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CHALLENGES FACED BY THE TRIBALS IN INDIA – A WAY FORWARD

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ABSTRACT

A tribe is a social entity, akin to a family, that is linked by social, economic, religious, or cultural connections within a traditional society, sharing a common culture and language. Tribal communities in India constitute a significant demographic of the nation. The term Adivasis refers to the indigenous populations of India, who are regarded as the original inhabitants of the country, possessing their own distinct culture, language, and traditions. For centuries, they have resided in various regions of India, developing a profound understanding of the local geography and available resources. The Constitution of India includes specific provisions concerning the rights and welfare of Scheduled Tribes. Nevertheless, they encounter numerous challenges within the country including: the exploitation of natural resources, globalization, an influx of migrants, forced migration, economic and political marginalization, a lack of education, and health-related issues, among others. The primary causes of their hardships are urbanization and industrialization. To safeguard Indian tribals and enhance their rights and welfare, various measures and policies must be enacted.

This paper aims to explore areas such as the study of the tribal population in India, an analysis of the various challenges faced by these communities, an understanding of the factors contributing to these issues, and an inquiry into potential solutions to

address them. The sources of data collection will be through books, articles, survey reports, governmental and non-governmental databases, statutes, cases from Supreme Court, High Court and from various online databases.

KEY WORDS: Tribal population, Marginalization, Indigenous communities, Resources, Challenges

INTRODUCTION

The term 'Tribe' refers to a collective of individuals residing in harsh and primitive environments. These tribes constitute a social group that occupies a defined territory without any specific division of labor, and the individuals within these social groups are referred to as tribes or tribal individuals. Additionally, tribes consist of various subgroups, and together they are identified as 'Tribal Society'. Tribal signifies a social community that interacts using a distinct language, marked by a unique culture that differentiates it from other communities regarding cultural identity¹.

In India, most of the tribes are collectively identified under Article 342 as "Scheduled Tribes". The reason why they are called scheduled is because they included in one of the fifth schedule of the Constitution of India. Since independence, the share of tribal population in the country has continuously been increasing census by census². In the current time, the tribal population of India is approaching around 9% of the total population of the country³.

Scheduled tribes are far behind in terms of development. Different problems exist within the tribal community of India, such as poverty, illiteracy, exploitation etc. The Constitution of India ensures that no citizen will face discrimination. It contains specific provisions addressing this matter that address the rights and welfare of Scheduled Tribes, like: service

¹ In India, numerous tribal communities are recognized by various names, such as Bhil, Dubla, Siddi, Santhal, Gond, Khashi, Garo, Tod, and Kadar, among others.

² Tabassum Rukshana, *Problem and Challenges of Tribal Society: An Exploration of Governmental*

Policies and Remedial Measures in Indian Scenario, IJAMSR, vol. 8(4), 2025, p. 124-132 at 128.

³ According to the 2011 census, the tribal population in India was 104 million, constituting 8.6 per cent of country's population.



safeguards⁴, economic rights⁵, social rights⁶, political safeguards⁷, educational and cultural rights⁸. Nevertheless, they experience several hurdles in their day-to-day life.

This paper investigates the rights available to Scheduled Tribes in India and analyzes these rights, along with the contributions of the Supreme Court and social activists who have worked to improve the conditions of Scheduled Tribes and protect their rights. "Tribal Sovereignty" refers to the right to limited self-governance, to determine its own membership, to manage tribal property, and to regulate tribal business and domestic relations.

CHARACTERISTICS OF TRIBAL PEOPLE:

The tribal communities possess distinct characteristics. They are different from the general Indian population in both their nature and structure. Across India, the non-tribal population exhibits significant variations depending on factors such as natural environment, economy, traditions, and local

history. To truly understand a tribal village in India, one must examine its geographical context, settlement patterns, and size, alongside the social dynamics, including ethnic composition. The following are some of the features of tribal people⁹:

- Each tribal group is made up of a group of families, such as organization
- Speaking the same language or language that has no script
- Each tribal group has a unique name ex. Bhil, dubla, khashi, garasiya, santhal, toda
- Tribal people live in a designated region
- The tribal group is an inter married group
- There are social norms and taboo to make reciprocal transactions possible
- The tribal panchayats are the administrative divisions of criminal justice
- The division of labour and exchanges is very rare. Tribal is a closed society. Each tribal community has its own religion as well as

⁴ Article 16(4) grants authority to states to establish provisions for reserving appointments or positions for any backward class to guarantee sufficient representation.

Article 16(4A) permits states to create provisions for reserving promotions for SC/STs if they lack adequate representation in state services.

Article 16(4B) specifies that backlog vacancies shall not be aggregated with the current year's vacancies when calculating the 50 percent reservation limit.

⁵ Article 244(1) implements the provisions of the Fifth Schedule concerning the administration and regulation of Scheduled Areas and Scheduled Tribes in states excluding Assam, Meghalaya, Mizoram, and Tripura, which fall under the Sixth Schedule.

Article 275 allocates Grants-in-Aid to designated states (STs & SCs) that are included in the Fifth and Sixth Schedules.

⁶ Article 23 eliminates bonded labor and forbids the trafficking of human beings as well as forced labor. Breaching this provision constitutes a punishable offense.

Article 24 prohibits child labor, ensuring that children under the age of 14 are not employed in factories, mines, or any hazardous activities.

⁷ Article 164(1): Establishes the position of Tribal Affairs Ministers in the states of Bihar, Madhya Pradesh, and Orissa;

Article 330: Ensures the reservation of seats for Scheduled Tribes in the Lok Sabha;

Article 337: Guarantees the reservation of seats for Scheduled Tribes in State Legislatures;

Art. 334: 10 years period for reservation (Amended several times to extend the period.);

Art. 243: Reservation of seats in Panchayats.

Art. 371: Special provisions in respect of NE States and Sikkim

⁸ Article 15(4) ensures special provisions for the educational advancement of Scheduled Tribes.

Article 46 mandates the state to promote the educational and economic interests of Scheduled Castes and Scheduled Tribes and protect them from social injustice and exploitation.

Article 350 allows the right to conserve distinct languages, scripts, or cultures.

⁹ Bhavna Sood, *Tribal Development in India: Issues and Challenges*, IJCR, vol.11(1), 2023, p.361- 366 at 362.



religious tradition. They are much less variable¹⁰.

Indigenous communities communicate in a significant majority of the approximately 7,000 languages spoken globally. They play a crucial role in environmental protection. Nevertheless, they represent the most backward populations worldwide, having faced oppression, exploitation, and misuse by external forces. It is imperative that we protect these communities, and our government must persist in its dedication to improving the current living standards of tribal peoples¹¹.

ISSUES OF TRIBAL SOCIETY

The rights of tribal peoples, as an integral aspect of the broader human rights phenomenon, have gained importance in recent years. As human beings, those residing in tribal areas possess a comparable set of rights to others. In ancient times, Scheduled Tribes were subjected to mistreatment. There is no definitive explanation or answer as to why these particular groups were oppressed and treated as if they were slaves. Below is a concise overview of some of these challenges.

➤ Poverty and Indebtedness

The tribal people are one of the most economically disadvantaged tribes in the country¹². The majority of tribes exist below the poverty line. These tribes engage in various simple occupations that rely on basic technology. Most of these occupations are

categorized as primary activities, including hunting, gathering, and agriculture. The banking services available in tribal regions are so insufficient that the tribal population has been compelled to depend on moneylenders¹³.

➤ Loss of Control over Natural Resources

A Tribe consists of a unique group of individuals who rely on their land for sustenance and are predominantly self-sufficient¹⁴. Tribal communities in India, have historically depended on forests and natural resources for their livelihoods, cultural practices, and sustenance. However, over the years, they have faced significant challenges in maintaining control over these resources due to various factors. It has resulted in the widespread displacement of these tribal groups. Furthermore, large infrastructure initiatives, such as dams and hydroelectric projects, have submerged tribal lands, disrupting their traditional ways of life¹⁵.

Tribal communities are experiencing a reduction in forest resources due to deforestation, the unsustainable harvesting of medicinal plants, and the effects of climate change. It compelled numerous tribal communities to forsake their traditional means of livelihood, resulting in heightened poverty and reliance on government assistance programs¹⁶. Additionally, forced displacement and environmental degradation have led to negative health consequences,

¹⁰<https://ijrrsonline.in/HTMLPaper.aspx?Journal=International+Journal+of+Reviews+and+Research+in+Social+Sciences;PID%3D2020-8-1-1>, accessed on June 2, 2024

¹¹ Nikhleshchand, *Tribal Rights in India and Justice*, Social Laws Today, November 2020

¹² In *Indira Sawhney v. Union of India*, AIR 1993 SC 477; the Supreme Court set a crucial limit on reservations for backward classes, prescribing that, it should not exceed 50 % of total seats in government jobs and educational institutions. This limit was intended to strike a balance between the need for affirmative action for historically disadvantaged groups and the principle of meritocracy.

¹³ <https://ijcrt.org/papers/IJCRT2208265.pdf>, May 27, 2024

¹⁴ <https://www.legalserviceindia.com/legal/article-32-the-rights-of-scheduled-tribes.html>, October 10, 2024

¹⁵ The Narmada Valley projects, particularly the Sardar Sarovar Dam, have led to the displacement of many tribal communities, obliterating their cultures and traditional dietary practices.

¹⁶ Suykens. B, *The tribal-forest nexus in law and society in India: Conflicting narratives*, Critical Asian Studies, 2009, Vol. 41(3), 381-402.



including malnutrition and psychological distress, among tribal populations.

➤ Unemployment

Unemployment within tribal communities in India has remained a significant challenge, shaped by factors such as restricted access to education, displacement caused by development initiatives, and the decline of traditional livelihoods. In addition to the provisions outlined in the Apprenticeship Act, there are no requirements for private or joint sector companies to hire a specific percentage of the displaced tribal workforce. Consequently, these individuals are compelled to enter an ever-growing labor market that is low-paid, insecure, transient, and often destitute¹⁷.

Despite the positive trends, several challenges persist, inadequate educational infrastructure in tribal areas hampers skill development and employability. Large-scale projects often lead to the displacement of tribal communities. Language and cultural differences can limit the effectiveness of employment programs and integration into broader economic activities. While the unemployment rate among tribal communities in India has shown a significant decline, ongoing efforts are required to address the underlying challenges.

➤ Exploitation of Resources

The policies of liberalization and globalization implemented by the government emphasize the allocation of resources towards economic growth. The liberalization policy and the contemporary state's views on resource utilization has intensified with the encroachment of development philosophy. The swift progress and the unmatched dominance of global capitalism have fostered conditions conducive to the evasion and extraction of natural resources from the

ecologically vulnerable areas inhabited by tribal communities.

➤ Issues of Health and Nutrition

Tribal communities in India encounter considerable health and nutrition difficulties, arising from systemic inequalities, cultural seclusion, and restricted access to healthcare services¹⁸. As a result of economic underdevelopment and unstable livelihoods, these tribal populations experience various health issues. Additionally, malnutrition-related problems, including iron deficiency and anemia, as well as elevated infant mortality rates, are also prevalent¹⁹. Language barriers and cultural differences hinder effective communication between healthcare providers and tribal populations.

➤ Erosion of Identity

Increasingly, the conventional institutions and regulations of tribal communities are clashing with contemporary institutions, leading to concerns among the tribals regarding the preservation of their identity. The disappearance of tribal dialects and languages further exacerbates this issue, as it signifies a deterioration of tribal identity.

➤ Lack of Education

In tribal regions, the majority of schools are deficient in fundamental infrastructure, which encompasses inadequate learning resources and even basic sanitary facilities. Because there is no monetary benefit from education, tribal people tend to favor their kids participating in paid work. Enhanced efforts must be undertaken to guarantee that tribal children receive quality education, spanning primary, secondary, and vocational training.

¹⁷<https://www.insightsonindia.com/social-justice/issues-related-to-sc-st/various-problems-of-tribal-communities-in-india/>, accessed on October 12, 2024

¹⁸ Duraisamy.M.P, *Investigating in Health: A Review of Measurement, Theory and Indian Evidence*, in

Health and Development the Millennium Perspectives, by K Gangadharan, Rawat Publications, 2011, p 79-94.

¹⁹ Anuj Kumar, *Rights of tribals in India with respect to Access to Justice*, Legal Desire, 2021



➤ Displacement and Rehabilitation

The forced eviction of tribal communities to facilitate large-scale, capital-intensive development projects has become a troubling and increasingly common occurrence. The government's acquisition of tribal lands for the advancement of essential sectors, such as massive steel plants, energy projects, and substantial dams, has resulted in widespread displacement. The migration of these tribal individuals to urban centers leads to psychological challenges, as they often struggle to adapt to urban lifestyles and values. Numerous tribal regions have been appropriated for these development initiatives, and the displaced communities frequently face difficulties in securing adequate rehabilitation.

➤ Gender Issues:

The deterioration of the natural environment, especially due to deforestation and a swiftly diminishing resource base, affects the condition of women. The introduction of mining, industries, and commercialization in tribal areas has subjected both tribal men and women to the harsh realities of the market economy, leading to increased consumerism and the commodification of women²⁰.

FACTORS RESPONSIBLE FOR TRIBAL ISSUES

• Urbanization and Industrialization

Evidently the autonomous tribals rely heavily on the natural resources in their vicinity to maintain their existence in some of the most challenging environments on the planet. During the British era, the initial wave of industrialization began in the tribal regions²¹. Following independence, it transformed into a revolution characterized by the identification of new locations rich in valuable resources. The wake of

urbanization changes the lifestyle of people. It requires expenditure to fulfil the demands and attracts the poor tribals towards luxuries.

• Globalization:

The policies of liberalization and globalization implemented by the government emphasize the allocation of resources towards economic growth. It have aggravated the circumstances, intensifying social exclusion and increasing vulnerability among marginalized tribes. Consequently, this has given rise to sub-national movements advocating for enhanced autonomy or acknowledgment of tribal regions. The situation is further compounded by escalating prices, diminishing job security, and inadequate health care.

• Socio-Cultural Factors

Similar to the impacts observed on other social dimensions in India, the tribes have also experienced transformations regarding their structure and function; however, these changes occur gradually and are primarily driven by circumstances rather than acceptance. In contrast, the North-East region, due to its rugged landscape, has provided sufficient isolation for its tribes to evolve into relatively distinct communities characterized by unique cultures.

• Forest Policy

Forest policies signify the actions taken by the government aimed at protecting the interests and safeguarding the natural habitats of tribes from excessive exploitation. Due to the varying levels of development among different tribes, their reliance on their natural environments differs. Prior to the 19th century, tribal communities possessed complete rights over their territories; however, with the establishment of the first National Policy on Forest in 1894, commercial exploitation of resources commenced,

²⁰ <https://www.drishtias.com/loksabha-rajyasabha-discussions/protecting-the-tribes>, accessed on October 15, 2024

²¹ <https://ebooks.inflibnet.ac.in/antp05/chapter/problem-s-of-tribal-development/>, accessed on October 25, 2024



resulting in the state assuming control over most related affairs and triggering tribal uprisings.

- Conservatism and Hesitance to Adapt

The tribes, which represent cultures that have developed in seclusion, have established their own ways of life, strictly following their distinct culture, dialects, communities, and geographical areas. Consequently, they often prefer their own individuals, localities, and resources, demonstrating a certain level of hesitation, distrust, and independence regarding any outside forces intruding upon their land. This sentiment has grown stronger over time due to the rise of industries, deceitful practices by moneylenders and traders, as well as ineffective and weak governmental policies.

Despite the government's efforts to implement developmental programs and policies in the region, these initiatives are often met with rejection and delay. A significant number of the governmental policies that were established failed to grasp the intricate relationship between the tribes and their territories, resulting in challenges for both the tribes and the officials assigned to oversee the developmental programs, ultimately leading to tribal uprisings²².

LEGAL FRAMEWORK

India can strive to safeguard their rights and maintain its rich heritage by adopting a range of initiatives, including community empowerment, land rights, awareness campaigns, rehabilitation, education and health services, employment opportunities, and collective efforts for the welfare of the populace. Given that they constitute a vital segment of the nation, their advancement is crucial for the comprehensive development of the country. Therefore, it is imperative to foster an environment in which tribal communities can flourish and access the

same opportunities and rights as other citizens of the nation.

India's legal framework for addressing tribal issues is multifaceted, encompassing constitutional provisions, specialized laws, and landmark judgments that collectively aim to protect the rights, autonomy, and welfare of tribal communities. Tribal communities often face social exclusion and discrimination, undermining the intent of protective laws²³. Below is an overview of the crucial points.

Constitutional Provisions

As citizens of their nation, they are also entitled to various privileges. Historically, their fundamental rights have faced numerous violations. In modern society, the state provides some level of assistance to them. The Constitution of India ensures that no citizen will face discrimination. It contains particular provisions that focus on the rights and welfare of tribal people. To indicate them, the term 'Schedule' is used because it is included in one of the schedules of the Constitution of India²⁴.

Fifth Schedule: This text addresses the regulations concerning the governance of certain States. These regions are regarded differently from the rest of the country because they are home to indigenous populations, who are socially and economically disadvantaged, necessitating targeted efforts to enhance their circumstances. This schedule outlines the governance and oversight of regions mainly populated by tribal communities. It grants the President the authority to designate specific regions as "Scheduled Areas".

Sixth Schedule: Applicable to tribal areas in Assam, Meghalaya, Tripura, and Mizoram, it provides for autonomous district councils with legislative,

²²

<https://ebooks.inflibnet.ac.in/antp05/chapter/problems-of-tribal-development/> accessed on November 15, 2024

²³ Verma, R C (2002) Indian Tribes Through the Ages, Director, Publications Division, Ministry of Information and Broadcasting, Government of India, Patiala House, New Delhi.

²⁴ Our Constitution comprises 12 Schedules.



executive, and judicial powers to safeguard tribal customs and land rights. It was introduced to provide a special administrative framework for tribal areas, recognizing their unique social, cultural, and economic characteristics. This schedule aims to protect tribal land and resources by prohibiting the transfer of such resources to non-tribal individuals, ensuring that tribal communities are not exploited or marginalized.

The delineation of areas and allocation of resources can lead to disputes between different tribal and non-tribal communities. In response to evolving challenges, the Government of India is considering amendments to the sixth schedule to enhance the protection of tribal rights and improve governance structures. These amendments aim to address existing gaps and ensure that the provisions remain relevant to contemporary needs²⁵.

Key Legislations

- Panchayat (Extension to Scheduled Areas) Act, 1996 (PESA):

It is a significant legislation aimed at empowering tribal communities in India. It extends the provisions of the 73rd Constitutional Amendment (Part IX) to the scheduled areas, with specific modifications to accommodate the unique cultural and administrative needs of tribal populations. This Act empowers gram sabhas, i.e; village assemblies in Scheduled Areas to exercise control over local governance, land management, and natural resources²⁶.

The Act recognizes the Gram Sabha (village assembly) as the central authority in tribal governance, granting it the power to make decisions on local matters. It decentralizes decision-making to the Gram Sabha and Panchayats, enabling more localized and contextually relevant governance. It provides legal

recognition to traditional tribal institutions and customary laws, integrating them with statutory Panchayati Raj institutions. By giving control over natural resources to local communities, the Act promotes sustainable development practices.

The Act has empowered tribal communities by recognizing their traditional governance systems and granting them control over local resources. By involving local communities in decision-making, the Act promotes sustainable development practices that align with the cultural and ecological contexts of tribal areas. The Act's recognition of customary laws has helped preserve tribal traditions and practices, contributing to social harmony and conflict resolution within communities.

The PESA Act encounters numerous challenges²⁷. Many tribal communities are still unaware of their rights under the Act. Gram Sabhas frequently lack the necessary resources and trained personnel to perform their duties efficiently. The Act may also conflict with other legislation, such as the Forest Rights Act and the Wildlife Protection Act, complicating its enforcement. In recent years, initiatives have been undertaken to enhance the implementation of the PESA Act. For example, some states have started to formulate the required rules and regulations to put the Act into operation. Nevertheless, challenges persist, and ongoing efforts are essential to ensure that the Act achieves its intended goals.

- Forest Rights Act, 2006 (FRA)

This legislation was established to acknowledge and allocate forest rights to communities residing in forest areas and rectify historical injustices experienced by communities residing in forests in India. It acknowledges and grants forest rights and occupation of forest land to Scheduled Tribes and other traditional

²⁵ Gaurav redhal and Upasana Dahiy, *Rights of tribals in India with respect to Access to Justice*, IJSARD, 2022

²⁶ Ministry of Panchayat Raj, 2016, Government of India, PESA Act, 1996

²⁷ Various states, including Chhattisgarh, Jharkhand, Madhya Pradesh, and Odisha, have yet to establish the essential rules for the Act's implementation.



forest dwellers who have inhabited these forests for generations. This Act affirms the rights of forest-dwelling communities to the land and resources they have traditionally utilized, with the objective of addressing historical wrongs²⁸. Nevertheless, the execution of this Act has been uneven.

The rights acknowledged under this Act includes, the entitlement to forest products, the right to rehabilitation, access to basic amenities and the right to sovereignty over forest resources. It enhances their involvement in forest governance²⁹. Through the engagement of local communities in forest management, this Act aids in the sustainable utilization and conservation of forest resources. It has resulted in improved livelihoods for forest-dwelling communities by providing access to resources and opportunities for development.

The enactment of this Act encounters numerous obstacles. A number of States have been sluggish in executing the Act, resulting in delays in acknowledging and conferring rights. Many communities residing in forests are not aware of their entitlements under this Act and even forest departments have shown resistance towards it. Complicated legal and administrative processes have created difficulties in the acknowledgment and conferral of rights³⁰. In recent years, there have been attempts to enhance the implementation of the Act. Nevertheless, challenges persist, and ongoing efforts are required to ensure that the Act achieves its intended goals³¹.

- Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:

This Act was established to avert atrocities and hate crimes directed at scheduled castes and scheduled tribes in India. The purpose of this Act is to safeguard these communities from such offenses, to guarantee justice and equality, to foster social harmony, and to combat caste-based discrimination. The Act requires the creation of specialized Courts to hasten the adjudication of crimes committed under this Act³². However, numerous cases filed under the Act experience significant delays in their trials. Furthermore, law enforcement agencies exhibit reluctance to file cases under the Act.

The Act is a crucial tool in the fight against caste-based discrimination and atrocities in India. It empowers marginalized communities by providing legal recourse and ensuring accountability for offenses committed against them. Government and non-governmental organizations are conducting awareness programs to educate SC and ST communities about their rights under the Act. However, effective implementation and continuous awareness efforts are essential to achieve the objectives of the Act.

- The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

The elimination of dry latrines and manual scavenging, coupled with the reintegration of manual scavengers into different professions, has been a major focus for the Government³³. In order to realize this objective, a thorough strategy was executed, encompassing a range of legislative and programmatic

²⁸ Supra note 14

²⁹ Sharma. A. B, *The Indian forest rights act (2006): A gender perspective*, Indian Journal of Women and Social Change, 2017, Vol. 2(1), 48-64.

³⁰ Purshottam and vanita Dhingra, *Understanding the Indian Tribal Life and Their Issues*, IJAR, 2025

³¹ Ibid

³² As of recent reports, several States have established special courts to handle cases under the Act. Many states have set up SC/ST protection cells to monitor and ensure the implementation of the Act.

³³ The Act for the Prohibition of Employment as Manual Scavengers and Their Rehabilitation was enacted by Parliament in September 2013 and became effective on December 6, 2013.



measures³⁴. This Act aims to fulfill various objectives, such as identifying and eliminating insanitary latrines, banning the employment of manual scavengers³⁵. In spite of these initiatives, the practice of manual scavenging persisted. Consequently, the Government resolved to enact additional legislation focused on addressing all types of insanitary issues in this area.

➤ Protection of Civil Rights Act, 1955

This legislation establishes penalties for the advocacy and implementation of untouchability. Section 2 of the legislation delineates civil rights as any privileges conferred upon an individual as a result of the eradication of 'untouchability' as articulated in Article 17 of the Constitution. If an individual obstructs another from entering any hotel, entertainment venue such as exhibitions, performances, sports, games, or places of worship, that individual shall face punishment including imprisonment and fines.

These constitutional provisions and legal frameworks collectively aim to empower tribal communities, ensuring their representation, protection, and participation in India's democratic processes³⁶. The judiciary also has played a crucial role in upholding tribal rights. In the case of Orissa Mining Corporation v. Ministry of Environment & Forests³⁷, also known as the Niyamgiri case, is a landmark Supreme Court decision in India concerning the rights of scheduled tribes and traditional forest dwellers in the face of large scale mining projects. The Court acknowledged the necessity of obtaining prior and informed consent prior to the initiation of development projects.

TRIBAL RIGHTS AT THE INTERNATIONAL LEVEL

The growing awareness of human rights, supported by the United Nations, global media, and non-governmental organizations, proves advantageous for the victims. Human rights encompass conditions that are inherent to human nature, without which one cannot exist as a human being. These rights and fundamental freedoms enable individuals to develop fully and utilize their human qualities, intellect, talents, and conscience to fulfill their spiritual, physical, social, and other needs. Individuals may exercise rights that pertain to them either as human beings or as members of a collective.

➤ The Universal Declaration of Human Rights

It outlines rights of the former category; these rights are granted to "everyone without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".

➤ International Labour Organization Convention on Indigenous and Tribal Peoples, 1989:

According to this convention³⁸, the tribals shall have the right against discrimination which embraces all facets of their life. It acknowledges the right of the concerned peoples to ownership and possession of the lands they traditionally occupy³⁹. Education and communication aspects of tribals are also part of the Convention⁴⁰. Steps need to be taken to guarantee that individuals from the affected groups have chances that

³⁴ Preethi, *The Right of Scheduled Rights*, Legal services India E-journal, 2021.

³⁵ Ibid

³⁶ Rutvij Vyas, *A Socio - Legal Analysis of Constitutional Safeguards For Tribal Empowerment in India: Challenges, Progress and Policy*

Recommendations, Lawfyer International Journal of Doctrinal Legal Research, Vol.2(2), 2024.

³⁷ Writ Petition (Civil) No. 180 (2011)

³⁸ Article 3 and 5

³⁹ Article 14

⁴⁰ Articles 26 to 31



are at least on par with those of the wider national population⁴¹.

- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP):

This declaration was ratified by the United Nations on September 13, 2007. It prohibits any form of discrimination against 'Indigenous Peoples.' Article 46 of the UNDRIP states that "Indigenous peoples are entitled to fully enjoy, individually or collectively, all human rights and fundamental freedoms acknowledged in the Charter of the United Nations, the Universal Declaration of Human Rights, and international law." This encompasses the rights to engage in and uphold their cultures and traditions, their religions, and their languages, as well as to advance and foster their economies and social and political structures.

The International Day of the World's Indigenous Peoples is observed annually on August 9 to promote global collaboration in tackling the difficulties encountered by indigenous communities in fields like human rights, environmental issues, education, healthcare, and social progress⁴².

STRATEGY FOR TRIBAL DEVELOPMENT IN INDIA

To tackle the issues outlined earlier, a unified effort from governments, civil society organizations, and the tribal communities themselves is necessary. Governments should implement targeted programs specifically tailored for these communities that can be

advantageous, and they ought to focus on improving the quality of life for tribes so that they can advance and enjoy a lifestyle similar to that of the general population⁴³. Both the Central Government and State Governments have worked diligently to improve tribal welfare, with each five-year plan implementing targeted programs aimed at their benefit and development. However, Article 15(4) of the Constitution stipulates that the State is authorized to create special provisions for the advancement of any socially and educationally disadvantaged classes of citizens, including the Scheduled Castes and Scheduled Tribes⁴⁴.

In order to fulfill the objectives concerning the advancement of tribal communities, as specified in the Constitution of India, the government has introduced a range of tailored schemes, policies, and programs designed for the holistic development of scheduled tribes⁴⁵. Education serves as the sole means to enlighten tribal communities about their rights⁴⁶. Therefore, the primary focus of the government ought to be on their education.

Eklavya Model Residential School (EMRS)

It represents a significant initiative aimed at enhancing the facilities available to the tribal community. Empowering tribal populations through education, skill development, and inclusive policies is essential for sustaining and further improving employment outcomes⁴⁷.

⁴¹ Xaxa. V, *Protective discrimination: Why Scheduled Tribes Lag Behind Scheduled Castes*, Economic and Political Weekly, Vol.36(29) 2001, p. 2765-2772

⁴² Supra note 9

⁴³ <https://blog.ipleaders.in/indian-constitution-and-protection-of-tribal-rights/> accessed on November 21, 2024

⁴⁴ *Indira v. State Of Kerala* 10 KL CK 0057 (2022)

⁴⁵ Sumit Kumar Minz, *Tribal Development Policies in India: Its Implications and Prospects*, Mukta Shabd Journal, vol.9(5), May 2020, p. 818-829 at 821

⁴⁶ In the case of *St. Stephens College v. University of Delhi*, W.P. (civil) No. 1868 (1980), the Supreme Court addressed whether minority educational institutions are permitted to allocate seats for students belonging to their own community. The Court determined that minority institutions possess the authority to enroll students from their own community, as long as the admission procedures maintain fairness and transparency.

⁴⁷ Chunuram Soren, *Tribal Rights in India with special Reference to the State of Odisha*, IJCR 53, November 2022



- The government plans to establish an Eklavya Model Residential School in every subdistrict that has a considerable tribal population by the year 2022.
- According to Article 275(1) of the Constitution, grants will be allocated to finance the EMRS.
- The government aims to invest Rs 12 crore in the school infrastructure, including hostels and staff accommodations.
- In mountainous regions, deserts, and islands, this expenditure will be raised to Rs 16 crores.
- Education in these schools will be entirely free, with each class accommodating a maximum of 60 students, ensuring equal representation for boys and girls.
- The total approved enrolment for the school will be 480 students⁴⁸.
- During the Second Five Year Plan, a notable achievement was the establishment of 43 Special Multi-purpose Tribal Blocks, each accommodating approximately 25,000 individuals compared to 65,000 in a standard block.
- During the sixth plan, the Modified Area Development Approach was implemented to encompass smaller regions with a concentration of tribal populations, aiming to enhance the development of tribals residing outside the integrated tribal development zones.
- As stipulated in Article 275(1) of the Constitution, it guarantees yearly grants-in-aid from the Consolidated Fund of India to promote the welfare of Scheduled Tribes⁵⁰. It is also implementing various centrally funded programs.
- The government established the Tribal Cooperative Marketing Development Federation (TRIFED) in 1987, with the main objective of offering marketing assistance and equitable prices to tribal communities for their minor timber production and agricultural outputs, thus safeguarding them from exploitative middlemen⁵¹.
- The Central Government of India has launched the Vanbandhu Kalyan Yojana to promote the comprehensive development and welfare of the tribal community in India.
- Digital transformation of schools serving tribal populations. Recent statistics and programs suggest a favorable shift in employment opportunities for these communities⁵².

This scheme has shown improvements in literacy rates and access to higher education for tribal students.

Government Initiatives to Protect the Tribals

The country's tribal landscape offers a complex scenario. Some regions show a significant concentration of tribal populations, while others consist of only a minor portion of the overall population. Since gaining independence, the government has placed a higher emphasis on tribal development. In acknowledgment of the contributions made by the tribal community to the nation, the government has declared November 15 as Janajatiya Gaurav Divas⁴⁹. Some of the notable initiatives are given below.

⁴⁸ <https://unacademy.com/content/upsc/study-material/general-awareness/the-steps-taken-by-the-government-to-protect-tribals/> accessed on November 18, 2024

⁴⁹ It also happens to be the birth anniversary of the great tribal leader, Birsa Munda, whose role in the freedom struggle changed the course of modern India's history. He mobilised the tribal community against the British, forcing them to introduce laws protecting the land rights of tribals. In his all-too-short life — he died in Ranchi jail at the age of 25 — he

brought about seminal changes in the lives of tribals across the country.

⁵⁰ This scheme encompasses Infrastructure Development Schemes, which include provisions for protected drinking water, road connectivity, electricity, and housing.

⁵¹ TRIFED Annual Report, 2021

⁵² Arti Bhatnagar, *Political Frameworks For tribal Empowerment in India: Success, Challenges and Recommendations*, Journal of Visual and Performing Arts, Vol.5(5), 2024



- The Special Central Assistance to Tribal Sub-Scheme: This grant has been fully funded by the Government of India since the fiscal year 1977-78⁵³. Moreover, this support complements State Plan funding and initiatives directed towards Tribal Development, emphasizing educational infrastructure and livelihood opportunities, among other sectors, to effectively tackle substantial gaps.
 - Pradhan Mantri Van Bandhu Vikas Yojana: A venture capital fund has been established to foster entrepreneurship and start-up initiatives among ST youth.
 - The Pradhan Mantri Adi Adarsh Gram Yojana (PMAAGY): The objective is to deliver fundamental infrastructure in villages that have a considerable tribal population.
 - Assistance to Tribal Research Institutes: The Government of India, via the Ministry of Tribal Affairs, extends comprehensive support to Tribal Research Institutes by implementing updated financial guidelines and recognizing necessary interventions periodically⁵⁴.
 - The Scheme of Centres of Excellence: It is designed to support and enhance active and dynamic research within universities and esteemed institutions, as well as those with potential, including NGOs, registered professional organizations, and autonomous
- bodies engaged in tribal development and research⁵⁵.
- Centrally Sponsored Scheme for Hostels catering to ST boys and ST girls: The aim of this scheme is to establish hostels for boys and girls from scheduled tribes in various schools, colleges, and universities governed by central, state, or union territory authorities⁵⁶.
 - Pre-Matric and Post Matric Scholarship: This scheme is designed to achieve the goals outlined in the aforementioned articles of the Constitution. The Pre-matric scholarship program is intended for students enrolled in classes IX and X⁵⁷.
 - The initiatives undertaken by the Indian government for the empowerment of tribal communities have greatly improved the socio-economic and cultural aspects of these groups⁵⁸. Through these initiatives, the Indian government seeks to provide the essential support needed for tribal communities to close the development gap and enhance their socio-economic status. This reflects the government's dedication to empowering tribal populations and guaranteeing their participation in India's narrative of growth⁵⁹.

A WAY FORWARD: (THINGS TO BE DONE)

While the Indian government has made efforts to improve tribal conditions through various policies and programs, the effectiveness of these frameworks is not uniform. There is a need for better coordination,

⁵³ This funding is allocated from the Consolidated Fund of India, with the exception of grants designated for North Eastern States, which are considered a voted item.

⁵⁴ M.Valya, *Tribal development Policies in India: Its Problems and Prospects*, IJSDR, vol.7(11), p.696-701 at 699

⁵⁵ Sumit Kumar Minz, *Tribal Development Policies in India: Its Implications and Prospects*, Mukta Shabd Journal, vol.9(5), May 2020, p. 818-829 at 824

⁵⁶ Article 16 of the Indian Constitution mandates the creation of special provisions aimed at the socio-economic advancement of the underprivileged segments of society.

⁵⁷ The Directive Principles of State Policy (Part-IV) in Article 46 of the Constitution addresses the

advancement of education and the economic interests of the underprivileged segments of society, particularly the Scheduled Castes and Scheduled Tribes.

Article 38 (2) of the Constitution mandates that the state should reduce income inequality and eradicate disparities in state facilities and opportunities among individuals, as well as between groups residing in different regions or engaged in various occupations.

⁵⁸ Ministry of Tribal Affairs, Government of India, Annual Report, 2021

⁵⁹ Research Unit, Press Information Bureau, Government of India, Government Initiatives for Tribal Welfare in India, October 2024



efficient implementation, addressing specific regional challenges and ensuring the effective participation of tribal communities in decision-making processes. Improving the welfare of tribal communities in India necessitates a thorough and integrated strategy that tackles the various and interrelated issues they encounter. To protect the rights and welfare of tribal communities in India, it is crucial to adopt a range of measures and policies⁶⁰. Below are several key steps that can be taken:

Social and Cultural Preservation: Formulate strategies to safeguard the distinctive cultural heritage of tribal communities. Promote the conservation of traditional practices and crafts, while also guaranteeing the protection of their sacred sites and cultural areas.

Community Empowerment: Enable tribal communities by involving them in the decision-making processes that affect their lives and resources. Acknowledge and support their traditional governance structures and cultural institutions.

Land Rights: Ensure that tribal communities have unequivocal and recognized ownership of their territories. Address concerns regarding land dispossession and implement strict actions against illegal land acquisitions. The government must guarantee that all processes related to land acquisition and resettlement are transparent, involve participation, and are founded on informed consent. Furthermore, it should develop policies and programs that support sustainable and community-oriented land-use practices, including agroforestry, conservation, and tourism.

Awareness and Sensitization: Increase awareness among government representatives, law enforcement bodies, and the general public about the rights and

obstacles experienced by tribal communities. Inform them about the distinct challenges faced by these groups⁶¹.

Protection of Isolated Tribes: Take essential actions to protect isolated tribes and their environments. Strictly uphold the "eyes on, hands off" policy to avert any harmful intrusion into their existence. Programs such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) have created job opportunities in rural regions, including those inhabited by tribal populations⁶².

Legal Protection: Emphasize the implementation of the Forest Rights Act, which recognizes and safeguards the rights of tribal communities concerning their ancestral territories.

Inclusive Development: It is essential that development projects in tribal areas are carried out with the complete agreement and participation of the local communities. The initiatives should aim to improve the livelihoods of tribal populations and safeguard their cultural heritage, rather than resulting in displacement and exploitation.

Rehabilitation and Compensation: Properly rehabilitate and compensate tribal communities affected by development projects. The government is required to ensure that displaced tribes obtain fair compensation, appropriate housing, and access to sustainable livelihood opportunities⁶³.

Education and Healthcare: Improve access to high-quality education and healthcare services in tribal areas. The establishment of schools, healthcare centers, and the enhancement of infrastructure will significantly benefit the overall well-being of these

⁶⁰ Kumar.K, *Tribal Development in India: mPolicy and Practice*, Economic and Political Weekly, Vol.54(2), 2019, p. 43-49

⁶¹ Ibid

⁶² Beteille.A, *The Idea of Indigenous People*, Current Anthropology, Vol.39(2), 1998, p. 187-191

⁶³ Ce Dr Sumanta Bhattacharya, *An Interpretation on the Problems Being Faced By the Tribal Community in India and their Solutions*, vol.2(11), Nov 2021, p. 129-132 at 131.



communities⁶⁴. This objective can be accomplished by offering education that is both multilingual and culturally pertinent, guaranteeing sufficient infrastructure and qualified staff, as well as encouraging health initiatives that are community-based⁶⁵.

Viewing tribals as forest entrepreneurs: It is essential to revitalize Forest Development Corporations to facilitate the commercialization of forests and engage tribal communities as forest entrepreneurs in the exploration, extraction, and enhancement of minor forest-based products. To tackle these challenges, it is essential to encourage sustainable and varied livelihood opportunities for tribal communities, including eco-tourism, handicrafts, and non-timber forest products. Additionally, the government can support entrepreneurship among tribal populations by offering financial and technical assistance, fostering market connections and branding, and establishing a favorable policy framework⁶⁶.

Sustainable development: Development initiatives must be designed and executed in collaboration with tribal communities, ensuring that their needs and concerns are given top priority.

Tribal-women empowerment: Leading initiatives in Joint Forest Management and Panchayati Raj Institutions, alongside a campaign aimed at raising social awareness and rehabilitating victimized women.

Mainstreaming tribes: The non-tribal population ought to be informed about the abilities and dignity of tribal individuals to promote national unity, integrity, and a sense of brotherhood.

Promoting local initiatives to reach a global audience: The government has the chance to collaborate with tribal communities to locate and collect medicinal plants from their natural environments, while also cultivating suitable species for personal use and commercial sale within their respective states.

Tribal communities in India play a significant role in the nation. However, they encounter various challenges within the country. By adopting the previously mentioned strategies and advocating for a holistic approach to tribal welfare, India can strive to safeguard the rights and maintain the vibrant cultural heritage of its tribal populations. These initiatives emphasize infrastructure development and skill improvement, leading to better livelihoods. Numerous skill development programs specifically designed for tribal youth have been introduced to boost employability. While policy frameworks exist in India to improve tribal conditions, their effectiveness varies. While some progress has been made in areas like education and literacy, significant challenges remain in areas like healthcare, livelihood development and land rights.

CONCLUSION:

The concept of unity in diversity stands out as one of the most remarkable characteristics of India's population. India boasts the second-largest tribal population globally. Consequently, the government has initiated numerous developmental programs aimed at enhancing the welfare of tribal communities. Various initiatives have been incorporated into different five-year plans specifically for them. These programs yield long-term benefits. Therefore, the government has made significant efforts towards the overall upliftment of tribal individuals⁶⁷.

⁶⁴ Tribals in India: Constitutional Provisions, Issues and Way Forward, from Next IAS Contributors, January 2025

⁶⁵ Sharma, Sheshkumar Ramchandra, *Impact of Social Media on Tribal Youth*, International Journal of Peace, Vol. 4(2), 2016 at 59.

⁶⁶ Anukarsh Jain, *Tribal Issues and Solutions in India*, The Narrative World, July 2023

⁶⁷ Kasi, Eswarappa and Atrayee Saha, *Pushed to the Margins: The Crisis Among Tribal Youth in India During COVID-19*, Critical Sociology, 2021, Vol. 47(4-5) p. 641-55.



It is crucial to provide tribes with benefits and opportunities, firstly to elevate their status, and secondly, to enable them to contribute significantly to the promotion of Indian handicrafts and Ayurveda medicine. Additionally, forest tourism and management can be effectively safeguarded and overseen by tribal communities. The government has launched various schemes aimed at protecting tribes while considering their educational and economic interests. Although special constitutional provisions exist to preserve their languages and culture, racial discrimination and caste issues in India continue to hinder their progress⁶⁸.

Recently tribal communities have successfully reclaimed control over their natural resources by incorporating the perspectives and consent of tribal communities in development projects affecting their lands and resources, encourage sustainable resource extraction methods that align with traditional knowledge, support initiatives that raise awareness about tribal rights and advocate for their protection. Generally speaking, the tribes across various regions of India are undergoing a rapid phase of transformation, which has significantly disrupted the equilibrium of traditional society. This transformation marks the convergence of two worlds, the traditional and the modern.

Acknowledging that Scheduled Tribes represent one of the most disadvantaged and marginalized sect of people, a multitude of programs and policies have been implemented since the time of independence. Nevertheless, despite these initiatives, the advancement of tribal development, has not reached the expected levels. In conclusion, the legal framework in India addressing tribal matters is intended to empower and safeguard tribal communities. However, the effectiveness of these laws is contingent upon their consistent enforcement, judicial backing, and the proactive involvement of tribal communities in governance processes.

⁶⁸ Sahay. B. N, *Approach to Tribal Welfare in Post Independence Era*, Indian Anthropologist, 1998, Vol. 28(1), 73-81.