



TRIBAL INDIA

Issues and Challenges

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Indian Constitution and Tribes

Lipika Guha

(1)

India is a democratic nation attempt for socio-economic upliftment of all sections in the society as well as conservation and protection of tribal culture and their way of life. According to Article 342 of the constitution, schedule tribes are the tribal communities which have been declared after consultation with the Governor as such by the president by public notification. The constitution of India provides for uniform rule over the whole country but certain regions of the country are governed by special provisions ensure the protection of cultural identifies, customs and economic and political interests of the original inhabitants of these areas. These regions include the tribal hills of the North Eastern States, Assam, Arunachal Pradesh, Manipur, Nagaland, Mizoram, Meghalaya and Tripura, the state of Jammu and Kashmir and the regions known as the "Scheduled Areas". The scheduled areas are those tribal inhabited areas which are located in other parts of the country than the North-East-India.

Tribal Communities have developed in Independent India, with having a prominent figure like Dr. B.R. Ambedkar who fought for the rights of weaker sections of society. "He clearly identified socio-economic backwardness of tribals. He knows that tribals are the people who lived with the freedom without much any influence from the outside society. They used to have autonomy and rights over the forest resources. But, they had lost all those privileges with the advent Britishers in to the forest areas with their draconian forest laws and land regulations. Tribals had haunting memory by experiencing political, economic and cultural hegemony from east India Company.

Company's policy on tribals is to exploit their labour for generating revenue and controlling the forest resources by enacting new forest laws. They constructed modern transport systems like railways and road ways in order to plunder the heavy raw materials (primarily agricultural products like cotton, jute, indigo, tobacco, rubber tea etc.) to their home lands. Since the Cost of building these modern transport was required more investment in capital and labour, so they did it by exploiting the tribals labour and forests for wood. In order to fulfill this huge investment, they started extracting more revenue, particularly from agricultural land. Forest lands also cleared for agriculture and tribals were forcefully brought under new laws, not permitted to mobile freely and not allowed to use forest resources, which was very essential part of their live."(1)

(ii)

The framers of the Constitution took note of the fact that certain communities in India were suffering from extreme social, educational and economic backwardness. They needed special consideration for safeguarding their interests and for their socio-economic development. The term 'Scheduled Tribes' first appeared in the Constitution of India. Article 366 (25) of the Constitution of India defined scheduled tribes as "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 tribes are the autochthonous or native people of the land who are believed to be the earliest settlers in the Indian Peninsula. They are generally called *Adivasis* implying original inhabitants. the ancient and medieval literature mention a large number of tribes living in India. India has one of the largest and diverse tribal populations in the world.

Unlike the scheduled castes, there are differences among the scholars on the criteria to identify the tribals or the scheduled tribes. The tribals follow multiple religions in the country-Buddhism, Christianity, Islam or their indigenous religions. There is almost unanimity among the scholars on certain characteristics of the tribals. These characteristics are as: 1) Their close association with nature, mainly the forests, 2) Relatively traditional means of cultivation and less development market, 3) Near absence of the rigid division within the community and discrimination on the basis of birth, unlike the caste division among the Hindus, 4) Presence of the traditional chiefs or headmen and better position of women as compared to the non-tribals, 5) Attachment/ reverence to traditional customs and culture.