

Demystifying India's Approach towards Tribal Development: Maintaining a Balance Between Integration and Autonomy

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Abstract: This paper is reflective of the current approach of the government about the tribal development. From an earlier isolationist approach, we have moved towards a balanced assimilation approach. Last year, PM visited the village 'ULIHATU' which is the birth place of nationalist tribal leader Bhagwan Birsa Munda. Year by year, the budgetary allocations for the Ministry of Tribal Affairs have witnessed significant increases. In this context, it becomes important to have a holistic view about the issues faced by tribal communities in India such as geographical separation, land alienation, etc. The next part throws light on the multidimensional approach taken by the government to tackle these issues which includes various schemes such as PM Vanbandhu Vikas Jojana, PM Jan Jatiya Vikas scheme. The judiciary has been quite proactive in protecting the rights of indigenous people. Two such case laws have been discussed in the paper i.e. Samatha judgment and Niyamgiri Hills case. The author has ended the paper with a conclusion and some suggestions covering socio-economic and political dimensions.

Keywords: Tribal communities, scheduled areas, Constitution, assimilation, Ministry of Tribal affairs, geographical separation

1. Introduction

The term 'TRIBE' as such has not been defined under the Indian Constitution but Article 366(25) talks about who all are constituted within it. Tribal constitute about 8.9 percent of the Country's population. The current Government has a significant focus on the development of tribal communities. For example, in November 2023, PM Narendra Modi distinguished himself by being the first ever PM to visit 'Ulihatu' village, the birth place of Birsa Munda. Similarly other important initiatives have also been taken by the government discussed later in the article.¹

"India will prosper when our tribal communities prosper."
-Prime Minister Narendra Modi

India has the second highest tribal population in the world after Africa. There is no unanimity among the scholars about a single definition of TRIBE but most of them agree on some common characteristics to define them such as animistic practices, absence of capitalist economy, etc. The integration-autonomy debate about the approach towards tribal development is not new to the academic circle. The debate gained more traction through the arguments between former Prime Minister Jawahar Lal Nehru and British anthropologist Verrier Elwin. However, a common ground was reached in the form of Panchsheel agreement. The agreement serves as a template for balanced integration of the tribal in the mainstream, ultimately culminating into various welfare provisions for the scheduled tribes in the Constitution.

1.1 Various issues faced by tribals

a) Geographical Separation: It becomes difficult for them to establish connections with the modern society,

owing to their geographical disconnect. Also the various projects and programs launched by the government do not reach them as they are not able to reach these people, hence not fulfilling the purpose.

- b) Land Alienation:** due to the encroachments by the britishers, zamindars and money lenders during colonial times. Even today in states like Jharkhand, the tribal population is affected owing to the state governments' hydroelectric power projects and mining operations.
- c) Cultural Issues:** During the British rule, some Christian missionaries carried out mass conversions in tribal areas, which was responsible for causing cultural alienation among the tribal. The situation continues till date when organizations like Ramakrishna Mission, RSS and Vishwa Hindu Parishad. All this has led to confusion and widening the cultural gap between the tribal and mainstream, thus creating hurdles in integration.³
- d) Economic hurdles:** As per the Lakdawala and Tendulkar Committee reports, around 27 % and 37 % of tribal population comes under the BPL category. The participation of the tribals in the secondary and tertiary sectors is negligible. The very low literacy rate in tribal areas has also contributed to their under-development. Owing to the absence of banking facilities in tribal areas, they have no option but to borrow from moneylenders, who charge them with extremely high rates of interest, leading to indebtedness. They often work as bonded labourers in brick kilns, power looms, hand looms, stone quarries, etc.
- e) Educational issues:** As per the 2011 census, the literacy rate among the tribals is around 58.96%. Some of the tribal communities don't even consider education to be necessary and want to make their children work in field. Even the curriculum of our education system is not suited according to the tribal people.

¹ LEGAL DESIRE, <https://legaldesire.com/rights-of-tribals-in-india-with-respect-to-access-to-justice/> (Last visited April 8, 2024)

²PRESS INFORMATION BUREAU, GOVERNMENT OF INDIA, <https://pib.gov.in/FeaturesDetails.aspx?NoteId=151692> (Last visited April 7, 2024)

³ MINISTRY OF TRIBAL AFFAIRS, GOVERNMENT OF INDIA, <https://www.india.gov.in/official-website-ministry-tribal-affairs> (Last visited: April 7, 2024)

f) **Health and sanitation problems:** They still have faith in fallacies like diseases are caused by supernatural powers as a punishment to their wrong deeds. They have no faith in modern ways of diagnosis of diseases and have their own traditional methods of curing diseases which may not be scientifically proven. Brewing of alcohol is another problem.⁴ This cheap availability of alcohol not only affects their health but can lead to commission of more and more crimes. The practice of tattooing leads to high prevalence of blood borne diseases like Hepatitis B. The high maternal and infant mortality rates are attributed to their poor sanitation facilities and high levels of illiteracy. Further, genetic disorders like sickle cell anemia act as silent killers.⁵

1.2 How the Government Aims to Address the Above Issues:

The Constitution makers had long ago recognized the need to preserve the socio-cultural fabric of the tribal, which is reflected in various provisions of the Indian Constitution like conserving their language, script and other cultural elements, along with economic safeguards and political empowerment.

A) Educational Empowerment: Eklavya Model Residential schools (EMRS) have been opened in remote areas for ST students belonging to VI-XIIth class to provide them with quality education. Currently, there are over 400 EMRS with more than 1.2 lakh students enrolled. Moreover, the number of female students in these residential schools surpass the male students. Various fellowship and scholarship programs have also been launched to support the tribal students financially in the pursuit of higher studies and even going abroad. Over the last nine years, around 3.2 crore tribal students have been granted scholarships and fellowships of 17,082 Crore.⁶

B) Infrastructure and livelihood opportunities: This has been provided through the Pradhan Mantri Adi Adarsh Gram Yojana (PMGAAY) under which around 36,500 villages having at least 50 % tribal population and 500 STs have been identified. This coincides with the villages under the Aspirational Districts program run by the Niti Aayog.

C) In the area of health: PM launched the Sickle Cell Anemia Elimination programme in July 2023 in Madhya Pradesh. The aim of the Mission is

- to provide quality of care to the patients of this disease
- and to significantly reduce the prevalence of this disease
- Conducting the universal screening
- And provide facilities of Counselling as well, to 7 Crore people of 0-40 years in 278 districts of tribal areas (severely affected by this disease).

This is done through the coordination and collaboration between the central ministries and state governments. Mission Indradhanush or the free vaccination program has also made Adivasi communities as their key focus areas. Additionally, the Nikshay Mitra initiative ensures to provide diagnostic and nutritional support to the tuberculosis patients.⁷

D) Economic Opportunities: There has been a 190 % increase in budget allocated to the Ministry of Tribal Affairs (MTA) over a decade. It is article 275(1) of the Constitution under which the state gets funds to meet the cost of such schemes for meeting the costs of such schemes. Under Pradhan Mantri Vanbandhu Vikas Yojana, there exists a venture capital fund that helps in promoting startups among the ST youth. Minor Forest Produce (MFP) also now has the backing of Minimum support Price (MSP). Further PM Jan Jatiya Vikas Mission aims to provide marketing support for the tribal products. Till now, a total of about 1.83 lakh tribal people are associated with this scheme. The scheme also has an element of providing financial aid to the voluntary organizations which are working for the health, education and livelihood of tribal.

TRIFED is another initiative which provides access to retail markets to ensure the livelihood development of tribal. The scheme is implemented through forming self-help groups (SHGs) and producer enterprises. Last year in July, a new element of the TRIFED initiative was launched to develop the logistics and marketing for promoting the tribal products from the North-Eastern region (PTP-NER).

E) Other domains of tribal welfare: The measures for tribal welfare cut across various ministries, sectors and domains. Example,

- Financial inclusion and empowerment through the MUDRA yojana, Jan Dhan accounts, and SHGs.
- Housing under PM Awas Yojana
- Road connectivity through MP Sadak yojana.

1.3 Role of the Judiciary: How Far has it Protected Tribal Rights in India

A) Samatha judgment⁸: The case was pertaining to the Bora reserved forest areas which consists of 14 villages. The government of Andhra Pradesh had given this land on lease for mining purposes to the non-tribal people. Due to this reason, the appellant had filed a case against the government in the High Court. But the judgment came in favor of the state and the appellant went to the Supreme Court through a special leave petition. The main issues were:

- Does the government possess the power to transfer the land to the non-tribals in a scheduled area?

⁴ THE LANCET, [https://www.thelancet.com/journals/lansea/article/PIIS2772-3682\(23\)00126-9/fulltext](https://www.thelancet.com/journals/lansea/article/PIIS2772-3682(23)00126-9/fulltext) (Last visited: April 8, 2024)

⁵ DOWN TO EARTH, <https://www.downtoearth.org.in/news/governance/adivasis-at-bottom-rung-of-india-s-development-pyramid-finds-tribal-development-report-2022-86268#:~:text=India%E2%80%99s%20tribal%20communities%20form%208.6%20per%20cent%20of,to%20a%20new%20report%20>

released%20November%2028%2C%202022 (Last visited April 7, 2024)

⁶ PRESS INFORMATION BUREAU, GOVERNMENT OF INDIA, <https://pib.gov.in/FeaturesDeatils.aspx?NoteId=151692> (Last visited April 7, 2024)

⁷ Ibid

⁸ SAMATHA v. STATE OF ANDHRA PRADESH, AIR 1997 SC 3297

- Was the lease violative of Environmental Protection Act?
- Does the government have the power to grant mining leases in favour of non-tribals?⁹

The Supreme Court reversed the judgment of the High Court and observed that Andhra Pradesh Scheduled Area Land Transfer Regulation, 1959. The Court ordered the government to put a stop to all the industries engaged in mining work. This led to the formulation of a rule that the state government cannot decide alone in these matters and must first consult with the central government. A new rule was laid down that 20 % of the net profit will be reserved for the tribal people. All the land which was already leased by the government or private companies was declared null and void.¹⁰

B) Niyamgiri Judgment¹¹

The case was fought between the Ministry of Environment, Forest and Climate Change and Odisha Mining Corporation Ltd. (PMC Ltd.). The Dongria Kondhs, a PVTG from Raygada in Odisha won against the Vedanta Company, which had the plan for bauxite exploitation in the Niyamgiri Hills. The Company's intention was to establish an open-cast mine but that had the potential to jeopardise the Kondh's status as a distinct group and could also cause disruption to the river water system.¹²

The Supreme Court while acknowledging the spiritual, cultural and religious rights of the tribe, granted the power to the Gram Sabha so that they could scrutinize and analyze the potential violation of their rights. For the first time, a referendum was held among the affected gram sabhas to know about their consent with respect to the proposed project. There was an unanimous vote against the project. This right of the Gram Sabha to scrutinize the potential infringement of their rights was as per section 4(d) of the PESA Act, 1996. Further, Section 6 of the Forests Rights Act, 2006 was invoked. This case serves as a benchmark to highlight the importance of free and prior informed consent. Without this instrument, the power differential between the state and indigenous communities would always persist.¹³

2. Conclusion

Through the above discussion, it can be concluded that various policies of the government have been targeted towards the socio-economic development of the tribal. Most of these policies fail to achieve their purpose. For this, a more ground level perspective needs to be taken i.e. the policymakers need to make sure that the tribal population realizes their rights and these rights can further be protected through institutional means. The developmental strategy has to be framed taking into consideration the condition of the population. Some of these measures can be:

A) Socio-Economic Measures

- Improving the accessibility and coverage of the primary health care institutions. Further, options must be explored to engage the traditional healers in the healthcare system of the country. Their intellectual property rights over their herbal medicines must be protected.
- Tribal population need to be provided with job-oriented education. Teacher training institutions must be opened in tribal majority areas and curriculum must be designed taking into account their unique socio-cultural milieu, ethos and language, etc.
- PVTGs among the tribes require special attention and their customary rights with respect to land, forests and sources of livelihood must be protected.
- To improve the funding, the autonomous councils must be covered the ambit of the state Finance Commissions (SFCs) and the SFCs can take up the task to lay down appropriate principles for resource distribution between the state and autonomous council. The arbitrary discretion of the state governments should not prevail.
- For furthering the employment opportunities, agro-based training institutions and associated labor intensive processing units can be opened in tribal regions. This could be done through a multistakeholder approach by engaging with the SHGs, cooperative institutions and Gram Sabhas in the scheduled areas.

B) Administrative Measures

- The ratification by India of the ILO's Indigenous and Tribal Peoples Convention, 1989 would further assert our commitment to assimilate the tribal in the mainstream while respecting their autonomy.¹⁴
- The ADCs must be made more democratic. This can be done by providing for one-third reservation for tribal women and smaller tribal groups in the ADCs.

⁹ LAWPLANET, <https://lawplanet.in/samatha-vs-state-of-andhra-pradesh/>, (Last visited April 8, 2024)

¹⁰ Ibid

¹¹ ORISSA MINING CORPORATION v. MINISTRY OF ENVIRONMENT & FOREST & OTHERS, [2013] 6 S.C.R. 881

¹² DOWN TO EARTH, <https://www.downtoearth.org.in/blog/governance/10-years-on->

historic-niyamgiri-case-continues-to-illuminate-land-use-consent-from-tribal-communities-88850 (Last visited April 9, 2024)

¹³ THE WIRE, <https://thewire.in/law/when-it-comes-to-dalit-and-tribal-rights-the-judiciary-in-india-just-does-not-get-it> (Last visited, April 9, 2024)

¹⁴ Ibid