

Block 4

**Problems, Development Programme and
Constitutional Safeguards**

UNIT 12 PROBLEMS OF TRIBES*

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LEARNING OBJECTIVES

In this unit, you will learn about:

- Various problems faced by tribes such as migration, liquor consumption, land alienation, debt-bondage and indebtedness, development-induced displacement, resettlement and rehabilitation, health, employment; and
- Impact of tribal problems on their social, cultural, economic, and political aspects.

12.0 INTRODUCTION

The tribes of India face several problems due to various reasons. The root cause of some significant issues is the British intrusion into tribal areas, and subsequent, intrusion by outsiders (officials, merchants, etc.) from plains into the tribal areas. They interfered in the tribal life-ways, exploiting forest resources. Such intrusions, exploitative contacts, and interferences caused disturbances in tribal areas (Koteswara Rao 2018a). Culture contact (exploitative) is considered to be a significant reason for the emergence of most tribal problems. As the tribes traditionally depend on their environment for livelihoods and life, they are prone to socio-economic marginalisation.

Some problems of tribes have been discussed earlier in Unit 5, Tribal Problems, in BANC-105, *Tribes and Peasants in India* (Koteswara Rao 2021). The present unit provides an understanding of some other problems faced by tribal people. It also offers new dimensions or brief discussions to some problems discussed in the earlier/above unit.

12.1 MIGRATION

Migration (or labour migration) is a widespread problem faced by tribals today. The severity and magnitude of the problem are more evident during the first wave of Covid-19 and nationwide lockdown. Migration is not a very old problem among tribals, who traditionally depend on forests and certain other natural resources accessible in their habitat. As the traditional tribal economy was close to nature, migration did not happen in normal conditions.

12.1.1 Earlier Tribal Migrations to Northeast India

However, some migrations happened earlier during the colonial or pre-independence period from the tribal areas of Jharkhand (Bihar), Chhattisgarh (Madhya Pradesh), Odisha, West Bengal, and Andhra Pradesh. Those tribes include Oraon, Santhal, Munda, and Ho. They migrated to Northeast India particularly Assam, and North Bengal, to work in tea plantations/ estates. Some tribes from Jharkhand and Chhattisgarh

have also migrated to Andaman and Nicobar Islands in search of unskilled employment (Hasnain 2019: 254-55; Vidyarthi and Rai 1985).

In the post-independence period, these migrated tribes to Assam (from Jharkhand, Chhattisgarh, Odisha, West Bengal, and Andhra Pradesh) are known as Tea and Ex-Tea Garden Tribes and popularly as “tea tribes” (Government of Assam 2021). They are approximately 60 lakhs, comprising around 20% of the state’s total population (Hasnain 2019). These tea tribes are not recognised as Scheduled Tribes in Assam as they are not indigenous to the state. They experience a sense of deprivation, suppression, exploitation, and identity crisis (Sharma 2018).

12.1.2 Organised Migration

However, an organised migration, where the contractors and middlemen are involved, is a new phenomenon. Such migrations happen largely among the tribes of Bihar, Jharkhand, Odisha, Chhattisgarh, Madhya Pradesh, and West Bengal.

12.1.3 Causes of Migration

Migration among tribal people is due to various factors. They can be understood under two broad categories. These are pushed-out factors, and pulled into factors.

- 1) Pushed out factors: They include economic vulnerabilities, poverty, starvation, exploitation (socio-economic), diseases, natural disasters (such as drought, famine, epidemic, and pandemic), loss of land due to land acquisition and land alienation by non-tribals, displacement, fragmentation of land, rain-fed agriculture and absence of other livelihoods/ employment, and deforestation and decreasing access to forest resources (Hasnain 2019: 254; High Level Committee 2014).
- 2) Pulled into factors: They include livelihood opportunities, employment attraction, desire for better income and living conditions (Hasnain 2019: 254).

The above factors force the tribal people to leave or migrate from their lands. Sometimes both categories of factors play together. As poverty is the predominant factor among all the above, such migrations are called poverty-induced migrations. Consequently, people migrate to industrial areas, towns, cities, and other far-off places (such as the tea gardens of Assam) for work.

Check Your Progress

- 1) What are the causes of migration?

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12.1.4 Nature and Problems of Migration

This tribal labour migration is informal as migrants don’t have a guaranteed wage, contract, or social security. Migrations are either temporary (seasonal or cyclical) and permanent in nature. Earlier, there was mainly ‘seasonal migration’; ‘permanent migration’ is a later development. Migrants work in farms, plantations, brick kilns,

house constructions, industries, quarries, mines, etc. They face many problems such as low wages, more work hours, working and living conditions, various forms of exploitations (economic, sexual, etc.) from owners/ employers, contractors, and middlemen (Hasnain 2019: 254-55). The tribals, particularly the youth, who migrate to the plains, urban and industrial areas for employment, may relinquish their culture/ traditions and adopt the urban culture with time.

12.1.5 Problems of Migration/ Migrants as Evident during Covid-19 Nationwide Lockdown

The range and problems of migration and migrants have been evident from the Covid-19 pandemic caused nationwide lockdown. The national lockdown during the first wave of COVID-19 exacerbated the economic vulnerabilities of migrants due to unexpected loss of work, employment, and earnings. It has affected not only their livelihoods but also the lives of their family members at the origin. So, thousands to lakhs of migrants were forced to return to their villages. Such migrant labourers faced various problems and miseries during their reverse/ return travel/ journey to native places (reverse migration).

The Covid-19 caused nationwide lockdown exposed the lack of data on the number of migrant workers and their movements. So, the Government of India has later developed a portal of National Migrant Information System (NMIS) and, for tribals, particularly the National Tribal Migration Support Portal.

National Tribal Migration Support Portal

The National Tribal Migration Support Portal captures data/ information regarding migrant workers. The migration data will be in four segments. They are 1) demographic profile, 2) livelihood, 3) skill mapping, and 4) migration pattern. Such data will be electronically accessible at the Village, Block/ Mandal, District, State, and National level for different tiers of government authorities. The National Tribal Migration Support Portal aims to manage credible government data sources on migration for evidence-based programs and policies. Such portal or database is expected for the following:

- “Promoting local livelihood....,
- Tailor-made program to support migrating families in a targeted manner,
- Formulation of suitable strategies and policy decisions for making the existing schemes more effective and beneficiary friendly, and
- Immediate support for tribal and other migrant workers in cities for safe and productive migration.”

Source: <https://shramshakti.tribal.gov.in/>

12.2 LIQUOR COMSUMPTION

12.2.1 Traditional Beverages

The habit of liquor consumption has been prevalent widely among the tribes. Their traditional beverages are locally obtainable or prepared from various plant materials,

and most of them are not intoxicants. They are reported to have invigorating effects and some food/ nutritional value, for instance, toddy (a natural beverage) from fishtail palm (*Caryotaurens*) or palmyra palm (*Borassus flabellifera*) (Kodirekkala 2018). In some areas, traditional beverages are prepared from local materials of mahua (*Madhuca longifolia*) flowers, and rice of paddy or millets. The beverage prepared through the fermentation of rice of paddy or millets, is widely prevalent; it is known by various local names such as *Handia* in Madhya Pradesh and Odisha (Hasnain 2019: 237-41). Such beverage is also reported to have lower alcohol content when compared to commercial alcohol products and is non-toxic (Panda et al. 2014). Certain traditional fermented drinks including *Handia* and toddy are reported of having probiotic potential (Maheshwari et al. 2020). Tribals used to prepare and consume such beverages in the family or community when desired, mainly during the occasions of their festivals, marriages, rituals and ceremonies (Hasnain 2019: 237-41).

Nevertheless, all indigenous or local beverages are not problem-free. Few individuals or people in a village/ community might exist as habitual drinkers, instead of occasional drinking/ drinkers. Various additives (plant parts) are used in the fermentation/ preparation of toddy or *Handia* in many areas. Some of those additives are mild intoxicants depending on their quantity. The fermented beverages made of such additives may intoxicate the chronic and heavy drinkers. They are problematic to their families, neighbours, and village/ community.

However, the benefits of traditional beverages (cultural needs and nutritional values) are considered to outweigh or neutralise their problems in general.

Check Your Progress

- 2) What are the main types of traditional beverages in tribal areas?

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12.2.2 Distilled Liquor

Though the tribes traditionally have their own local/ traditional beverages, which are their favourite, unfortunately, arrak (hard liquor/spirit) had earlier been promoted by the British government (Koteswara Rao 2018a). The Abkari/ Excise policies of the British and Indian governments and liquor lobbies are aimed at increasing their revenue. Such developments have forced the tribals to depend on and consume distilled liquors, irrespective of the traditional, local, social and ceremonial conditions and needs. Therefore, N.K. Bose, during his tenure as commissioner for Scheduled Castes and Scheduled Tribes, called liquor vendors as “agents of exploitation” in the tribal areas. Dhebar commission has recommended the discontinuation of such distilled liquor sale (Hasnain 2019: 237-41).

Nevertheless, the sale of liquor in various forms continues in the tribal areas. Besides the supply of country liquor, local (illicit) distillation of arrak also prevails in some areas by few people sometimes. Such sale and consumption of liquor is a major problem in tribal areas today. They cause problems at family and society levels. They include

economic hardships, disruption in family life and relations, physical/ domestic violence, social disturbances, and other untold miseries. The liquor shops mostly owned by outsiders in the tribal areas, sometimes become a cause of undesirable and illegal activities, particularly among the tribal youth.

Nowadays the tribal youth are also slowly getting attracted to foreign alcoholic drinks (Indian-made foreign liquor IMFL or foreign liquor) from urban areas. These are perhaps due to market exposure/ economy, migrations, etc. They compound the problems. For example, in the outskirts of a tribal village, empty glass bottles of IMFL were thrown off on roadsides a few years back. Some of them were broken and posed a danger to the local villagers and passers by, particularly children, who used to walk barefoot to school and common land areas.

However, now many tribals are aware of the evils of liquor. Movements arise in tribal areas against the sale and consumption of distilled liquor, particularly to dissuade tribals from it. For instance, see the following case study in the next section.

Check Your Progress

- 3) What are the different types of alcoholic beverages in tribal areas?

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- 4) N.K. Bose called the liquor vendors in the tribal areas as.....?

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12.2.3 Case: A Movement to Ban the Sale of Liquor and Control the Consumption of Toddy

The present case study is based on Konda Reddis, a particularly vulnerable tribal group in Andhra Pradesh. The tribals from a village in the Agency area (ITDA, Integrated Tribal Development Agency), of East Godavari district have succeeded in banning the sale of distilled liquor and controlling the consumption of distilled liquor and toddy (traditional beverage).

“People in this village, mainly women, most of who happened to be members of self-help groups of the village, joined together and actively participated in this endeavour. Of course, they did not succeed easily in a single attempt. Their struggle started 10 years ago when the distillation and sale of liquor were rampant in the area and the village as well. They were determined to put a check to this menace as they had had some bad experiences with their drunken husbands. They searched for the liquor brewing places around the village, in the forest, destroyed all the liquor and broke all the pots and other containers that were used for brewing liquor. The liquor makers were also

warned to not get involved in such activity thereafter. The villagers also put a control on the consumption of alcoholic drinks. Nobody was allowed to carry liquor to this village. Of course, they did not put any restriction on the drinkers, if they went to other village(s) for a drink. However, the villagers were vigilant on the secret making of liquor. Thus, it gradually led to the decline of alcohol sale and consumption. If anyone was found selling liquor, they were fined. Such a case occurred in December 2017, when a family was found having a little quantity of liquor for sale. The family was fined at a public meeting by the village political organisation, which was an informal organisation comprising of all the adult members of the village.”

“In this village, a couple of families are involved in selling the toddy of *jeelugu* (*Caryotaurens*) mainly during the toddy season. They are also required to pay some amount annually as decided by the villagers at the public meetings every year. The villagers in their meeting also discuss whether to allow the sale of toddy or not for the upcoming season of the year, and how much tax is to be collected from those shops/ households, if allowed, for such business. Thus, the villagers through their organisation regulate the sale and consumption of liquor and toddy. While taking this as an example, the neighbouring villages also banned the sale of liquor to some extent in the recent past and until now” (Koteswara Rao 2018a: 27-28).

12.3 DEVELOPMENT INDUCED DISPLACEMENT

Displacement is one of the major problems in tribal areas. Various development and infrastructure projects (irrigation, industrial, mining, conservation, etc.) have displaced tribals in large numbers. Such displacement is known as development induced or development caused displacement.

Development projects cause people to dispossess own/ ancestral houses, lands and properties, and forcefully leave their ancestral/ native homes, lands, and places/ villages of living. They also cause people to lose access to natural resources, loss of livelihoods, and various other adverse impacts at their new locations.

Development induced displacement is considered the most important form of displacement because of its forced nature and magnitude of displaced people. In this form of displacement, coercion or force of any nature by the state is dominant, so it is also called involuntary or forced displacement. Such force is exercised by the public authorities of the state.

12.3.1 Potential Risks in Displacement

There are various potential risks in displacement. Michael Cernea (1997, 2000, 2003) identifies 9 such risks. These are:

- 1) landlessness,
- 2) joblessness,
- 3) homelessness,
- 4) marginalisation,
- 5) food insecurity,
- 6) loss of access to common property resources (and services),

- 7) increased morbidity and mortality,
- 8) community/ social disarticulation (disintegration), and
- 9) educational losses (cited in Kodirekkala 2020).

Two more risks were identified later by Muggah, Downing and Robinson (Downing 2002; Robinson 2003). They are:

- 1) loss of access to community services (e.g., public services like health clinics and educational facilities), and
- 2) violation of human rights (e.g. unfair compensation, arbitrary arrest, etc.) (cited in Kodirekkala 2020).

Check Your Progress

- 5) How many potential risks have been identified in displacement by Michael Cernea and others?

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12.3.2 Displacement among Tribals

The magnitude of displacement by various development projects in India reveals that the majority of people displaced and affected are tribals. According to some reports cited in High Level Committee (2014), 30.7–40.9 per cent of displaced/ affected people are tribals. The high proportion of tribal displacement is because many development projects are established in tribal areas due to the rich resources there, and tribals are primarily dependent on certain natural resources. The displacement problems can be understood easily from the major and recently completed Sardar Sarovar project and the ongoing Polavaram project. Among the displaced in the Sardar Sarovar project and Polavaram project, about 58% and 50% respectively were tribals. If we look at other projects, like the Upper Indravati project in Odisha, 89% of oustees were tribals. In the Koel Karo project in Bihar, 88% of oustees were tribals (Koteswara Rao 2021).

Displacement causes deprivation of tribals' tangible and intangible assets, livelihoods, and resource base. It also causes psychological trauma and social and cultural problems. Such multi-dimensional trauma cannot be compensated easily.

12.4 RESETTLEMENT AND REHABILITATION

12.4.1 Policies and Problems

Resettlement and Rehabilitation (R&R) are provided for the displaced people by development projects. The displaced people face various problems of displacement, resettlement and rehabilitation. They include deprivation of lands, assets, livelihoods, and resources; social and cultural consequences; and psychological trauma. Such problems were very high and severe earlier because:

- there was no rehabilitation and resettlement policy for project displaced/ affected families, at national level until 2003; and
- the “Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013” came into force only in 2014 (Koteswara Rao 2018b).

The project displaced or affected people have faced and still face problems even after the resettlement and rehabilitation policies came into existence and force. The displaced families are entitled to proper resettlement and rehabilitation benefits at the family as well as village level for the restoration of their economic and socio-cultural base, and infrastructural facilities. However, they are often violated in most projects.

Some of the reasons for such resettlement and rehabilitation problems include:

- the arbitrary actions of the respective government or project authorities,
- vague resettlement and rehabilitation policies that existed until the recent past,
- problems in provisions and operation of those earlier policies,
- ineffective implementation of the earlier policies and existing legislation on resettlement and rehabilitation, and
- indifference towards the displaced people’s grievances and portraying their protests from a negative perspective (Kodirekkala 2020).

12.4.2 Resettlement and Rehabilitation among Tribals

Tribals suffered and still suffer from numerous problems of resettlement and rehabilitation in the majority of the projects situated in tribal areas. The proportion of tribals displaced is high, but the proportion of tribals resettled is low (High Level Committee 2014). The quantum of tribal displacement and their losses are often underestimated and undervalued. So, they receive inadequate compensation, and resettlement and rehabilitation measures are also insufficient. They are seldom provided with land as compensation. If lands are allotted, they are often insufficient, unsuitable, or of poor quality, faraway from their houses at the relocation sites. They often lack proper infrastructure at the resettlement centres. These include safe drinking water, electricity, roads, schools, and healthcare facilities. They lose access to natural resources like fuel, fodder, forest resources/ products. They also face the problems of coping at the new settlement sites with the host population.

12.5 ALIENATION OF LAND

12.5.1 Meaning

The alienation of land (or land alienation) is an old and a major problem in tribal areas. Since land is a vital resource for tribal people and also a marketable commodity, land alienation happens. Land alienation (or alienation of land) means transfer of title and possession from one person to another person. In the context of tribes, land alienation means the tribal people losing ownership and control of their (tribal) land (Koteswara Rao 2021).

12.5.2 Forms of Land Alienation

Land alienation occurs mostly by external forces. In particular, transfer of land from tribal to non-tribal has been happening in tribal areas for a very long time. However, land transfer happens both outside and within the tribal community. So, theoretically land alienation can be classified into two forms/ types. These are (a) land alienation by external forces, and (b) internal transfer of land (by tribals).

12.5.3 Land Alienation by External Forces

Majority of alienation of land occurs by external forces. Such form of alienation is a major problem for the tribes of this country. This form is of two types (a) alienation of land by non-tribals (b) alienation of land by development projects in the tribal region.

Check Your Progress

- 6) What are the main types of land alienation in tribal areas?

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12.5.4 Alienation of Land by Non-Tribals

When non-tribal migrants and outsiders encroach on tribal lands, they alienate the tribal people from their lands. Such alienation causes the tribes to lose control over their lands. Such a problem of land alienation has existed in tribal areas of many states, which include Andhra Pradesh, Telangana, Bihar, Jharkhand, Madhya Pradesh, Chhattisgarh, Odisha, Maharashtra, Rajasthan, West Bengal, Assam and Uttar Pradesh (Kaul 1977).

For the protection of the tribal lands, we have constitutional safeguards and legislative measures like the “State Scheduled Area Regulations” and “Tenancy laws”. Despite such protections, alienation of land by non-tribals, “in connivance with the instruments of the State,” continues (High Level Committee 2014: 279).

According to a study (Misra 2002), land transfer from tribals to non-tribals was 85.95% and from tribals to tribals was 14.04%. Prolonged indebtedness among the tribal families has been the main cause of alienation their lands. Most of the tribals (about 85%) were unaware of their constitutional rights and laws against the transfer of tribal lands (cited in Koteswara Rao 2021).

12.5.5 Methods of Land Alienation by Non-Tribals

There are various methods adopted for alienation of land by transferees (non-tribals). These include:

- sale,
- leasing and mortgaging,
- benami transfer,
- encroachment or forcible occupation,

- marital alliance or concubinage,
- fictitious adoption of non-tribals by tribal families,
- oral transfer of possession, and
- manipulation of land records.

12.5.6 Alienation of Land by Development Projects

According to the High Level Committee (2014) development projects in the tribal region are one of the main causes of alienation of tribal land. The state used to acquire lands in the name of “public purpose” without providing a compulsory “land for land” provision for compensation/ rehabilitation. The report also reveals some other reasons of land alienation such as collusion of revenue officials, incorrect interpretation of laws, manipulation of records and permissions accorded to alienate land, and no record of user practices for community lands that are recorded as government lands in survey and settlement operations (p. 255).

12.5.7 Internal Transfer of Land

In some places/ times, land is transferred from a tribal landowner to another tribal. This can be called internal transfer of land. This is a minor form/ issue of land transfer when compared with land alienation by external forces. This internal transfer of land (or mortgage) results in internal disparity, which is one form of land alienation within the community (High-level Committee 2014).

12.6 INDEBTEDNESS AND DEBT-BONDAGE

12.6.1 Indebtedness

Indebtedness is an old, widespread and difficult problem of tribes. Indebtedness refers to an obligation to pay money to another party (money lender). Tribals borrow money from moneylenders for various needs and occasions such as: marriages, death rituals, religious and social obligations, medical treatments, cultivation, litigation, and education. Their needs force the poor tribals to borrow money by mortgaging their land(s) to moneylenders at exorbitant rates of interest. They became victims of “dishonest and unscrupulous methods of money lenders” (Verma 2017: 184, cited in Koteswara Rao 2021). Amount borrowed at extortionate rates of interest snowball into a sum that is difficult to repay. Such debt would pass on from father to son to grandson as a continual process. So, it is said that “tribals once in debt were always in debt” (Verma 2017: 184, cited in Koteswara Rao 2021). There are various causes of indebtedness. Indebtedness often leads to situations of debt-bondage or bonded labour.

12.6.2 Debt-Bondage

Debt-bondage is simply understood as bonded labour. According to the United Nations’ 1956 Supplementary Convention¹, debt bondage is “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined”.

According to Saxena, debt bondage is “a system whereby a debtor pledges his labour or the labour of somebody else close to him in lieu of the interest to be paid on the loan advanced to him by the creditor. Usually, the pledgee or his nominee is released only on the discharge of the debt” (quoted in Hasnain 2019: 312). Since such bonded labourer gets very little or no pay/ money, debt repayment and ending of bonded labour might not happen soon. The person is trapped into working for a long period. The relationship may last for months, years and generations (Hasnain 2019). Thus, indebtedness leads to debt-bondage and making the tribals, bonded labourers of moneylenders on their own lands (Verma 2017: 184).

12.6.3 Constitutional and Legal Provisions

There are various Constitutional provisions, and legislations or regulations pertaining to the problems of indebtedness and debt-bondage. The legislations include Money Lenders Regulation and Debt Relief Regulation of various States, and the Bonded Labour System (Abolition) Act, 1976. However, there are problems in their effective implementation.

12.7 HEALTH

12.7.1 Health Status

The health status of tribes is reported as very poor. Some commonly reported health problems include malaria, diarrhoea, tuberculosis, pneumonia, snake and scorpion bites, and fluorosis. For e.g. 46% malaria cases and 70% falciparum cases of the country come from 8.6% of the tribal population of the country (Anitha 2018). In other words, the reasons for their poor health status is due to the interplay of factors such as their living in remote and isolated terrains, illiteracy, ignorance of causes of diseases, poverty, lack of safe drinking water, poor sanitation, malnutrition, poor maternal and antenatal care, poor child health services, lower levels of immunisation, fewer institutional deliveries, ineffective development programmes and health and nutritional services. The poor health status of tribes is influenced by various factors, which can be classified into cultural, economic, educational, geographic, demographic, and political factors. Such factors in turn influence tribal health seeking behaviour. Delayed healthcare-seeking behaviour among tribals in general and those with symptoms presumptive of TB in particular, is an issue of concern (Anitha 2018).

It is reported that there are deficiencies in micro nutrients such as calcium, iron, vitamins A and C among the tribal populations. The cause of such deficiencies is the disappearance of millets from tribal diet (Anitha 2018). As they are increasingly depending on market-based food grains, pulses and vegetables, they are facing certain new health problems.

12.7.2 Illnesses and Tribal Medical Systems

Tribes experience various kinds of illnesses. Tribal illnesses are affected and addressed by their different beliefs, values, attitudes, and practices. Some of them are recognised by modern medicine and some others are explained only by their local/ traditional medical practices, which are known as ethnomedicine.

As Foster (1976) describes, two types of medical systems exist among tribal societies. These are personalistic and naturalistic medical systems. In the personalistic medical

system, illness/ disease is explained as caused by an agent – human (witch or sorcerer), non-human (ghost, evil/ ancestor spirit) or supernatural (god or such powerful being). In other words, certain illnesses are attributed to witchcraft or sorcery, ghosts or spirits, evil eye/ sprit, displeasure of a deity/ god, etc. Such illnesses are managed by magico-religious practices.

In the naturalistic medical system, illnesses are caused by natural conditions or forces (example cold, heat, imbalance in the body, germs causing illness). Such illnesses are managed by herbal medicines. A traditional healer generally provides both the services of herbal medicine and magico-religious practices. The practitioners of herbal medicine may also exist in some villages. However, the ethnomedical practices are affected by various factors, which include modern medicine, lack of local specialists/ practitioners, changing environment, and depletion of forest resources and species scarcity. For an example, read the case below.

12.7.3 Case: Resource Depletion Affects the Practice of Herbal Medicine

An old man of 60 years age from the Konda Reddi tribe of Andhra Pradesh says:

“I am an expert in *chekkamandu* (herbal medicine) for treating bone fracture, sprains, and certain bone-related pains. I fell down a couple of days ago and have back-pain. But I could not treat myself, even though I know the effective treatment. Because, the treatment requires the bark of the *Naramamidi* (*Litsea decanensis*) tree, and the bark is not available as the trees are destroyed because of its high demand by the Girijana Cooperative Corporation (GCC) and over-exploitation of the resource by the people. So, I was left with no other alternative than going to the hospital.... Thus, I had to spend some amount of money unnecessarily for the English medicine, instead of using my own effective treatment, because of lack of the local resource, the bark of *Naramamidi*” (Kodirekkala 2015).

12.7.4 Modern Health Care

Tribal people are also relying on modern medical practices, as supplementary or alternative medicine. The importance of modern health care is being understood due to several reasons. These include changing ecological conditions, new beliefs and behaviours, new health problems in tribal areas, increasing awareness about modern health care, and availability and accessibility of modern health facilities. Tribals are seeking modern medicine and health care particularly for some health problems, as they don't get other effective remedies for them.

Despite the need and increasing reliance on modern medicine, tribals experience poor access to modern medicine and health care facilities due to various reasons. Their problems can be understood from the following case.

12.7.5 Case: Sixteen People in a Tribal Village Died due to Water Contamination

It was reported that sixteen people in Chaparai, a remote tribal village died in 2-3 weeks from 29 May to 21 June 2017. The causes for these deaths were variedly reported. But, water contamination and related outbreak, was believed to be the main reason. The information on the deaths came to light quite late (about 3 weeks later, on 24 June 2017) due to remoteness of the village. The village is located in Boddagandi

Panchayat of Y. Ramavarammandal in East Godavari district of Andhra Pradesh. It is a medium size (tribal) village. As per 2011 Census, the village has a total of 71 families with a population of 329. It has lower literacy rate of 19.84% compared to 67.02% of Andhra Pradesh. It was not connected either by an approach road or telephone communication. People depended on hill stream water for drinking, and ethnomedicine for health. There was no community health worker (CHW) or ASHA (Accredited Social Health Activist) worker at the village. Modern health care facilities are not easily accessible as they are located far away from the village (Reddem 2019).

The above case also reveals the gap between traditional medical system and modern health care. The former was ineffective and the latter was inaccessible in this case. So, a dilemma also exists between the traditional and modern medicine due to their limitations in tribal areas.

12.8 EMPLOYMENT

This is an emerging problem in the tribal areas today. Some tribes, who traditionally depend on agriculture and artisanry, have adopted an economic life of labourers — agricultural and non-agricultural. Such work is due to growing pressure on land because of population growth, opportunities with the opening of mines and industries in tribal areas, etc. They get work as casual labourers on casual (daily) basis in agriculture. The non-agricultural work may be available at local (nearby) or non-local (distant) places in other regions and States. They work in forestry, tea gardens, mills, mines, quarries, industries, construction work (of roads, railway tracks, factories, bridges, dams, houses, etc.). The tribes that adopted industrial labour mainly come from Jharkhand, Bihar, Chhattisgarh, Odisha and West Bengal. The Chotanagpur region of Jharkhand is popular for such industrial labour.

Some educated tribals are employed in government and private services, based on their educational qualifications. They particularly come from major tribes like Bhils, Gonds, Santhals, Minas, Oraons, Mundas, and Hos. For understanding the trend of tribal employment status in government sector, the High Level Committee on tribals has analysed the data from 1978 to 2000. Their report reveals that the percentage of government employments is much below the proportion of tribal (Scheduled Tribes) population to the total population of the country. “It could be either due to non-implementation of the provision of reservation provided for Scheduled Tribes or non-availability of suitable candidates for employment or both” (High Level Committee 2014: 127). The report also reveals that a high proportion of tribals engaged in the government sector are for Group D services (semi-skilled/ unskilled jobs). In other words, most of the jobs are in the lower rungs of the service ladder.

However, the educated tribal youth are looking for skilled and salaried job opportunities in the public or private sectors (enterprises). Some of them are moving towards urban and industrial areas to take up new jobs there. Few of such people once shared their views that certain enterprises can be established in tribal areas based on the local, rich natural resources for generating and providing employment opportunities to the local tribals. Then their problems of unemployment or migration for work would be solved.

The Central and State Governments are implementing various schemes for skill development and self-employment from time to time, e.g. the establishment of agro/ forest-based micro/ small scale industries. Despite many efforts, gaps exist between

policy expectations and local realities. Tribals face problems of unemployment, which in turn affects the views of the younger generation towards education.

12.9 IMPACT OF TRIBAL PROBLEMS ON THEIR SOCIAL, CULTURAL, ECONOMIC, AND POLITICAL ASPECTS

The tribal problems have a significant impact on their social, cultural, economic, and political aspects. They are discussed below.

Migration: Tribal migration causes changes in tribal culture/ traditions, new/ modern culture overtime, and crisis/ loss of identity, as it is particularly evident among the tea tribes of Assam. It also leads to tribal exploitation in economic aspects and sexual abuse at their new workplaces. Tribals at distant places experience a sense of deprivation and suppression. They face various problems in their children's education. Their children discontinue schooling in a majority of the cases. In some cases, the children are left with their relatives at native places for schooling. The parents who want to send their children to school at the workplace might also face difficulties due to non-availability or distance of a school, cost of schooling, etc.

Liquor Consumption: The liquor consumption problem has both positive and negative impacts, mainly depending on the type of drink and level of consumption. Consumption of traditional beverages has cultural, social, and religious significance. Such beverages are consumed in the family, kin group, or community. They are mainly taken during festive and ritual occasions such as annual festivals, marriages, death rituals, puberty ceremonies, and certain community gatherings. The traditional beverages are also reported to have invigorating effects and some nutritional value.

However, certain political and economic factors have forced the tribals to depend on and consume distilled liquors, irrespective of their traditional, local, social, and ceremonial conditions and needs. The sale and consumption of liquor, which is either supplied from outside or distilled locally by a few people in some areas, is a significant issue in tribal areas today. They disrupt family relations, cause domestic violence, economic hardships, social disturbances, and other miseries. The liquor suppliers from outside may also cause some undesirable effects, particularly among the youth in tribal areas.

Development induced Displacement: Displacement by development projects affects people in the following ways: dispossess own/ ancestral houses, and lands and properties; forcefully leave their ancestral/ native homes, lands, and places/ villages of living; lose access to natural or common property resources; loss of jobs, livelihoods, and food security; loss of access to community or public services such as health clinics and educational facilities; social disintegration and marginalisation; increased morbidity and mortality; suffer from violation of human rights such as unfair compensation and arbitrary arrest; psychological trauma; and various other adverse impacts (social and cultural problems) at the new locations.

Resettlement and Rehabilitation: The displaced people face many problems of rehabilitation and resettlement at new locations. They include various forms of deprivation of lands, assets, livelihoods, and resources; social and cultural consequences; and several other adverse impacts. The displaced families are entitled to get proper resettlement and rehabilitation benefits at the family and the village level to restore their

economic and socio-cultural base and infrastructural facilities. However, they are largely violated in the majority of the projects.

Alienation of Land: The alienation of land in tribal areas causes the tribal people to lose their lands including the ownership and control over their lands.

Indebtedness and Debt-bondage: Tribals become victims of dishonest and unscrupulous methods of money lenders. The amounts they borrow at extortionate rates of interest snowball into a sum that is difficult to repay. Such debt would pass on from father to son to grandson as a continual process. So, it is stated that the tribals once in debt are always in debt. Indebtedness often leads to debt-bondage or bonded labour situations making the tribals bonded labourers of moneylenders on their own lands. Since such bonded labourers get very little or no pay/ money, debt repayment and ending bonded labour might not happen soon. The person is trapped into working for an extended period (months, years, and generations).

Health: The health of tribes affects and is affected by social, cultural, economic, political, and psychological aspects. The interplay of various factors influences the poor health status of tribes. They include poverty, lack of safe drinking water, poor sanitation, malnutrition, poor maternal and antenatal care, poor child health services, lower levels of immunisation, fewer institutional deliveries, ineffective development programmes and health and nutritional services, illiteracy, ignorance of causes of diseases, and living in remote and isolated terrains. The above factors can be classified into cultural, economic, educational, geographic, demographic, and political aspects. Such factors, in turn, influence tribal health-seeking behaviour. Tribal health status also affects their socio-economic levels, such as educational attainments, work participation rate, occupational status, and income/ wealth.

Employment: Tribals face problems of unemployment, which affect them in various ways. The educated tribal youth, based on their educational qualifications, are looking for skilled and secure job opportunities in the public or private sectors. Some of them are moving towards urban and industrial areas to take up new jobs there. The unemployed educated youth/ adult generation affects the views of the younger generation towards education.

In addition to the above, various other problems of industrialisation, forest policies, etc. have affected the tribal population.

12.10 SUMMARY

The tribes of India have faced and still face various problems due to many reasons. The emergence of most tribal issues is mainly due to factors external to the tribes. These include outsiders' entry into tribal areas and exploitation of natural resources (land, forest, etc.), "development" activities (dams, industries, mining, etc.), unfavourable forest policies, etc.

Migration: Tribal migration is a widespread and severe problem, as evident with the reverse migration of labourers during the Covid-19 nationwide lockdown. The causes of migration can be classified into two broad categories. These are pushed-out factors, and pulled into factors. Poverty predominates among all the factors. People migrate to work in industrial areas, towns, cities, and other far-off places.

Liquor consumption: It is widely prevalent among the tribes. There are two types of traditional (alcoholic) beverages in the tribal areas. These are: natural beverages like toddy, and fermented beverages like *Handia*. Besides the dominance of such beverages, distilled liquors exist in some areas, if not all. These liquors can be classified into two types: (a) country liquor/ arrak and (b) Indian-made foreign liquor. The sale and consumption of distilled liquor is one of the major problems in tribal areas today. So, N.K. Bose called liquor vendors “agents of exploitation” in the tribal areas, and the Dhebar Commission has recommended the suspension of such liquor sales.

Development-induced displacement: Development projects cause and force people to displace and dispossess their houses, lands and properties, lose access to natural resources, loss of livelihoods, and various other adverse impacts at their new locations. It is the most important form of displacement because of its forced nature and magnitude of displaced people. There are 11 types of potential risks identified in displacement. Most of the displaced and affected people are tribals, as most of the development projects are located in tribal areas.

Resettlement and rehabilitation: The displaced people faced and still face many problems of displacement, resettlement and rehabilitation due to various reasons. They include (a) displacement is a multi-dimensional trauma that cannot be compensated easily, (b) there was no rehabilitation and resettlement policy at the national level until 2003, (c) the resettlement and rehabilitation policies that existed until 2013 were vague/ problematic in some provisions and in their operation, (d) ineffective implementation of the earlier policies and existing legislation of resettlement and rehabilitation, (e) the arbitrary actions of the respective government or project authorities, (f) indifference towards the displaced people’s grievances and portraying their protests from a negative perspective.

Alienation of land: It is an old, major and persistent problem in tribal areas. It is primarily caused by external factors, which are two types: non-tribals and development projects in the tribal regions. Alienation of lands by non-tribals occurs, if the outsiders and non-tribals encroach on tribal lands. Such problems occurred in many areas/ States.

Indebtedness and debt-bondage: Indebtedness is an obligation to pay money to money lenders from whom tribals borrow money. It is an old, widespread and difficult problem of tribes. Tribals became victims of dishonest and unscrupulous methods of money lenders due to various causes of indebtedness. Indebtedness leads to debt-bondage or bonded labour. Debt-bondage made the tribals bonded labourers of moneylenders on their own lands.

Health: The health of tribes is affected by various cultural, economic, political, geographic, and educational factors. Such factors, in turn, influence tribal health-seeking behaviour. Tribal health status also affects or reflects in their socio-economic status.

Employment: Tribals face problems of unemployment, which affect them in various ways. These include migration and the views of the younger generation towards education.

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12.12 ANSWERS TO CHECK YOUR PROGRESS

- 1) The causes of migration can be classified into two broad categories. These are pushed-out factors, and pulled into factors. Refer to Sub-section 12.1.3.
- 2) There are two main types of traditional beverages in tribal areas. They are natural beverages like toddy, and fermented beverages like Handia. Refer to Sub-section 12.2.1
- 3) They are traditional beverages, and distilled liquors. Traditional beverages are mainly of two types: a) natural beverages, and b) fermented beverages. Distilled liquors are mainly two types: a) arrak or country liquor, and b) Indian-made foreign liquor. Refer to Section 12.2.
- 4) Agents of exploitation. Refer to Sub-section 12.2.2.
- 5) There are 11 potential risks identified in displacement by Michael Cernea and others. Refer to Sub-section 12.3.1.
- 6) There are two main types: 1) Alienation of land by non-tribals, 2) Alienation of land by development projects in the tribal region. Refer to Section 12.5.

UNIT 13 PROBLEMS OF TRIBAL WOMEN*

Structure

- 13.0 Introduction
- 13.1 Status of Tribal Women
- 13.2 Health and Nutrition
- 13.3 Education
- 13.4 Role of Women in Tribal Economy
- 13.5 Agriculture and Employment
- 13.6 Summary
- 13.7 References
- 13.8 Suggested Readings
- 13.9 Answers to Check Your Progress

LEARNING OBJECTIVES

In this unit, you will learn about the following:

- understanding the status of tribal women in Indian context;
- role of women in tribal economy; and
- various problems faced by the tribal women.

13.0 INTRODUCTION

Tribes in India are characterised by significant variations in terms of their ethnicity, residence, oral history, ecology, religion, economy and other socio-cultural institutions. As per Census 2011 data, the population of tribes or *Adivasis* is 10.45 crores out of which women population is about 5.20 crores while men population is 5.25 crores. Women constitute almost half of the tribal population yet they are often ignored or overlooked while discussing about the tribal situation in India. Women gaining the prime focus of enquiry in tribal studies are a recent phenomenon as argued by Xaxa (2004). This was in concordance with emergence of general interest in women related issues all over the globe.

In this unit, we are going to learn about the various problems and issues faced by the tribal women in Indian context. The main issues of education, health and nutrition, employment and participation in agriculture pertaining to tribal women are discussed in this unit.

13.1 STATUS OF TRIBAL WOMEN

The well-being of any community largely depends upon the status enjoyed by its women. In simple words, the term 'status' can be defined as a collection of rights and duties. A

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status is assigned to an individual depending upon one's sex, age, marriage or birth into a particular family or society, and roles are learned on the basis of either current or anticipated status (Lalhmingpuii and Namchoom, 2014). The 'status of women' is defined by United Nations (1975) as "conjunction of position a woman occupies as a worker, student, wife, mother....of the power and prestige attached to these positions and of the right and duties she is expected to exercise" (cited in Bhasin, 2007). It is important to note that "to what extent, do women compared with men, have access to knowledge, economic resources and political power and to what degree of personal autonomy do these resources permit the process of decision making and choices at crucial points in lifecycle" (*ibid*).

There is a general belief that the tribal women enjoy better status as compared to their counterparts in the larger Indian society. The general perception is that tribal women enjoy higher status. Studies like Furer-Haimendorf (1943), and Hutton (1921) reported high social status of tribal women among Chenchus of Andhra Pradesh, Nagas and Garos of North-East India.

However studies conducted later on reflect the poor status of tribal women in Indian context (Mehrotra, 2004; Singh, Vyas and Mann, 1988; Mann, 1987). These studies point towards the existence of gender inequality in tribal societies as women are discriminated and subjugated under patriarchal values. Several taboos exist in tribal communities that reflect the low and impure status of women. For example Toda and Kota women in Southern India are not permitted to cross the threshold of their temples (Singh and Rajyalakshmi, 1993). There are taboos to forbid the tribal women to touch the plough in Oraon and Kharia (*ibid*). Tribal women do not enjoy the property rights.

There are many studies focusing on tribal communities in India but there exists a gap when we specifically look at the studies focusing on condition of tribal women. Singh (1988) highlighted the need for conducting region-specific micro tribal studies in order to better understand the problems of women belonging to a particular tribe. This is required to properly formulate and implement specific development plans for the tribal women. The situation of women differs from tribe to tribe but it can be understood from the above discussion that they do not enjoy higher status as believed by many outsiders. Basu (1993) pointed out that status of women is described in terms of level of various indicators like education, employment, health and nutrition. We are going to learn about these in the following sections of this unit.

BOX 1

Action and Reflection

Name some of the famous Indian tribal women in any field that you know and discuss their contributions.

13.2 HEALTH AND NUTRITION

Health is a state of physical, mental and social well being. It is a function of not only medical care but overall integrated social, cultural, economic and educational development. Basu (1993) pointed out that good health and good society go hand in hand. Maternal and child health (MCH) care is an important dimension of health seeking behaviour of tribal women. However MCH services are almost non-existent

in tribal areas. Child mortality rates are also comparatively high in tribal communities in India. Multiple reasons like “early marriage, successive pregnancies with low calorie of food intake and inaccessibility of medical facilities” result into high maternal and child mortality rates (Reddy, 2008). Basu (1990) pointed out that early marriage, successive pregnancies and continuous lactation leads to ‘maternal depletion’ in tribal women culminating in anaemia, malnutrition and other related health conditions.

Access to government formal institutions for pre-natal, peri-natal and post-natal health care is very limited for tribal women. Reddy (2004) reported high incidences of sororate practice among Konda Reddi due to high maternal mortality rates. The rate of institutional delivery is also lowest among tribal women with 27% tribal women preferring to deliver at home. This could be due to factors like “unfriendly behaviour of health care workers, language gap and lack of trust in the modern medical system” (Reddy, 2008: 4). Studies indicate higher maternal mortality rates among tribals (like Kharia, Gond, Santhal and Kondh) due to prevalence of “crude” birth practices (Reddy, 2008). The main cause of maternal mortality are crude birth practices that lead to anaemia, haemorrhage, obstructed labour and in some cases ruptured uterus (Basu, 1990).

Tribal women and children are vulnerable sections of Indian population in terms of malnutrition and under-nutrition. There is lack of awareness about health, sanitation and hygiene and nutrition knowledge among the tribals. Nutritional anaemia is an acute problem prevalent in tribal women. National Family Health Survey-3 data shows that 65% of tribal women (in the age-group 15-49 years) suffer from anaemia as compared to 46.9% other women. As a woman plays an important role in preparation and serving of food to all the family members, it is necessary to focus on providing her the nutritional knowledge (Singh and Samal, 2016). It should be well suited and in accordance with the local food habits and availability of food resources keeping in mind the socio-economic conditions of tribals.

BOX 2

Maternal and Child Health Care

Maternal and Child Health (MCH) care is defined by WHO as “promoting, preventing, therapeutic or rehabilitation facility or care for the mother and the child”.

Check Your Progress

- 1) What are the reasons for high maternal mortality rates among tribal women?

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13.3 EDUCATION

Education and literacy levels are vital indicators of development of a society. Education is important in today’s world irrespective of one’s class, caste, gender, ethnicity or religious identities. Education is equally important for men and women. It is a tool to ensure the overall development of women in the society. However access to formal

education is one of the major problems faced by tribal women. The situation was so grim prior to 1950s as there were no direct government programs targeting the tribal education (Hasnain, 1991). But with the adoption of constitution, central as well as state governments provided special attention to promote tribal education. Table 13.1 provides the data for literacy trends of Schedule Tribes from 1961-2011.

Table 13.1: Literacy trends for Schedule Tribes (ST) from 1961-2011 (figures in percentage)

Sl. No.	Year	Total	ST	ST Male	ST Female
1.	1961	28.3	8.53	13.83	3.16
2.	1971	34.45	11.30	17.63	4.85
3.	1981	43.57	16.35	24.52	8.05
4.	1991	52.21	29.60	40.65	18.19
5.	2001	64.84	47.10	59.17	34.76
6.	2011	72.99	58.96	68.53	49.35

Source: <https://tribal.nic.in/downloads/Statistics/StatisticalProfileofSTs2013.pdf>

As per the Census 2011 data, the overall literacy rate is 72.99 but for the Schedule Tribes the literacy rate is 58.96. If we consider the overall literacy rate from 1961 to 2011, there has been a considerable increase in the literacy rate of tribals i.e. from 8.53 % to 58.96 %. The literacy rate for women increased from 3.16 to 49.35 % in the same period. But the gender gap in education among tribal population is considerable. According to 2011 data, Female literacy rate among tribes is only 49.35% as compared to male literacy rate of 68.53%.

The drop-out rates for tribal girls are much higher as compared to general population especially in rural areas. There have been various reasons that can be attributed to the phenomenon of high drop-out rate of tribal girls. The following external reasons are used to explain the high drop-out rate of tribal girls (Mohapatra, 2020):

- Location of school is very far.
- Lack of separate functional toilets for girls.
- Lack of security at school premise.
- Lack of female teachers in school.
- Lack of relevant curriculum in their local language.

There are internal reasons too that contribute to high drop-out rate of tribal girls:

- Lack of parental understanding to realise the importance of education for girl child.
- Lack of interest in studies.
- Societal pressure for early girl child marriage.
- Requirement of girl child for domestic work and child rearing work.

It is required that parents are sensitised and trained to realise the importance of education for the well being and over all development of their girl children. At the same time girls should be motivated to attain the education by sharing the inspirational success stories of tribal role models, career counselling, etc.

BOX 3

Literacy Rate

Literacy rate (LR) is defined as percentage of literates among the population aged 7 years and above.

13.4 ROLE OF WOMEN IN TRIBAL ECONOMY

Economic roles are divided on the basis of sex across the world. This division is strengthened by the various taboos and rules in the societies. The tribes in India are at different levels of economic development and women play a significant role in all the tribal economies. Before discussing about the problems of tribal women with respect to economy, it is important to discuss a little about the economy of tribes in India. Considering the diversity of tribal communities, there exist remarkable differences as far as the sources of livelihood and economy is concerned. Tribal economy exhibits a range of diverse activities. Today some of the tribal communities rely on food gathering and hunting while some others are engaged in settled cultivation. Market forces and industrialisation have impacted the economy of tribes in a significant way. Many tribes earn their living by working in industries and factories. On the basis of dominant economic activities, tribes of India can be classified into following seven categories:

- i) Food gatherer and hunter
- ii) Shifting cultivator
- iii) Cultivator
- iv) Pastoralist
- v) Artisan
- vi) Industrial labourer
- vii) White colour jobs

Most of the tribes are dependent on their ecosystem like forests, rivers, mountains and in turn conserve and protect those (Reddy, 2008). In hunting and food gathering societies, hunting is usually considered men's activity while gathering of edible roots, tubers and fruits is associated with work of women. They are entrusted with the responsibilities of meal preparation, taking care of the children and elderly and managing the other household affairs. Forest based tribal economy is women centered across the world. Much of the work related to collection of minor forest produce (MFP) like fruits, flowers, herbs, roots is done by women. These MFP also have medicinal properties and are used as medicines in the tribes. In societies characterised by the agriculture economy, women become the main contributor as they do the agricultural work along with the household work while their men are engaged in agricultural work alone.

Women play an important role in tribal economy today and in some families they are the only bread earners who manage the dual responsibility of working in the public as well as private sphere. Despite their tremendous contribution to the economic activities they are not given their due credit and their work is more often considered as menial work. It can be said that status of women is not equal to that of men even though they contribute significantly and in some cases more than men in the economic activities.

Check Your Progress

2) How do the tribal women contribute in a forest based economy?

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13.5 AGRICULTURE AND EMPLOYMENT

Tribal women play an important role in agriculture as they are involved in almost all the activities related to it. Modern agricultural technology is almost unknown to Indian tribes and they are mostly engaged in subsistence farming based on shifting cultivation (Shamna et al, 2018). The nature and extent of participation of women varies with the family land-holdings. Their roles vary from managers to landless labourers (Kumar et al, 1985). According to Mohanta (2017) tribal farm women play a significant role in agriculture on small and medium sized farms. They are engaged in almost 90 per cent of the farm activities especially in the rural areas where men migrate to urban centers in search of better and secured employment opportunities. Various studies have shown high participation of women in agricultural activities (Dhruw et al, 2020; Mythili, 2019; Kalyani et al. 2011).

Apart from agriculture, a large number of tribal women are also engaged in informal workforce owing to the rise of urban and metro cities due to industrialisation and globalisation. They work in the informal sector as construction labourers in cities. A very small percentage of tribal women are educated and engaged in white collar or private sector jobs in urban centers.

BOX 4

Government Scheme for Tribal Women Empowerment

Ministry of Tribal Affairs and TRIFED launched an initiative Van Dhan Yojana in 2018 with the aim to improve the livelihoods of tribal women. The Van Dhan Vikas Kendra/ a tribal start-up is a component of 'Mechanism for marketing of Minor Forest Produce through Minimum Support Price' scheme. Under this, more than 1700 tribal enterprises have been set up all over India to provide employment opportunities to tribal forest produce gatherers and small artisans especially the tribal women. (PIB, 2021) (<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1703035>)

The major problems faced by the tribal women are as follows:

- 1) **Problem of deforestation and land-alienation:** Collection of minor forest produce (MFP) serves as a major source of income for many tribal communities wherein women and children are involved in collection, storage and processing of MFP (Naresh, 2014). Due to massive industrialisation, the economic role of women has been diminished. Increased government control over forests in tribal dominated areas has adversely impacted the women. Government control over the forests has also led to decline in hunting practices as rituals. Deforestation and large scale felling of trees in tribal dominated areas has increased the strain of tribal women as they now struggle more to procure the fuel wood and other forest based products. The large scale land alienation in tribal areas has added to the woes of tribal women as it renders earlier independent women to dependent and sub-ordinate to other outsiders and money lenders.
- 2) **Problem of migration:** Migration of tribal women from their tribal hinterlands to urban and metro cities in search of employment opportunities is a widespread phenomenon in the Indian context. There are various push and pull factors that contribute to the process of migration. The various push factors are low wages, land alienation, poverty, indebtedness and unemployment that force tribal women and girls to migrate to urban centers in search of better future. However migrant tribal women face lots of problems due to their economic and sexual exploitation at the hands of middle men, contractors and even their employers (Naresh, 2014).
- 3) **Problem of unequal wages:** Apart from agriculture, women contribute to other industrial workforce like mines and minerals sector. There is differential wage structure prevailing that puts tribal women at economic disadvantage in this regard. This difference in wages paid to men and women labourers is prevalent over the country. Exploitation of cheap women labour can be seen in case of construction related work and collection of *tendu* leaves. These examples reveal the stark reality wherein the indiscriminate wage exploitation of women takes place under the forces of commercialisation and industrialisation.
- 4) **Problem of exploitation at work place:** Tribal women are often exploited sexually by the agents, contractors or middle men, fellow male co-workers. Tribal women are the worst sufferers who face physical, mental, economic exploitation not just because of the fact that they belong to tribal communities but being merely 'women' is enough. Prasad (1988) pointed out that the *Rejas*, the tribal women labourers of Chota Nagpur region were made to work for longer duration for small amount of money which was often withheld by the intermediaries. Thus we see that industrialisation has favoured the exploitation of tribal women.

Check Your Progress

- 3) What are the various push factors that contribute to the migration of tribal women to urban centres?

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13.6 SUMMARY

Tribal women continue to suffer exploitation and oppression in different facets of life in spite of various legal safeguards and implementation of development plans. In this unit we have discussed about the heterogeneous nature of status of women in tribal societies. Overviews of the multiple problems – health and nutrition, education and employment that are faced by tribal women in the contemporary times have been discussed.

Tribal development planning needs to be more ‘human-centered’ with a focus to provide the women access to health, education and capacity building within the framework of sustainable eco-system and land-use policy. All these are inter-linked and overall development can be achieved by targeting all the aspects rather than only one aspect of development. Tribal communities will be benefited immensely if the women progress and excel.

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13.9 ANSWERS TO CHECK YOUR PROGRESS

- 1) Multiple reasons like early marriage, successive pregnancies with low calorie of food intake and inaccessibility of medical facilities result into high maternal mortality rates in tribal societies. Refer to Section 13.2.
- 2) Much of the work in forest based economy is performed by tribal women wherein the collection, storage and processing of minor forest produce (MFP) like fruits, flowers, herbs, roots is done by them. Refer to Section 13.4.
- 3) The various push factors are low wages, land alienation, poverty, indebtedness and unemployment that force tribal women and girls to migrate to urban centers in search of employment. Refer to Section 13.5.

UNIT 14 CONSTITUTIONAL PROVISIONS AND SAFEGUARDS*

Structure

- 14.0 Introduction
- 14.1 Constitutional Provisions
- 14.2 Constitutional Safeguards
- 14.3 Constitutional Role to Preserve and Conserve Tribal Culture
- 14.4 Welfare Programmes
- 14.5 Legislation
- 14.6 Reservation Policy
- 14.7 Summary
- 14.8 References
- 14.9 Answers to Check Your Progress

LEARNING OBJECTIVES

After going through this unit, you will be able to:

- learn about the foundation of tribal culture;
- know about the constitutional provisions and safeguards;
- explore the constitutional role to preserve and conserve tribal culture; and
- learn about the various welfare programmes for tribal people.

14.0 INTRODUCTION

India has numerous underprivileged communities and Indian state recognised them as weaker sections of the society. It is apparent to state that the framers of the Indian Constitution were concerned to ensure the improvement of Scheduled Tribes.

Article 46 of the Indian Constitution recognised these groups and made certain provisions for their betterment and upliftment. Further, this article calls upon the state (both centre and state governments) to promote with special care their educational and economic interests and protect them from all forms of exploitation (Singh, 1983). Further, democratic rights have been extended to the tribal people of India by granting them citizenship with the principle of equality. Considering the history of social discrimination and marginalisation, the makers of Indian Constitution realised that a mere extension of citizenship rights to the tribal people would not ensure their adequate representation. Thus, institutional mechanisms were developed to ensure their adequate representation (Ambagudia, 2019).

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14.1 CONSTITUTIONAL PROVISIONS

Singh (1983) categorised the constitutional provisions of Scheduled Tribes into four types; protective, developmental, reservational and the rest.

Protective provisions are those which protect the interests of the Scheduled Tribes. It is noteworthy that even provisions relating to fundamental rights have been qualified with reasonable restrictions in favour of Scheduled Tribes. For instance, **Article 15** prohibits discrimination against any citizen on grounds of religion, race, caste, sex, or place of birth; but clause (4) thereof enables a state government to make special provision for advancement of members of Scheduled Castes and Scheduled Tribes.

Article 16 provides for equality of opportunities for all citizens in matters relating to employment or appointment to any public office; but the state has been empowered to make reservation in appointments or posts in favour of Scheduled Castes and Scheduled Tribes.

Article 19 grants the right to freedom of speech, assembly, association, union, movement and residence throughout the country, freedom to practice any profession, occupation, trade or business, but for the protection of the interests of Scheduled Tribes, clause (5) permits reasonable restrictions on the exercise of rights of free movement, residence and settlement in any part of the territory of India.

Article 23 prohibits human trafficking and other forms of forced labour; this has special relevance for Scheduled Tribes. Thus, even some of the fundamental rights have been sought to be abridged to extend protection to the underprivileged communities, i.e. the Scheduled Castes and Scheduled Tribes.

Developmental provisions are those which provide a constitutional guarantee to the underprivileged groups for their development. These provisions are related to developmental aspects. For instance issues related to policy matters are emphasised in **Article 46** which calls for planned development of Scheduled Castes and Scheduled Tribes.

Article 275 deals with the availability of financial resources. The first proviso of clause (I) of article 275 makes it incumbent to set aside funds out of the Consolidated Fund of India for being given to the states so that the cost of schemes of tribal development and raising the level of administration in scheduled areas can be defrayed.

In **Article 339(2)** whereby the Centre is empowered to give directions to a State asking them to draw up and execute schemes for the welfare of Scheduled Tribes.

Reservational provisions are those which provide a guarantee in matters relating to employment and allow reservation to any backward class of citizens. **Article 330** assures reservation of seats for Scheduled Caste and Scheduled Tribe communities on the basis of population in the House of the People. **Article 332** provides reservation of seats in the legislative assemblies of the states. **Article 335** assures reservation in public services and posts in educational institutions.

Miscellaneous provisions are those which are related to the specification of scheduled tribes.

Article 342 empowers the President to denote the tribes or tribal communities to be deemed as Scheduled Tribes. **Article 338** empowers the President to appoint a Special

Officer to investigate all matters relating to safeguards for the Scheduled Castes and Scheduled Tribes and the President causes such report to be laid before each House of the Parliament.

Check Your Progress

- 1) Write an Essay on Constitutional Provisions of Scheduled Tribes.

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14.2 CONSTITUTIONAL SAFEGUARDS

Verma (2017) opined that the main causes of backwardness of tribal people are illiteracy and exploitation. Tribal people continue to be victims of exploitation by government and other agencies. Hence, Constitution guarantees various safeguards for protection and development of tribal people. An attempt is made below to explain briefly about different safeguards for the interests of the tribal people.

1) Educational and Cultural Safeguards

These safeguards succinctly include following articles:

Article 15 (4) provides for promotion of social, economic and educational interests of the weaker sections of Indian society including Scheduled Tribes. This article empowers the state to make any special provision for the advancement of socially and educationally backward classes (SEBCs) especially belonging to Scheduled Caste (SC) and Scheduled Tribe (ST) citizens of India.

Article 29 provides for the protection of educational and cultural interests of the people belonging to SCs and STs. Further, Clause 2 of this Article is controlled by the Clause 4 of Article 15, which is incorporated in the Constitution by the First Amendment Act, 1951. Thus, according to Article 29 people belonging to any cultural or linguistic minority have the right to conserve their language or culture. This Article, thus, provides a protection to STs to preserve their languages, dialects, and cultures. The State would not by law enforce on them any other culture or language.

Article 46 ensures for the people belonging to SCs and STs that the State shall promote, with special care, the educational and economic interests of the weaker sections of the people. The Article shall protect SCs and STs from social injustice and all forms of exploitation (Ramdas, 2021: 5). This Article is a Directive Principle. Hence, it does not confer any justifiable right. The Directive Principles lay down the policy guidelines on which the State should work under the Constitution.

Article 350 ensures that people belonging to SCs and STs shall have the right to conserve distinct language, script or culture. This Article also provides for instructions in one's mother tongue. Further, every person shall be entitled to submit a representation for the redressal of their grievances to any authority of state in any of the languages used in the state of India.

2) Social Safeguard

These safeguards are briefly explained below:

Article 23- Prohibition of traffic in human beings and beggary and other similar forms of forced labour. This is a very significant safeguard as far as STs are concerned as many of them are victims of bonded labour in India.

Article 24- Prohibits employment of Children in factories and other harmful industries. According to this article no child below the age of fourteen years shall be employed to work in any factory or mining industries or engaged in any other hazardous employment.

Article 25- provides for freedom of conscience and free profession, practice and propagation of religion. Subject to public order, morality and health, all persons are equally entitled to freedom of conscience and the right to freely profess, propagate and practice religion.

3) Economic Safeguards

Provisions relating to economic development of Scheduled Tribes are mainly contained in Articles 275 and 339.

Article 275 of the constitution provides for the assistance of the states for the implementation of the provisions of the constitution. The article also provides Grants-in-Aid to specified States (STs & SAs) covered under Fifth and Sixth Schedules of the Constitution.

Article 339 lays down that the executive power of the Union government extends 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. However, it is observed that despite poor performance by state governments the powers vested in the Union government under Article 244 and 339 have not been utilised and no directive has been issued so far (Verma, 2017: 101)

Scheduled Areas

Article 244 Clause(1) Provisions of Fifth Schedule shall apply to the administration & control of the Scheduled Areas and Scheduled Tribes in any State other than the states of Assam, Meghalaya, Mizoram and Tripura which are covered under Sixth Schedule, under Clause (2) of this Article.

4) Political Safeguards

Provisions relating to political safeguards are mainly contained in the Articles 164, 332, 334, 243D, 243T, 371A, 371B, 371C, 371F, 371G, and 371H.

Article 164 provides for a Minister-in-charge of tribal welfare in the state of Jharkhand, Odisha, Chhattisgarh and Madhya Pradesh, where states have substantial tribal population. Special provision of a Minister looking after tribal welfare is an evidence of the concern of the framers of the Constitution for safeguarding the interests of STs.

Articles 243D, 243T, 330, 332, provide for reservation of seats in Panchayats, Municipalities, House of People, and State Legislative Assemblies. Seats shall be reserved for SCs and STs in the Panchayats (Article 243D) and Municipalities (Article 243T).

Article 330 provides reservation of seats for SCs and STs in the House of People i.e. Lok Sabha. Article 332 provides reservation of seats for SCs and STs in the Legislative Assemblies.

Provisions made under Articles 371A, 371B, 371C, 371F, 371G, 371H are in respect of states of Nagaland, Assam, Manipur, Sikkim, Mizoram, and Arunachal Pradesh respectively.

Article 338A provide for a National Commission to safeguard the interests of the Scheduled Tribes. The Commission shall be appointed by the President of India. It shall be the duty of the Commission to investigate all matters relating to the safeguards provided for the STs under the Constitution of India. It shall report to the President upon the working of those safeguards at such intervals as the President may direct. The President shall cause all such reports to be laid before each House of Parliament.

Article 339 (1) provides that the President may, at any time and shall, at the expiration of 10 years from the commencement of the Constitution, appoint a Commission to report on the administration of Scheduled Areas and the welfare of the STs in the states. So far, only one such Commission, Scheduled Areas and Scheduled Tribes Commission, was appointed on 28th April 1960 and it submitted its Report in October 1961.

5) **Service Safeguards**

Provisions related to service safeguards are contained in the Articles 16(4), 16(4A), 16(4B), 335, and 320(4).

Article 16(4) provides for reservation in posts and services. This provision is another exception to the right of equality of opportunity in the matters of public employment laid down in clauses 1 and 2 of Article 16.

Clause (4) of Article 16 only permits reservation for backward classes of citizens, who are not, in the opinion of the State, adequately represented in the services of the State. This clause empowers the State to reserve appointments or posts in favour of any backward class of citizens in the services under it.

Articles 15(4) and 16(4) have provisions of safeguarding the interests of backward classes. While Article 15(4) enables the State to offer protective discrimination to the backward classes in all its dealings, Article 16(4) specially provides for protective discrimination in the matter of employment in the services under the State. Article 15(4), would govern the other matters, such as admission to the State educational institutions.

Article 335 provides that the claims of the members of SCs and STs as regards appointments in services under the Union and the States shall be taken into consideration “consistently with the maintenance of efficiency of the administration”. However, there is no such limitation in Article 16(4). That makes it evident that the Court cannot interfere with any particular reservation or the quantum of aggregate reservation in a State on the ground that it is not consistent with the efficiency of the administration. Though the State cannot reserve unreasonable percentage of the posts for the backward classes, a member of a backward class can be appointed to non-reserved posts if found eligible by merit after such competition.

- 2) Briefly discuss about the various Constitutional safeguards of Scheduled Tribes.

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- 3) Briefly discuss about the political safeguards with related Articles.

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14.3 CONSTITUTIONAL ROLE TO PRESERVE AND CONSERVE TRIBAL CULTURE

Article 51 A (F) provides that it shall be the duty of every citizen of India to value and preserve the rich heritage of our composite culture. Accordingly, few acts came into effect in order to preserve and conserve our culture. The Ancient Monuments and Archaeological Sites and Remains Act of 1958 came into force with effect from 29th August 1958. According to the Act, ancient and historical monuments, sculpture carvings and other like objects, archaeological sites and remains are protected and preserved. Archaeological excavations are regulated by the Government of India and these excavations are of National importance and value in order to preserve and conserve our culture. The Antiquities and Art Treasures Act of 1972 came into force with effect from 9th September 1972. According to the Act, export trade in antiquities and art treasures is regulated by the government. Smuggling and fraudulent dealings in antiquities, art treasures and ancient monuments are prevented according to this Act.

14.4 WELFARE PROGRAMMES

Government of India initiated a number of welfare programmes for the benefit of Scheduled Tribes of India. Ministry of Tribal Affairs (MoTA) launched many schemes which are demand- driven and funding is made in various sectors including for employment-cum-income generation. It covers activities such as establishment of agro-forestry and nature resource based micro village industries through training of tribal cooperatives, self help groups, and individual entrepreneurs, promotion and skill development in traditional tribal culture areas like tribal jewellery, painting, dance forms, music and culinary art, village tourism and eco-tourism, etc.

The scheme of Mechanism for Marketing of Minor Forest Produce (MFP) through minimum support price (MSP) and development of value chain for MFP covers various activities including procurement of MFPs when their market price falls below their notified MSP, setting up or expansion of storage facilities, expanding the knowledge base, training for sustainable collection, value addition, etc. The activities involving

expanding of knowledge base, training for sustainable collection, value addition, etc. are done by the Ministry and the Central Government bears 100% of the expenditure incurred for these activities. The Ministry initiated the scheme and named it as “Van Dhan Vikas Karyakram”. It is a training and development of value chain components of the scheme of mechanism for marketing of MFP through MSP and development of value chain for MFP.

Ministry is also implementing various other programmes for overall development of Scheduled Tribes in India. They are Pre Matric Scholarship Scheme for ST students, Post Matric Scholarship Scheme for ST Students, National Overseas Scholarship for ST Students for studying in abroad universities, National Fellowship and Scholarship for Higher Education of ST Students, Grants-in-aid to Voluntary Organisations working for the welfare of STs, Strengthening Education among ST Girls in Low Literacy Districts, Development of Particularly Vulnerable Tribal Groups, Special Central Assistance to Tribal sub-schemes, and Grants-in-aid to Tribal Research Institutes, etc.

Check Your Progress

- 4) Briefly discuss about the various welfare programmes of Scheduled Tribes.

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14.5 LEGISLATION

The Fifth Schedule of the Constitution under Article 244 provides for legislation for the special problems of the Scheduled Area. Article 244 (1) lays down that 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. As per article 244(2) the provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the states of Assam, Meghalaya, Tripura and Mizoram.

The Fifth Schedule of the Constitution under Article 244 (1) provides special provisions for the legislation for the special problems of the Scheduled Areas. Para 5 (1) of the said Schedule authorises the Governor to direct by public notification that any particular Act of Parliament or of the Legislative Assembly of the State shall not apply to the Scheduled Area or any part thereof or shall apply to the said area subject to such exceptions and modifications as he may specify. Governor may withhold or modify the application of the law which is not suitable for such areas. A legislation becomes applicable automatically unless specifically restricted in whole or part by a notification by the Governor (Verma, 2017: 135-137).

The Governor has been empowered to make Regulations for peace and good government of Scheduled Areas. Such regulations may prohibit or restrict the transfer of Scheduled Areas land by or among members of the STs. It also regulates the allotment of Scheduled Area land to members of the STs. Further, it also regulates the carrying on of business of money lending by persons who lend money to member of the STs in such Scheduled Areas.

The objective of the Fifth Schedule of the Constitution is not only to prevent acquisition, holding or disposal of the land in Scheduled Areas by the non-tribals from the tribals or alienation of such land among non-tribals inter se but also to ensure that the tribals remain in possession and enjoyment of the lands in Scheduled Areas for their economic empowerment, social status and dignity of their persons.

Check Your Progress

- 5) Write a short essay on Fifth Schedule.

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14.6 RESERVATION POLICY

Reservation is considered as a step to affirm the communities such as STs in order to bring them from the clutches of backwardness and economic exploitation. Reservation is a well-conceived measure to deal with all forms of discrimination in society. Dr. B.R. Ambedkar in his deliberations in the Constituent Assembly referred to the concept of equality of opportunity in public employment, as embodied in **Article 10** of Draft constitution, which finally emerged as **Article 16** of the Constitution. He stated that “we have to safeguard two things, namely, the principle of equality and at the same time satisfy the demand of communities which have not had so far representation in the state” (cited in Verma, 2017: 108-109).

Many of the social scientists have argued that reservation is not an end in itself. It is a means to secure social integration by elimination of discrimination and inequality. The Constitution of India, keeping in view the existence of wide spread inequalities among the social groups has made provisions for reservation in public employment in favour of SCs, STs, and other socially and economically backward classes (SEBCs).

Check Your Progress

- 6) Write a short essay on reservation policy of Scheduled Tribes.

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14.7 SUMMARY

To sum up the unit, it is apt to state that the framers of the Constitution were fully aware of the tribal exploitation and struggles against the colonial rulers, therefore, provided a comprehensive network of compensatory provisions to undue the centuries of injustice perpetrated on the tribal communities. This endeavour shall definitely enable tribal people to join the mainstream of the nation. Thus, in the present unit, an attempt is

made to highlight the various constitutional safeguards and different provisions for the protection and development of Scheduled Tribes of India. The present unit also discusses vividly about the genesis of reservation and how the fathers of Indian Constitution conceived it as a tool for the amelioration of the backward classes in India.

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14.9 ANSWERS TO CHECK YOUR PROGRESS

- 1) Refer to Section 14.1
- 2) Refer to Section 14.2
- 3) Refer to Section 14.2
- 4) Refer to Section 14.4
- 5) Refer to Section 14.5
- 6) Refer to Section 14.6