



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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A LEGAL PRESPECTIVE AND COMPREHENSIVE STUDY ON SCHEDULED TRIBES

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ABSTRACT:

This study looks at the state of India's Scheduled Tribes and identifies the causes of their poor performance in malignancy of reservation laws. In India, officially honoured groups of historically depressed individualities are known as Scheduled Tribes (STs). There has no way been a precise description of the term "Tribes" Following the spread of colonialism in Asia, Australia, and America, the idea of Tribes surfaced. The expression refers to a broad range of peoples at different experimental stages. There are 570 distinct communities that make up India's ethnical population. The majority of tribal areas is backward in terms of profitable progress. Research and examinations on Tribal people are veritably important to us because India has the plains and hills are home to 69 million tribal people. The vast majority of Tamil Nadu's ethnical population lacks land. Further than 78% of the tribal population works in husbandry. Fifty percent of Tamil Nadu's primitive tribes lack legitimate land ownership. Thus, the main angles of the socioeconomic development of Tamil Nadu's primitive tribes are covered in this essay. It's a current and socially significant one.

Keywords: Schedule tribes, Tribal Communities, Husbandry, Privileges, Articles.

INTRODUCTION:

In India, officially recognized groups of historically depressed individualities are known as Scheduled Tribes (STs). The groups are assigned to one or further of the orders, and the terms are conceded in the Indian Constitution. They were appertained to as the Depressed Classes for a large portion of the Indian key's British social period. There has no way been a precise description for the term "TRIBE." Only after colonialism spread throughout Asia, Australia, and America did the idea of a tribe come into being. The expression refers to a broad range of peoples at different experimental stages. The current conception has its roots in colonialism. Colonialists made covenants with multitudinous lines that were formerly independent communities.

The world's largest tribe population resides in India. still, there is not a generally accepted description for them moreover. The main traits associated with them are their small size, emphasis on association ties, habitation in hills and timbers, lack of a written language, and indigenous religion. In general, these peoples have evolved historically, are biologically tone-sustaining, partake certain artistic traits, and are subservient to the dominant society, its institutions, and its ideals in a number of ways. There are 570 distinct communities that make up India's tribal population. The majority of areas inhabited by tribes have underdeveloped husbandry. In Tamil Nadu, the ethnical frugality is most likely solely dependent on timber-grounded agro-economy.

Nevertheless, roughly 70% of India's mineral resources are set up in these areas. The state has been suitable to take advantage of this wealth thanks to ultramodern technology, which has made it easier to intrude with the tribal way of life. The exploitation persists despite a number of safeguards to help the disaffection of tribal land.

INTENT OF THE PAPER:

1. To describe the idea, development, and current situation of primitive tribes.
2. To comprehend and determine the socioeconomic circumstances of the chosen primitive lines
3. To probe and identify the factors that contribute to socioeconomic development.

RESEARCH APPROACH:

The current study is descriptive and individual in nature and is grounded on secondary data from a variety of tribal development- related books, journals, academic papers, government publications, print reference papers, and websites pertaining to the exploration paper's content.

LITERATURE REVIEW:

Over the once many decades, anthropologists have traditionally innovated tribal studies. The analysis's pretensions were different back also than they're now. From a methodological perspective, studying simpler tribal societies has proven easier than studying complex civic societies. The tribal people's realities offer both openings and limitations for their status to ameliorate. It has been observed that the tribal people are pastoral, illiterate, unhealthy, and impoverished; they're connected to the land and timber; they work in husbandry and timber-related occupations; and they all have varying degrees of development. In general, the tribal

frugality is entirely dependent on the timber- grounded agro-economy.

DEMOGRAPHIC COMPOSITION:

In 2011, there were 623,724,248 men and 586,469,174 women living in India, according to census reports. The current literacy rate is 74.04%. 382 people per kilometre is the population viscosity. The Indian Constitution recognizes a significant number of Scheduled Tribes as tribal.

The Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976, notified thirty-six (36) STs in Tamil Nadu. Six STs have entered an area restriction announcement.

Between 2001 and 2011, the ST population grew at a rate of 14.8%, which is greater than the state's overall growth rate of 12.3%. Kurumans reported the highest growth rate of 42.4% among the numerically large STs, followed by Malayali (26.5%), Irular (13.8%), and Kattunayakan (6.3%), according to the 2011 Census.

SEXUAL COMPOSITION:

The country's overall sex rate, according to the ¹2011 Census of India, is 943 ladies for every 1000 males, suggesting a persistent gender difference at the public position. The Scheduled Tribe (ST) population, on the other hand, has a much better sex rate than the national average, with 990 ladies for every 1000 males. In comparison to the general population, this pattern indicates that tribal communities have a comparatively better gender balance. Social structures, artistic customs, and fairly low situations of gender discrimination in some tribal societies have all been criticized for the advance sex rate among tribe. Regional differences, still, continue to be significant, pressing the necessity of area-specific policy interventions to address gender difference among various population groups.

LITRACY COMPOSITION:

The Census of India ²2011 defines knowledge as the proportion of the population that's knowledgeable and aged than seven times. In comparison to the 64.8% reported in the 2001 Census, the overall knowledge rate at the national level was set up to be roughly 74.0. The

¹ Census of India 2011, Office of the Registrar General and Census Commissioner, Ministry of Home Affairs, Government of India; The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

² Census of India 2011, Office of the Registrar General and Census Commissioner, Ministry of Home Affairs, Government of India; Ministry of Tribal Affairs, Government of India, Statistical Profile of Scheduled Tribes in India 2013.

Scheduled Tribe(ST) population in India had a knowledge rate of 59.0%, which was below the national average indeed though it had significantly bettered over earlier decades. The knowledge rate for STs rose from 47.1% to 59.0% between 2001 and 2011, showing advancements in tribal communities educational attainment; nonetheless, difference with the general population still live. These figures demonstrate the growth in knowledge as well as the ongoing need for focused educational interventions for depressed populations.

GEOGRAPHICAL DISTRIBUTION OF TRIBAL COMMUNITIES IN INDIA:

India's tribal population is dispersed throughout virtually the whole nation. Scheduled Tribes make up a sizable portion of the population in the maturity of States and Union homes, with the exception of Haryana, Punjab, Chandigarh, Delhi, Goa, and Puducherry. Madhya Pradesh has the highest number of notified tribal communities in the nation in recent times. Grounded on their geographic position, Indian tribes are constantly divided into four major territorial zones for logical purposes.

- **Zone I - Northern and North-eastern**

The Himalayan belt and the whole north-eastern region are included in this zone. This region's mountain denes and wooded areas are home to tribal communities that are primarily associated with Mongoloid ethnical traits. Assam, Arunachal Pradesh, Meghalaya, Nagaland, Manipur, Mizoram, Tripura, Himachal Pradesh, the Terrain region of Uttar Pradesh, the hilly regions of West Bengal, and eastern portions of Jammu and Kashmir are all included in this zone.

- **Zone II - Central Zone**

The Chhotanagpur Plateau and girding areas between the Indo- Gangetic plains and Peninsular India are included in the Central zone. Some of India's largest tribal groups, similar as the Bhumij, Gond, Oraon, Munda, Santhal, and Bhil, live in this belt. It symbolizes the country's central tribal region, which is known for its mineral-rich geography and thick timber cover.

- **Zone III - South- Western Zone**

This region stretches from the Vindhya ranges to Cape Comorin (Kanyakumari) across

the hilly and forested Western Ghats. This area is home to various tribal groups, including the Chenchus, Irulas, Kadars, Kotas, Kurumbas, and Todas. From an anthropological perspective, these communities display a combination of Caucasoid, Proto- Australoid, and Negrito characteristics.

- **Zone IV - Andaman and Nicobar island**

Among India's most unique indigenous groups are the tribes of the Andaman and Nicobar islets. They can be astronomically divided into two groups

- (i) Negrito communities living in the Andaman islets, similar as the Sentinelese, Onges, and Great Andamanese; and
- (ii) Mongoloid people who live substantially in the Nicobar islets, similar as the Shom Pens and the Nicobarese.

THE SIX PREDOMINANT TRIBES OF TAMIL NADU

THE SIX TAMIL NADU PRIMITIVE TRIBAL COMMUNITIES - Toda, Kota, Kurumbas, Irulur, Paniyan, and Kattunayakan- have been designated as Primitive tribal communities, according to the website of the Tamil Nadu Forest Department. It's intriguing to note that each of the six lines is a native of the Nilgiris.

SOCIO-ECONOMIC SCENARIO:

India's tribes constantly calculate on informal labour and subsistence husbandry due to their high rates of poverty and lack of employment openings. There are smaller openings for advanced education, high powerhouse rates, and lower educational situations. Tribal areas lack health structure, which contributes to problems like complaint and malnutrition. They also witness marginalization and social demarcation in malignancy of government enterprise that are constantly inadequately executed. Perfecting access to healthcare, education, and employment openings while guaranteeing effective policy perpetration are necessary to address these problems.

1. Disabilities in Education:

Scheduled Tribes have historically been routinely denied access to formal education. They were barred from public seminaries and other educational establishments, and they continued to have limited access to traditional educational systems, similar as

Sanskrit instruction. A sizable portion of the Scheduled Tribe population still gesticulates educational marginalization, as substantiated by lower knowledge rates and lower educational attainment, as a result of these long-standing walls

2. Disabilities in Civic Life:

Scheduled Tribes have historically been oppressively barred from public areas and communal life. They had extremely limited access to public installations like village wells, ponds, caravansaries, markets, seminaries, hospitals, temples, and other common areas. They were forced to live on the fringe of municipalities and townlets in numerous areas, which redounded in long-term spatial isolation that, in certain situations, persists to this day. Customs in some regions of South India further controlled their social lives by limiting particular decoration, housing patterns, and fashion choices. They were constantly barred from vital community services like those offered by knitters, watermen, and haircutters, which fostered their marginalization and social rejection in the larger public sphere.

3. Disabilities related to religion:

Religious rejection has historically affected tribes and, in some situations, still does. Their participation in religious institutions and access to temples were confined in a number of areas. Priests were reticent to officiate or take on religious duties associated with tribal communities, and they were constantly denied access to clerical services, which were historically sewed up by dominant social groups.

Also, customs confined their use of specific religious textbooks and mantras, which were allowed to be inapproachable to them due to ritual chastity, as well as their participation in sacred rituals. Tribes were further marginalized within the religious community in numerous places by being denied access to common burial or cremation grounds, among other abecedarian religious rights.

4. Economic Disabilities:

These people are economically disadvantaged and have experienced a number of financial impairments as well.

- **No ownership rights:** Scheduled Tribes were largely denied the ability to own land and start their own businesses for centuries. Their property rights have only recently gained legal recognition. The percentage of Scheduled Tribes who own

property is still relatively low. The majority still rely mostly on agriculture and related activities for their livelihood, with only a small portion owning land

- **Limited Career Choice:** Scheduled Tribes have historically had very limited career options due to severe occupational mobility restrictions. They were restricted by traditional social structures to a small number of low-paying, hereditary jobs, and they were mainly denied access to occupations associated with socially dominant groups.
- **Landless Labourers:** Landless agricultural labourers still make up a sizable portion of Scheduled Tribe communities. They have continued to rely disproportionately on agricultural wage labour throughout history and even in the present, especially in rural areas. The persistent legacy of structural economic marginalization is reflected in the fact that many Scheduled Tribe workers are still among the lowest-paid segments of the labour force today and, in certain situations, still endure abusive and coercive labour practices

5. **Political Disabilities:**

Scheduled Tribes have historically been mainly shut out of public life and politics. They were excluded from positions in administration, legislative bodies, and other public offices, and they were denied representation in governance. Significant involvement in decision-making was almost non-existent, and their political rights were severely curtailed. Scheduled Tribes have been officially granted equal political rights, such as the ability to vote and run for public office, along with provisions for political representation, since India's constitutional democracy was established. Tribal communities have yet to fully develop into a unified and powerful political force, despite these constitutional guarantees, and structural and social barriers still prevent them from participating in politics

CONSTITUTIONAL REFORMS:

1. **Education, Economic Public employment:**

In order to advance equality and safeguard the interests of marginalized groups, especially the Scheduled Castes and Scheduled Tribes, the Indian Constitution includes a thorough framework of protections pertaining to employment, education, and the

economy. Equal access to public areas and institutions is ensured by ³**Article 15**, which forbids discrimination by the State on the basis of religion, race, caste, sex, or place of birth. In addition, **Article 16** upholds the principle of non-discrimination in state services by guaranteeing equality of opportunity in matters pertaining to public employment.

Additionally, **Article 19** protects fundamental liberties, such as the right to free speech and expression, which are crucial for empowerment and social engagement. In addition to these legally enforceable rights, the State is required by **Article 46**, a Directive Principle of State Policy, to safeguard the economic and educational interests of the weaker segments of society, especially the Scheduled Tribes, from exploitation and social injustice. **Article 15(4)** allows the State to implement special provisions, such as reservations, for Scheduled Tribes in educational institutions in order to operationalize these commitments. In a similar vein, constitutional authority for reservations in appointments, promotions, and the carryover of open positions in public services is provided by **Articles 16(4), 16(4A), and 16(4B)**. Furthermore, while maintaining administrative efficiency, **Article 335** acknowledges the claims of Scheduled Tribes in appointments to positions and services

2. Political safety

To guarantee that Scheduled Tribes are effectively represented in democratic institutions, the Indian Constitution offers particular political protections. In order to ensure Scheduled Tribes' involvement in local self-government, ⁴**Article 243D** requires Panchayats to reserve seats for them. At the national level, Scheduled Tribes are guaranteed representation in Parliament through the reservation of seats in the House of the People (Lok Sabha) under **Article 330**. In a similar vein, **Article 332** requires the Legislative Assemblies of the States to reserve seats for Scheduled Tribes, guaranteeing their participation in state-level legislative processes.

3. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The main goals of the Scheduled Castes and the Scheduled Tribes (Prevention of

³ The Constitution of India, arts 15, 15(4),16,19,46,16(4), 16(4A),16(4B) and 335

⁴ The Constitution of India, arts 243D,330 and 332

Atrocities) Act, 1989⁵ were to protect the constitutional and human rights of members of the Scheduled Castes and Scheduled Tribes and to prevent atrocities, discrimination, and social exploitation. SC/ST communities continued to experience caste-based violence, humiliation, social exclusion, land dispossession, and economic exploitation despite the Indian Constitution's guarantees of equality. The Act criminalizes a wide range of offenses committed on the basis of caste or tribal identity in order to address these injustices. These offenses include deliberate insults or intimidation in public, wrongful occupation or dispossession of SC/ST persons' land, forced labor, social boycotts, denial of access to public places, and offenses against women who belong to SC/ST communities. The Act stipulates severe penalties, the creation of Exclusive Special Courts for prompt trials, the appointment of Special Public Prosecutors, and the provision of financial compensation, protection, rehabilitation, and relief to victims. Subsequent amendments to the Act, especially those made in 2015 and 2018, strengthened victim protection measures and broadened the list of offenses.

4. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

In order to grant forest rights to Scheduled Tribes and other traditional forest dwellers who have historically relied on forests for their livelihood and habitation, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006⁶, also known as the Forest Rights Act (FRA), was passed. The Act was proposed to address the historical injustice that resulted from previous forest laws' failure to acknowledge tribal communities' customary and traditional rights over forest lands and resources. Despite living in forests for generations, many tribal communities were viewed as encroachers before the FRA was passed. Individual and community forest rights, such as rights over cultivated forest land, minor forest products, grazing areas, water bodies, traditional knowledge, and community forest resources, are recognized by the Act. Additionally, it provides rights for cultural preservation and habitation, especially for Particularly Vulnerable Tribal Groups (PVTGs). The empowerment of the Gram Sabha, which serves as the principal authority for starting the process of determining and recognizing forest rights, is a noteworthy aspect of the Act. The Forest

⁵ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989

⁶ The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2 of 2007,

Rights Act is a significant piece of legislation that supports democratic and participatory forest governance and the sustainable use of natural resources while safeguarding the livelihood, culture, and socioeconomic rights of tribal communities.

COMMISSION:

In order to probe and develop applicable criteria for the identification of Scheduled Tribes, **The Lokur Committee** was established in 1965. The Committee suggested five general indicators: (i) primitive (neolithic) characteristics; (ii) unique artistic practices; (iii) geographic insulation; (iv) disinclination to interact with the larger community; and (v) social and profitable backwardness.

The Bhuria Commission (2002- 2004) was created to probe a variety of matters pertaining to tribal communities, similar as how the Fifth Schedule operates, tribal rights over land and timbers, health and education, the operation of Panchayati Raj institutions in listed areas, and the status of tribal women.

A High- Level Committee headed by Professor Virginius Xaxa was established in 2013 to probe significant issues impacting tribal communities. The Committee concentrated on five important areas (i) employment and livelihood; (ii) education; (iii) health; (iv) migration and involuntary relegation; and (v) indigenous and legal protections.

Also, the 89th Constitutional Amendment Act, 2003, which amended **Article 338** and added a new **Article 338A** to the Constitution, created the National Commission for schedule tribe (NCST) as a constitutional body on February 19, 2004. The Commission was established expressly to protect schedule tribe rights and interests and to oversee the operation of statutory and constitutional protections.

SCHEMES:

1. Eklavya Model Residential School (EMRS)
2. Pre-Matric Education & Post-Matric Education.
3. Development of Particularly Vulnerable Tribal Groups PVTGs
4. National Fellowship and Scholarship for Higher Education of ST Student
5. Scholarship to the ST scholars for Studies Abroad.
6. Support to National/ State Scheduled tribe Finance and Development Corporation.
7. Vanbandhu Kalyan Yojana
8. Eklavya Model Day Boarding Schools (EMDBS)

ANALYSIS OF JUDICIAL PRECEDENT:

In **Samatha v. State of Andhra Pradesh**⁷, The Supreme Court ruled that private mining companies or non-tribals cannot lease tribal lands located in Scheduled Areas. The Court stressed that the Fifth Schedule of the Constitution was put in place to protect tribal communities' rights to land and natural resources and to prevent exploitation. In **Orissa Mining Corporation v. Ministry of Environment and Forest**⁸, The Dongria Kondh tribal community's religious, cultural, and forest rights were acknowledged by the Supreme Court in accordance with the Forest Rights Act of 2006. The Gram Sabha has the power to determine whether mining operations would impact tribal communities' rights and customs, the Court ruled. In **Appa Balu Ingale v. State of Karnataka**,⁹ The Supreme Court vehemently denounced untouchability and caste-based discrimination against Scheduled Tribes and Scheduled Castes. The Court upheld the fundamental values of social justice, equality, and dignity for marginalized groups. The tribal development case of **Kumari Madhuri Patil v. Additional Commissioner**,¹⁰ To stop false claims of Scheduled Tribe status, the Supreme Court established comprehensive guidelines for the verification of caste and tribe certificates. Protecting reservation benefits intended for legitimate tribal communities was the goal of the ruling.

In **Banwasi Seva v. State of Uttar Pradesh**,¹¹ The State's obligation to safeguard and restore displaced tribal communities was highlighted by the Supreme Court. The Court noted that without sufficient protections and rehabilitation measures, development activities should not deny tribal people their rights and means of subsistence

SUGGESTION:

1. Supporting microcredit facilities on fair and beneficial terms with an emphasis on debt relief laws, entrepreneurship creation, poverty relief, and legal aid.
2. In order to advance tribal education, new styles and streamlined tactics are needed.
3. Planners and policymakers ought to concentrate on perfecting both the volume and quality of ethnical education.
4. Adding their affair in agrarian and affiliated fields and guaranteeing employment

⁷ (1997) 8 SCC 191 : AIR 1997 SC 3297

⁸ (2013) 6 SCC 476 : AIR 2013 SC 2566

⁹ (1995) Supp (4) SCC 469 : AIR 1993 SC 1126

¹⁰ (1994) 6 SCC 241 : AIR 1995 SC 94

¹¹ (1986) 4 SCC 753

throughout the whole time.

5. Proper executive and legal backing will demonstrate anti-exploitative conduct for the lines.
6. It's important to convey mindfulness in a way that reaches people and provides them with a result.

CONCLUSION:

The Scheduled Tribes are an important part of India's cultural and social fabric and comprise some of the country's oldest indigenous communities. Tribal communities still have to deal with a number of issues, such as poverty, low literacy rates, poor healthcare, unemployment, land alienation, and displacement brought on by development projects, even in spite of constitutional protections and other welfare programs. Their socioeconomic development and quality of life have been negatively impacted by their ongoing reliance on agriculture, forest-based resources, and unofficial jobs, as well as by inadequate infrastructure and restricted access to necessary services.

The Indian State has taken a number of constitutional and legal actions to safeguard and advance the welfare of Scheduled Tribes in recognition of these difficulties. Protecting tribal interests has been greatly aided by reservation policies, political representation, welfare programs, and laws like the Forest Rights Act of 2006 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989. Articles 15, 16, 46, 243D, 330, 332, and 335 of the Constitution further uphold the dedication to social justice, equality, and representation. However, effective implementation, better governance, increased access to healthcare and education, protection of land and forest rights, and increased involvement of tribal communities in developmental processes are all critical to the success of these initiatives. Therefore, to ensure their sustainable development and empowerment, a fair and inclusive approach that honors tribal identity and culture is crucial.