

Tribal Laws And Empowerment In India: An Overview

T.Jeya mary, Dr. S.N. Sugumar

Ph.D Research Scholar, Department of Economics, VISTAS, Chennai - 117

Emeritus Professor, Department of Economics, VISTAS, Chennai – 117

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Abstract

India's tribes play a significant role in the country. They make up approximately 8.6% of the entire population. They do face several difficulties in their life. India may strive to safeguard the rights and maintain the rich cultural legacy of its tribal tribes by putting the aforementioned policies into practice and advocating for a holistic approach to tribal care. Encouraging tribal groups to prosper and have access to the same opportunities and rights as other national citizens is crucial. India's tribal tribes have long endured a variety of hardships, such as marginalization, land loss, and restricted access to essential services. There is still more to be done to guarantee these communities' true empowerment, even in spite of the government's substantial efforts and investments to uplift them. Strategies that work must include protecting their resources and rights, improving healthcare and education, and maintaining their cultural identity. These are the main techniques to ensure true tribal empowerment. The present study to oversee the Laws meant for Tribals and provisions in educational sector and their empowerment.

Keywords: Tribal Laws, Rashtriya Sanskriti Mahotsavas, Zonal Cultural Centres (ZCCs), Tribal Research Information (TRU)

Introduction

The Indian Constitution ensures that there would be no discrimination against any person. The Scheduled Tribes (STs) have rights and welfare that are addressed in the Constitution under several provisions and this article focuses on India's Service Safeguards for Tribals, Cultural & Educational Safety Measures, Political Measures, Administrative Protection, Problems Indian Tribals Face and different issues of Tribals, Tribal empowerment strategies in India, Government initiatives through provisions in educational sector for tribal empowerment, different Schemes etc. Therefore, this paper attempt to examine the constitutional provisions provided for the upliftment of Tribals in India.

1.2 Constitutional provisions for the development of tribal in India

India's Service Safeguards for Tribals: Article 16(4) gives states the authority to reserve seats for members of any backward class in appointments or posts in order to guarantee adequate representation. If SC/STs are under-represented in state-run services, states may provide for reservations in promotions under Article 16(4A). Article 16(4B) makes it clear that while calculating the maximum percentage of 50% reserve, backlog vacancies will not be taken into account alongside current year openings. Indian Tribal Economic Rights: - Except for Assam, Meghalaya, Mizoram, and Tripura, which are covered by the Sixth Schedule, Scheduled Areas and Scheduled Tribes are administered and controlled in accordance with the provisions of the Fifth Schedule, as stated in Article 244(1).

The Fifth and Sixth Schedules' designated states (STs and SCs) are eligible to receive grants under Article 275. Social Rights of Indian Tribal People: - Article 23 outlaws forced labour and human trafficking, as well as bonded labour. A violation of this clause carries consequences. Child labour is prohibited by Article 24, which prohibits minors under the age of 14 from working in mines, factories, or other hazardous jobs. Indian Tribals' Educational and Cultural Rights: Scheduled Tribes are guaranteed particular measures for their

educational growth under Article 15(4). Scheduled Castes and Scheduled Tribes are required under Article 46 to have their economic and educational interests promoted by the state and to be shielded from exploitation and social injustice. The right to preserve unique languages, scripts, or traditions is guaranteed by Article 350.

1.3 Which provisions of the constitution pertain to scheduled tribes?

The Indian Constitution does not attempt to define the term "tribe," but Article 342 (i) inserts the term "scheduled tribe" into the document. It states: "The President may designate the tribes, tribal communities, or portions of the tribes, tribal communities, or portions which shall, for the purposes of this Constitution, be deemed to be Scheduled Tribes, by public notification." The Constitution's Fifth Schedule calls for the creation of a Tribes' Advisory Council in every state with Scheduled Areas.

1.4 Cultural and educational safety measures

Article 15(4): Special arrangements (which includes STs) for the advancement of other backward classes. Article 29: Safeguarding Minorities' Interests (which covers STs). Article 46: The State shall protect the Scheduled Castes and Scheduled Tribes from social injustice and all types of exploitation, and shall advance, with especial care, the educational and economic interests of the poorer segments of the population. Right to preserve a unique language, script, or culture (Article 350).

[a] political measures: [i] Article 330: Reservation of seats for STs in the Lok Sabha, [ii] Article 332: ST seats in state legislatures are reserved; [iii] Article 243: Panchayat Seat Reservation; [iii] Administrative Protection: Article 275: This clause allows the Union Government to give the State Government more funding in order to better administer and advance the welfare of Scheduled Tribes.

1.5 Problems faced by Indian tribal

The life of India's tribal people is hard because of the obstacles they may overcome. The overuse of their natural resources is one of the main issues. The traditional tribal approach of resource utilization is at odds with the government's globalization and liberalization objectives, which place a higher priority on harnessing resources for economic prosperity. Due to this, resources have been taken from tribal lands, harming the environment. Forcible relocation brought on by significant development projects is another problem. These projects have taken up a lot of tribal territories, and the displaced populations frequently struggle to find appropriate rehabilitation. Different indigenous communities deal with different issues. As an illustration, certain people have poor health, a shortened life expectancy, and a higher prevalence of illnesses like sickle cell anemia. Tribal disputes often arise about territory control and access to natural resources.

The security and well-being of the tribal people are frequently subordinated to the interests of market forces. Numerous tribes are either left jobless or compelled to labour in low-wage, exploitative jobs. The problem has gotten worse as a result of globalization, making the vulnerable and socially excluded tribes more vulnerable. Subnational movements calling for increased tribal autonomy or recognition have even resulted from this. Because they are frequently directly harmed by corporations' exploitation of their territory, tribal women are disproportionately affected. Due to poverty, a large number of young women from tribal communities' travel to urban areas in quest of employment, only to be exploited and live in subpar conditions. Tribal customs and environments are under threat due to construction projects and the inflow of foreign laborers. Certain remote tribes, such as the Sentinelese, require protection from outsiders since they are hostile to them. Recently, the Rajya Sabha's Minister of Culture, Tourism, and Development for the North-Eastern Region highlighted a number of government initiatives and programs designed to safeguard, conserve, and advance the nation's tribal cultural legacy.

1.6 Issues of tribal in India

[a] Land Rights: Not having secure land rights is one of the biggest problems indigenous societies confront. Numerous tribes are located in isolated or forested places, where their customary rights to resources and land are frequently ignored, resulting in their eviction and isolation from their homeland.

[b] **Socio-economic Marginalization:** Tribal communities are frequently subjected to socio-economic marginalization, which includes deprivation, lack of access to good healthcare and education, and simple necessities like sanitary facilities and clean water. The education levels of indigenous populations typically fall short of the national norm. Tribal children may face obstacles in their educational development due to language challenges, cultural differences, and lack of access to high-quality education.

[c] **Exploitation and Bonded Labour:** Certain tribal societies are susceptible to human trafficking, bonded labour, and exploitation, particularly in isolated areas with lax law enforcement.

[d] **Cultural Erosion:** Tribal cultures, languages, and customs may be lost as a result of fast urbanization and modernization. It can be difficult for the younger generation to maintain their cultural identity. Despite safeguards in place, indigenous groups frequently experience insufficient political representation and a weak voice when it comes to making decisions affecting their rights and well-being.

[e] **Land and Resource Rights:** The welfare of indigenous communities depends on the recognition and protection of their land and resource rights. Tribes have had serious problems with land alienation and displacement, and resolving these issues is crucial to ensuring their survival.

[f] **Education and Skill Development:** Tribal communities can benefit from improved access to livelihood possibilities and increased participation in the mainstream economy by receiving high-quality education and skill development programs that are adapted to their needs and cultural context.

[g] **Health and Sanitation:** Enhancing the general health and well-being of tribal groups, who frequently experience particular health issues because of their remote location and restricted access to services, requires ensuring that they have access to adequate healthcare facilities and sanitation.

[h] **Empowerment of Women:** Acknowledging the vital role that women play in tribal societies and encouraging their active involvement in economic operations, communal development, and decision-making processes.

[i] **Promotion of Indigenous Culture:** The rich diversity of India's past depends on the preservation and advancement of tribal languages, artwork, customs, and cultural practices. Encourage tribes to be represented in local governance and policy-making bodies in order to make sure their perspectives are heard on issues that directly impact their life. This is known as participation and inclusion.

1.7 Recent actions to empower tribes in India

[a] **Zonal Cultural Centres (ZCCs):** Seven ZCCs have been formed by the Indian government. They are in charge of regularly arranging a broad range of cultural events and programs throughout the country, which will aid in the preservation of tribal languages and cultures. With its main offices located in Patiala, Nagpur, Udaipur, Prayagraj, Kolkata, Dimapur, and Thanjavur, the councils have been established.

[b] **Regional Festivals:** Every year, the ZCCs arrange at least 42 regional festivals and a number of Rashtriya Sanskriti Mahotsavas under the auspices of the Ministry of Culture. All ZCCs receive grant-in-aid from the government to support these initiatives.

[c] **Promotion of Tribal Languages:** The State Tribal Research Institutes get funding from the government to promote tribal literature, provide bilingual primers to aid in the preservation of tribal languages, and promote tribal languages. The Tribal Research Information, Education, Communication, and Events (TRU-ECE) project aims to promote tribal culture, artefacts, customs, and traditions of tribal populations by providing financial aid to reputable institutions.

[d] **Eklavya Model & Museums:** To encourage the education of tribal kids, the Ministry of Tribal Affairs has decided to create around 750 Eklavya Model Residential Schools under the auspices of the Azadi ka Amrit Mahotsav. To honour the valiant and patriotic actions of tribal people, the government has also approved eleven museums dedicated to tribal liberation fighters.

[e] **Adivasi Grants Management System (ADIGRAMS):** This system can track the real use of funds and keeps an eye on the financial and material advancement of the grants that the Ministry provides to the States. In 2021, the decision was made to observe November 15th as Janjatiya Gaurav Divas annually, commemorating the birth anniversary of tribal liberation hero Birsa Munda.

1.8 Tribal empowerment strategies in India

[a] **Fortifying Legal Structures:** Assure the efficient use of current legislation, such as the Forest Rights Act, safeguarding indigenous rights to land and resources. Make it easier for Native Americans to assert their legal rights and increase the availability of legal counsel.

[b] **Community Land Ownership:** Encourage forms of communal land ownership that guard against the sale or transfer of tribal property without the approval of the community.

Advancement of education standards

[a] **Indigenous Language Education:** To guarantee that tribal children can receive an education in their mother tongue, instructional materials in indigenous languages should be created and disseminated.

[b] **Improved Infrastructure:** Increase the number of schools in Native American communities and make upgrades to amenities like hygienic conditions, potable water, and sufficient educational resources.

[c] **Teacher Preparation:** To ensure that teachers can instruct tribal kids successfully, prepare them to be sensitive to cultural differences and fluent in the local tongue.

[d] **Improving medical care:** Access to Medical Services: Boost the quantity of medical facilities in Native American communities and make sure they are staffed by qualified medical personnel and have the necessary equipment.

[e] **Sickle Cell Disease Program:** Put in place focused health initiatives like the Sickle Cell Disease (SCD) Control Program, which offers affected people in tribal areas screening, treatment, and counselling.

[f] **Traditional identity protection:** [i] Cultural Preservation Programs: Provide backing to endeavors that record and disseminate indigenous cultures, languages, and customs. Create museums and cultural centres honouring tribal heritage; [ii] Awareness Campaigns: To inform the general public about the value of honouring and conserving tribal cultures, organize awareness campaigns.

[g] **Resettlement and rehabilitation:** [i] Sensitive Resettlement Programs: Create resettlement initiatives that take into account the cultural and psychological effects of relocation. Give people enough money and assistance to start again in their lives; [ii] Community Participation: To guarantee that the needs and preferences of tribal groups are given priority, include them in the planning and implementation of rehabilitation projects.

[h] **economic success:** [i] **Skill Development Programs:** Put in place programs for skill development that are adapted to the needs of tribal communities and that emphasize both contemporary vocational training and traditional skills; [ii] **Market Access:** Promote the market accessibility of tribal products by means of programs such as the Janjatiya Vikas Mission, which guarantees minimum support prices for small-scale forest produce and offers marketing assistance.

[i] **Small forests create activities:** [i] Minimum Support Price (MSP): Make sure that minor forest products have an MSP in order to give tribal collectors equitable compensation and financial stability; [ii] Marketing Assistance: To help tribal producers and craftspeople reach larger markets and get higher prices for their goods, offer marketing assistance.

1.9 Government initiatives through provisions in educational sector for tribal empowerment

Scheduled Tribes make up 8.6% of India's total population and inhabit about 15% of the country's geographical area. The Constitution of India provides special protection to these tribes under Schedules V and VI. Over 705 Scheduled Tribe groups are notified under Article 342 of the Constitution. 75 groups of tribals in 18 States and UTs of Andaman & Nicobar Islands are identified as Particularly Vulnerable Tribal Groups (PVTGs) due to their declining population, low literacy, pre-agricultural technology, and economic backwardness.

The Government has been working on the development of the tribal population since independence. Initiatives such as Community Development Programmes, Special Multipurpose Tribal Development Block, and Tribal Sub Plan have been taken to support and supplement the efforts of other Central Ministries/Departments, State Governments, and Voluntary Organizations. The Tribal Sub-Plan (TSP), now known as Scheduled Tribe Component (STC), was established in 1974-75 to channel outlays and benefits from general sectors at both Central and State levels for the development of Scheduled Tribes.

The Eklavya Model Residential Schools (EMRSs) scheme was introduced in 1997-98 to provide quality education to Scheduled Tribe students in remote areas. Over the years, EMRSs have become an island of excellence in the remote tribal hinterlands, attracting a large number of tribal children. However, the reach and access to these schools were limited to few pockets. A need was felt to expand the coverage of the programme to reach out to a larger tribal geography to provide better opportunities for tribal students to access quality education. The extant unit costs, including construction cost and recurring costs, were not enough to gear up the schools to meet the growing needs for providing quality education and the rising expectations from various stakeholders. Almost every aspect of the school, including construction, academics, sports & co-curricular activities, teaching & non-teaching staff, and the management of the schools, required overhauling to transform the EMRSs into institutions of quality education for the holistic development of tribal students.

In the Union Budget of 2018-19, the Government of India announced a new scheme to provide the best quality education to tribal children in their own environment. 740 EMRS schools will be established by 2022, with every block having more than 50% ST population and at least 20,000 tribal persons having an EMRS on par with Navodaya Vidyalayas. The revamped programme was launched by the Hon'ble Prime Minister of India on 12th September 2019 at Ranchi, Jharkhand.

Features of the revamped scheme include setting up of **EMRS** in every block with more than 50% ST population and at least 20,000 tribal persons, provision for setting up Eklavya Model Day Boarding Schools (EMDBS) in sub-districts with 90% or more ST population and 20,000 or more tribal persons, enhanced construction grant of Rs. 20.00 crore per school, enhanced recurring grant of Rs.1.09 lakhs per student per annum in case of EMRS and Rs.0.85 lac in case of EMDBS, National Education Society for Tribal Students established as an Autonomous Society under the Ministry of Tribal Affairs, setting up of Centre of Excellence for sports in tribal majority districts, utilization of up to 10% seats by non-ST students, reservation of 20% seats under sports quota for deserving ST students who have excelled in the field of sports progress, and unified staffing norms for schools. The new EMRS scheme aims to ensure "Sabko Shiksha Achi Shiksha" with a greater emphasis on children in tribal areas, providing avenues for better management of schools, enhanced cost norms, increased geographical spread, and the digitalization of scholarship.

1.10 Schemes for tribal empowerment

In 2018, the Pre and Post Matric Scholarship Schemes in India were implemented in manual mode by many States, leading to delays in payment and a higher possibility of fake beneficiaries and fraudulent institutes receiving benefits. This led to scholarship scams in many states, and there was a large pendency of arrears and an absence of robust communication or grievance redressal mechanism with States and students. The DBT Mission directive in 2018 mandated the entire process of scholarship release to be digitized, with detailed guidelines to ensure that scholarships are directly transferred to Aadhar linked bank accounts of the student.

The approach involved the integration of schemes with digital portals, such as the National Fellowship Scheme, National Scholarship Scheme (Top Class), National Overseas Scholarship Scheme, and the National Fellowship Scheme. The DBT Portal, developed by **MeiTY**, allowed states to share beneficiary data online through web services, Excel/CSV files, or manual entry of data depending on the IT capability of the state. States also had facilities to upload queries, Utilization Certificate, and Statement of Expenditure online and communicate with Ministry officials, reducing processing time and grievances.

The data was cleaned, compiled, collated, and shared with the Centre of Excellence for Data Analytics (**CEDA**), managed by NIC, for detection of duplicate and fraudulent cases and data analytics reports were shared with States to improve scholarship delivery mechanisms. The data was also used for evaluating performance of various States and shared on the Performance Dashboard of the Ministry. Both Fellowship and Overseas Scholarship Portals have been integrated with a Digi-Locker, which automatically fetches all documents available on the application form. Universities have been integrated with the Fellowship portal through the "Verification Module," allowing registered Nodal officers to view documents available on Digi-Locker and approve or reject applications digitally. Grievance

Redressal and Communication Mechanism: For faster communication and grievance redressal, all stakeholders, including students, universities, authorized banks for disbursal, and team-manning Digi-Lockers, have been registered with the "Communication Module" of the Fellowship Portal. Students are provided continuous guidance through user manuals, video tutorials, phone helplines, emails, and remote access by Helpdesk. The **UMANG** Application allows students to fill and view applications under the National Fellowship Scheme and National Overseas Scholarship Scheme. The Tribal Talent Pool initiative connects 4000 research scholars funded by the Ministry for PhD, empowering them to develop as entrepreneurs and researchers. The National Mentor Pool evaluates thesis submitted by these students, improving their research skills, understanding issues concerning students, and identifying their areas of interest and aspirations. These initiatives have resulted in a paradigm shift from manual paper-based UC-based monitoring to databased online monitoring.

1.10 Conclusion

Scheduled Tribes and indigenous people in India have land rights and other assurances, including reservation and protection from discrimination. However, forest-dwelling tribal people have been heavily exploited after independence, often unnoticed. To protect these tribes, the Forest Rights Act is essential for maintaining checks and balances on their treatment. The Gramme Sabha, the village-level administration of the Act, ensures a seamless and easily accessible protection system for their daily needs and means of subsistence. This ensures that these tribes can continue living in their natural habitat without fear of government or private exploitation. Though tribal empowerment requires the implementation of a comprehensive approach that encompasses legal, educational, healthcare, cultural, and economic aspects. To achieve genuine and long-lasting tribal empowerment, India should ensure that tribal communities have secure access to their land and resources, opportunities for economic growth, and the capacity to maintain their traditional identity.

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