

Rights of Scheduled Tribe in India: Challenges and Problems

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ABSTRACT

Tribal society gives a spectrum to access an idea about natural life of people who want to survive with natural resources instead of complicated derivatives. But due to growing pace of population and trend of growth from developing to developed country make government non-ethical rather than being welfare state which put tribal people's culture at stake. The concept of right talk about state's role for its people, so when we want to sketch a picture of tribal rights, it is nothing but the impact and role of government for tribal welfare in comparison to rest of the population of nation. Right is discussed under legal and constitutional safeguards provided to a particular society. So when we talk about challenges, numerous areas come out before us to make an inference for conclusion. Marriage, migration, health, education, displacement, effect of industrialization and forest village encroachment. The most important point is increasing number of tribal population and number of tribal groups in every decade in proportion to facility and reservation policy of India. Naxalism is nothing but a demand for Amendment in 5th & 6th schedule of Indian constitution for making them empowered in reality. National geography is not same form every tribal community across the country which provide them grounds for anger and protest time to time. Reflexive society is creating more challenges before tribal societies which make them aware about their right and for right to equality which is missing in policies framed by government time to time. Tribal rights should also be considered as challenge and must be discussed in mosaic manner with reference to all above said points.

"We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the nation...do hereby adopt, enact and give to ourselves this constitution."

-Preamble of the Indian Constitution

Introduction

On the path of evolution, human being has travelled a long path which continued until he evolved the process of culture. Culture again generated a new horizon of evolution which made the concept of differentiation on the ground of religion, race, sex, colour, caste, creed and ultimately India was divided into many categories as tribal, rural, urban etc but out of these tribes of India were treated as sub human or forest dweller who didn't deserve any

facility of life. Such condition continued till independence but Government of India sketched a new dimension of democracy and gave them every benefit of life as equality, liberty, dignity etc under the frame of social justice in different articles of Indian constitution. On the basis of certain specific characteristics some human societies are defined as tribal societies across the world. These characteristics are not uniform for every society. But there are certain characters universal to all of them; at least they had derived from such a social

arrangement at certain point of time. According to the ILO Convention No. 169 indigenous and tribal peoples are those peoples “whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations”(Sonowal,2008).

Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342 of the Constitution. This Article says that only those communities who have been declared as such by the President through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes. Article 342 provides for specification of tribes or tribal communities or parts of or groups within tribes or tribal communities which are deemed to be for the purposes of the Constitution the Scheduled Tribes in relation to that State or Union Territory. In pursuance of these provisions, the list of Scheduled Tribes are notified for each State or Union Territory and are valid only within the jurisdiction of that State or Union Territory and not outside. The list of Scheduled Tribes is State/UT specific and a community declared as a Scheduled Tribe in a State need not be so in another State. The inclusion of a community as a Scheduled Tribe is an ongoing process. The essential characteristics, first laid down by the Lokur Committee, for a community to be identified as Scheduled Tribes are –

- a) indications of primitive traits;
- b) distinctive culture;
- c) shyness of contact with the community at large;
- d) geographical isolation; and
- e) backwardness

The Scheduled Tribe population represents one of the most economically impoverished and marginalized groups in India. Tribals are still living in remote areas with somewhat natural resources, that is why they are neglected and are unable to get fruits of democracy in the process of multiculturalism. The Scheduled Tribes are not

discriminated against in the same way by the mainstream Hindu population as the Scheduled Caste population in India. While the latter group belongs to the lowest hierarchy of social order and is often considered impure or unclean, the Scheduled Tribes have, for the most part, been socially distanced and living outside the mainstream Hindu society. The areas inhabited by the tribal population constitute a significant part of the underdeveloped areas of the country.

Tribal People: Indian Context

The Tribal people in India have a long history even before the arrival of the colonial government. The Tribal societies that existed prior to the colonial intervention had their own rights and duties within their autonomous sovereign framework. Apart from the encounter of the Tribals with the various civilizations, there was also the influence of the foreign missionaries in the past and of the dominant society through the fundamentalist forces in the recent past (Minz, 1993) Scheduled Tribes in India are generally considered to be ‘Adivasis,’ meaning indigenous people or original inhabitants of the country. The tribes have been confined to low status and are often physically and socially isolated instead of being absorbed in the mainstream Hindu population. Psychologically, the Scheduled Tribes often experience passive indifference that may take the form of exclusion from educational opportunities, social participation, and access to their own land.

Demographic Profile of Scheduled Tribes

The Scheduled Tribes are notified in 30 States/UTs and the number of individual ethnic groups, etc. notified as Scheduled Tribes is 705. The tribal population of the country, as per 2011 census, is 10.43 crore, constituting 8.6% of the total population. 89.97% of them live in rural areas and 10.03% in urban areas. The decadal population

growth of the tribal's from Census 2001 to 2011 has been 23.66% against the 17.69% of the entire population. The sex ratio for the overall population is 940 females per 1000 males and that of Scheduled Tribes 990 females per thousand males. From 30.1 million in 1961, the ST population has increased to 104.3 million in 2011.

The different tribal groups are highly heterogeneous, and their differences are a function of the environment in which they live, the degree of exposure to the mainstream Hindu population, government involvement in their daily lives, their economic status, and past history. The tribes are scattered in all States and Union Territories in India except for the states of Haryana, Punjab, Delhi, and Chandigarh. Broadly the STs inhabit two distinct geographical area – the Central India and the North-Eastern Area. More than half of the Scheduled Tribe population is concentrated in Central India, i.e., Madhya Pradesh (14.69%), Chhattisgarh (7.5%), Jharkhand (8.29%), Andhra Pradesh (5.7%), Maharashtra (10.08%), Orissa (9.2%), Gujarat (8.55%) and Rajasthan (8.86%). The other distinct area is the North East (Assam, Nagaland, Mizoram, Manipur, Meghalaya, Tripura, Sikkim and Arunachal Pradesh). Among States, Mizoram has the highest proportion of Scheduled Tribes(94.43) and Uttar Pradesh has the lowest proportion of Scheduled Tribes (0.57) Among UTs, Lakshadweep with 94.8 percent of ST Population ranks first and Daman & Diu has the lowest proportion of STs (6.32). With respect to districts, Kurung Kumey district of Arunachal Pradesh has the highest proportion of Scheduled Tribes (98.58) and Kannauj in Uttar Pradesh has the lowest proportion of Scheduled Tribes (0.0009)

There is no ST population in 3 States (Delhi NCR, Punjab and Haryana) and 2 UTs (Puducherry and Chandigarh), as no Scheduled Tribe is notified . The percentage of Scheduled Tribes Population in the Rural Areas has increased from 10.4 to 11.3 whereas the Urban Tribal Population has increased only a marginally (from 2.4% to 2.8%). Sex Ratio (number of Females per 1000 Males) is an important population

characteristic that highlights the social attention provided to women. Though the sex ratio has been a matter of concern for the all population, the same has been good in the case of Tribal Population. From Census 2001 to Census 2011 there has been an increase from 978 to 990 females per 1000 males. It is found that the Child Sex Ratio (CSR) (Population 0-6 age group) of the Total, General and the Scheduled Tribes Population has been declining since Census 1991, 2001 and Census 2011. The CSR of the Scheduled Tribes has been 985 in Census 1991 to 972 in Census 2001 and then to 957 in Census 2011.(Ministry of Tribal Affairs)

Rights of Tribal Communities are at Stake

There is a little doubt that Tribal communities continue to be the most marginalized group in India. Social indicators of developments tell that Tribal people have life expectancies that are decades shorter than the non-tribals are. Any other social indicator, be it standards of health facilities education opportunities and attainment, level of employment or standard of housing, sees Tribal communities enjoying fewer opportunities, and suffering greater burdens, than the rest of the Indian population.

Human rights are the birthrights of every human being and they form an integral part of the socio-cultural fabric of humanity all over the world. However, they are vulnerable to abuse and violation. Human rights can be understood as abstract norms and values protected in laws, constitutions, and international conventions. At the same time, human rights are cultural concepts that are slowly evolving in response to social change or contestation (Nair Ravi, 2006).

In India, the last quarter of the 20th century has been a witness to the growing recognition of the place and relevance of human rights due to pressure from various collective movements. It is obvious that this concern in human rights is rooted in the denial

of life and liberty that was a pervasive aspect of the emergency (1975–77). For past two decades, movements of peasants, tribals, Dalits, women, students and working class movements have highlighted human rights concerns (Shah, 2004)

The human rights have become prominent on the national and international agenda. Coinciding with the United Nation Declaration, the Indian Constitution also replicates that, the State will not distinguish against any citizen on grounds of birth, place, ethnic, religion, caste and agreed that the promotion and protection of all human rights is a legitimate concern of the State. These include basic survival rights to health care, shelter, food and social security; the right to work; the right to education; and the right to participate in the cultural life of one's society. However, there is a huge gap between the ideal of the human rights laws and the reality of continuing gross human rights violations of Tribal communities in India (Poutler, 1998)

Scheduled Tribe and Education

Education forms an important component in the overall development of individuals, enabling them to greater awareness, better comprehension of their social, political and cultural environment and also facilitating in the improvement of their socio-economic conditions. These hold true in the case of the Scheduled Tribes in India. The development of education during the post independence period has been conditioned by the natural goals and aspiration as enshrined in our constitution. Several committees and commission were formed to increase the educational status of nation. Large number of educational institution were opened in rural and tribal areas for spreading of education among the ST. Compared to the general educational level the status of tribal education is far below A number of schemes and incentives such as scholarship, free residential facilities, free books, and above all reservation of seats in educational institutions were introduced and implemented. These are the facilities provided

by the government to STs but their problem still continuing.

Present Status of Literacy in Scheduled Tribes (STs)

Literacy rate (LR) is defined as percentage of literates among the population aged seven years and above. Although literacy levels of STs have improved, the gap in literacy levels, both for tribal men and women, has not declined significantly. For the Scheduled Tribe Population in India, the Literacy Rate increased from 8.53 percent in 1961 to 58.96 percent in 2011 for STs while the corresponding increase of the total population was from 28.30 percent in 1961 to 72.99 percent in 2011. LR increased by 11.86 percentage points from 2001 to 2011 for STs and 8.15 percentage points for total population during the same period. LR has however, all along been lower both for males and females STs as compared to SCs and Total Population.

Male - female gap in literacy rate decreased from 24.41 percentage points in 2001 to 19.18 percentage points in 2011 for STs and for the total population, it declined from 21.59 percentage points in 2001 to 16.25 percentage points in 2011. For SCs, this gap decreased from 24.74 in 2001 to 18.71 in 2011.

Among states, Mizoram and Lakshadweep have highest LR for STs, while the lowest LR was observed in Andhra Pradesh and Madhya Pradesh. (Table 2.2). Gap in LR was highest in Tamil Nadu in 1991 and in 2001 and decreased only marginally (6.1 points) in 2011. Though India's education system over the past few decades has made significant progress, the literacy of the Scheduled Tribes and other marginalized groups has been a matter of concern even after so many years of independence. This is despite the fact that the largest proportion of centrally sponsored programmes for tribal development are related to the single sector of education.

Currently, Sarva Shiksha Abhiyan (SSA) is implemented as India's main programme for universalizing elementary education. Its overall goals include universal access and retention, bridging of gender and social category gaps in education and enhancement of learning levels of children.

The new law provides a justifiable legal framework that entitles all children between the ages of 6-14 years free and compulsory admission, attendance and completion of elementary education.

It provides for children's right to an education of equitable quality, based on principles of equity and nondiscrimination. However, the problem of adequacy of the school buildings, both in number and in facilities, still remains. The lack of education in the mother language or dialect in primary classes, ignorance of non-tribal teachers about tribal languages and ethos, delay in distribution of scholarships, textbooks and uniforms, continue to be sources of worry.

Scenario of Health Among Scheduled Tribes

In India, the essential data/information on health and family welfare, needed for policy and programme purposes and on important emerging health and family welfare issues is obtained through the National Family Health Survey (NFHS). The NFHS is a large-scale, multi-round survey conducted in a representative sample of households throughout India, under the stewardship of the Ministry of Health and Family Welfare and obtains information on fertility, infant and child mortality, practices of family planning, maternal and child health, reproductive health, nutrition, anaemia, utilization and quality of health and family planning services. Till date, three rounds of the NFHS have been conducted - in 1992-93, 1998-99 and 2005-2006. The NFHS-4 is proposed to be implemented in 2014-15. Therefore for the purpose of present study the last obtained social group wise data on health parameters is from 2005-06.

As per NFHS-3 estimates, the under-five mortality rate and the child Mortality rate are much higher for STs than any other social group/ castes at all childhood ages (95.7 and 35.8 respectively). However, it is found that STs have a lower infant mortality rate (62.1) than SCs (66.4) but higher than OBCs (56.6). Even the pre-natal mortality rate for STs (40.6) is lower than other social group/ castes. According to Census 2001, the Infant mortality (IMR) and the under 5 mortality rate (U5MR) for STs is highest in Madhya Pradesh (110 and 169 respectively per 1000 live births) followed by Arunachal Pradesh (104 and 158 respectively per 1000 live births). There is a significant gap in the IMR and U5MR in rural and urban areas in almost all states and UTs. Compared at country level, the IMR and Under 5 Mortality among STs is much higher than to that of SCs (ST- IMR 84 and U5MR 123 and SC – IMR 77 and U5MR 111)

Maternal Mortality & Maternal Health

Maternal mortality has been an area of concern for all countries across the globe. According to UN figures, at present, India tops the rate of maternal deaths worldwide. The present maternal mortality rate (MMR) of India is 212 per one lakh live births, whereas the country's target was to achieve 200 maternal deaths per lakh of live births by 2007 and to reduce it to 109 per lakh of live births by 2015 (as set by the Millennium Development Goals (MDG) of the United Nations in 2000).

As per the estimates of NFHS-3, the likelihood of having received care from a doctor is lowest for scheduled tribe mothers (only 32.8 percent compared to all India total of 50.2 percent and 42 percent for Schedule Caste). The percentage of Scheduled Tribe women consuming Iron Folic Acid (IFA) for at least 90 days and who took a drug for intestinal parasites during their pregnancy was only 17.6 and 3.7, respectively. Among ST women who received antenatal care for their most recent birth, only 32.4 percent of ST mothers (lowest among all

social groups) received advice about where to go if they experienced pregnancy complications. Only 17.7 percent of births to ST mothers are delivered in health facilities compared with 51% of births to mothers in category 'others'.

Child Health

Universal immunization of children against the six vaccine-preventable diseases (namely, tuberculosis, diphtheria, whooping cough, tetanus, polio, and measles) is crucial for reducing infant and child mortality. Children between 12- 23 months who received BCG, measles, and three doses each of DPT and polio (excluding Polio 0) are considered to be fully vaccinated. Based on information obtained from a vaccination card or reported by the mother ('either source'), only 31.3 percent of ST children were found to be fully vaccinated as compared to 53.8 percent belonging to 'Others'. 11.5% of ST children have no vaccinations at all. Among ST children who suffered from diarrhoea 29.3 percent of them did not receive any treatment at all.

Fertility

Age at first marriage has a profound impact on childbearing because women who marry early have on an average a longer period of exposure to pregnancy and a greater number of lifetime births. Among ST women age 20-49, the median age at first marriage is 16.5yrs and among age 25-49 years, it is 16.3yrs. The increase in the median age at first marriage is proceeding at a very slow pace, and a considerable proportion of women still marry below the legal minimum age of 18. Almost all ST men marry before attaining the minimum age at marriage for men (21 years) set by the Child Marriage Registration Act of 1978. The proportion of ST men who are married by age 20yrs has decreased steadily in recent years.

Nutritional status of ST Women, Men & Children

ST men and women are found to be highly anaemic among all social groups. 68.5 percent of women and 39.6 percent of men whose haemoglobin level was tested were found to be anaemic. 44.8 percent of ST women are mildly anaemic, 21.3 percent moderately anaemic and 2.4 percent severely anaemic. High prevalence of nutritional deficiency and chronic energy deficiency are observed among the ST women indicating nutritional problem being more serious for this category.

Micronutrient intake among Children and their nutritional status

Micronutrient deficiency is a serious contributor to childhood morbidity and mortality. Vitamin A is an essential micronutrient for the immune system and plays an important role in maintaining the epithelial tissue in the body. Children belonging to STs have the poorest nutritional status on almost every measure and the high prevalence of wasting in this group is of particular concern. 76.8 percent of children belonging to ST category are anemic, including 26.3% who are mildly anemic, 47.2% are moderately anemic and above 3.3% are severely anemic. ST children top among all social groups, as far as "any anemia" prevailing among them is concerned. Women and men from Scheduled Tribes have a relatively poor diet that is particularly deficient in fruits and milk or curd. Women and men in households with a low standard of living are less likely than others to eat each type of food listed, and their diet is particularly deficient in fruits and milk or curd. Milk or curd is consumed weekly by 33.5 percent and 41.8 percent of ST women and ST men respectively. Consumption of fruits is less common among STs. 72.6 percent of women do not consume fruits even once a week.

It is an accepted fact that the most of the rural areas in India suffer from perilous atmosphere and abysmal living conditions. Unsafe and unhygienic birth practices, unclean water, poor nutrition, subhuman habitats, and degraded and unsanitary

environments are characteristics of the rural areas, making the rural habitats the first victim of epidemics. Adding to this, another fact is that the majority of the rural population is with limited resources that they spend chiefly on food and necessities such as clothing and shelter. They have no money left to spend on health and are fighting a constant battle for survival and health. (NFHS, 2005-06)

Crime Against Scheduled Tribe Men & Women

The Scheduled Tribes in India, constituting almost 8.6% of the total population, have not remained untouched from various crimes. They have been victims of countless crimes, both because of their gullibility and lack of hearing of their grievances. Comparative data on the crimes committed against Scheduled Tribes, from 2006 to 2012 shows that Murders decreased from 2006 to 2010 but increased in the year 2011 and 2012. The increase in murders in 2012 was about 9.09% over the year 2011. Rapes decreased from 2006 to 2009 but increased in 2010 and 2011. However a marginal fall of 5.57% was noticed in 2012 over 2011. Similar trend was seen in case of Kidnappings and abductions with a sharp decline of 24.82% in 2012. Dacoity also registered a fall of 28.57% in 2012 over 2011 while Robbery rose significantly in 2012 over 2011 and from 2006 to 2007, Arson steadily decreased from 2008 to 2012 with an increase in 2010. The increase in Arson in 2012 was about 8.33% over the year 2011.

Protection of Civil Rights Act saw a substantial decline from 2006 to 2012. The decrease in this case is 71.43% in 2012 over the year 2011. Analyzing State-wise data on incidence and rate of crime committed against Scheduled Tribes in 2012 it has emerged that the incidence of crime against STs is highest in Rajasthan with 1351 cases which is 22.81% to the All India Total, followed by Madhya Pradesh with 1218 cases and 20.57% to the All India Total. Rajasthan, having the second most tribal population, also ranks second with 1110 cases against Scheduled

Tribes in India. Odisha was the State with the highest number of cases under SC/ST Prevention of Atrocities Act (1989) with 44.16%, Karnataka being the second with 12.51% cases.

Domestic violence against ST women

One of the most common forms of violence against women worldwide is used by a husband. prevalence of violence is much higher among women belonging to STs and SCs than among women who do not belong to these categories. Survey shows that one ST woman out of ten ST women in the age group 15-49 years have sometimes or the other experienced sexual violence. Women who believe that a husband is justified in committing violence against his wife for any of the specified reasons, may believe themselves to be low in status both absolutely and relative to men. Such a perception could act as a barrier to accessing health care for them and their children, affect their attitude toward contraceptive use, and impact their general well-being.

Report says that among ever married ST women 47 percent of ever married women in the age group of 15-49 years have experienced emotional, physical or sexual violence which is higher than that of any of the other social groups. Out of these ever married women in the age group of 15-49 years who have experienced emotional, physical or sexual violence, 65.4 percent ST women never told anyone about the violence. Barely one out of ten women could tell someone and two out of ten women sought help from any source to end the violence. (WHO, 1997)

Land Alienation to non-tribals

The constitutional safeguards as provided in the 5th Schedule of the Constitution of India and various other State level laws which among others prohibit transfer of the lands of the Tribal communities have failed to prevent widespread land alienation of the Tribal people. The core cause of the land alienation has been the Land Acquisition Act- 1894 under which the government can exercise its sovereign power to

take away any land in the name of —public purposes .

The non-tribals have also illegally occupied hundreds acres of land belonging to Tribal communities by force in Andhra Pradesh, allurement and acquiring Tribal lands by marrying Tribal women. There is ample of evidences that a majority of these non-tribals are from coastal Andhra upper caste and ruling classes. Many scholars who worked on Tribal issues have raised these issues very often. Even Girglani, J.M in his report on ‘Tribal Land issues in Telangana Area’ submitted to the Government in 2005 says that Telangana have been losing land to non-tribals since long back. The Gonds of Adilabad in the 1930s lost land to Marathis and during 1940s to Hindu and Muslim settlers invited by the Nizam from neighboring districts (Revathi, 2013). The famous Regulation of 1/1970, Scheduled areas in Telangana saw an arrival of non-tribal population, which in due course of time has passed into the hands of Telugu non-tribals mostly from four central coastal Andhra districts. The onslaught of non-tribals from coastal districts over scheduled areas in Telangana continued unabated. According to estimates as much as 1.5 lakhs acres of fertile lands along Godavari River banks of Warangal and Khammam have passed into hands of dominant caste people such as Kamma, Rajulu, Reddy and Kapu landlords and cultivators belonging to the coastal area due to ineffective implementation of the Land Transfer Regulation Acts (LTR). In similar lines with Kerala, Andhra Pradesh Land Transfer Regulation-1959 was amended in 1970, in an attempt to accommodate the interest of non-tribals as a result Khammam district has become a victim to most atrocious non-tribals penetration from coastal areas.

Failure to ensure Forest Rights

Almost one quarter of India’s land area is officially classified as forest, yet only 12 percent of its land actually has dense forest cover. Rather than identifying actual forests, past classification often focused on asserting state ownership over the

uncultivated commons. As well as undermining customary conservation practices, this has deprived many forest-dwelling communities of their rights to forest resources and means of survival.

India’s forests are rich in biodiversity and have been the ancestral habitat for many tribal and indigenous communities. In response to environmental threats and degradation, the last few decades have seen the government develop a range of laws and policies to stop the rapid loss of forests and wildlife. Independent research assesses these government interventions and suggests that, rather than supporting conservation and protecting tribal communities, these policies create new conflicts and slow down the very efforts they should support. The research identifies three key causes of this:

- a. Premises and procedures for identifying and defining forests are poor, resulting in land use conflicts, unclear boundaries, legal disputes and inappropriate management objectives for lands wrongly classified as ‘forest’.
- b. Policies ignore the role of forests in tribal livelihoods and cultures, violating the overlapping laws protecting the rights of these communities.
- c. Forest governance has remained a centralized and top-down process which is inappropriate for achieving ecological and social justice objectives.

The National Forest Policy of 1988 recognizes symbiotic relationship between forest and Tribal communities yet; the Tribal people have been systematically victimized under the Forest Act of 1927. When the Forest Conservation Act of 1980 came into implementation, thousands of acres of land of Tribal communities were encroached over night. In 2006, the government of India brought the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act. The Act is aimed at undoing the age-old injustice done to Tribal communities by restoring and recognizing their pre-existing rights (Thipper, 2014). The recognition and restoration has been, however passing through rough weather in respect of its implementation. The Government of India till today has failed to notify the Rules of Procedures of the

Forest Rights Act of 2006. In the meanwhile, Tribals continue to be prosecuted for accessing minor forest produce. There were 2,57,226 forest cases pending against 1,62,692 Tribal communities between 1955 and 30 June 2006 under different Sections of the Forest Act of 1927.

Since 1990, a framework has existed for resolving disputes over forest land between forest dwelling people and the state, but this is yet to be implemented. Central and state governments have been the biggest abusers of laws protecting tribal economies and livelihoods. Furthermore, 90 percent of the country's natural grasslands have been destroyed by being declared 'forest' and planted with nonlocal tree species to be used for timber. Around the world, land and forest rights of indigenous communities are being restored as an integral part of conservation initiatives, through a process of decentralising governance. Yet in India, until recently, there has been almost total refusal to acknowledge such claims. Unless new policies deal with these problems, forest management cannot achieve conservation and social justice goals. (Madhu Sarin, 2005)

Development policies became Disadvantage to Tribal Communities

Tribal people who constituted 8.6% of the total population of India as per 2011 census also constituted 55.1% of the total development project-induced displaced persons up to 2010 on account of mega developmental projects like industries, mining, dams, wild life sanctuaries, parks and conservation of nature, etc. Development projects have become more problematic particularly in Andhra Pradesh during the last few decades. In this context take the Polavaram dam, which is to be built across the Godavari River which will displace around 400,000 people in the three states; Andhra Pradesh, Chhattisgarh and Orissa. Of them at least 150,000 are Tribals (the submergence area includes 170 habitations of Koya and Kondareddy) particularly vulnerable Tribal groups dearly in terms of livelihood

and preservation of distinctive cultural heritage are in shock and the rest mostly Dalits dependent on minor forest produce for their livelihood. Displacement not only disrupts the lives of the individuals and families concerned, but also their entire communities and societies. In many cases, due to displacement, socio-economic systems and community structures breaks down (Huhua, 2009). As a result, Tribal communities are at the lowest point in every socio-economic indicator. Moreover, they are seldom rehabilitated. As India's active economy involves further resources, Tribal communities face more displacement. In the last three years, the National Policy on Resettlement and Rehabilitation for Project Affected Families of 2004 was amended twice – in 2006 and 2007, but failed to address the problems of displaced people. Tribal communities must resist for their right and democratic conscious people should support them in this respect.

Culture and Language Rights of Tribal communities

Tribal communities have been unable to safeguard and promote their language and culture inspite of constitutional safeguard that a cultural or linguistic minority has the right to conserve its language and culture. This means that Tribals as individual and groups have right to use their own language, to practice their own culture, to study their own history, tradition and heritage etc.(Xaxa, 1999) The state cannot, by law, impose upon them any other culture or language. While the state may not have enforced any language or culture on them, neither has it taken any positive steps worth the name towards meeting this provision of the constitution. Rather, the steps taken are far from being in consonance with the provisions laid down in the constitution. The posture that they adopted has invariably been in the direction of assimilation into the language and culture of the major community, rather than protection and promotion of the distinct language and culture of the Tribal communities. Schooling extended to Tribal communities for

example, has invariably been made in the language of the dominant regional community of the respective states or in English. The result is that Tribal communities are increasingly losing knowledge of their own language and culture. Indeed the promotion of language and culture has been left to Tribal communities themselves. Yet, because of lack of control over human, organizational and financial resources, the Tribal communities have not been able to take effective measures in this direction. Only where such support has been made available in some form or the other the Tribal communities have been able to protect and safeguard their culture.

Conclusion

Violation of human rights creates many economic and emotional problems. It affects the nature and welfare of human beings, and creates many disorders. It is possible to imagine the life chances of Tribal communities improving through the implementation of practical measures along with considering the rights accorded. However, silence on rights will always carry with it the danger of a return to paternalism and the treatment of an identifiable group of people as a problem 'worthy of charity, not as a group of human beings to whom society has responsibilities and duties.

The draft National Policy on Tribes has been a major source of concern among the anthropological community as it falls short on almost all fronts. It is felt that right from the reason for introducing the policy to the goals it seeks to achieve, the document is a case in blunder. The government is not clear in its objectives and opaque in its statements. The issues of the welfare, governance and development approaches to tribes are what need attention in the policies. There is need for such a policy and tribal participation in drafting the policy is also required. The tribes are treated as a 'class' or as a 'whole'. There is a need to distinguish between the different strata among tribes. The policy divides tribes into two groups- primitive and other tribes, which is

meaningless. There is no mention of the criteria that term a group as tribal. The policy mentions the provision of educational institutions, but lacks focus on the provision of basic infrastructure in tribal areas. The level of administration in tribal areas needs to be raised. The displacement issue of tribes has also not been given its proper due, which affects overall development of the tribes. There are no proper displacement laws or a particular agency looking at the issue in the country. All this goes to suggest that there is no comprehensive thinking behind the framing of policies and programmes for the growth and development of the tribals in India. If any such policy is adopted adequate monitoring and enforcement of its tenets is needed.

There should be periodical reanalysis of the situation of the tribes, important things like alienation should be dwelled upon, gender issues must be looked at and an important aspect that needs to be included is the financial allocation. The policy on tribe should clearly define what percentage of national income goes into tribal welfare. Further, references to the 73rd amendment, the Gram Sabha and its implications for tribal welfare should be taken into account. Relation between centre and state governments with regards to tribals needs to be strengthened. Synchronisation of state and central government policies and efforts is also essential. Tribal issues need to be kept away from politics and its petty games of power and economic benefit to ensure their overall development. The constitutional guarantee, which governs and protects the rights and sovereignty of Tribal communities, need an immediate implementation. Otherwise, this would lead to a disappearance of the various Tribal communities from the human picture. The Tribal communities' sovereignty is at stake by the intervention of non-tribes in their area. Therefore, there is an immediate need to constitute Tribal autonomy councils so that the Tribal communities themselves can look after the rules, implementation and development of the localities.

Lastly, it is suggested that all those working for the welfare of the tribals should come together more

often as it is a great way of getting at the various points of view in the field and looking at the differences to incorporate them and move towards a better, more integrative approach to Tribal issues.

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