

ISSN: 2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 7

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis



IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can

bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC - NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC - NET examination and has been awarded ICSSR - Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

TRIBES AS INDIGENOUS ENTITIES OF INDIA

Authored by-Jitesh Kadian & Praduman Krishan

"Honour the sacred. Honour the Earth, our Mother. Honour the Elders. Honour all with whom we share the Earth:-Four-leggeds, two-leggeds, winged ones, Swimmers, crawlers, plant and rock people. Walk-in balance and beauty."

ABSTRACT

India is home to various tribes that live in different parts. Their culture and history are pretty famous globally, and things such as their art style also make it to people's homes like paintings and photo frames. These tribes are considered the country's indigenous people, which means they were the first few people to reside in the country. Hence, they lack modern traits and require a proper framework for recognition and protection in the contemporary world. The Constitution of India protects these weaker sections through its article, but they still suffer from poor health, illiteracy, indebtedness etc. This research paper discusses the history and future of self-governance in tribes; various NGOs formed for their welfare, and bills enforced for their upliftment.

Keywords: Tribe, British Rule, Post-Colonial, Socio-economic

Introduction

Initially, the word 'tribe' has its starting point in the Latin word 'Tribus', which was utilised for the recognisable proof of the three divisions of the Roman public. Later a few anthropologists characterised clans as ethnic gatherings with natural solidarity, absence of cooperation and non-appearance of any progressive framework. They mentioned many important observable facts about tribal individuals. They expressed that the clan is separated from other ethnic gatherings in biology, demography, economy, political and other social relations. This produces a solid in-bunch assumption that eventually distances them from others in the public eye. The antiquated Indian writings characterise them as easy as daityas and Upanishads.

India has around ten crore tribal populations. This figure merely corresponds to the great diversity of the tribes of India. The north-eastern states bordering China and Burma are the two primary tribal habitation zones and the mountains and plains of their Central and Southern areas. More than 80 per cent of the tribes of these tribes differ in ethnicity and "intrusion" between the Indian principality and the Pan-Indian State, society, economics and culture. The latter is the primary tribes of the Indian population. The extent to which the tribes engaged with the non-tribes also varied.

While the northeast tribes are mainly isolated populations, the peninsular Indian tribes may occasionally co-exist with non-tribal people. Despite certain regional variations, tribes have numerous characteristics, including "generally more homogenous" and "more independent than non-tribal communities" who live in relative geographical isolation. The definitive answer widely acknowledged is balancing the contradiction among tribal peoples and their separate identities and drawing national policy outlines that enable them to maintain traditional lifestyles without compromising progress.

The Constitution of India ("Constitution") and tribal legislation handle these challenges, although the manner north-eastern and peninsula tribes are dealt with within the Indian judiciary differs significantly. They also deal with these problems. This distinction in law was based on the two criteria that guided the British colonial Government of India to determine whether the tribes would be self-governing:

- a) Whether their tribal people were entitled to manage their affairs
- b) Whether they had a substantial non-tribal population in the region in question.

The tribes of the northeast – which were isolated but also seen as 'socially developed' – were judged by these two criteria, and the Constitution gave substantial autonomy. In contrast, the tribes of the rest of the nation were placed under the leadership of provincial governors. This agreement was formalised in the Fifth Schedule of the Constitution for the Tribes of peninsular India and the Sixth Schedule of the Tribes of the North-East. The separate systems were adopted by an independent Constituent Assembly after hearing advice that common law should refrain from treating the distinctive 'community structures' and 'attitudes' of the tribes of the two areas.¹

Historical Background

The Republic of India is domestic-grown to a massive no. of indigenous individuals, who remain unhurt by using the fashion global's method to lifestyles. With eighty-four. With four million people, the Republic of India has the most essential social group populace in the biosphere. Some of these ancestral individuals, also known as the Adivasi, are many of the poorest in the united states of America and are still haunted with the aid of ghosts, farming and fishing. A number of the essential tribal teams in India encompass the Gonds, the Santhals, the Khasis, the Angamis, the Bhils, the Bhutias and the gentle Andaman. These indigenous peoples have their own culture, traditions, language, and lifestyle.

Although terms like atavika, vanavsi ("residents of the woodland"), or girijan ("human beings of the hills") are also used to describe Indian tribes, Adivasi was used in the 1930s to specifically refer to the innovative inhabitants and native humans of a specific & specific place. In contrast to the terms "aboriginal" and "tribal," the term "Adivasi" was coined to denote the right to freedom. During the British colonial period in India, the prior rule was abolished and never reinstated.

They were because this decade, those groups had been loosely defined as depressions or Adivasis ("original residents"). The primary 20th century noticed a wave of hobby within British rule to assess the feasibility of accountable autonomy for India. The Morley-Minto reform document, the Montagu-Chelmsford reform report, and the Simon fee are many tasks. A hotly contested issue in the reform plans is the distance to demonstrate the depressed training within the principal and provincial legislatures. In 1935, the British adopted the Government. The India act of 1935 was designed to offer the provinces of India more autonomy and

¹ Constitution of India, 1950

delivered a countywide federal shape. Making room for depressed classes became integrated into the regulation, which was impacted in 1937. The principle provided the term "listed castles", regarding that organisation as "castes, races or tribes" or elements of teams between castes, races, or tribes; it seems that his council elevation corresponds to the instructions of human beings previously known as the "depressed elegance", for the peak of his composition may opt for." 1936 contained a listing (or timetable) of castles in the provinces underneath the British administration. It is the duty of the state governor to assemble a complete list of castles and tribes (with the opportunity of revision if later, if essential). The whole list of castles and tribes is generated thru² orders: the order of the charter (individuals are indexed), 1950 and additionally the order of the Constitution (the tribes are listed), 1950, separate.

Even during the Mughal era, They were considered uncivilised and primitive; Adivasis were well known isn't controlled to end up unclean and Hindu caste (normally Dravidian) population organisations. Or Aryan), unlike the Dalits. Consequently, the Adivasis beginning of Valmiki, who self-possessed the Ramayana, is identified as the origin of Adivasis tribes together with the grasia and bhilala, which have been the result of blended marriages between Rajput and bhil. Contrasting the downfall of the Dalits, the Adivasis usually relished self-rule, & in fashionable, the vicinity developed blended agrarian and natural world economies, dominating their lands as a commonplace historical past, of the tribe. In a few regions, obtaining adivasi's popularity as an accomplice in the nutrition guide became visible as paramount with the aid of the local rulers, and large Adivasi teams were ready to help the kingdoms. Theirs is important India. The Dravidian rajas of garha-Mandla and Chanda are samples of a dominant Adivasi nobility inside the vicinity and "aren't most effective hereditary chiefs in their excellent subjects, but managed huge groups of non-tributaries, who stored them diagnosed as their lords of the social system.

Since the days of the horrible British rule, the tribes have felt the country's encroachment on their social organisation system. They had been discovered resisting or supporting their brothers in Tamar and jhala during the rebellion. Their raja also no longer welcome British physical improvements. From the 18th century, the British have been enthusiastic about strengthening the feudal system in India, which became initially been under the jagirdari system and consequently under the zamindari device. It started with the lengthy agreement

² 2011 Census Primary Census Abstract

reimbursement forced utilizing the Brits geographically & by Bihar, which afterwards turned out to be the model for a long way-reaching improvement of feudal system all over India, the communal financial organisation societies and the older international locations of the countries started to trade drastically. The land, each woodland that Adivasis loved and settled farmland belonging to non-Adivasis farmers, turned into chopped as much as the prison assets of the British-designated zamindars (owners), who people repeatedly touched to get the best possible monetary advantage from their homes and new items the land of Adivasis is regularly frequented through an inflow of non-local settlers, frequently visited carried since afar (as in the instance of the Muslims and Sikhs living in the Kol terrain) with the aid of the zamindars to make extra use of the fatherland, forests and hard work. Stripped of the woods and assets on which they have traditionally lived, and once in a while compelled to wage levies, numerous Adivasis are being forced to a pirate at unreasonable hobby quotes from pawn stores, regularly the zamindars themselves. After they had become bankrupt, it pressured them to end up bailing people for the zamindars. Regularly, by repaying their principal, they cannot even compensate for the trade-in hobby prices. That is the purpose for his or their kids running for zamindar when the original borrower died. In the situation of Andamanese Adivasis, lengthy remoted from the face of the arena in self-governing societies, touch handiest with outsiders is often averted to restrict deadly epidemics among tribes and those advised that some elements of the country's authorities directly sought to exterminate certain tribes.

At the same time, as during that time of terrible British rule, members of the tribe now do not appreciate the State's encroachment on their social organisation machine. They have been determined to withstand or assist their brothers in Tamar and jhalda during the rebellion. Their raja also did not welcome British body innovations. Since the 18th C, the British have completed the alliance of the social structure in India, primarily according to the jagirdari classification and then in line with the zamindari classification. They were starting with the everlasting agreement obligatory with the aid of the British in the geographical vicinity and Bihar, which later became usual of the profound development of feudalism throughout India. Land, woodland using the forest for the pleasures of Adivasis, and sedentary farmland owned by farmers other than Adivasis soon became the criminal assets of the British-appointed zamindars (proprietors), who constantly searched to exploit the best capacity of economic benefit from their new houses and Adivasi gadgets. In fashion, the vintage lands had an influx of non-nearby settlers, regularly introduced in from hermits (as changed into the case with the Muslims and Sikhs poured into Kol by the zamindars) to make the most. Emptying the forests

and resources they previously relied on, and once in a while pressured to pay taxes, some Adivasis are compelled to borrow at exorbitant costs from pawn shops, regularly the zamindars themselves. After they're not able to pay, this forces them to grow to be secure employees for zamindar. Regularly, utilizing repaying the primary, they cannot even recoup the compound hobby. This is the motive for their children to paint zamindar after the loss of life of the unique borrower. Inside the case of Andamanese Adivasis, long removed from the sector of flesh in autonomous societies, simple touch with outsiders is regularly sufficient to restrict lethal epidemics in tribal populations, and it is alleged that some components of the countrywide Government have without delay tried to exterminate certain tribes.

Tribal communities reside on around 15% of the United States' land area, in a variety of ecological and geo-climatic circumstances ranging from plains and woods to hills and inaccessible areas, in unique ecological and geo-climatic conditions. Social enterprises vary greatly in terms of their social, economical, and educational development. Companies that are tied to and revolve around the wooded environment. The tribal economic structure is no longer simple; yet, the lifestyle and shape are inextricably related to the woodland region. Forests are a significant and vital resource base for tribal sustenance in the United States' tribal territories. Forests provide for the basic needs of social agencies. Tribes make the most of forest resources with readily available tools and little technical assistance from the outside world. The forest provides them with edible roots, fruits, vegetables, herbs, honey, bugs, fish, pigeons, hares, pigs, and other animals. Inland tribes' reliance on trees differs depending on their financial situation.³

Techniques for allocating artworks and becoming governed by personal family policies. The circle of relatives who own social enterprises is explicitly encouraged to meet their personal consumption needs rather than relying on the market. As a result, deciding that the tribal finance system is a subsistence economy is preferable. Age and intercourse determine how hard work is divided in tribal households. The age and intercourse of the member are frequently factors in the economic role of endowments. The original assumption that women were bodily vulnerable created the basis for the gender department of hard work. According to their age, people are given enormous obligations. There may not be any tribes available that can be classified as agricultural or business labour. However, a number of members of agricultural and artisan tribes have sought occasional work in agriculture and industries. On the

³ Government Of India, *Ministry of Tribal Affairs*, (1999)<https://tribal.nic.in/>

one hand, agricultural development and industrialisation in the tribal area have contributed to the emergence of these labour types among the tribal people, with nearly 20% of the walking populace relying on agricultural revenue for survival, and 4.4% of the tribal artwork pressure relying on business profits and labour for survival. The majority of economic labourers are seasonal migrants who work as profit labourers in railway and avenue construction, forestry, civil work, and so on in adjacent or distant towns, mines, generators, and tea fields. They frequently flow into these works in groups, comprising both genders, in isolated locations. Tribal agricultural labour has spread in areas where indebtedness and land alienation are common. Tribal households engaged in non-agricultural labour can be found in the states of Jharkhand, Orissa, West Bengal, and Madhya Pradesh, where industrialization has developed. Interestingly, members of the Jharkhand tribes work as labourers in Assam's tea estates and in the Andaman Islands' forestry and industries.

Maximum tribes are centred in jungle regions, where inconvenience is mixed with local political or monetary significance. Traditionally, the financial system of most tribes has been subsistence agriculture or research and amassing, even though despite dramatic modifications thru urbanisation and industrial employer, the diverse tribes of the republic of India nonetheless preserve their religion and lifestyle⁴ while 4,444 tribal humans in India are nevertheless behind. They lack education and literacy guidelines and have no longer all started to emerge in a few rural and tribal regions of the Indian subcontinent. There are tribes that also workout witchcraft and one-of-a-kind kinds of tantric faith. The brilliant tribes of India, if counted, can add as much as a beautiful variety, with all their ethnicities and impressions⁴. In India, nearly every day, there may be a new dialect; the subculture and diversity of a number of the aqueducts can also be renowned from any route in India. The peculiarity of Indian tribes lies in their customs, manner of lifestyle, ideals and appreciably the harmony with which they exist in cohesion with nature. Together, the tribes of India apprehend the actual and colourful developments of India, which might be diagnosed to the complete worldwide. Given that it's far from the tribes that a few tribal languages developed into official languages, it could effectively be said that cultures considered "undeveloped" are also derived from Indian tribal cultures.

⁴ Anuj Kumar, Rights of tribals in India concerning access to justice, LEGAL DESIRE (June 4, 2021, 5:00 PM), <https://legaldesire.com/rights-of-tribals-in-india-with-respect-to-access-to-justice/>

Legislations And Legal Aspects

Under Colonial Period

The Forest Act of 1865

This legislation was the first effort to regulate forests produced by forest residents and establish the State's monopoly on the forest. The State has been authorised to provide such notifications that do not alter or reduce any existing rights of people or groups to declare any property covered in trees a forest and control it by information (sec.2). Thus, forest people's socially controlled actions should be curtailed by legislation. Therefore, the usual "rights" of exploiting forest products have been changed into "privileges."

The Forest Act, 1878

This Act is broader than the former and enlarged forest government jurisdiction. This statute split woods into three parts: forest reserves, Protected forests and village forests. By restricting some operations like breaking in or pasture cattle, the law strengthened the Government's authority over forests. However, this is not true in neighbouring woods, where the right remains in the hands of communities. With one stroke of the presidential pen, rural communities throughout India have obliterated this law's decades of customary forest use. Therefore, when the Colonial State established authority over woods formerly in local communities and offered these forests for commercial timber production, it intervened unprecedentedly in the lifetime of the Indigenous villages.

Forest Policy Resolution-1894

The first forest policy contemplated the dominance of the State's interests above the community's interests. The policy's aim was solely to administer for public benefit to state forests, but it put limitations on forest residents and forest neighbourhoods. Some forests were designated as a small forests to satisfy community requirements. The forest's commercial worth has led the British Government to restrict forest community use. That helped the British increase their income, but the rights of tribals were severely reduced. As well as alienating them from the forest, this colonial forestry policy has confiscated their forest rights. The forestry authorities have been responsible for controlling and controlling traditional tribal rights over the woods.

Forest Act-1927

In the past, many local Government acts have changed the Indian Forest Act of 1878. It was then superseded by the Indian Forest Act of 1927, which was highly thorough. This Act controlled the people's right to forests and formalised all forest authorities' procedures. The Act removed the reference to the rights of forest communities, as provided for in the Act of 1878. The limitation by the State of collective forest ownership seriously destabilised the livelihood economy.

Many villages were obliged to shift their occupation. In the colonial era, forest rights from community hands to Government were transferred to legal and political mechanisms. The common land was state property, and village communities were alienated from the forest.

Post-Colonial Period

In 1952, the first forest policy post-independence was developed with a realisation of the nation's "maximum yearly income from forests." The previous policy recognised free grazing, but the new policy taxed it. Fees have been implemented, and grass should be minimised. The forestry policy of independence in India in 1952 was seen to be worse for the indigenous peoples than its colonial predecessor of 1894.

To provide any sort of food, wild hunting and fishing, wood for the creation of raw materials for homes and also revenue from sales of forestry products apart from fuel, the Tribal Committee underlined the relevance of forests in the lives of tribal people.

It was allowing forest areas to be cultivated by the tribals. It is essential to grant their need for pasture and shifting cultivation. It also identified forest officers' responsibilities. It is worth revisiting the policy.

The Forest Act, 2006

The Forestry Act of 2006 is a crucial piece of legislation in the evolution of government behaviour. The Supreme Court decided, in the 2004 Decision of the Parliament, that it would 'End' the historical injustices of the indigenous people endured in colonial and post-colonial times by the Scheduled Tribes and other Traditional Forest Dwellers Act 2006 (the 'Act'). The Act is designed to recognise and promote the involvement of forest and wildlife conservation and management groups. The intruders have been recognised as essential conservation, forestry, and nature conservation agents. The bill defined the tribal tribes depending on forests and non-tribal forests and differentiated the two based on their subsistence and business purposes.

The law indeed has granted dignified status to tribal peoples. Still, it cannot address tribal rights and living difficulties without equivalent or better progress in direction and governing bodies, in other fields like land purchase, development – the replacement and political self-reliance.

Before and after, British rules of forests saw the tribals as destroying forests and animals. The tribal rights in forest production and forest lands were always governed under this statute. In a covert 'national interest', the British initiated the marketing of forest products and confiscated most of their rights over forests.

The indigenous people who had utilised the woods a long time ago had no indication simply to give up against the powerful. They were compelled to alienate the forest and leave their inheritable home. They depended for their livelihood on the compassion of the colonial overlords.

Control has been shifted from communities to companies that use these resources to benefit. Nevertheless, the politicians regard tribals as destroyers and foresters. During the whole colonial and post-colonial period, indigenous peoples struggled for autonomy and identity and demanded that their culture and nature be recognised by the State. The tribal and forestry politics of the State cannot be constructed under incompatible premises as far as the tribes involved are concerned.

The relevance of tribals and rights should not be ignored by our Government and policymakers. Lack of understanding of the law and rights does not reach the intended person for the advantages of policies.

The Forest Act 2006 has undoubtedly offered the tribals a ray of hope that the rights to forest land and resources may be secured. However, it requires adequate implementation⁵.

Land And Territories Issues

The majority of indigenous peoples have a particular connection with their territory and regions. Here their descendants live and build their history, knowledge, livelihoods and beliefs. The part has a religious or spiritual significance for most indigenous people, much beyond the agricultural and economic side of the land.

Land alienation is a grave problem faced by Indian tribes. During the recent decade, the

⁵ Srabani 1991, Tribal Laws and Customs in India, LEGAL SERVICES INDIA (June 4, 2021, 5:00 PM), <http://www.legalservicesindia.com/article/847/Tribal-Laws-&-Customs-in-India.html>

number of landless tribes grew. Land dispossession is still a big problem for native populations. The extreme dependency on land for revenue and work of tribal societies makes land alienation and landlessness a key source of subsistence for the tribes. The theoretical wording of the idea of alienation may be interpreted in a more scientific substantive way.

The form of the production is inherent in exploitative interactions and changes with the state of exploitation. It distinguishes between slavery and serfdom-based cultures. This is a profoundly linked and contradictory phenomenon related to the present socio-economic system.

Reasons for Land Alienation are Tribal Economic Poverty, Tribal simplicity and honesty. Other grounds for land alienation include ignorance of the forest act, illiteracy, poverty, and lack of financial services in tribal regions.

In comparison with the mainstream population, the present socio-economic profile of indigenous people is poor. The main difficulties facing India's tribal groups are all sorts of social isolation and a high degree of deprivation. The Indian Constitution provides for indigenous tribes' socio-economic development. The Government should increase water supply, transportation and road activity. The Tribunal should form a "Special Land Tribunal" to remedy the alienation of the lands of Adivasi and prevent additional separation. Because of the inadequate organisational strength, tribal communities have minimal power to be powerful pressures inside Indian politics, so we need to focus on this issue.

State And Central Government Efforts

Formation of PESA (Panchayats Extension to Scheduled Areas) Act, 1996:

The Act granted the Gram Sabhas the ability to praise the tribal people's development programmes, plans, and projects. Before making land acquisitions for development programmes in Scheduled Tribe regions, it shall be asked. In general, this Act empowered the people with the right to conserve and advise Gram Sabha for any development programme in the Tribal region at the appropriate levels.

The 20 point programme:-

Point 11(b) of the 20-point programme is designed to give the planned tribal families the economic support needed to reach the poverty line. Diverse programmes undertaken by agriculture departments, rural development, cultivation, pet breeding, sericulture, forestry, small-scale cottage enterprises, etc., support ST households. The Ministry sets objectives for 22 states/UTs and assesses monthly progress. Officials in AP, Assam, Manipur, Meghalaya,

Odisha, WB, Jharkhand, Maharashtra, and Madhya Pradesh over evaluated 75 projects.

Vanbandhu Kalyan Yojana

Vanbandhu Kalyan Yojana was introduced by the Indian Central Government to help the Indian tribal community grow holistically and well-being. The plan intends to equate the country's tribal people with other social groups and engage them in the nation's advancement. Incorporating infrastructure deficiencies and shortfalls in human development indicators, the Government seeks to develop the tribes holistically.

I. Educational & Cultural Provisions

The Constitution has provided the State with the liberty to formulate provisions for promoting the interests and welfare of the backward classes, which includes the SCs and STs.

Moreover, every group with a distinct culture, language or script has the right to conserve the same.

The Constitution also prevents the State from denying admission into any educational institutes maintained by it or those that receive aid from it to any person based on race, religion, caste, language, etc.

Article 30 gives the right to these communities to form and govern their educational institutions. While granting aid to educational institutions, it ensures that the State does not discriminate against any educational institution just because it belongs to a minority.

The State shall promote the educational and economic interests of the weaker parts of society, particularly the Scheduled Castes and Scheduled Tribes, and safeguard them from social injustice and exploitation.

Under Article 16(4) of the Indian Constitution, the Government of India has made job reservations for tribals.

II. Social Safeguards

Tribal communities being landless and backward, are the most susceptible to human trafficking and illegal forms of labour. The Constitution prohibits human trafficking and beggar and conditions of forced labour and prevents the employment of children below 14 years of age in any kind of hazardous activities.

Article 14 provides all citizens with the right to equality. Article 15 ensures that the State shall not discriminate against any citizen on religion, race, caste, sex, place of birth or any of them. The practise of untouchability is forbidden under the law.

III. Political Safeguards

To ensure that these communities become a part of the mainstream politics of India and get a platform where they can raise their demands, reservation has been provided to these communities in Lok Sabha, State Legislatures, and Panchayats.

Article 371 provides further autonomy to the tribes in the North-Eastern States.

Other Tribal-Centric Statutes And Legislations

The provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, Minor Forest Produce Act 2005 and the Tribal Sub-Plan strategy focus on the socio-economic empowerment of Scheduled Tribes. The Parliament of India passed the Prohibition of Employment as Manual Scavengers and their rehabilitation Bill, 2013, which aims at curbing the practice of Manual Scavenging, usually involving the tribal communities, as well as rehabilitating the liberated Manual Scavengers.⁶

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013⁷

Manual Scavenging is a curse on the development of the tribal society. Therefore, the Government's utmost priority is to abolish this practice and rehabilitate the manual scavengers, who usually belong to the tribal communities, in alternative occupations.

Before the concerned Act was passed, many legislations to deal with this menace but have failed to achieve the objective.

This particular Act intends to identify and eliminate the unsanitary latrines to prevent the employment of the backward tribes as manual scavengers involved in hazardous manual cleaning of sewer and septic tanks. Moreover, it is focused on rehabilitating the scavengers and helping them find new sources of income so that they do not fall prey to unemployment.

Panchayats (Extension to Scheduled Areas) Act, 1996

“The Panchayats (Extension to Scheduled Areas) Act, 1996 gave the tribal communities residing in Fifth Schedule areas the right to function as institutions of self-governance.

It was made sure that their laws followed the customs and cultural and traditional practices that were unique to the community.

The Gram Sabhas were in charge of safeguarding and preserving the people's traditions and practices and cultural identity, community resources, and traditional dispute resolution methods.

⁶ PIB.GOV, <https://pib.gov.in/PressReleasePage.aspx?PRID=1657743> (June 4, 2021, 5:10 PM)

⁷ B. Ranganatha, [Tribal Identity and the implications for Political and Cultural Development: A Sociological Analysis] [All rights reserved] [27], [32-36] [(April 2014)].

Not all developments have been made by way of legislation. There have also been instances where the outcoming of a case has led to positive changes in the legal status of the tribals. One such case is *Madhu Kishwar & Ors. v. State of Bihar & Ors.*⁸

Factors Aggravating The Legal Issues

Land Alienation

Tribal people have always had an inalienable and irrefutable right over their forest land. Although they had been made devoid of this right in the British era, the Britishers started to acquire the tribal land to exploit their rich resources. Moneylenders, zamindars and traders also started encroaching upon these tribal lands. In the absence of any legal rights of the tribals over the ground, it was easier for the non-tribal people to take over the land that the tribal people had traditionally owned.

The tribals have lived on these lands for a long time, and their livelihood depends on them. However, of late, they have been deprived of their right to this land. They are not given the liberty of cattle grazing in the pasture lands by the Government. Cultural issues.

The distinct culture and traditional practices followed by these tribes are other barriers to their development. The tribal people are sceptical of the civilised non-tribal people's conventions, practices, and traditions because they do not understand them. Hence, the existence of several stereotypes. The cultural divide between tribal and civilised people is expanding by the day, isolating tribals even more. This divide is impeding indigenous people's absorption into India's mainstream society. Implementation of the law becomes difficult in these situations. The gap also makes it difficult for the tribes to get legal aid in times of need.

Educational barriers

Ignorance is the most sickening thing that can happen to a society. While education is not the sole key to making people aware of their rights, it sure helps to a large extent.

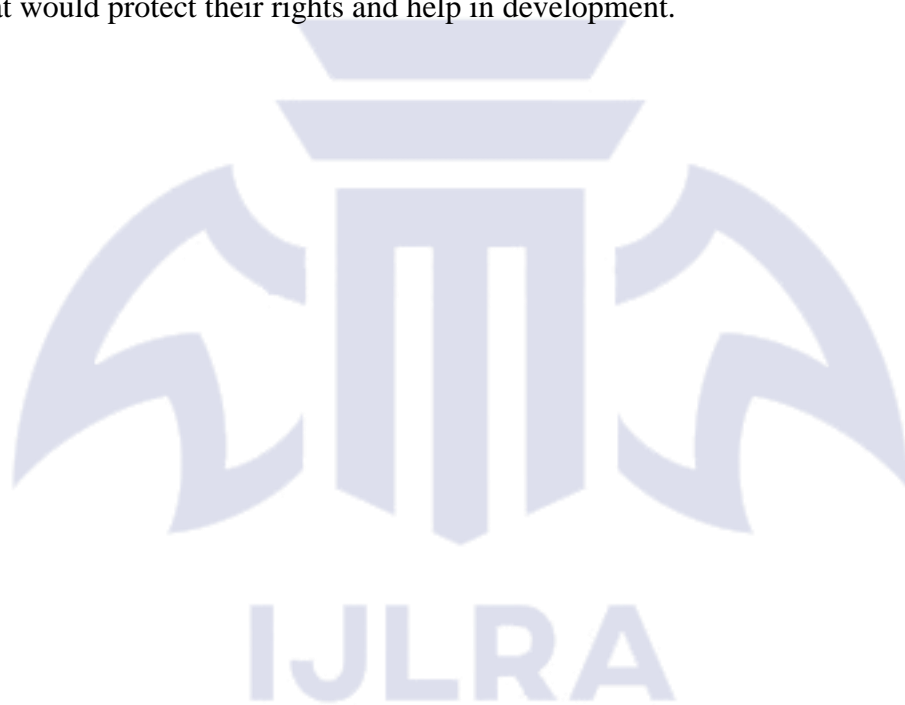
Lack of tribal literacy has been identified as a significant developmental problem. Education is the only way to make tribal people aware of their rights. This can prevent them from being exploited by the landowners and moneylenders and help them gain access to legal help in cases of exploitation and discrimination. As a result, the Government's primary priority should be providing them with education.

⁸ *Madhu Kishwar & Ors. v. State of Bihar & Ors.*, 1996 AIR 1864, 1996 SCC (5) 125

Economic problems

Since the cultivation on their land is seasonal, they traditionally used to practice shift cultivation. However, this has become difficult considering the acquisition of forest areas by the non-tribals. This has left the tribals with no other option as a secondary source of income. Due to a lack of economic possibilities, impoverished tribes accept to serve as bonded labourers in the agriculture sector, brick kilns, stone quarries, power looms, and handlooms. They are paid infrequently and related without any form of job protection.

Hence, despite the legal provisions in place, those mentioned above geographic, cultural, educational and economic barriers have prevented the authorities from actually implementing the laws that would protect their rights and help in development.



Conclusion

Since the British reign in India, issues of tribal development, integration, and autonomy have been a source of contention for Indian society. Integration and independence were made much more challenging due to the complexity of the Indian tribal community. Ethnic tribal sub-nationalism provided significant hurdles and inhibited the communities' advancement over time. Autonomy is desired for development policies tailored to the tribal culture and way of life. Leaving the tribals in their State, then again, will fuel the formative split between the standard and the tribals. The basic test post-freedom is that the mix is by and large coordinated from a higher place, as opposed to from underneath. The ancestral combination has disregarded their necessities and objectives. The combination has occurred in the states of traditional society, and it has been blamed for benefiting solely that society.

Even within their organisations, their difficulties differ from one place to another. Tribes of various varieties can be found in multiple sections of the country. Tribes in different India have various rites and customs and distinct literacy levels, economic conditions, and employment patterns. Many groups and the Government have worked hard to make positive changes and alleviate the difficulties that the STs face. Progress has been made due to such initiatives, but there is still much to be done. To promote positive change among the tribes, a region-specific approach is required.