

TRIBAL POLICY FRAMEWORK FOR EMPOWERMENT IN INDIA

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Abstract

Tribal communities, with their rich cultural heritage and distinct ways of life, have long been an integral part of India's diverse social fabric. However, their journey has been marked by challenges, including marginalization, exploitation, and a struggle for their rights and entitlements. Tribal policies, aimed at addressing these issues and promoting the well-being of tribal communities, have evolved over time, reflecting the changing socio-political landscape of India. In various countries, including India, such policies play a pivotal role in preserving the cultural heritage, ensuring socio-economic development, and safeguarding the rights of these marginalized communities. Therefore, this paper views on tribal policy framework for empowerment in India.

Key words: tribal policy, tribal people, tribal rights, socio economic development

1.1 Introduction

The tribal policy during the pre-independence period was solely directed and dominated by the British colonial interest, which was based on the isolation and exploitation of the tribal's. They designated these tribal communities as 'primitive', 'backward', 'barbarian', 'sub-human', 'aborigines', etc., The Constituent Assembly's Sub-Committee, set up under the Chairmanship of Thakarbapa, recommended to establish in principle the new democratic state with a responsibility for the welfare of the tribal people and the development of tribal areas, however, remote and inaccessible they might be. Following the recommendations, Pandit Nehru moved a Resolution, adopted by the Constituent Assembly on January 22, 1947, which were a dedication, pledge and undertaking provided to the tribal brethren.

Pandit Jawaharlal Nehru, directly concerned with the tribal policy, was keen on bringing the tribal brethren into the mainstream. He put forward five fundamental principles, to be adopted while undertaking development programme for the tribal's. The Goals of tribal development in India were best summarised in Nehru's forward to Varrier Elwin's book on NEFA as:

1. People should develop along the lines of their own genius and we should avoid imposing anything on them. We should try to encourage in every way their own traditional arts and culture.
2. Tribal rights in land and forest should be respected.

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3. We should try to train and build up a team of their own people to do the work of administration and development. Some technical people from outside unit no doubt be needed, especially in the beginning but we should avoid introducing too many outsiders into tribal territory.

4. We should not over - administer these areas or over-whelm them with multiplicity of schemes. We should rather work through and not in rivalry for own social and cultural institutions.

5. We should judge results not by statistics or the amount of money spent, but by the quality of human character that is involved".

1.2 Approaches to Tribal Development

The tribal's are a special concern of the nation in view of their low technological development, general economic backwardness, and complex problems of socio-cultural adjustment to distinctive cultural identity. The following three models or approaches were adopted to develop them.

Conservationist Approach: During the colonial rule, the policy of exclusion or isolation from the rest of the population was followed.

Assimilations Approach: This approach was proposed by social workers and voluntary agencies engaged in humanitarian work in tribal areas. But it was feared that it would destabilise and disintegrate these communities.

Integrationist Approach: In this approach, attempts were made to bring the tribal's in the mainstream of national life without destroying their distinctive identity. It means careful watch on the trends set in motion by these measures with a view to eliminating elements that destroyed their social solidarity and killed their zest for living.

1.3 Safeguards for Scheduled Tribes in Constitution

With the dawn of independence and adoption of the Constitution of free India, the British policy of isolation and non-interference was replaced by a policy of integration through development. The Constitution of India has provided many safeguards for the welfare and development of the tribal's. The relevant articles can be classified under four major heads: (a) Protective Provisions (Arts. 15, 16, 19, 46, 146, 342, etc.); (b) Developmental Provisions (Arts. 46, 275, etc.); (c) Administrative Provisions (Arts. 244 & 275) and (d) Reservation Provisions (Arts. 330, 332, 334, 335, 340, etc.).

The Protective Provisions safeguard tribal people from social injustices and all forms of exploitation, while the Developmental Provisions promote with special care of educational and economic interests of the weaker sections like the Scheduled Tribes and Scheduled Castes. The Administrative Provisions under the Fifth and Sixth Schedules give special powers to the States **for the protection and governance of tribal areas** and the Reservation Provisions ensure due representation of the Scheduled tribes and Scheduled castes in legislative bodies and government jobs. The salient provisions of different articles are:

Article 244(1): Provisions as to the administration and control of Scheduled Areas and Scheduled Tribes;

Article 244(2): Provisions as to the administration of Tribal Areas; **Article 339:** Control of the Union over the administration of Scheduled Areas and the welfare of the Scheduled Tribes;

Article 275(1): Provision for payment of grant-in-aid to enable the States to meet the cost of such schemes of development as may be undertaken by the States with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas there in to that of the administration of the rest of the areas of that State.

Article 342: Specifying the tribes or tribal communities as Scheduled Tribes.

Article 330: Reservation of seats for the Scheduled Tribes in the House of the People;

Article 332: Reservation of seats for the Scheduled Tribes in the State Legislative Assemblies;

Article 334: Reservation of seats and special representation to cease after sixty years;

Article 164(1): In the States 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 (Now applicable to Chhattisgarh, Jharkhand, Madhya Pradesh and Orissa).

Article 338: There shall be a National Commission for the Scheduled Tribes and Scheduled Castes to be appointed by the Honourable President of India (Since bifurcated into two, one for Scheduled Tribes and the other for Scheduled Castes).

Article 335: Claims of Scheduled Tribes to services and posts;

Article 46 Promotion of educational and economic interests of the Scheduled tribes, Scheduled castes and other weaker sections;

Article 371A: Special provision with reference to Nagaland;

Fifth Schedule: Provisions as to the Administration and control of Scheduled Areas;

Sixth Schedule: Provisions as to the Administration of Tribal Areas.

In addition to the above constitutional provisions, there are numbers of laws both Central and State, which provide protection and safeguards for the interest of the Scheduled tribes. These Acts and Regulations emanate from various constitutional provisions. Some of the important central Acts are as follows;

1. Protection of civil right Act, 1955
2. Forest Conservation Act, 1980
3. Bonded Labour (Prohibition and Regulation) Act, 1986
4. Child Labour (Prohibition and Regulation) Act, 1986
5. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
6. The Provisions of the PESA (Panchayat Extension to Scheduled Areas) Act, 1996
7. The Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

Similarly, State Governments safeguard for Tribal Development are related to the prevention of alienation and restoration of tribal land, money lending, reservations and so on.

1.4 Schedule Area Administration and Protection

According to 5th Schedule, the administration of Scheduled Areas as per Article 244 of the Constitution consists of following parts: a) Special Privilege to Governors b) Reports of Governors to the President of India and c) Tribes Advisory Council (TAC) According to Section "C" Para X of 5th Scheduled, the Scheduled Areas include those areas which have been „Scheduled“ by Hon“ble President of India. The President may amend the Scheduled

Areas after discussing the problems with the concerned Governor of the State. The Parliament may also make amendment of the Schedule Areas, but this will not be understood as Constitutional amendment.

The Scheduled Areas are contiguous areas traditionally conforming territorial units. In order to protect the interest of the Scheduled tribes and give them a special treatment, some of them have been put under the 5th Scheduled of the Constitution of India. The criteria for declaring any Scheduled Areas, which have a viable administrative entity such as; District, Block or Taluk and is the economy backwardness of the area. The States covered under the 5th Scheduled Areas are 1) Orissa, 2) Andhra Pradesh, 3) Himachal Pradesh, 4) Gujarat, 5) Rajasthan 6) Maharashtra, 7) Bihar (now Jharkhand has been declared after being separated from Bihar State), 8) Madhya Pradesh and 9) Chhattisgarh (earlier Chhattisgarh was a part of undivided Madhya Pradesh State) The 6th Scheduled Areas under Article 244 (2) and 275 of the Constitution are those areas in the North-Eastern States like: 1) Assam, 2) Meghalaya, 3) Mizoram, 4) Arunachal Pradesh, 5) Manipur, 6) Nagaland and 7) Tripura, which have been declared as Tribal Areas where provisions are made for the administration through Autonomous Districts/Regional Councils. For the protection, socio-economic and political development of Scheduled Tribes, the Constitution of India guarantees three important rights:

(a) Social Rights:

1. Equality before Law (Article 14).
2. The State to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes [Article 15 (4)]
3. Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Article 16)
4. The State to make provisions in matters of promotion to any class or classes of posts in the services in favour of the Scheduled Castes and the Scheduled Tribes (Article 16 (4A))
5. A National Commission for Scheduled Caste and Scheduled Tribes to investigate, monitor and evaluate all matters relating to the Constitutional safeguards provided for the Scheduled Castes and the Scheduled Tribes (Article 338)
6. Appointment of a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States (Article 339)
7. Appointment of Commission to investigate the conditions of socially and educationally backward classes and the difficulties under which they labour and to make recommendations to remove such difficulties and to improve their conditions (Article-340)
8. To specify the Tribes or Tribal communities to be Scheduled Tribes (Article 342).

(b) Economic Rights:

1. The State to 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 protect them from social injustice and all forms of exploitation (Article 46)
2. Grant-in-aid from the Consolidated Fund of India each year for promoting the welfare of the Scheduled Tribes and administration of Scheduled Areas [Article 275(1)]
3. The claims of the members of the Scheduled Tribes in the appointments to services and posts in connection with the affairs of the Union or of a State to be taken into consideration consistent with the maintenance of efficiency of administration [Article 335].

(c) Political Rights:

1. Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the House of the People [Article 330] • Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States [Article 332].

2. Reservation of seats for the Scheduled Castes for the Scheduled Tribes in every Panchayat [Article 243D].

3. Extension of the 73rd and 74th Amendments of the Constitution to the Scheduled Areas through the Panchayats (Extension to the Scheduled Areas) Act. 1996 to ensure effective participation of the tribal's in the process of planning and decision making.

1.5 Conclusion

Therefore, it could be concluded from above discussion that the Tribal policies in India have evolved from a focus on protection to a focus on empowerment. The current policy framework aims to create an enabling environment for tribal communities to participate fully in the nation's development process while preserving their unique cultural identity. The journey towards inclusive development for tribal communities requires continued dialogue, collaboration, and a commitment to addressing the underlying causes of their marginalization.

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