Scheduled Tribes in the Constitution of India: Provisions for Inclusive Development

Niraj Kumar Choudhary
Asstt. Professor (B. Ed.),
Prof. H. N. Mishra College of Education, Kanpur

Abstract

The most recent incidence related to the Schedule Tribes that caught the eyes and thought of citizens of India and the whole South Asia, and to someextent in many parts of the world, was the violence occurred in the state of Manipur in India.

The Manipur High court gave direction to the state government to consider Scheduled Tribe status for the Meitei community, a majority population, in Manipur. Soon after the court's announcement a protest rally was held by the All-Tribal Students Union of Manipur, chiefly constituted by Scheduled Tribes like Kuki, Naga etc., on May 03, 2023.

Since May 03,2023 the north eastern state of Manipur has witnessed repeated inter ethnic clashes primarily between two local ethnic communities, the Meitei and Kuki. The violence has resulted in over 100 deaths and the burning of thousands of buildings. This grave situation, along with the Naxalites strife and other such tribal unrest, calls for a revisit to and enhanced awareness of the rights and plights of the Tribes in our country. Hence, this article is about the status of and statutes for the Tribes in the Constitution of our country.

The constitution of India seeks to secure for all its citizens, among other things, social, economic, and political justice ; equality of status and opportunity and assures the dignity of the individual. All rights available to the citizens of India enshrined in the Constitution or any law of the land or any order of the government are equally available to the Scheduled Tribes also.

Key Terms: *The Constitution of India, Tribes, Scheduled Tribes, Constitutional Provision.*

Introduction:

As we embrace the idea of making our country a developed country by 1947, as envisioned by prime minister Shri Narendra Modi, every nook and corner, each person, group, section, or class of the society and area of the nation has to be developed and mainstreamed for it. A nation becomes developed when it's citizens become developed. For a country as diverse and as vast as India, the goal is really challenging. There has to be peace and prosperity everywhere. There has to be an integrated approach and effort by everybody and every unit of the Indian society. Peace and prosperity prevail in a society where values like equality, liberty, justice, fraternity, and dignity of each person are respected by everyone and are uphold by the law of the land or the society. Law of the land of India as enshrined in the Constitution of India uphold the aforesaid values.

In the diverse population of India, there exists a large section of its citizens with distinct backgrounds and chacteristics called Scheduled Tribes (the most underprivileged section of the Indian Society) (Ministry of Tribal Affairs,2024). The definition of tribes, however, has been a bone of contention amongst anthropologist's sociologist and people in administration. Different peoples have given importance to different characteristics or aspects while defining a tribe but

there is no universal definition of a tribe (IGNTU Amarkantak,2024). Though the Constitution of India, also, doesn't provide a definitive definition of the term 'tribe ', however by the Article 342 of the Indian Constitution has inserted the term Scheduled Tribes.

The Scheduled Tribes:

The Constitution of India in Article 366 (25) prescribe that Scheduled Tribes means such tribes or tribal communities as are deemed under Article 342 of the Constitution to be Scheduled Tribes.The provisions under article 342 state as follows:

342(1) Scheduled Tribes – the President may with respect to any state or union territory and where it is a state, after consultation with the Governor thereof, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or travel communities has schedule tribe relation to that state or union territory as the case may be.

342(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Criteria for specification of a community as Scheduled Tribe:

Although the Constitution is silent about the criteria specification of a community as a Scheduled Tribe. The words and the phrase 'tribes or tribal communities or part of our groups within tribes or tribal communities 'in Article 342 have to be understood in terms of the historical background of backwardness. Primitiveness, geographical isolation shyness, and social, educational and economic backwardness due to these reasons are the traits that distinguish Scheduled Tribes communities of our country from other communities. It takes into account the definition of tribal communities in the 1931 census.

For the purpose of seeking objective advice to revise the lists of Scheduled Castes and Scheduled Tribes by identification of essential characteristics for a community to be identified as scheduled caste or scheduled tribe an advisory committee was formed under the chairmanship of B. N. Lokur by the Government of India (Ministry of Tribal Affairs, 2024). According to the Lokur committee (1965) the essential characteristics for a community to be identified as scheduled tribe are:

- Indication of primitive traits
- Distinctive culture
- Shyness of contact with the community at large
- Geographical isolation
- Backwardness

The above facts provide the basis for the provisions in Article 342(1) which mandates to specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribes in relation to that state or union territory as the case may be.

So the list of Scheduled Tribes is specific to a State or to a Union Territory and a community declared as a Scheduled Tribe in a State need a not be so in another State.

There are more than 700 tribes (with overlapping communities in more than one State) which have been notified under article 342 of the Constitution of India so far, spreading over different States and UT of India except Haryana, Punjab, Chandigarh, Delhi and Pondicherry (National Commission for Scheduled Tribes,2024).

The Rights of and safeguards for Scheduled Tribes in the Constitution and their rationale:

All rights available to the Citizens of India enshrined in the Constitution or any law of the land or any order of the Government are equally available to the Scheduled Tribes also.

The constitution of India resolves to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of the individual. Nevertheless, Scheduled Tribes being backward and isolated from the rest of the population, for long, are not able to exercise their rights (FAQ, NCST,2024). In order to empower than to be able to exercise the rights special provisions have been made in the constitution and incorporated enabling provisions in the Constitution in the form of reservation and measures to be taken to empower them to be able to avail the opportunities. These enabling provisions should not be construed as privileges for the Scheduled Tribes but taken only as the enabling provisions or affirmative actions so that Scheduled Tribes can avail the opportunities and exercise their rights and safeguards (National Commission for Scheduled Tribes, 2024).

The following are the Constitutional provisions for the Scheduled Tribes (National Commission for Scheduled Tribes, 2024; Drishti IAS, 2022;लक्ष्मीकांत,2021):

Educational and Cultural Safeguards –

- Article 15(4): reservation in educational institution
- Article 16(4),16(4A), 16(4B): reservation in posts and services
- Article 46: the state shall promote, with special care, the educational and economic interests of the weaker section of the society, and in particular, the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms exploitations
- Article 350: right to conserve distinct language, script and culture
- Political safeguards:
- Article 243 D: reservation of seats in Panchayats
- Article 330: reservation of seats in Lok Sabha
- Article 332: reservation of seats in State Legislature

Administrative safeguards -

Article 275: grand of special funds by the Union Government to the State Government for promoting the welfare of Scheduled Tribes and providing them with a better administration.

Other safeguards -

- Article 371A: special provision with respect to the State of Nagaland
- Article 371B: special provisions with respect to the State of Assam
- Article 371C: special provisions with respect to the State of Manipur

- Article 371F: special provisions with respect to the State of Sikkim

Other specific safeguards have been provided in Article 244 read with the provisions contained in the Fifth and Sixth Schedule of the Constitution.

For the upliftment of the Scheduled Tribes and to safeguard their rights and interests Institutional Safeguards have also been provided in the spirit of the Constitutional resolution and provisions such as under the provisions of Article 338A - National Commission for Scheduled Tribes (Eighty-Ninth Amendment Act,2003). Specific Educational and Research Institutions have been established like: Eklavya Model Residential School (EMRS), Eklavya Model Day Boarding School(EMDBS), Centre of Excellence for Sports (CoE for Sports), Tribal Research Institute(TRI), Tribal Universities by Central Government in such as IGNTU, CTUAP, SSCTU. State Universities such as GGTU, BMTU (Ministry of Tribal Affairs, 2024; Ministry of Education, 2024)

Thus, the Constitution of India provides ample opportunities to the stakeholders for the development of the Scheduled Tribes and, thereby, to make our country a developed nation by 2047.

References:

लक्ष्मीकांत, एम. (2021). *भारतकीराजव्यवस्था (6ठासंस्करण).*मैक ग्राहिल

Drishti IAS (2022). *Tribes in India.*https://www.drishtiias.com/daily-updates/daily-news-editorials/tribes-in-india

IGNTU Amarkantak(n.a.). *Tribes in India_208_Reading.*https://www.igntu.ac.in/eContent/IGNTU-eContent-590220362838-MSW-2-AjeetKumarPankaj-TribesinIndia-1, 2.pdf

Ministry of Education, Government of India (2024). *Central Universities - Institutions* https://www.education.gov.in/central-universities

Ministry of Tribal Affairs, Government of India (2024). *Lokur Committee Report.*https://tribal.nic.in/downloads/Statistics/OtherReport/LokurCommitteeReport.pdf

Ministry of Tribal Affairs, Government of India (2024). *National Tribal Research Portal.* https://tritribal.gov.in/

Ministry of Tribal Affairs, Government of India (2024). https://tribal.nic.in/EMRS.aspx

National Commission for Scheduled Tribes (2024). *Frequently Asked Questions.*https://ncst.nic.in/content/frequently-asked-questions