



A Complete History, Growth and Development of Scheduled Tribes and Their Constitutional Safeguards

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ABSTRACT

The meaning of tribe has been conceptualized and defined by different scholars but still a vague concept for anthropologists and analysts. In spite of several studies and researchers on tribes, attempts have often been made to answer the basic questions on who is the tribal.

The term 'tribe' generally connotes, in English, a word indicating "an endogamous social group held to be descended from the common ancestor and composed of numerous families, exogamous clans, bands or villages that occupies a specific geographic territory possesses cultural, religious and linguistic homogeneity and an commonly united politically under one head".

But, no clear-cut definition has evolved. The census report since 1901 has studied aborigines, primitive tribal etc but they have not been able to reach any definite conclusion regarding the definition and conclusion of tribes. Even the Backward Classes Commission (1956) in its report adopted certain objective criteria simply for general guidance on these questions. Anthropologists and social anthropologists have made attempts to define the term 'tribe' and their patterns of cultural life.

Therefore this paper attempts to examine the historical growth of Schedules Tribes in India and the constitutional safeguards initiated by the Constitution after India's independence.

KEYWORDS : tribal, endogenous, homogeneity, territory, Constitutional safeguards

TRIBALS: MEANING AND DEFINITION

Originally, a tribe is defined as a social group having a simple technology, primitive economy, prevalence of animistic and homogeneity of culture. On the basis of these characteristics usually an ethnic group is defined as a tribe (Jha, 2009, P. 55). The meaning of tribe from Oxford dictionary in developing countries a group of people from same race and with the same customs, religions and languages and languages etc. living in a particular area and often led by a chief. Before starting of colonization process in India, there was no equivalent original word for the English term 'tribe'. Some food gathering communities and shifting cultivators were added to the list of 'tribe', followed by "primitive tribal" in 1931, "backward tribe" in 1935, "Adivasi" the original or native inhabitants in 1948 and then "Scheduled Tribes" in 1950. Thus tribe is a group which has its own unique and incredible tradition, culture, language, religion, and social organization. In the course of time they have been disturbed and forced by different religious organizations and later converted into their religion either with the help of service, power, wealth or coercion. The meaning of tribe might be conceptualized and defined by different scholars but still it is a concept of vague and critical for philosophers, Anthropologists or analysts. In spite of several studies and researchers on tribes, attempts have often been made to answer the basic questions. Who are the tribals? Some definitions have been given below; According to Imperial Gazetteer of India, "a tribe is a collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous, though originally it might have been so." Nadeem Hasnain has defined tribe as, "the tribes are geographically isolated, being concentrated in areas which are or have been more or less in accessible (Hasnain 1996, p. 210). Bailey said that, 'tribal society is 'segmentary' and 'egalitarian' (Bailey 1961). Ram Ahuja has been explained some primary features of STs such as, tribes live in isolated terrain, their main livelihoods are cultivation and gathering of forest produces, their cultivation is mainly non-profit, they spend their maximum earning on social and religious ceremonies, large number of them are illiterate and exploited by forest contractors and money lenders (Ahuja 2014, 180-81).

Tribal people in India constitute a significant segment of India's vast population. On accounts of various factors, ethically as well as culturally they remain at widely divergent stages of socio-psychological orientations and economic development. They have been historically neglected and such they have not been able to substantially derive the benefits of developments so far. The tribes in different parts of India had faced the challenges of Mughals and to the local rules too, which eventually helped in substantial ero-

sion of their traditional authority. The British followed a policy of isolation leaving the tribals to themselves and almost no efforts were made to develop their lot except to administer those areas as excluded or partially excluded. They ignored the social structure of India which developed in past centuries. The rulers separated the tribal population in administrative sphere from the rest of the society. The rule of law which was made applicable to the general society was denied to the tribal people. The administration declared the tribal areas as the non-regulatory. However, they encouraged the missionaries who have already entered the tribal areas. With a view to strengthening their administrative central and consolidate their position in the tribal areas, the Christian rule made sequoias efforts to penetrate into those areas.

After independence, the elites who were aware of the tribal problems were to bring the tribal society within the mainstream of Indian life, from where they had been kept away all along by the colonial regime so as to suit its imperialist designs. Tribal people constitute 8.6% of the nation's total population. The rural and urban STs Population of India is 11.3% and 2.8% respectively. According to 2011 Census the total Scheduled Tribes population of India is 104281034 and male and female populations are 52409823 and 51871211 respectively. The sex ratio among ST at all-India level is 978, in rural 981 and urban 944 as per 2001 Census. Whereas in 2011 Census the sex ratio is 990 and the rural and urban sex ratio is 991 and 980 respectively. There are some 573 communities recognized by the government as Scheduled Tribes. More than 90% of tribal peoples are living in Northeastern states of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland. In Assam, Manipur, Sikkim and Tripura 20% to 30% peoples are tribal. Highest numbers of ST populations are concentrated in Maharashtra, Odisha, and West Bengal. In the south the tribal population of Kerala and Tamil Nadu are about 1% of the population. In Andhra Pradesh and Karnataka the total percent of ST population is six.

CONSTITUTIONAL SAFEGUARDS:-

The term 'Scheduled Tribe' is an administrative and constitutional concept. Article 342 of the Indian constitution deals with matters related to 'Scheduled Tribe'. This term refers to a tribal community. Article 342 holds that, "The president may, with respect to any state or Union Territory and where it is a state, after consultation with the Governor thereof, by public notification specify the tribes or tribal communities which shall, for the purpose of this constitution, be deemed to be Scheduled Tribes in relation to that state or Union Territory, as the case may be". For the identification of tribes the Backward Classes Commission has observed, "The Scheduled Tribe can also be generally ascertained by the fact that they live

apart in hills and even where they live in plains, they lead a separate and excluded existence and are not fully assimilated in the main body of the people. The Scheduled tribes may belong to any religion. They are listed as Scheduled Tribes because of the kind of life led by them”.

Article 244 of the constitution of India describes about the administration of Scheduled Areas and Tribal Areas. The provisions of the Fifth Schedule stands regarding the administration and control of the Scheduled Areas and Scheduled Tribes in any state, except the states of Assam, Meghalaya, Tripura, and Mizoram. The Sixth Schedule stands for the administration of the tribal areas in the states of Assam, Tripura, Mizoram, and Meghalaya. The States coming under Fifth schedule are: Andhra Pradesh, Jharkhand, Chattishgarh, Himachal Pradesh, Madhya Pradesh, Gujarat, Maharashtra, Odisha, and Rajasthan. The prime Purpose of the constitution of India is to protect tribal interests, particularly tribal autonomy and their rights over land, through Fifth and Sixth Schedules. Scheduled Areas of Article 244(1) are notified as per the Fifth Schedule and Tribal areas of Article 244(2) are notified as per the Sixth Schedule. This schedule has given autonomous power of administration in the field of legislature and executive to the states (Assam, Meghalaya, Tripura and Mizoram) and districts of these states. The Sixth Schedule has mentioned that the region and district having autonomous power shall have Autonomous Regional Council and Autonomous District Council respectively. The Regional and District Council are being empowered by the constitution to form village council or courts to resolve cases happening between tribes. The District Council has power to constitute and control primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads and road transport and waterways which would socially, economically and educationally empower them. Both the Councils are also given power to levy, collect and expend the revenue. Article 275(1) of the constitution guarantees and grant fund from the 'Consolidated Fund' for the development and welfare of tribes.

The Fifth S8has declared tribal dominated area as Scheduled Areas and advised to constitute a Tribal Advisory Committee at the state level. These Scheduled Areas enjoy power of autonomy protected by the constitution and the law made by the parliament and state legislatures cannot be imposed on them automatically to give direction to the states related to the management of Scheduled Areas. Democracy at grass root level became possible through the introduction of 73rd and 74th Amendment Act 1993. Decentralization of power became real and decision making power came from Delhi to village/nagar. Common masses got chance to be involved in the socio-economic and political affairs of the nation. Gram Sabha got recognized as a statutory body, which was also called as 'Village Assembly'. But this Act did not automatically imposed in the Scheduled areas. Therefore Panchayat Extension to Scheduled Areas (PESA) was made on 24 December 1996 to impose Tribal Self Rule in the tribal dominated Scheduled areas. The PESA Act 1996 has been conferred enormous power to Scheduled tribes to determine their social, political, economic, and cultural life.

STATUS OF SCHEDULED TRIBE IN ODISHA:-

Odisha is incredible for its tribal diversity. More than 22 percent of the state population is tribal. She has 62 tribal communities each one has their own belief, values, culture, language, custom etc. The state has the highest number (13) of Particularly Vulnerable Tribal Groups (actually 12 as two different names of the same community i. e. Mankidia and the Birhor have been counted separately). Despite extreme vulnerability the Paharias of Sunabeda sanctuary has not been included in the list of PTGs. Odisha has the third largest concentration of tribal population in the country. About 44.70% of the state's geographical area, which is known as Scheduled Area, covers over 118 out of 314 Blocks in 12 districts and a portion of Sorada Tahasil of Ganjam District and includes ST population of 55,46,081 (as per 2001 census).This accounts for about 68.09% of the total tribal population of the state. According to 2011 Census, the tribal population of Odisha is 9,590,756 (rural-8,994,967, urban-595,789) constituting more than 22.15% of the total population of the state. Of which 4727732 are male and 4863024 are female. The decadal change of tribal population between 2001to 2011 is 17.7 (rural-16.8, urban-33.4). The sex ratio among Scheduled Tribes of Odisha is 1,029 (rural-1,031,

urban-991) in comparison to 2001 census is 1,003 (rural-1,006, urban-948). The population of Particularly Vulnerable Tribal Groups of the state as per 1971 and 1981 census was 2845 and 2917 respectively. The following table contains the name of those districts which has more than 50% ST population as per 2011 census.

**TABLE NO. I
TABLE SHOWING THE LIST OF DISTRICTS WHERE THE ST POPULATION IS MORE THAN 50% AS PER CENSUS 2011**

Sl No.	Name of Districts	No. of Household	Total Population	Scheduled Tribe Population	Percentage of Scheduled Tribe
1.	Gajapati	128523	577817	313714	54.3
2.	Kandhamal	172022	733110	392820	53.6
3.	Sundargarh	479109	2093437	1062349	50.7
4.	Koraput	337677	1379647	697583	50.6
5.	Nabarangpur	273423	1220946	681173	55.8
6.	Malkangiri	137599	613192	354614	57.8
7.	Rayagada	226144	967911	541905	56.0
8.	Mayurbhanj	586253	2519738	1479576	58.7

Source: Office of RGI & Census Commissioner of India, Ministry of Home Affairs.

**TABLE NO. II
TABLE SHOWING THE LIST OF DISTRICTS WHERE THE ST POPULATION IS BETWEEN 25% TO 50% AS PER CENSUS 2011**

Sl No.	Name of Districts	No. of Households	Total Population	Scheduled Tribe Population	Percentage of Scheduled Tribe
1.	Kendujhar	405272	1801733	818878	45.4
2.	Deogarh	75452	312520	110400	35.3
3.	Sambalpur	249597	1041099	355261	34.1
4.	Nuapada	152210	610382	206327	33.8
5.	Jharsuguda	136061	579505	176758	30.5
6.	Kalahandi	401251	1576869	449456	28.5

Source: Office of RGI & Census Commissioner of India, Ministry of Home Affairs

CONCLUSION:

Keeping in mind a high tribal population the Odisha Government adopted a tribal sub-plan strategy since the beginning of the Fifth Five Year Plan. Therefore an Integrated Tribal Development Program aimed towards genuine upliftment of tribal will not only help tribals in Odisha to come into the mainstream but also across the country. Despite of it there is a slower or in some areas zero development. A lot of things are there to be done for sustainable development of tribes.

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