stake a claim of being indigenous people by virtue of the fact they have been inhabitants of India prior to the coming of the Aryans. They are however not recognised as tribals and share few attributes in common with the tribes who stand dispossessed, exploited and marginalised. Rather they constitute a part of the dominant national community. In terms of other criteria that go to make up indigenous people, viz, marginalised status, loss of control over resources, etc, they can hardly be considered for the indigenous people status. The congruence between the term and the concept on which the tribal activists defend the application of the term does not stand valid in all situations. There is still another ground on which the indigenous claim is contested in the Indian context. It is generally held that the Indian society is made up of a number of castes and groups and that many of these have been formed out of the process of fusion of various groups and communities including tribes. This is all the truer in case of the regional linguistic communities such as Bengalis, Gujaratis, Oriyas etc. In view of this, it may become necessary that a segment of the same community be identified as indigenous and another as non-indigenous.

**Arguments for**

The extension of the term is however strongly defended by activists and other scholars both tribal and non-tribals. This is done not so much on the basis
of original settlement as on some other consideration. They, of course, trace the history of tribals in India much before the coming of the people who have been described as Arians. They ask why tribals, whose ancestors lived here for some thousands of years prior to the Aryan invasion, a fact that can hardly be disputed, should not be considered indigenous people so that certain positive international instruments are made applicable to these marginalised and deprived social groups. But the case is made more forcefully on another ground. Pathy (1992’S), for example, writes that tribals in a way have been victims of conquest and colonisation and hence share all the attributes of the colonised people such as ethnic identity, loss of control over customary territorial resources, cultural annihilation and powerlessness. He makes the case despite his recognition that insisting on original settlement in a territory is problematic and unreasonable.

But then even the issue of colonisation and colonised status remains far from resolved. First of all, we do not have detailed and well researched historical material on the nature of relations or encounter between groups that are designated as the indigenous people and the other social groups for the periods preceding the coming of the British. Hence it is difficult to my anything with certainty about the nature of relations between the two types of social groups. In general, the relation between tribes and non-tribes has been described as one of mutual coexistence rather than one of subjugation and domination at least until the advent of British rule. In fact, this is the other important ground on which the term indigenous people are contested in the Indian context. It is said that most of the studies of the history of Indian civilisation show that the growth and expansion of Hindu society was a prolonged and complex process of assimilation. And the nature of interaction between the two has been broadly described as one of peaceful coexistence rather than one of conquest and subjugation [Bose 1941: Beteille 1998:189]. Such a nature of interaction between tribe's and non-tribals has also been endorsed by a scholar who otherwise talks of an aggressive absorption into the Hindu society with the onset of the colonial rule [Desai 1977:24]. Pathy (1992a:51) himself elsewhere talks of a symbiotic relationship between the tribals and the nontribal rather than one of colonisation and conquest. He writes, "majority of the so-called tribals of India had developed class structure over a long period of time and therefore had interactions with the other communities. Up to the time of colonialism, it was largely not a relationship of domination and subjugation." Not only is determining original settlement in the territory problematic, but also the question of colonisation and subjugation as one can see from Pathy's observation. This means that the question of indigenous people could only be raised from the period of the arrival of the British and the subsequent process of colonisation and subjugation in India. If these processes are taken as the point of departure for demarcation of indigenous people, then the issue of original settlement that is so central to the notion of indigenous people becomes redundant in defining indigenous people. In fact, the whole exercise of identification of groups and communities as tribes during the colonial period was to a great extent contingent upon the differences tribes displayed in relation to the larger society. Thus, tribes were by and large considered as those outside civilisations. This means that they not only remained outside the politico-
administrative structure of the larger society or the kingdom, but also outside the
general social organisation and worldview of the larger society. In short, they
continued to be distinct because they escaped colonisation and subjugation.
Where people were subjugated they became part of the larger social organisation
and failed to maintain their distinctiveness. Whether they lived in hills, plateau or
forest and lived by hunting, food-gathering or practised slash and burn cultivation
followed from being outside civilisation. Beteille (1986:316) has forcefully
brought this out. He writes that where tribe and civilisation coexist as in India and
the Islamic world, being a tribe has been more a matter of remaining outside of
state and civilisation, whether by choice or necessity, than of attaining a definite
stage in the evolutionary advance from the simple to the complex. The Indian
practice of regarding as tribes a large assortment of communities, differing widely
in size, mode of livelihood and social organisation cannot therefore be dismissed
as anomalous. They are all tribes because they all stood more or less outside of
Hindu civilisation and not because they were all at exactly the same stage of
evolution. In short, they are described as tribes and therefore even as indigenous
people because they escaped colonisation and subjugation processes. The use of
the term indigenous people to refer to the tribal people is defended on yet another
ground. It is argued that unlike antagonists who tend to take note of only historical
realism, we have also to take note of critical realism. They state that irrespective
of the place and time of origin or their occupation or their present habitat in India,
there are certain communities, which until recently maintained practically
autogenous sources of legitimisation of cultural and social processes and were
accentuated by the ideology of a self-regulated economy and had only marginal
articulation with the external political structures. Their indigenous identity cannot
be brushed away by juxtaposition of non-meaningful occurrences in space and
time in systemic terms (Roy-Burman 1992:24).

Such claim is difficult to establish today. Not only have the tribal
communities been brought under uniform administrative and legal structures
under the British but they have also been drawn into the politico-economic
process of the larger society especially in the post-independence period of
economic development. There are very few tribes which have escaped such
processes. The actual empirical reality is then too complex. It is not at all
surprising then that elsewhere Roy-Burman (1983:1172-74) writes, "even many
of those with the simplest technology were integrated with the wider society". In
short, the use of the term indigenous to describe tribal people in India is fraught
with difficulties. It does not reflect an empirical reality but is more of a political
construction.

Though the question of indigenous people has been generally discussed in
the context of the country as a whole, the discussion in the Indian context has also
been drawn in relation to the regions or territories within the country. It has
generally been observed that there have been so many migrations in and out of
the region in the past centuries that no particular 'jati' can have genuine grounds
for making a claim to be the original inhabitants. In discussion of indigenous
people in India it is important that we do not mix the problems obtaining at two
Levels. Often the problem at the level of the country is used to make case against tribes being indigenous at the regional/local level and vice versa. Posing the question of tribes as the indigenous people in relation to territories within the country rather than the country as a whole indeed gives rise to problems of somewhat different nature.

Movement of populations belonging to different race, ethnicity and linguistic groups including those described as tribals from one place to another is something that has been in process within India over the centuries. Thus, the groups which may be indigenous with respect to the country as a whole may not be indigenous in respect of their settlement in a given territory. It may also happen, that the same group is indigenous and not indigenous at the same time. The Oraons, Munda as and many other tribes living in Jharkhand, for example, may have legitimate claim to be called the indigenous people in respect of their settlement in the country called India prior to that of the Aryans or even in respect of their settlement in Jharkhand, but it is not certain if they can claim to be indigenous in Assam or Bengal where they have moved in the course of last one century or so. Indeed, their claim of being indigenous is strongly contested in these places. Nowhere is this truer than in Assam where the migrant tribals' claim to be the indigenous people is being disputed by such tribal communities as the bodos, mishings and others who have a much longer history of settlement in the region than the tribals from Bihar, Orissa, Madhya Pradesh, etc. If, however one takes India as a whole, then these migrant groups have a much longer record of settlement than the tribes in the north-eastern region. The tribals from this region have also moved in large numbers to Andaman Island and have settled there as cultivators after reclaiming land from the forest and in the process dispossessing the native Jarawas from their territories.

**Adivasi consciousness**

In the context of India as a whole, identification of indigenous peoples is indeed problematic. The problem emanates from the fact that the population movements and experiences in India have been different from those of the new world. It is true that the movement of population even in the new world has been, like in India, of different race, language, region, religion, culture, etc. In the new world however, these groups did not come to establish or have special relations with a given territory or region in the course of their movement. In India, the movement of the population was somewhat different. Here different communities came to develop distinct and definite association with certain territories in the course of the history of their movement.

Whether those especially associated with a given territory are indigenous to the territory or area they live in is a question that will always be contested. What however has come to be accepted that they have developed special relations with the territory in question. These territories, the communities in question have considered as their own as against those of other communities. They considered themselves to have prior and preferential if not exclusive rights over the territory where they lived either on account of their prior historical settlement or numerical and other dominance. Following this they aspired to promote and protect the interests and welfare of their community and confer on the members of their
community special rights and privileges. It was aspirations such as this among the members of the community that led to the desire to have a state of their own. And after having realised this, they tend to promote the interests of their members by means of state patronage of various kinds.

The people living in their respective territories have thus come to see the states to which they belong as the culmination of the yearning of the members of a particular territory to have a homeland of their own. The Bengalis for example have a very strong sense of attachment to Bengal as Tamilians to Tamil Nadu. There is in this an indication of the recognition, implicit though it may be, that certain people have prior right over others in the territory that they occupy. This is almost like saying that they are the original inhabitants of the territory that they inhabit. It is therefore not a coincidence that the dominant communities hardly feel the need to articulate issues in terms of rights of indigenous people. They have states of their own and therefore territories too. It surfaces only when they feel threatened from the movement of the population from outside the community. The threat is felt either on account of fear in the rise of number of members from outside the community or loss of control of power, economic and political. Nowhere is this identity with land or territory more crudely manifested than in the son-of-the-soil theory that has been raised from time to time by the dominant regional communities in India. In short, people of India representing different languages, physical features, cultures, mode of social organisations, etc, identify and relate themselves in a special way with a given territory or region in the country. Attempts have been made to provide theoretical understanding to such developments in India. In doing so scholars have invariably made use of such concepts such as nation and nationality. In the context of India, the two concepts refer essentially to the internal political arrangement of the Indian union comprising a number of linguistic-territorial state units and components with a variety of regional pressures. At the same time there has always been some kind of checklist of the objective criteria whereby a motion or nationality could be defined. And in both of these conceptions the element of territoriality assumes a central place.

The paradox is that whereas such privileges and rights are freely recognised in respect of the dominant communities in India, the same is denied to tribal communities. In the process they are progressively getting dispossessed of their control over land, forest, water, minerals and other resources in their own territory and are increasingly subjected to inhuman misery, injustice and exploitation. If their status as indigenous people of India are problematic, and the problem indeed is both empirical and conceptual, the least the dominant regional communities could do is to recognise the priorities of rights and privileges of these people in the territories and regions they inhabit. It is the non-recognition of these rights and privileges by the dominant sections of the Indian society that has led to increasing articulation of the idea of indigenous people by the tribal people.

It is in the absence of such powers and rights that a new form of identity, viz, identity of Adivasis or indigenous people is crystallising among the tribes of different parts of India. The term that was initiated mainly a point of reference or description has become an important marker of identity articulation and assertion.
today. The designation or description of tribes as indigenous people had not emerged from self-identification or description by tribals themselves. It was not a pan of positive identification and evaluation by the tribes. Rather the outsiders had imposed it on the tribes. The identity that was forced from outside has now been internalised among the tribes. Today, it is an important mark of identity and consciousness of the people, an identity that evokes a sense of self-esteem and pride rather than a sense of lowly and inferior society that often goes with terms like tribe or tribal. The people now use it to identify and define themselves. It is in relation to the identity of Adivasi that tribes are increasingly differentiating themselves from the non-tribal population at least at the grass roots level. The declaration of the year 1993 as the international year of the indigenous people has only sharpened this identity for identity, since then carries certain rights and privileges with it.

Further, the identity being expressed now by the term adivasi is indeed an expanded identity cutting across tribes bearing different names, speaking different languages or dialects. It also goes beyond groups and communities or parts thereof that are listed in the Constitution. It is to be noted that there is an important gap in the sense in which the term tribe is used and understood by the tribals and in the sense in which it is understood by others, especially the administrators, lawyers and academicians. For the latter, communities are tribes only if they are so listed in the Constitution. Tribes on the other hand do not view tribes in the sense of a politico-administrative category. Rather they view them in the sense of belonging to the same community irrespective of whether a group or segment of it is listed or not listed in the Constitution. And by virtue of this bond of emotion they are also Adivasis or the indigenous people though the Constitution does not recognise them as the tribes.

In many parts, the category has even taken political overtones. In Chotanagpur, for example, as early as 1939 it assumed the form of a demand for a separate state of their own for the adivasis. Even the organisation formed to spearhead this movement, viz, Adivasi Mahasabha, drew its inspiration from being described as the original people. Such a political overtone is not confined to Chotanagpur alone. It is catching up in other parts of India as well but more prominently in the tribal regions of central and western India such as Madhya Pradesh, Gujarat, Rajasthan. It has already given rise to a number of organisations at local and regional levels that have been articulating the issues of the tribes in terms of the status of the indigenous people. There are organisations which are actively articulating the issue of the indigenous people at the national and the international levels.

The adivasi consciousness and the articulation of indigenous people status is not so much about whether they are the original inhabitants of India as about the fact that they have no power whatsoever over anything (land, forest, river, resources) that lies in the territory they inhabit. This is despite being the original inhabitants of India in relation to the others. The consciousness and the articulation are basically an expression of the yearning to have or to establish a special relation with the territory in which they live. It is the same kind of yearning that the various dominant communities of India articulated in the period
before independence or after independence. That this is so becomes obvious if one maps the tribes or regions where such sentiment is strongly articulated. It is a fact that the issue of this identity is more strongly articulated in central, western and southern India than in north-east India. This is because in the north-east people exercise some power over their territory. The scenario is just the opposite in other parts of tribal India. What this indicates is that the assertion of such identity is stronger where there is greater degree of marginalisation and powerlessness. There are however differences in the way this new identity is being conceptualised at different levels. The social workers, administrators, scholars and social scientists have generally used the term in the sense of only the original inhabitants. The adivasi ideologues too primarily use this term in the sense of the original settlement, as this was the sense in which the outsiders described the tribal people. The aspect of the marginalised status that evolved in course of historical development has been added into it now. There are others, especially the radical scholars, who conceive it only in relation to particular historical development, viz, that of the subjugation during the 19th century of a wide variety of communities which before the colonial period had remained free, or at least relatively free from the control of outside states. This process, it is argued, was accompanied by an influx of traders, moneylenders and landlords who established themselves under the protection of the colonial authorities and took advantage of the new judicial system to deprive the adivasis of large tract of their land. Adivasi is hence defined as groups, which have shared a common fate in the past century and from this, has evolved a collective identity of being adivasis. It is not meant to imply that adivasis are the original inhabitants. The use of the term ‘adivasi’ in the sense in which it is used by radical scholars hardly takes note of the sense in which people, either outsiders or the tribal themselves, use it. Not all who shared a common fate in the past century, in fact, identify themselves as the adivasis. The caste Hindu population howsoever deprived it may be invariably avoided being called adivasi for it was tied to the loss of status.

Tribe definition and colonial construct
The Indian Constitution, and laws made under it, recognise the special status of tribal communities. While sociologists and social anthropologists have debated the defining characteristics of a tribe, the Constitution recognises that tribal communities need and deserve special protections and that the politico-administrative establishment must act to ensure that such protections are extended to tribal communities. Accordingly, the device of scheduling has been adopted to enable identification of tribal communities and tribal areas that are to come within this dispensation.

It is necessary to examine the early origins of the concept of ‘tribe’ and its transformation in various historical and political contexts, specifically during the colonial period in the Indian sub-continent. In the Roman context, the term ‘tribe’ was used to refer to a state of barbarism, but also to indicate a tributary relationship between a group and the imperial State, with whom gifts and tributes
were exchanged. Tribe, therefore, referred to a particular relationship between centre and periphery, which was equally applicable to the tribal relationship with the Mughal Empire in India. One of the other early meanings of tribe was also that of a group claiming common ancestry. Later, the idea of the tribe as people living in ‘primitive’ conditions became dominant. The reference to a particular relationship with the State was pushed to the background by an emphasis on the tribe as an autochthonous, homogeneous whole – an independent, self-contained unit.

In India, the local equivalent of the term ‘tribe’ is often assumed to be ‘
jana
' or ‘communities of people’ based on the usage of the term in ancient Buddhist and puranic texts. In this conception, the term jana was used in opposition to the term jati to indicate that these communities were outside the jati or hierarchical caste system of social organisation. This view, however, was not universally accepted, since other scholars point out that the categories of jana and jati do not neatly overlap with that of tribe and caste respectively in the present context.

**Tribe as a colonial construct**

It was largely following the various tribal rebellions during the colonial period that tribes came to be seen as the region’s ‘original inhabitants’ who existed outside of the caste system and had been marginalised by the more advanced caste-Hindu society. The nineteenth-century ethnographic view of tribes argued that the term referred to both a particular type of society based on kinship ties and a stage of evolution.

In the former view, standard definitions describe the tribe as a social group with a definite area, dialect, cultural homogeneity and unifying social organisation. An amalgam of the various traits ascribed to tribal groups include: relative egalitarianism within the group, the absence of complex political structures, strong and functional kinship bonds, cooperation, territorial integrity, cultural and linguistic distinctiveness, and lower levels of technology.

In the case of the latter view, tribes are seen as ‘primitive’ societies in the sense of lacking all the traits of modern, Western society in that they are non-literate, ‘uncivilised’, non-industrial, rural, and so on.

The two views are connected in that tribes were seen as having primitive social organisation, implying that tribal people were at a lower stage in the evolutionary social hierarchy in terms of their socio-cultural characteristics, economy and political structures, often being described as simple as well as insulated from changes in the larger regional polity. Tribes in the Indian context have also been defined as groups remaining outside of the structures of State and civilisation.

Each definition of tribes stresses on a particular aspect of tribal life – their relationship with the state, civilization and processes of development as well as specific features of their culture, livelihood, and economy. However, the dominant conception of tribe that developed during this period revolved around notions of ‘backwardness’, indigeneity, and separation from the larger Hindu
civilization. Tribes were identified largely in terms of what they were not: they did not practice Vedic Hinduism, they were not Muslim, their societies were marked by the relative absence of economic and ritual stratification, and they were not integrated into the “modern” economy or civilization.

The Census of India has also played a critical role in shaping the modern understanding of tribe through its efforts at enumeration and classification. The proper delineation of tribes began with the colonial census in the late nineteenth century to provide detailed information about the population of the sub-continent. Through this exercise, certain communities were labelled as tribes although the criteria transformed over time.

✔ In the 1881 census, the term used was ‘forest tribes’, a sub-category within the broader group of ‘agricultural and pastoral castes’.
✔ In the 1901 census, tribes were identified as those who ‘practiced animism’ thus placing religious practices at the centre. Therefore, those practising Hinduism were viewed as castes, while those practising animism were labelled tribes, although this criterion would change in the following decades such that, at present, Scheduled Tribes can practise any religion, including Hinduism and Christianity.

✔ In later censuses, additional references to territory were included, producing the label of ‘hill and forest tribes’ in 1921 and ‘primitive tribes’ a decade later. The new descriptions laid emphasis on the isolation of tribes within hill and forest areas as well as their ‘primitive’ way of life.

✔ One of the earliest attempts to create a list of tribes in the sub-continent was during the 1931 census which identified ‘primitive tribes’.
✔ This was followed by a list of “backward tribes” for the provinces made under the Government of India Act, 1935.
✔ In the 1941 census, tribes were identified not in terms of their religion but according to their ‘origin’, that is, tribes were those who have a ‘tribal origin’.

**Criticism**

Subsequent ethnographers have contested these conceptualisations, arguing that tribes have constantly been in interaction with other social groups, and that, terms such as ‘primitive’ and ‘backward’ are based on the problematic assumption of social evolutionism. Other scholars have argued that the conception of tribe as isolated was based on their emergent marginalisation through unjust forest policies, forced sedentarization and pacification during British colonial rule. Large segments of the tribal population were integrated into the market economy during this period through the appropriation of their lands as well as their labour in commercial forestry, mines and plantations.

In the post-colonial period, therefore, certain anthropologists have tended to view the ‘tribe’ as a colonial construction, rendering fixed and rigid those identities which were earlier relatively fluid and contextual. Anthropological
accounts of tribal communities have largely provided working definitions of tribe which have often been specific to their site of study given that tribes differ considerably in terms of their population size, mode of livelihood and level of integration within the capitalist economy. There is huge differentiation, for example, in the range of occupations practiced among tribes – they may be: hunters and gatherers, shifting cultivators, settled agriculturalists, pastoralists, artisans, farm labourers, and plantation and industrial workers.

Tribe definition - Independent India

The 1950 Constitutional Amendment order with the full list of Scheduled Tribes recognised at the time was largely based on the list of “backward tribes” prepared by the colonial administration in 1936. At the time of the first census of independent India in 1951, there were 212 recognised Scheduled Tribes in the country. The term Scheduled Tribe itself is a politico-administrative category that does not capture the enormous social complexity of the various tribes encompassed within its fold. The Constitution of India categorised certain sections of the population as Scheduled Tribes to make available special welfare provisions to them – even though this category was never properly defined. In a circular fashion, tribes are defined as those groups enumerated as tribes under the Indian Constitution. Thus, Article 366(25) of the Constitution defines Scheduled Tribes as follows:

“Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this Constitution.”

The list of tribes drawn up by the colonial and post-colonial government was based on political and administrative considerations, given that State recognition could be translated into important protective and developmental benefits. However, the identification of such groups has been based on recommendations made by the officials of the 1931 Census, the First Backward Classes Commission 1955, and the Report of the Advisory Committee on the Revision of the Lists of Scheduled Castes and Tribes, 1965. The currently followed criteria for identification are: primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large, and general backwardness. As can be seen from several of these identifying features, the idea of the tribe as the ‘primitive’ has clearly continued into the post-colonial period. The first Backward Classes Commission (Kaka Kalelkar Commission) appointed by the President of India under Article 340 argued that the tribes:

“lead a separate exclusive existence and are not fully assimilated in the main body of the people. Scheduled Tribes may belong to any religion. They are listed as Scheduled Tribes, because of the kind of life led by them.”

In 1951, the Tribal Welfare Committee comprising of anthropologists, social workers and administrators met under the Indian Conference of Social Work in Calcutta and recommended these criteria for differentiation of tribes: tribes are those who are still confined to their original forest habitats and follow the old
pattern of life; semi-tribal communities are those who have settled down in rural areas and practice agriculture and similar occupations; acculturated tribal communities are those who have migrated to urban and semi-urban areas and are working in industries and have modern cultural traits, and other tribal communities who have been totally assimilated into the Indian population. However, there are many forest-dwellers who are not tribals; settled agriculture is practiced by many tribes (who are not semi-tribal in other respects) and migration to urban areas does not necessarily lead to the shedding of all tribal cultural traits.

In 1959, the Government of India appointed a Commission headed by Shri. U.N. Dhebar to look into the welfare of the Scheduled Tribes and even this commission failed to arrive at a satisfactory definition. The Commission concluded that Scheduled Tribes can be identified by the fact that they live apart in the hills, and even where they live on the plains, they lead a separate, excluded existence and are not fully assimilated with the rest of society. As per its recommendations, it reiterates the position that the technical definition of a tribe is any group listed as a Scheduled Tribe under Article 342.

The granting of ST status to certain social groups is an on-going process, indicating that there are groups which might identify themselves as tribes but which remain outside of the official ST category. The First Backward Classes Commission set up by the President of India in 1953, recommended the declaration of additional communities as Scheduled. Thus, through another order in 1956, the President notified a modification of the list of Scheduled Tribes. In the 1961 census, the number of Scheduled Tribe communities increased to 427, which was twice the number from the previous census. This increased to 432 by the time of the 1971 census. As the issue of anomalies within the ST list constantly arose, the government set up the Advisory Committee on the Revision of the Lists of Scheduled Castes and Scheduled Tribes (Lokur Committee Report) which was to advice on the proposals received by the government on revision of these lists in a “rational and scientific manner”. The committee was specifically asked for its recommendations on whether communities listed as Scheduled Tribes in one area of a particular State or Union Territory (UT) should be recognised in other parts of the same State or UT as well as in other States.

A glance at the lists of tribes recommended for both inclusion and exclusion by the Lokur Committee throws further light on their considerations while determining the legal status of groups claiming tribal identity. Some of the reasons cited for inclusion of new tribes within the list include ‘very isolated’, ‘still living in caves’, ‘living in forest areas’, or more vaguely, ‘are primitive jungle tribes’, ‘having tribal characteristics’, ‘very backward tribe’, and ‘distinctive dress and customs’. Clearly, a mixture of geographical and locational features as well as primitiveness and backwardness account for the suggested Constitutional recognition of a range of tribes. On the other hand, the
explanations for suggested exclusion from the list were ‘not a tribe’, ‘do not possess tribal characteristics’, ‘population insignificant’ and ‘assimilated with the general population’.

On the question of enumeration, the Lokur Committee noted that in light of several Supreme Court rulings on the matter, it would be necessary for the government to list not simply the name of each tribe under the Schedule but to create a compendium of all local synonyms, phonetic variations and sub-tribes within each tribe in order to ensure that confusions over inclusion are avoided. The committee held that, in light of this onerous task, it should henceforth be assumed that any caste or tribe specified in the list would automatically include all synonyms, variations and sub-groups.

The Scheduled Tribes and Scheduled Areas Commission (Bhuria Commission) Report (2002-2004) has pointed out that winds of change have been sweeping through tribal society and this has resulted in the growth of individualism, particularly among the youth. However, despite transformations in the internal communitarian dynamics of tribal society which threaten to alter its very ‘tribal-ness’ the Commission noted that tribal identity is likely to reassert itself in the form of traditional norms and mores.

The Bhuria Commission Report further stated that:

“as an individual, individualism may be practised by a tribal when he is at large and may be abroad, but even in facing the larger world his psyche looks backwards to lean on the support of his own tribal community, thereby revealing the profundity of bonds with his tribe”.

Beyond definitions of ‘tribes’, the Indian context has produced a situation in which classification of communities as Scheduled Tribes is not uniform throughout the country but varies based on often arbitrary administrative boundaries. Several committees have taken note of this anomalous situation, introduced through the Government of India Act, 1935, whereby members of the same tribe from an ethnological or social point of view are recognised as Scheduled Tribes in one State or one part of a State and not in others. That is, the category of Scheduled Tribes, although distinct, was connected to an understanding of ‘tribal areas’ in that, until 1976, area restrictions were in operation with regard to recognition as a Scheduled Tribe. This meant that it was possible for X tribe to be recognised in district Y of a particular State but not in neighbouring district Z of the same State. Thus, ST status was linked to place, although the place itself need not be a Scheduled Area.

According to the Lokur Committee, these territorial restrictions acted as a barrier to spatial and social mobility, since moving out of the area in which their tribe is recognised would imply the loss of all benefits and privileges. Such restrictions were therefore, seen to be contrary to the goal of tribal integration which advocates the end to tribal ‘isolation’ and the inter-mingling of populations.
Despite recognition of the often bizarre consequences of area restrictions, the Lokur Committee refrained from recommending changes in the same since inter-state movement of tribes was deemed to be negligible at the time. Their report also dismissed the idea of an all-India Scheduled Tribes list, since the Constitution provides for lists to be made only at the State or UT level. The Lokur Committee recommended that the various tribes in the list should be administratively differentiated, so as to ensure that priority in development planning should be given to the more deprived, among the groups.

In 1976, the Removal of Area Restrictions (Amendment) Act was passed, which removed area restrictions on the recognition of Scheduled Tribes, making lists applicable to entire States rather than blocks and districts within States as was the case earlier. This led to a substantial increase in the tribal population as recorded in the census. Now, a tribe is included within the Scheduled Tribe list on a state-wide basis although it is possible that the same tribe is not Scheduled Tribe in other states. However, it has been noted that the sharp increase in recorded tribal population between the 1971 and 1981 censuses was not only due to the removal of area restrictions but due to misreporting to census officials by groups with nomenclatures sounding similar to that of certain Scheduled Tribes. Between 1971 and 1981, the population of Scheduled Tribes, as recorded in the Census, rose by 95 per cent in Maharashtra and 690 per cent in Karnataka. This occurred despite the fact that reporting oneself as a Scheduled Tribe in the census does not in any way support claims for Scheduled Tribe status under the Constitution.

Despite efforts made by various governments, there continue to be several anomalies in the scheduling of tribes. The National Commission for Scheduled Tribes (NCST) has noted that cases involving inclusion of communities which are scheduled in one state and non-scheduled in a neighbouring state need to be given priority in order that members are not denied benefits any further. The Banjaras, for example, are a recognised Scheduled Tribe settling in various parts of the country, including now in Delhi. However, the strong association between the idea of a tribe and that of rurality has led to the refusal of the Government of Delhi to list them as a Scheduled Tribe in the capital city – rather, they are included within the list of Scheduled Castes. Another curious distinction in the state of Assam is that between plains tribals and hill tribals, so the Garos, Karbis, Hajongs, Dimasas, Mon-Tai speaking peoples, Singphos, Hmars, Nagas, hill tribals, lose their scheduled status once they come down to the plains and the Bodos, Lalungs, Mech-Kacharis, all plains tribals, lose their scheduled status if they go to the hills.

There are also other anomalies in the process of scheduling such as instances of increasing the communities within the Scheduled Tribes list in the state without simultaneously reserving electoral constituencies for STs. There is also the concern that some tribes classified under the Particularly Vulnerable Tribal Groups (PVTGs) have not yet been notified as Scheduled Tribes, a situation that the NCST has taken up. In recent years, commentators have questioned the
established criteria for inclusion as both outdated (since ‘isolated existence’ does not hold true for most communities today, even those living in remote forest areas) and derogatory to tribal groups (the idea of ‘primitivism’ is insulting to tribal culture and identity).

**Contribution of anthropologists to tribal development**

**Introduction:**

Anthropology has a significant role in tribal development. First let us understand the anthropological perspective towards development which is not the same as those of the technocrat, the economist and the bureaucrat. The following constitute the distinctly anthropological perspective on development:-

(a) Anthropology approaches the issue, of development in a holistic way. it does not view development in a partial and piecemeal fashion nor does it link development only to economic indicators. It takes it into account factors like quality, of life, empowerment and preservation of culture etc.

(b) The anthropological perspective emphasizes that development is an interlinked and integrated process. A change in educational system of the tribes may lead to changes in other parts of culture. Even a change in feeding patterns may led to changes elsewhere.

(c) Anthropology approach development in a multi-disciplinary fashion. It makes use of insights from other fields like biology, psychology and sociology etc., in designing and evaluating developmental programmes.

Anthropologists as already mentioned, look upon development in a totally different way. they emphasize more on the qualitative aspects. For example, Belshaw says development should be looked upon as an organised activity with the aim of satisfying certain basic needs and to psychologically orient the tribals to adopt new skill, attitudes and life-styles, so that they build up the inner strength, and appropriate social and cultural infrastructure to stand the pressures of the new situation and cultural infrastructure to stand the pressures of the new levels. According to anthropologists tribal development consists of (i) a movement emphasising upon building up organisational structures, (ii) a programme emphasising on activities, (iii) a method emphasising certain achievable ends, (iv) a process emphasising upon what happen to people not only economically and socially but also, psychologically, and (v) institutionalisation of newly discovered skills and procedures leading to social change without completely breaking away from the past.
Contributions:

With this bread introduction to the anthropological perspective towards development, let us examine the role of anthropology in tribal development more specifically.

(i) The first major contribution of anthropology is the classification or categorisation of tribals for development purpose. The point has been repeatedly made that in view of regional variation of tribal problems and different economic pursuits and population of tribal groups, there cannot be a uniform policy and strategy towards their development. L.P. Vidyarthi very forcibly argued that any affective tribal development strategy should take into account ecological system, (b) traditional economy, (c) supernatural beliefs and practices and (d) recent influences on tribes. On the basis of these four factors, Vidyarthi classified Indian tribes into (a) The Forest Hunting Type (b) The Primitive Hill-Cultivation Type (c) Plain Agriculture Type (d) The Simple Artisan type (e) The Pastoral and Cattle Breeders Type (f) Urban-Industrial Workers Type.

Even the Shilu Ao committee and later the Planning Commission’s Task force on Tribal Development Emphasized the need for a multi pronged approach towards tribes according to habitat and population. Following these committees reports which consisted of Integrated Tribal Development project for implementing the Tribal-sub plan for those areas states where tribes are in good numbers but do not constitute an overall majority, modified area Development Approach for dispersed tribal population and special projects for primitive tribal communities like the Chenchus, Kadors etc.

(ii) another are where anthropologists have role is in training of administrators involved in tribal development, such training makes the civil servants at the cutting edge sensitive to tribal way of life and their special problems.

(iii) An important, is not, the most significant contribution of anthropology has been in suggesting and working out an appropriate and suitable administrative infrastructure for tribal development. Several Committees have recommended setting up single line area developmental agencies for tribal development rather than allocate the task of development amongst several agencies as is the practice in the districts. The Govt. of Indian accepted the idea and introduced and area based single-line comprehensive tribal development agency in many tribal area, the Integrated Tribal Development Projects (ITDP) in the 5th Plan.
another very useful contributed has been bridging the gap between the experts and local communities. The anthropologists act as some sort of go-between in the utilisation of the expert’s knowledge and the skills of the indigenous people. An interesting example is the scheme of joint forest management and social forestry in Karnataka.

Anthropology has developed novel and innovative ways of assessing the developmental needs of the local people by generating data and suggestions from the rural tribal populations by techniques like Rapid Rural Appraisal Participatory Rural appraisal which consists of generating as much information as possible by the locals themselves. The point is that the in any developmental programme, the people themselves are the best Judges, of what they actually need in most cases.

Anthropology also have acted as honest brokers in ushering change as and when it is really needed and in the interests of the tribals, like in cases of making them accept inoculation/ vaccination. They have an advantage in the sense that they enjoy greater credibility amongst the tribals.

lastly, anthropology plays a vital role in an objective assessment of the impact of any developmental programmes/project specially on the culture and quality of life of tribals. It also helps in the evaluation of these programmes.

Anthropologists also succeed in eliciting greater levels of participation on the part of the beneficiaries by their close contacts with community leaders and tribal folk. Greater levels of participation also ensures effective feedback.

Roy Burman’s suggestions:

In this context, it will be very relevant to mention at length the strategy for tribal development suggested by Dr. Roy Burman a noted anthropologists and ex-Director-General of the Anthropological Survey of India former advisor to Government of India, on tribal affairs.

1. Consideration of the strategies of tribal development should cover the following aspects:

   (i) Scope of tribal welfare and development activities.
   (ii) Integration of tribal welfare and development activities in the national development plan.
   (iii) Role of government and statutory bodies.
(iv) Role of voluntary agencies
(v) Role of tribal institutions.

2. Welfare and development activities are excepted to be concerned with:

(i) Satisfaction of minimum needs
(ii) Control and management of productive resources.
(iii) Employment optimisation
(iv) Broad based participation of the population in development process.
(v) Socio-cultural and political aspects of national integration

**Conclusion:**

It may be noted in conclusion that of late, anthropology has adopted a very activist and at times critical approach towards development in general. Anthropologists advocated alternative strategies for development emphasizing more on (a) small localised micro projects, (b) involvement of non-governmental organisations, (c) sustainable development oriented programmes and (d) lastly people-focussed and people-led development, not governmental led development.

1. Classification of tribes as distinct from caste
2. Identification of tribes and detailed study of each tribe
3. Protection of tribes- approaches
4. Tribal Panchsheel
5. NMS complex and tribal resistance
6. Tribal struggle for autonomy
7. Tribal education and health
8. Tribal research institutes
9. Elwin committee
10. Roy Burman committee
11. Tribal languages

**Anthropologist**

1. **Verrier Elwin**
   
   Tribal Panchsheel
   Elwin committee
   Isolationist and integrative approaches

2. **D.N. Majumdar**

   Generative or creative adaptation
   Ethnographic study of Khasas and Ho
3. L.P. Vidyarthi
NMS complex
Development of tribal areas

4. S C Dube
Tribal sub plan
Expert committee on tribal development

5. Roy Burman
National forest policy, 1980
Deputy registrar general of census
Concepts of bridge and buffer communities, infra-nationalism, proto-nationalism, post primitive nationalism.
Work on Toto
Naga Kukis conflict

6. Haimendorf
Study of
1. The Chenchus (1943)
2. The Reddis of the Bison Hills (1945)
3. The Raj Gonds of Adilabad (1948)
4. Morals and merit (1967)
5. The Sherpas of Nepal (1964)
6. The Bagoria Bhil (1964)
7. The Konyak Nagas (1969)

Posts
Special officer of NEP
Advisor for tribes in Nizam

Study of culture change in Chenchus

Development of Gonds
During the eight years of his stay in the erstwhile Nizam’s dominions, Haimendorf not only made in-depth studies of the customs and traditions of the Gond people, among other tribes, but he influenced the Nizam of Hyderabad to bring in protective legislation to insulate them from exploitation by non-tribals.

His most significant contribution to the uplift of the tribes of Adilabad, which is more relevant today, was the legislation of Hyderabad Tribal Areas
Regulation 1356 Fasli (1946) and establishment of teacher training schools in 1943 to deal with the debilitating illiteracy.

Haimendorf identified a zone encompassing tribal habitations and notified it to bring protective legislation in the shape of the HTAR which among other things favoured grant of permanent titles to lands traditionally cultivated by the Gonds and empowering tribal panchayats besides barring transfer of land in favour of non-tribals. In his capacity of advisor to the Nizam’s government on tribal and backward classes affairs, Haimendorf persuaded the government to de-reserve 1.6 lakh acres of forest land and allocate it to 12,000 tribal families, the patta or title then known as Haimendorf Patta, according to a research paper C. von. Furer-Haimendorf: Half a century of his imprint on Tribal welfare in AP written by Hyderabad-based social anthropologist Urmila Pingle who was an associate of his. Ms. Pingle’s research paper also notes that the number of Primary Gond schools which was 30 in 1946 went up to 90 in 1949 and by 1951, the Marlavai Teacher Training Institute produced 95 Gond teachers, five village officers, one revenue inspector, five clerks and seven forest guards. This was considered a splendid achievement until changes in laws governing the agency areas changed subsequently.

**Anthropology and rural development**
1. Community development programs
2. RRA and PRA
3. Family planning
4. Dominant caste
5. Scheduled castes and discrimination
6. Village studies
7. Settlement pattern
8. Social relations

**VOLUNTARY AGENCIES IN TRIBAL DEVELOPMENT**

The Scheduled tribes are at the lowest strata of the Indian society. For generations, most of them tribes were neglected by the rest of the Nation. Since Independence, however, the development of tribes has occupied the attention of the central and State government in India but even could draw the attention of many individuals and organisations to render valuable services to their cause. These non-governmental and the business sector. They represent independent,
autonomous and not profit-seeking organisations of the country. They on social and sense of commitment and concern that the profit-seeking business sector does not much care for.

Role of NGOs

The prime objective of public cooperation is to enhance the reach of welfare schemes of Government and fill the gaps in service deficient tribal areas in sectors such as education, health, sanitation, drinking water, agro-horticultural productivity, social security, etc., through the efforts of Voluntary Organizations (VOs) and Non – Governmental Organizations (NGOs), and to provide an environment for socio economic upliftment and overall development of the Scheduled Tribes (STs). Any other innovative activity having direct impact on the socio-economic development or livelihood generation of STs may also be taken up through partnership with VOs/NGOs. While the ultimate objective is delivery of services to remote and unreached tribal areas, the standard of services provided is equally important. Each partner VO/NGO is, therefore, expected to strive towards delivery of quality services

The NGOs concentrate on diverse issues of contemporary importance like ecology, human rights, women empowerment, tribal development and so on. They mobilize the people and encourage them to raise their voice against arbitrary government policies. The increased visibility of the NGOs is synchronized with the growing role of the civil society as well. The duo has generated a new equation in the development perspective. Some NGOs implement concrete development activities while others play the role of conscientization, sensitization, promoting awareness of the people’s rights and justice. Some try to replicate one programme, which has been successful in one area to another while some NGOs prefer to experiment and come up with new programmes. It is seen that the NGOs are renowned for their flexibility, enterprise, spirit of public action, expertise and capable of bringing about development in a decentralized manner.

In comparison to government, GOs are in a relatively better position to personalize the provision of services they offer to the people. Flexibility in approach helps NGOs invent appropriate solutions to the issues they handle. They can adjust to the need of the clients. Moreover, the small size is advantageous, for it gives the NGOs the capacity for innovations rarely seen in government and business. Since the constituencies of NGOs are smaller, they can define their positions clearly, press for innovative solutions, and experiment in ways governments may not find it easy to do. The NGO is the bed hub of new ideas and techniques play an important agent in the process of nation building. They serve as an institutional mechanism for channelling the initiatives, enthusiasm and resources of the grassroots people in the development process.

The NGOs play a significant role of catalysts of social change, educators, informers, enablers, project planners, administrators, experimenters, innovators, awareness builders, motivators, impact evaluators, harbingers of silent revolution, national instructors, conscientizers, and a friend, philosopher and guide of the weak, poor and downtrodden.
They are excellent, inexpensive trouble-shooters who are armed with robust information. Moreover, the micro-level operations help the NGO to tailor services to the needs of the beneficiaries. NGOs at grassroot level employ different strategies for creating awareness among the target population and earn their support. The support of the concerned local people helps to implement their policies in an effective way and make them aware of several bottlenecks, which they might face in the course of implementation.

In order to create a rapport with the target group and a conducive environment of working, the NGOs often organize street plays, cultural shows, puppet shows, use folk and popular songs, audio-visual shows, debates on relevant themes in schools, panchayat bodies and local institutions, arrange workshops and earn support from the media.

All these awareness and confidence building mechanisms brings the local people and the NGOs in a face-to-face interaction and generates a good deal of enthusiasm among the people as they too can come up with their suggestions and solutions for any given problem. Their traditional knowledge, wisdom and expertise are harnessed by the NGOs to a significant extent. The potential of creative talent in them facilitates a necessary opportunity to design, experiment with, and amend their strategies to suit the needs of the people for whom the programs are intended. An approach characterized by informal, personal and human elements enhances the quality of service they render. This has been a universal feature of NGO all over the world.

The government identified certain areas where the voluntary organizations might work. The areas were forestry and formation of renewable energy association at the block level, family welfare, health and nutrition, education, organizing community programmes, implementing social welfare programmes for weaker sections, minimum needs programme, disaster management, promotion of ecology, tribal development, environmental protection etc.

**Tribal Development**

The inability as well as the failure of the government provides the NGO a fertile ground to work upon.

The role of the Voluntary or Non-Governmental Organization, with their local roots and sense of service has become increasingly important in the arena of the development of the tribals in our country. The NGOs can contribute to the tribals on a positive note in the field of education, health, employment generation, livelihood security, relief and rehabilitation, activism, protecting their tradition, art, culture, environment etc. They try to protect the indigenous knowledge base of the tribals, which are either ignored or exploited. We all know that the tribals have keys to the biologically diverse areas. The tribal homeland is the hub of natural resources like oil, minerals, silvicultural and other biotic objects, which are the important factors of production. These hubs make the tribal and indigenous territories targets of the greed of the global hegemons and their compradors that are extending their tentacles to squeeze the resources as much as possible. The globalized economy has depleted the resources beyond repair. The tribal territories have become arenas of the global ‘free' market economy and there is a gradual process of monopolization of resources by the dominant
economic forces. This exploitation has alarmed the tribal and indigenous elites, tribal leaders and a large number of tribal commoners who are conscious of this emerging global scenario and getting agitated by the same. The rise of such political consciousness among the marginalised socio-political category that constitutes four percent of the global population has a considerable implication for the geo-politics of the 21st century. Moreover, the invasion of tribal areas by Multinational Corporations were accompanied by migrant populations, big townships, tertiary sectors like trade and related activities, new forms of economic activity, large scale destruction which displaced and pushed the tribals into fringes. The tribals have thus become unskilled labour like construction work, dams, service, vending etc. Dispossession of age-old right to access, control, manage resources, marginalization in the decision-making process creates enormous problems for the tribals which can be taken care by these Non-Governmental Organizations to a considerable extent.

Secondly, by collaborating with the Government, Donor agencies and local beneficiaries, the NGOs can play a very important role in making an impact on policy making and change at the micro, meso and macro level. The public policy is a combination of goals, laws, rules which are formulated by the key decision makers. If the NGOs press for any cause to a tantalizing effect and gather a support from the public and the key stakeholders then the policy makers are bound to react and keep the specific issue to the fore.

Thirdly, the NGOs in India can struggle and launch a crusade for upholding of human rights and the establishment of a society based on justice and social equity.

Fourthly, the NGOs can play a crucial role in documenting tribal knowledge, language and culture. The tribals have profound knowledge of the flora and fauna/the appropriate plant species with medical purpose, their location, parts to be used, or time of collection, preparation and administration of the same. The knowledge of ethno-medicine is very important for their existence. Moreover, there is a growing inclination all over the world for herbal drugs, nature-based products instead of synthetic ones. But there are certain threats to this indigenous asset of the tribals. Deforestation, environmental degradation, lack of initiative of the younger generation to learn and adopt the medical practices of the tribal medicine men known as 'Dishari', lack of proper dissemination and transmission of knowledge, piracy of knowledge are some of them. The healing traditions and techniques are transmitted orally from generation to generation which means that slowly but steadily some part of it may be forgotten for good. Here the GOs can play a very important role in documenting such important knowledge base for protecting the knowledge of the tribals in the form of community knowledge register. This is the most difficult and intellectually challenging task as it involves gearing the support of the knowledgeable people, village elders, tribal chiefs, traditional health practitioners and seeking their cooperation. The participation and support of local communities are considered essential in these programmes. The data should be catalogued and analysed in such a way that the communities that provide information should receive benefits from any commercial use of the community. Good planning depends on good data. The most important of all is
that the communities should have complete control over the process and they should have the right to access the register.

**Fifthly**, the NGOs invest time to build awareness within the local community regarding their rights and entitlements provided by the government, facilitate people's access to those rights and also put forward grievances when their entitlements are not met with. The NGOs strengthen village committees by providing them with trainings, workshops, capacity building, leadership skill development and many other practical supports. Hence, all these are the most significant roles that the NGOs can perform for the development of the tribals. Therefore, increasing participation of the voluntary organizations in nation and society building is not only desirable but also crucial.

However, although the government acknowledges the contribution of the NGO to the cause of development and admits its own limitation in terms of manpower and other resources, it looks at the activities of the NGO sector with suspicion and mistrust.

The government accepts that the presence and activities of the Voluntary organizations are not uniform throughout the country. In addition to that, there are certain spheres of activities and areas of action that attract greater participation by voluntary organizations. The disparity in presence and action results in a lopsided development of the region and the community. Hence, the government encourages the voluntary sector to work in those areas, which are neglected and have been comparatively drawn little attention in the panorama of development.

**Advantages of NGOs**
- Innovative
- Informal
- Flexibility
- Filling gaps
- Service orientation

**Issues of NGOs**
- Continuity of service
- Organising and training
- Finance
- Coordination with government
- Accountability and transparency
- Support to tribal movements
- Limited area

**Objectives of voluntary agencies**
Whatever the nature of voluntary agencies may be, they play a key role in the upliftment of the weaker sections of the society. The objectives of voluntary or non-governmental agencies include some or all of the following:

(i) to create awareness regarding participation in socio-economic development,

(ii) to create and able and efficient local leadership,

(iii) to assist in the planned efforts to create socio-economic infrastructural facilities,

(iv) to facilitate the process of expanding employment opportunities,

(v) to induce appropriate persons to set up small scale productions, units and

(vi) to induce the tribals to give up the pre-agricultural technology and to seek more and more education.

**Christian missionaries.**

The Christian missionaries of various denomination may be the oldest among the various agencies responsible for the development of tribals. They have been active in almost all parts of tribal India. The old Christians of Malabar Coast trace their conversion to Apostle Thomas as early as the first century A.D. Its real expansion began in south Indian with the arrival of St. Francis Xavier in 1541. in Chotanagpur, The Lutheran Mission started its activities as early as 1845 under the guidance of Father Gossner. They were exclusively interested in preaching of the Gospel and at least their early history in Chotanagpur comprises primarily of evangelistic campaign

Since then, the missionaries have been active in Tribal India. They have also been primarily keen in evangelisation. Still, welfare work-educational, economic, hygienic and social-called work of mercy invariably followed. The missionaries also realised the importance of understanding the tribal culture and their language in order to communicate with them effectively in carrying out both types of work-spiritual and material

Elwin commented that the missionaries were anxious to see the primitives become civilised, their inferior social customs and ideas eliminated and their identify assimilated into the Christian Church (Elwin, 1968: 125). The above analysis reveals their feelings of cultural and religious superiority. By way of conversion and assimilation, they were responsible for disturbing their cultural integration and inculcating feelings of inferiority among the aboriginals. But, it was true that after the entry of the missionaries into the isolated and inaccessible tribal areas in the remote hills, a cultural contact between the primitive people and the Plainsmen could be established and the government started paying some attention to these tribals.
Missionaries, after coming to this country, started to evangelise the people specially those of the lower rungs but their work in the field of conversion remained localised. They faced stiff opposition from a formidable section of the society. Even their welfare activities were looked with fear and suspicion by the Hindus. Soon, the missionaries realised that the untouchables and aboriginals could provide a better field for their philanthropic activities. They anticipated less or no opposition from the caste Hindus who were not in a position to accept anything from outside and who regarded the tribals as outside the pale of Hinduism (Sahay, 1984:2892-319). Panikar holds that when their failure with the higher classes of the people became more and more evident, they diverted their activities to the conversion of these low communities of the Indian population (Panikar, 1984:291).

Whatever maybe the motive behind proselytization of the Indian tribals, the welfare activities of the missionaries have gone a long way in advancing and educating the mountain and forest dwellers or one-time forgotten people. The intensity of their voluntary services can be traced out in the tribal belts of Assam, Orissa, Bihar, and Madhya Pradesh. Various welfare schemes such as opening of schools, dispensaries, hospitals comforts to the people were undertaken by the Christian missionaries for improving their social and economic conditions. Sahay holds that such welfare activities, popularly known as work of mercy were considered as an inseparable part of the evangelisation and then they must be carried together even if this approach has attracted criticism from different sections of the non-Christians (Sahay, op. cit: 315).

Missionaries activities had been a subject of both criticism and admiration. They had created a strong sense of dissatisfaction among some sections of non-Christians. That is why the Niyogi Committee was set up by the Madhya Pradesh Government in 1954 to investigate the allegation that Christian missionaries converted the tribals either forcibly or through fraud and temptations of monetary and other gain. Srinivas had also stated that the opening of the schools, hospitals, and other welfare agencies by the missionaries in the areas where Harijans and other tribals lived, appear to the Hindus as only baits in the trap of conversion. The linking up of humanitarianism with proselytization had made the former suspect (Srinivas, 1962:107)

Looking into the above analysis on missionaries’ activities, it may be suggested that in order to make their development activities in both the spiritual and material sphere, they should carry on their welfare services and religious propagation separately. There is nothing wrong in conversion if it happened out of strong will of the tribals to embrace a new faith. Besides Christians missionaries, there were many other voluntary organisations working for the tribals cause.

Adimjati Seva Mandal
A Seva Kendra was started in the isolated tribal sub divisional town of Gumla of Ranchi district as early as 1940. Mahatma Gandhi was the inspiring leader of the Kendra. Initially, the running of the night school and the production of Khadi were met by the Kendra. The colonial government imprisoned the freedom fighters who were the Kendras workers till 1945. Then again Rajendra Babu and Narayanjee established a new centre in the shape of an ashram at village Phori about 13 miles away from Gumla. Besides Khadi production, the distribution of medicines to the patients, village cleanliness and training programmes were the expanded activities of the Ashram. With the expansion of the programmes, Seva Kendra was renamed as Adimjati Seva Mandal in 1946. the Mandal spread its programmes of tribal welfare in the different parts of tribal belts of Chotanagpur.

The Mandal formulated two categories of programmes: the first to implement plans on tribal education and the second to encourage the scheme of Khadi production, cottage industries, distribution of Ayurvedic medicines and to form the Gram Panchayat and Co-operative Societies. The tribal boys and girls from the illiterate families needed additional incentives for their education. Residential schools and hostels for them were established by the Mandal. Under the influence of Gandhian economy the Mandal established Khadi centres, centre for paddy- husking and oil pressing, bee-keeping, distribution of Ayurvedic medicines and also carried on a crusade against alcoholism. Thus, the Mandal functioned not only as a serving agency for ameliorating social and economic conditions of the tribals but also improved the general quality of life (Vidyarthi, 1978: 651-660).

Bharatiya Adimjati Sevak Sangh

A federation of non-official agencies for doing tribal welfare work in different parts of the country was called Bharatiya Adimjati Sevak Sangh. It was started in 1948 under the presidency of Dr. Rajendra Prasad. These organisations began to publish newsletters, magazines, pamphlets and books dealing with tribal people, their problems and the welfare activities among them. In the administrative committees and conferences on tribal problems the social welfare workers acted as experts. They also represented the government in national and international conferences on tribal problems (Vidyarthi, 1968: 124-125).

Ramakrishna Mission Ashrams

Sri Ramakrishna’s message, “To serve Jiva is to serve Shiva”, inspired Swami Vivekananda to form an association, Ramakrishna Mission which is engaged in the worship of God in man through various activities, such as relief and rehabilitation, medical services, educational work, work in rural and tribal
areas, etc. Ramakrishna Mission Ashram, Puri, is running a Student’s Home for the students belonging to Scheduled Castes/Tribes. It provides the inmates type writing training special coaching in studies, practical demonstration in cattle rearing, etc. The Ramakrishna Mission Ashram, Ranchi is running Divyayan (meaning the Divine way) which was started in 1969 with a three-fold objective: economic, social and spiritual. It works at the grass root levels. It has now grown into full-fledged training institute with a poultry, a dairy, a three-storeyed hostel, a separate carpentry section, etc. most of its beneficiaries belong to the backward communities of Chotanagpur. Since Divyayan is imparting skill oriented training to the grass roots level farmers, the Indian Council of Agricultural Research had recognised it as a Krishi Vigyan Kendra since 1977. Ramakrishna Mission Ashram, Cherrapunji was assisted by the Government of India for maintenance of technical, middle, primary and J.B. schools for the uplift of the tribals living in the remote areas of Meghalaya. Under the Dairy and Poultry Farming Scheme, the Ashram is imparting training in modern dairy and poultry farming to the tribal youth (ibid).

Thus, these institutions have been directing their energies towards the economic progress and educational development of the tribes. The development of the tribal communities in India socially, economically, culturally and educationally is the main concern of the different voluntary agencies working for their cause. Whereas the administrative system in a highly responsible and responsive democratic government is impersonal in character by its very nature, the voluntary agencies provide the personal touch to the people in need and through this personal touch utilize the latent energies of the masses into fruitful channels of their development.