

Tribals and Tribal Policy

December 4, 2018

Manifest Pedagogy

The issue of tribes has been a lot in news – Tribal displacement owing to Bullet train project or construction of Sardar Vallabhai statue, forest rights issue during elections in Chhattisgarh and Madhya Pradesh, a US Christian missionary killed by Sentinelese tribe. All these have brought the issue of government attitude towards tribes back to the focus. Governmental attitude includes Constitutional provisions, policies, Acts, schemes and programmes and institutions.

In news

Protection of indigenous people and recent Sentinel issue.

Placing it in syllabus

Paper 2:

1. Government policies and interventions for development in various sectors and issues arising out of their design and implementation.
2. Welfare schemes for vulnerable sections of the population by the center and states.

Static dimensions

1. Tribal policy: Pre-independence and post-independence
2. Different models of tribal development

Current dimensions

1. Draft National Policy on Tribals

Content

Tribal policy since the time of British:

During the British rule in the pre-independence period, most of the tribal communities in India remained isolated from the mainstream of national life. Tribal areas were kept secluded and cut off from the rest of the people. The policy of the British government was solely directed and dominated by the colonial interests and based on isolation and exploitation of the tribals.

Different models of tribal development:

The approaches to the development of the tribal people in India can, be divided into three categories such as; 1. Isolationist Approach, 2. Assimilation Approach, and 3. Integration Approach

1. Isolationist Approach:

- It was followed by the British after the policies of the British led to revolts against them by the Tribes. It manifested in the form of British designating tribal areas as 'excluded areas ' based on the principle of non-interference
- Under British rule, the extension of a centralized administration over areas, which previously were outside the effective control of princely rulers, **deprived many aboriginal tribes of their autonomy.**
- Though British administrators **had no intention of interfering with tribesmen's rights and traditional manner of living**, the very process of establishment of law and order in outlying areas exposed the tribes to the pressure of more advanced populations.
- The areas which had previously been virtually un-administered have been unsafe for outsiders who did not enjoy the confidence and goodwill of the tribal inhabitants, **traders and money-lenders could now**

establish themselves under the protection of the British administration and in many cases they were followed by settlers who succeeded in acquiring large stretches of tribes' land.

- **Administrative officers who did not understand tribal system of land tenure introduced uniform methods of revenue collection.** But these had the un-intended effect of **facilitating the alienation of tribal land** to members of advanced populations.
- There were some **tribes**, however, who **rebelled against an administration**, which allowed outsiders to deprive them of their land.
- **In the Chhota Nagpur and the Santhal Parganas such rebellions of desperate tribesmen recurred throughout the nineteenth century**, and there were minor risings in the Agency tracts of Madras and in some of the districts of Bombay inhabited by Bhils.
- Santhals are believed to have lost about 10,000 men in their rebellion of 1855. **None of these insurrections were aimed primarily at the British administration, but they were a reaction to their exploitation and oppression by Hindu landlords and money-lenders.**
- In some cases these rebellions led to **official inquiries and to legislative enactments aimed at protecting tribes' right to their land.** Seen in historical perspective it appears that land alienation laws had, on the whole, only a palliative effect. **In most areas encroachment on land held by tribes continued even in the face of protective legislation.**

2. Assimilation Approach

- This believed in mainstream Tribals and their culture completely eroding their culture completely by making them accept the mainstream culture
- **Acceptance or denial of the necessity for assimilation with Hindu society** is ultimately a question of values.

In the past, Hindu society had been tolerant of groups that would not conform to the standards set by the higher castes.

- Those groups were **denied equal ritual status**; but no efforts were made to deflect them from their chosen style of living. In recent years this attitude has changed.
- It is the influence of the Western belief in universal values which has encouraged a spirit of intolerance vis-a-vis cultural and social divergences.
- India is a multilingual, a multiracial country and multi-cultural. And as long as **the minorities are free to follow their traditional way of life**, it would seem only fair that the culture and the social order of tribes however distinct from that of the majority community should also be respected.
- **Assimilation will occur automatically and inevitably** where small tribal groups are enclosed within numerically stronger Hindu populations.
- In India's northern and north-eastern frontier live vigorous tribal populations which **resist assimilation as well as inclusion within Hindu caste system**.

3. Integration approach

- The Government of India has adopted a policy of integration of tribals with the mainstream **aiming at developing a creative adjustment between the tribes and non tribes leading to a responsible partnership**.
- By adopting the **policy of integration or progressive acculturation** the Government has laid the foundation for the uninhibited march of the tribals towards **equality, upward mobility, and economic viability and assured proximity to the national mainstream**.
- The constitution has committed the nation to **two courses of action in respect of scheduled tribes, viz.**

1. Giving protection to their distinctive way of life.

2. Protecting them from social injustice and all forms of exploitation and discrimination and bringing them at par with the rest of the nation so that they may be integrated with the national life.

Thus by the Constitution Order 1950 issued by the President of India in exercise of powers conferred by Clause 9 (i) of Article 342 of the Constitution of India 255 tribes in 17 states were declared to be scheduled tribes.

India's policy at the time of independence and Tribal Panchasheel:

The Constitution through several Articles has provided for the socio-economic development and empowerment of Scheduled Tribes. But there **has been no national policy**, which could have helped translate the constitutional provisions into a reality. **Five principles spelt out in 1952, known as Nehruvian Panchasheel, have been guiding the administration of tribal affairs.**

Jawaharlal Nehru believed that the uplift of the tribal had to take place through a slow process of their modernization, even while their culture had to be preserved. He had formulated the following **five principles for the policy** to be pursued vis-a-vis the tribals. They are:

1. Tribals should be allowed to develop according to their own genius.
2. Tribals' rights in land and forest should be respected.
3. Tribal teams should be trained to undertake administration and development without too many outsiders being inducted.
4. Tribal development should be undertaken without disturbing tribal social and cultural institutions.
5. The index of tribal development should be the quality of their life and not the money spent.

Realising that the Nehruvian Panchasheel was long on

generalities and short on specifics, the Government of India formed a Ministry of Tribal Affairs for the first time in October 1999 to accelerate tribal development.

The Ministry of Tribal Affairs is now coming out with the **Draft National Policy on Tribals**. Based on the feedback from tribal leaders, the concerned States, individuals, organisations in the public and the private sectors, and NGOs, the Ministry will finalise the policy. **The National Policy recognises that:**

1. A majority of Scheduled Tribes continue to live below the poverty line
2. They have poor literacy rates
3. They suffer from malnutrition and disease
4. They are vulnerable to displacement.

It also acknowledges that Scheduled Tribes in general are repositories of indigenous knowledge and wisdom in certain aspects.

CONSTITUTIONAL PROVISIONS FOR TRIBALS:

Besides enjoying the rights that all citizens and minorities have the member of the Scheduled Tribes have been provided with special safeguards as follows:

Protective Safeguards

- Educational safeguards-Article 15(4) and 29
- Safeguards for employment -Articles 16(4), 320(4) and 333
- Economic safeguards -Article 19(Profession)
- Abolition of bonded labour -Article 23
- Protection from social injustice and all forms of exploitation -Article 46

Political Safeguards

- Reservation of seats for ST in Lok Sabha and Assemblies-

Article 330,332,164

- Appointment of Minister in charge of Tribal welfare
- Special provisions in respect of Nagaland, Assam and Manipur -Articles-371(A),371(B) and 371

Developmental Safeguards

- Promoting the educational and economic interests of the Scheduled Tribes-Articles 46
- Grants from Central Government to the states for welfare of Scheduled Tribes and raising the level of administration of Scheduled Areas-Article 75.

Following the reorganization of states, the list of STs was modified by the Scheduled Castes and Tribes List (Modification) order, 1956 on the recommendations of the Backward Classes Commission. In the revised list 414 tribes were declared STs. Since the revision of the list in 1956 there have been several proposals for fresh inclusions and deletion from the lists of the SC and STs

IMPORTANT ACTS RELATED TO TRIBALS:

1. **Forest Rights Act-2006;** The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, was passed on December 15, 2006, in the Lok Sabha and December 18, 2006, in the Rajya Sabha. It was signed by the President on December 29, 2006, but only notified into force on December 31, 2007 (one year later). The Rules to the Act – which provide for some of the operational details – were notified into force on January 1, 2008.
2. **Protection of Civil Rights act-1955;** An Act to prescribe punishment for the [preaching and practice of – “Untouchability”] for the enforcement of any disability arising there from for matters connected therewith.
3. **SC/ST (Prevention of Atrocities) Act;** An Act to prevent the commission of offences of atrocities against the

members of the **Scheduled Castes** and the **Scheduled Tribes**, to provide for **Special Courts for the trial of such offences** and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

4. **Panchayats (Extension to Scheduled Areas) Act, 1996** or **PESA** is a law enacted by the Government of India to cover the "Scheduled areas", which are not covered in the 73rd amendment or Panchayati Raj Act of the Indian Constitution. It was enacted on 24 December 1996 to enable Gram Sabhas to self-govern their natural resources. It is an Act to provide for the extension of the provisions of Part IX of the Constitution relating to the Panchayats to the Scheduled Areas.

Government has relaxed the Resident Permit Area rules and also has planned tourism initiatives for the Andaman region. All these reflect a break in the policy of the government towards tribals. This needs to be read along with the recent incident of a US Christian missionary being killed by a Sentinelese. How will these initiatives by the government towards the region affect the entire region. Are they sustainable? Will it be accepted by the tribals is the real question?

Test yourself: Mould your thoughts

Restricted Area Permit has been eased and many new tourism initiatives are in the pipeline for Andaman and Nicobar islands. Do you think such initiatives are in the right direction with respect to the protection Indigenous Tribes in India? Substantiate