

Tribal Integration

Post independence one important challenge was Tribal integration.

1. **Policy of Isolation**- proposed by British anthropologist Verrier Elwin. He argued that the tribals are special people with unique identity and must be kept in separation from mainstream society to preserve their unique culture & ethnic identity. He suggested creation of national parks where tribals could live safely without being victims of overhasty and unregulated process of modernization. However, this policy was viewed as a proposal to create a museum or a zoo.
2. **Policy of Assimilation** by G.S. Ghurye, father of Indian sociology. Ghurye said, tribes are simply backward Hindus who need to be brought into mainstream. However, in that process their unique identity may be lost.
3. **Policy of Integration or Tribal Panchsheel** in 1952 by Nehru. This policy argued that tribal areas and tribals must progress but in their own way. (*like Orientalism argued- rule India the India way similarly develop tribals the tribal way). **Principles of Panchsheel Policy (1952):-**
 - a. Tribals should be allowed to develop according to their own genius (*i.e. as Tribals- capabilities & skills, their way of doing a thing. Eg traditional medicine as against just allopathy)
 - b. Tribal rights in land and forests should be respected (*e.g. FRA 2006)
 - c. Tribals should be trained to undertake administrative & development tasks without too many outsiders being inducted. (*i.e. lower bureaucracy should be tribals)
 - d. Tribal development should be undertaken without disturbing tribal social & cultural institutions (*e.g. Eklavya Model Residential schools where tribal culture is promoted + e.g. longer road may be uneconomic but if it prevents digging a tunnel through a hill worshipped by Tribals)
 - e. Index of Tribal development should be quality of life and not money spent (* money spent as indicated by Utilization certificates submitted by District Administration= important criteria of judging quantum of development)

Constitutional Provisions

1. Art 366- Definitions: 366(25) defines STs as Tribes or Tribal communities as defined in Art 342.
2. Art 342- Scheduled Tribes: Those tribes or Tribal communities that are in notification issued by President, and Parliament may include or exclude any tribe from this notification.
3. Art 244A- Formation of Autonomous state comprising certain tribal areas in Assam and creation of local legislature or Council of Ministers or both (*Meghalaya was created as an autonomous state within Assam)
4. Art 243D- Reservation of seats for SC & ST in Panchayats
5. Art 243T- Reservation of seats for SC & ST in Municipalities

6. Art 332- Reservation of seats for SC & ST in LA of States
7. Art 333- Reservation of seats for SC & ST in House of People (*Lok Sabha)
8. Art 46 (*DPSP)- Promotion of educational and economic interest of SCs & STs and other weaker sections.
9. Art 48A (DPSP) Protection & improvement of environment and safeguarding forest and wildlife
10. Art 335 – Claims of SC & ST to services & posts shall be taken into consideration consistently with maintenance of efficiency and administration (*not +ve but a limiting article)
11. Art 244(1) read with 5th Schedule: Key features
 - a. Tribal **Advisory** Council that would advise State government/ governor on welfare of STs
 - b. Governor may make regulations for good government of scheduled areas, in particular, may prohibit or restrict transfer of land & may regulate business of moneylenders (*Outsiders in British era took over lands & moneylenders oppressed tribals)
12. Art 244(2) read with 6th Schedule: Key features
 - a. Defines tribal areas (*term Scheduled Areas is used in 5th Schedule not 6th)
 - b. Applies to Tripura, Meghalaya, Mizoram, Assam.
 - c. **Autonomous** District Councils and Autonomous Regional Councils and their powers to make laws
 - d. Bodoland Territorial Council
13. Art 29: Protection of interests of minorities
14. Art 30: Right of minority to establish and administer educational institutions
15. Art 31A: Saving of laws @ acquisition of estates etc in public interest (*not a +ve but a limiting article)

Acts/Laws:

1. **PESA 1996** [Panchayat Extension to Scheduled Areas Act]
 - a. 5th Schedule created Tribal Advisory Council that has 3/4th members as ST MLAs. However, TAC proved ineffective as largely has advisory role. Thus, PESA in 1996 gave more autonomy to local tribals & other communities by extending **PRIs to Scheduled Areas**.
 - b. PESA mandates the State govts to devolve certain political, administrative & financial powers to local govts. Tribals are **guaranteed 50%** seats in elected local govts & the seat of chairperson at all levels of Panchayat system (*village, district)
 - c. However, PESA has not been fully implemented by State govts (*as leads to dilution of powers of States).
 - d. 1997 Samata Judgement: SC ruled that 5th schedule mandates Governors to bar purchase of tribal lands by non state owned entities for mining activity.

After this the GOI gave Governors unrestricted authority to transfer tribal lands to govt for further allotment to Non-Tribals. Thus, hurting goal of tribal autonomy.

2. **FRA 2006** [Scheduled Tribes & Other Traditional Forest Dwellers, Forests Rights Act] [*STs & OTFDs, FRA 2006]

- a. For 5th schedule areas.
- b. Gives Right to Land + Community Rights over **MFP**, water bodies & grazing areas.
- c. Also gives responsibility to STs & OTFDs for protection of wildlife, forest & biodiversity i.e. Right to Manage & protect their forests (*implements Art 48A)
- d. Maximum forest land rights of upto 4 hectares + Right to Land is inheritable but not Transferable [* hence it is FRA 2006 that prohibits sale of land by tribals to others & it is not direct consequence of just the 5th Schedule- UPSC question in 2022 Prelims but check UPSC answer key & Polity notes for clarity]
- e. Eligibility= persons living in and dependent on forests for livelihood, but only those cultivating land before Dec 2005.
- f. FRA 2006 bans land use change after Dec 2005 [*i.e. no cutting of trees for agriculture]
- g. FRA 2006 mandates need for consent of Gram Sabha for forest land acquisition [* GS by PESA1996 and now GS empowered by FRA2006 hence FRA strengthen PESA]
- h. 2013 SC Judgement in Vedanta's Bauxite Mining project case in Niyamgiri Hills, Orissa- recognized Customary/traditional rights of STs & OTFDs e.g. their religious rights. E.g. Dongria Kondh tribe in this case worshipped the hill i.e. Niyam Raja which was being mined. Thus FRA2006 gives Right to Land to individuals and Right to MFP & Customary Rights to Community.

Schemes

Important role of **TRIFED** in MoTA (*TRIBal cooperative marketing development FEDeration of India Ltd. In Ministry of Tribal Affairs)

1. **Eklavya Model Residential Schools (1997-98):** Tribal children get accommodation and education + tribal culture is promoted.

2. **MSP for MFP 2013**

- a. Minor Forest Produce covered under the scheme include Tendu Patta, Bamboo, Sal products like sal leaves & seeds; wild honey; lac; tamarind etc
- b. Why important?
 - i. MFP have high social & economic value for tribals as they not only provide food, medicine & other consumption items but also cash income.

- ii. Goal of scheme is to ensure sustained demand for MFP for better livelihood of tribals.
- iii. Under the scheme, procurement is done at pre-fixed Minimum Support Price and marketing operations are conducted [*i.e. connect Tribals with urban consumers- retail & businesses; e.g. search Wild Honey or Tribal products on Amazon/Flipkart which are online market places]

3. PM Van Dhan Yojana-2018

- a. Goal- generate livelihood by utilizing forest wealth. Promotes MSP for MFP scheme by additionally focusing on value addition to MFP before final sale. Implemented with help of SHGs.

4. Swasthya Portal

- a. Goal- solve problem of statistics on tribal health and nutrition for better policy making. It is a National Tribal Health Portal for exchange of data, ideas, learnings & best practices between stakeholders working for tribals so as to have evidence based decision making.

5. BRLF- Bharat Rural Livelihood Foundation 2013

- a. An independent society under Ministry of Rural Development.
- b. Aims to use civil society/NGOs for welfare and skill development & livelihoods of rural masses especially women & tribals.
- c. Integrates government, private sector and civil society for development work and schemes implementation. Thus an example of Networked Governance. (*i.e. not just PPP but even NGOs)
- d. Goal= skilling, livelihood, development of tribal leadership, spreading SHG movement.
- e. Contribution of money by private sector is eligible for being counted as CSR (Corporate Social Responsibility obligation on corporate with turnover of >500 cr)
- f. Initial corpus was 1000 cr with 500 cr by GOI and 500 from other partners i.e. private sector, institutions like NABARD, National Dairy Development Board.
- g. BRLF is not a scheme but an institution that helps govt.
- h. BRLF supports a variety of projects by Central & State govts & SHGs across the country, especially in the Central Indian Adivasi belt, which covers 190 districts in 10 states. Some of the projects are:
 - i. watershed development projects that aim to improve water resource management, groundwater management & sustainable agriculture.
 - ii. Traditional knowledge documentation to conserve traditional knowledge of tribals and villagers from remote areas on various topics such as ethnobotany, ecology, traditional medicines, food resources, crops, crafts, cultural activities, etc. BRLF aims to create a platform where tribal/villagers can share and exchange their knowledge.