



Human Rights and Adivasi

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Abstract: Adivasi belongs to those categories of people in a society who remain in a state of deprivation and subjugation for centuries as a result of which they are not able to attain a position of parity with the other sections of society in contemporary times. Denied of their equal share in the social, economic and political rights, privileges and resources of the country for obvious reasons over the year, such peoples continue to remain in a vulnerable position even after country gains independence and marches ahead on the path of progress and development. In the discourses on human rights, Adivasis stand out prominently as a community owing to their unique cultural tains are inhabiting Etymologically, they are referred to as a group of people, families, clans or communities who share social, economic, political etc. , ties and often a common ancestor and who usually have a common culture, dialect and a leader. However, the point that has emerged as the nucleus of the debate on the issues of the human rights of the adivasi is the unfettered traditional rights of these people in forests, and the erosion of this right has been the hallmark of the most of the tribal movements in both pre and post independent India.

Key words: constitute of India, Human Rights, Indian Society, Social Justice, Discrimination and Tribal communities.

Introduction -

Demographic Profile of Adivasis in India - The demographic profile of Adivasis in India presents a sporadic picture having both numeric as well as spatial variations. With a total population of around 104 million (8.6% of the total population) , according to the 2011 census , the highest number of adivasis are found in Madhya Pradesh (1.5 crore) , followed by Maharashtra (1.0 crore) , Orissa (0.90 crore) etc. The position of states, in terms of the percentage of the scheduled tribes to their total population is as follows: Mizoram 94.75% , Nagaland 87.7% , Meghalaya 85.53% and Arunachal Pradesh 63.66 % The spatial distribution of the Adivasis shows a strong tendency among these groups to cluster and concentrate in the hilly, forested and the geographically inaccessible tract of the country. On the map of India thus, there is a clustering of Adivasis in the North Eastern part of the country and also in the central eastern zone compressing of M.P., Chhatisgarh, Maharashtra, Orissa and Jharkhand. ¹

Issues in human rights of the Adivasis -

A distinct feature of the life of the Adivasis has been their aloofness from the so - called plain people which afforded the former the right to preserve their ethnic - cultural characteristics , to carry on with their traditional socio - economic and political formations and to share a symbiotic relationship with the natural environment However, with the establishment and consolidation of the colonial rule in the country , the adivasis were sought to be politically, economically and administratively integrated with the rest of the society this integration resulted not only into the disturbance of the quite and autonomous life - style of the Adivasi people like poverty and indebtedness , unemployment and exploitation in to the life of the tribals These problems led to the erosion of the traditional life style of the Adivasis and infringed upon the human rights of the Adivasi community . The starting point to analyze the issues in the human rights of the Adivasis is the notion of land alienation Owing to the factors like opening up of the tribal areas and their acquisition by the government and other institutions for the purposes of communication and development, coupled with the lacunae in the land laws, the native people lost thire prized possession resulting into land alienation. Moreover, the modern system of land ownership fundamentally transformed the socio - economic system of the Adivasis and led to the infiltration of non - tribals in the tribal regions.

Another significant issue in the realm of the human rights of the Adivasis is the symbiotic relationship with the Traditionally, the forests have been along with the land, the basis of sustenance and prosperity of the tribal people gradually, with the government taking up the management of the forests as the narural rewares , there has come up a constant tenuion between the Adivasis and the government. It has been of little concern to the government that the forests are central to the social customs and rituals of the adivasis. ²

Among other issues that causes concern to the human rights of the Adivasis are poverty indebtedness and unemployment Bereft of the ownership over land and forests, the Adivasis lost their means of livelihood and were forced in to poverty in course of time. Due to their frequent need for money in adverse times and famines, the adivasis were compelled to borrow money from the unscrupulous moneylenders. The transformation of subsistence agriculture into a cash crop economy also led to their indebtedness, as the adivasis became more and more dependent on the market for their food requirement . Above all, industrialization has not been of much help to these people because, although new job opportunities were created, the native



people could not fit themselves into these jobs due to the lack of necessary skills and education. In the face of these bottlenecks in the human rights of the Adivasis, the pursuits of both the government and the non-governmental organizations should not only be to restore the traditional rights of these people but also to modernize them in such a way that they are not cut from their roots .

Constitutional Protection for the Adivasis -

The right of tribal peoples to development through pathways that affirm their autonomy and dignity, as set out in Article 21 and under Schedules V and VI of the Indian Constitution, is often seen as the core of Adivasi rights. And indeed, they are. The oft-quoted *Samata* judgment of 1997, rich in its defence of the rights of Adivasi communities to their homelands, posits an inter-reading of Articles 14 (equality), 15 (non-discrimination), 16 (equality of opportunity), 17 (abolition of untouchability), 21 (life and liberty), 23 (right against exploitation) from the Fundamental Rights chapter of the Constitution and Articles 38 (securing a just social order), 39 (guiding principles of policy) and 46 (promotion of educational and economic interests of SCs, STs, and other weaker sections) from the Directive Principles of State Policy³

Recognizing the delicate nature of the adivasi life and the ensuing threat to it from the various quarters along with the need to integrate them with the national mainstream, the constitution makers made elaborate provisions in this regard in the Constitution. Article 342 of the Constitution provided for a special category having those social groups which were to be treated as Scheduled Tribes for official purposes. Further, under Article 15 (4) the measures for the advancement of the STs are exempted from the general ban on discrimination on the grounds of race, sex, caste and the like. Moreover, under Article 19 (5) , the state may by law curtail the general rights of all citizens to move freely and acquire property to possibly prevent the alienation or fragmentation of tribal property . Article 45 directs the state to promote with special care, the educational and economic interests of the STs. Provision for reservation for these people in public services at both the center and the state levels are made under Articles 16 and 335. Articles 338 provide for the setting of a National Commission for the Schedule Tribes also .

The center government , under Articles 339 (2) , is empowered to exercise its executive power in giving direction to states for drawing up and executing schemes specified in the direction to be essential for the welfare of the STs. Article 275 (1) instructs the union to give grants - in - aid to the state to meet the expenses on tribal welfare . schemes. Elaborate provisions have been made under Articles 244 and 244 (A) of Part X of the Constitution regarding the administration of the Scheduled areas and the tribal areas . Further , the fifth schedule of the Constitution deals with the administration and control of the scheduled and tribal areas of in states other than Assam , Meghalaya , Tripura and Mizoram. The sixth schedule applies to the tribal areas within the above mentioned states. Similarly , under Article 164 , provision has been made for a particular minister in charge of the tribal welfare in the slates of Jharkhand , Chhatisgarh and Orissa . Also under Articles 330,332 and 335 certain temporary provisions exist for the special representation and reservation of seats for scheduled tribes in the union and state legislatures . The cumulative provisions has been the starting of a plethora of policies and programs for the tribal development .⁴

Policies and Programs for the Development of Adivasis -

In the post - independence times, there existed a wide gap among the scholars and officials regarding the development strategy to be adopted for the Adivasis. The main reason for this divide was that tribal development would have required a very delicate balance between the economic growth and prosperity of the tribals on the one hand and the protection and preservation of the ethnic , cultural , linguistic and ecological systems of the people on the other . The two broad policy formulations were suggested on the issue one schemes of national parks , seeking total non - interference in the tribal areas by the government , as advanced by V. Elwin ; and the other, the scheme of GS. Ghurye calling for complete assimilation of tribals with the rest of the people in the national mainstream . In this regard the final word came from Jawaharlal Nehru who called for a development strategy for the tribals with the emphasis on development along the lines of their own genius with respect for their rights in land and forests.

The successive five year plans became the basic policy document containing the policies and programs for the tribal development Within the overall development plan , the component of tribal sub - plan was introduced to accommodate the special needs of the tribal development in the areas dominated by them . Even till date , the tribal sub - plan continues to be the mainstay of the development policies of the government.⁵

Global Efforts -

The term indigenous is used to denote the Adivasi people . The reference to the protection of tribal and indigenous peoples at the global level was made for the first time in 1957 in a resolution adopted by the international Labor Organization .



At the UN level. It was in 1982 that the UN Commission on Human Rights set up a working Group on Indigenous Populations. This group has prepared a Draft Declaration on the Rights of the Indigenous Peoples, awaiting adoption by the General Assembly. The Economic and Social Council established the Permanent Forum on Indigenous Issues in 2000 as one of its subsidiary organs. The year 1993 was observed as the International Year of the World's Indigenous People and later the General Assembly decided in 1994 to proclaim the decade of 1995–2004, as the International Decade for the World's Indigenous People.⁶

The issues of protecting and promoting human rights of the Adivasis have been the perennial challenge to the democratic polity in India. Despite the mammoth efforts mounted to bring the Adivasis into the national mainstream through concerted development based on the tenets of the Tribal Panchsheel. The simmering discontent amongst these people have led to a number of tribal movements. Such movements have, broadly, two major defining features - geographical and political. In the central and eastern India, the tribal movements were basically political in nature seeking the betterment of the people within the national mainstream of the country.⁷ On the other hand, the tribal movements among the tribes of the north eastern regions including Nagaland, Tripura, Manipur etc. have often been shown geographical overtones with secessionist tendencies. However, the underlying causes of almost all tribal movement have uniformly been their socio-cultural isolation economic backwardness and feeling of frustration about their low status in the national mainstream. The governmental policies have been able only to eradicate economic backwardness, that too only in part. The need in present times is, therefore, to eliminate the feeling of alienation among the tribals by elevating their status to a higher pedestal in the national mainstream.⁸

Concluding Observations -

The idea of the human rights of the Adivasis has come to occupy a sort of center stage in the contemporary discourses on human rights. The uniqueness of the notion of Adivasis and their human rights lies in the denial of such rights to these people for many centuries ostensibly for extraneous and repressive motivations of the dominant sections of the society. However, with the deep rooting of democratic ethos and emergence of some kind of accommodative spirit amongst the hitherto dominating classes, the human rights of the Adivasis have come to signify a new dawn in the empowerment of the Adivasi sections of society by way of providing for certain specific human rights for them. The constitutional guarantee, which governs and protects the rights and sovereignty of Tribal communities, need an immediate implementation. Otherwise, this would lead to sovereignty is at stake by the intervention of non-tribes in their area. Therefore, there is an immediate need to constitute Tribal autonomy councils so that the Tribal communities themselves can look after the rules, implementation and development of the localities.⁹

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