



# **A Perspective Study On Constitutional And Legal Provisions For The Socio, Economic And Political Development Of Scheduled Tribes: (With special Reference to Tribal Women)**

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## **Abstract:**

Tribal development in India reflect that the goal of all round development of the tribal communities as conceived in the Indian Constitution has raised certain basic issues before the nation. Tribes are subjected to systematic human rights violation on the basis of caste abased discrimination. The discrimination impinges their civil, political religious, socio-economic and cultural rights and their rights to freedom of choice to develop as individuals. Tribal women should be made capable to utilize the resources of the country. Education, good health care and employment make people capable. Empowerment should be understood in this paper I discussed different way of tribal women status it is used for academicians and researchers.

**Key words:** Discrimination, Empowerment, religious, resources.

## **I. Introduction**

A tribal woman does not holds a significant position in her society's political and socioeconomic framework. They have complete control over every facet of their social and financial lives. However, it's still crucial to stress that tribal women are just like any other woman in that they share the same worries, love, and passions as well as a similar commitment to their husbands, children, and the house. The Indian Constitution has a number of clauses that protect the rights of members of scheduled tribes and prohibit discrimination against them. Dr. B.R. Ambedkar in drafting committee drafted Constitution of India in he Constitutional Law is a legal text with philosophical implications. It is filled with ideals that have sway. Constitutional provisions serve as dynamic tools to protect the rights of the general public and indigenous people specifically. Special constitutional provisions are protective discrimination that is essential to India's tribal development rather than arbitrary discrimination. The purpose of the specific provisions is to safeguard the rights of the tribal people by preventing discrimination against them. The inclusion of indigenous people in the general population raises their social and economic standard of living.

To tackle the challenges of Scheduled Caste and Scheduled Tribe exploitation and to defend their economic and educational well-being, field level officials deploy the constitution's provisions as weapons. The federal and state governments have thus set in place a number of programs and projects for their growth since 1951. The fundamental right to social and economic empowerment belongs to tribal people. The State-regulated authority of good government assures that the lands in scheduled regions are safeguarded for the social and economic empowerment of the indigenous people, as part of their right to development and full freedom.<sup>1</sup> Everyone has equal opportunities for advancement under the goals, fundamental rights, and guiding principles of the Indian Constitution, which recognise everyone equally before the law and prohibit discrimination. Nonetheless, social injustice still affects women and tribal people.

A law is a set of regulations that are upheld by the government and a number of institutions. It is the main social mediator between society and its citizens and shapes politics, the economy, and society in many ways. A law is a regulation of human behaviour that is enforced and imposed by the state. It deals with regulations pertaining to subjects' outward conduct. The law is a tool that helps people live in harmony and harmonic cohabitation.<sup>2</sup> The purpose of the law is equality and justice. Justice is the goal of the law. The law is a tool for obtaining justice. Treating everyone equally is what justice is all about. This idea has been incorporated into the Indian Constitution and other laws to provide the weaker segments of society more authority. They call the communities of Scheduled Tribes and Scheduled Castes "weaker sections of the society." According to the Indian Constitution, they were the first recipients of reserves.<sup>3</sup>

The word "tribe" refers to a historical and cultural idea. A tribe is a social group that consists of multiple subgroups, including clans and sibs, and is distinguished by a particular geographic location, dialect, cultural homogeneity, and a cohesive social organisation. Prior to the arrival of the Aryan-speaking peoples, who first settled in Kabul and the Indus valleys before spreading over large swaths of the country over the course of a millennium and a half, especially along the plains and river valleys, the Tribes of India were the native inhabitants of the land, having established themselves in various locations. India's tribal people, known by a variety of names that either relate to the local population or the denizens of the wooded hills and naturally secluded locations, live there.

Vavasi (forest dwellers), Pahari (hill dwellers), Adivasi (original settlers), Janjati (folk communities), and Anusuchi Janajati (scheduled tribes) are a few of the widely acknowledged and extensively used titles. Anusuchit Janjati, or Scheduled Tribe, is the constitutional term that includes all indigenous peoples residing in India, and it is the most often used of the aforementioned titles. A substantial component of the tribal ecosystem is forested and steep. Tribal communities are typically found near rivers, far from the alluvial plains. The bulk of settlements are smaller in size and have a uniethnic mix. Often, villages have no design at all.

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<sup>1</sup>AIR,1997 SC 3297 at p. 3330

<sup>2</sup>Saha T.K. Text book on Legal Methods, Legal System and Research, Universal law Publishing Co, New Delhi, 2010,p.6

<sup>3</sup>Sujit Choudary, Madhav Khosla, et.al. (eds.), The Indian Constitution 720 (Oxford University Press, New Delhi, 2017).

## Status of Tribal Women in India

The Constitutional goal of building one socio-economic order remains a daydream. Under the situation, the Government policy should be more focused towards bridging the prevailing disparities both within and outside the tribal communities. Strengthening Tribal Women's active participation is crucial to any society's quick socioeconomic growth. In a society like India's, their involvement must be ensured by tangible measures that are executed at multiple levels and lead to their true empowerment. One of the notions that has evolved in relation with increasing women's standing is empowerment. In tribal society, women make up around half of the population. Because tribal women work harder than women in any other social group and are critical to the family economy and administration, their function in the tribal community is even more important than it is in other Indian social groups. When compared to other Indian populations, the tribal community lags substantially behind in terms of education. One crucial metric of tribal cultures' success is literacy. They lag considerably behind other communities when it comes to literacy rates, as can be observed.<sup>4</sup> Indian Tribal Women's Situation Social scientists typically define status as a recognised social position or a community's socially defined position within a society. Understanding the position of women in the tribal society has been the subject of numerous endeavours in recent years.

### Status of women in tribal society

The aims, fundamental rights, and guiding principles of the Indian Constitution have recognised everyone as equal before the law and offered them equal opportunity for advancement without discrimination. Nonetheless, social injustice still affects women and tribal people. One crucial criterion of social fairness in a tribal society is the status of women. In addition to their roles in the household, community, and society, women's status is sometimes characterised in terms of their degree of income, employment, education, health, and fertility. Women play a vital and crucial role in indigenous communities. Their family depends on them, hence they work hard to raise their income<sup>5</sup>.

### Constitutional Safeguards and Constitutional Provisions to Tribals

In post interdependent period, Thakkar Bapa, Jaipal Singh and few others played a major role in reshaping the Tribal welfare and protective measures. As result series of Constitutional Provisions in the form of Constitutional Safeguards, articles and schedules have been incorporated in the Constitution of India for the welfare and development of the tribal people<sup>6</sup>. Due to its societal ramifications, the issue of indigenous women's empowerment has drawn the interest of numerous sociologists in recent years. Since the Indian Constitution is the ultimate law of the land, all other legislation must comply with its provisions. It outlines a number of essential rights that both foreigners and Indian citizens can enjoy. According to Article 14 of the Indian Constitution, the State is required to guarantee each and every person living in India equal rights under the law. This article is a component of the right to equality that is guaranteed by Articles 14 through 18 of the Indian Constitution. Since complete equality cannot be attained in any community, the terms "equality before the law" and "equal protection of the laws" are not absolute; rather, they are subject to

<sup>4</sup> R. Nisha & M. Asokhan, Empowerment of Tribal Women through Livelihood Development. Vol. 20, Issue 8, PP 06-10.

<sup>5</sup> Kumari, S. (2018). Challenging Issue of Tribal Women Education in India. International Journal of Interdisciplinary Research in Arts and Humanities, ISSN: 2456-3145, Vol 3, Issue 1.

<sup>6</sup> N.K. Behura N.K. and Nilakuth B C (2006 ) Tribal and the Indian Constitution, Rawat publications, Jaipur, 1<sup>st</sup> ed, P.73

certain limitations. The Indian Constitution's Article 361 is an exception to the principle of "equality before the law" since it grants the president of India and state governors particular authority with regard to prosecution for particular offences. Additionally, the phrase "equal protection of laws" is subject to a number of exclusions, such as a reserve for the weaker segments of society. The idea of reservations is constructive discrimination that benefits some marginalised groups in society, not a violation of the spirit of the right to equality. Bringing the weaker segments of society into the mainstream is the reserve's major objective.

According to the Indian Constitution's basic principles, the Scheduled Tribes' population was recognised by the Constitution Order of 1950, which also included additional safeguards. According to Article 342 of the Constitution, that committee has certain unique characteristics. The Indian constitution includes a few other safety measures. Societal safeguarding was mentioned in Articles 23 and 24. Numerous protections for Scheduled Tribes are provided by the constitution. These can be roughly divided into two categories. Viz. (1) Safety (2) Progress. For Scheduled Tribes to flourish, their interests must be protected. Articles 15(4), 16(4), 19(5), 23, 29, 46, 164, 330, 332, 334, 335, 338, 339 (1), 371(A), 371(B), 371(C), and the Fifth and Sixth Schedules contain the protective provisions. These provisions also exempt the fundamental rights of equality and freedom that are guaranteed under Part III of the Constitution. The initial provisions of Article 275 (1) and Article 339 (2) primarily address provisions pertaining to the development of Scheduled Tribes.

Although numerous clauses pertaining to tribal rights and privileges have been introduced periodically to various laws and social programs in order to protect these individuals' interests and advance their standing in this state, these efforts have not produced remarkable results as expected and discard as per the intention of such legislations and policies<sup>7</sup>. India multiple ethnic groups who have distinct socio- economic-political cultural identities. It is one of the Nation States in the world, which has provided elaborate preferential arrangements of the Tribals. The tribal communities in India are at different levels of socio- economic development.

### **Social Development**

Long-term development without the support and active involvement of rural communities lacks a foundation and no prospect of success. Involvement and socioeconomic advancement are always closely associated. Without creating a proper environment through raising awareness and developing skills, social growth in the form of empowerment and fair income and wealth distribution is a long way off. For society to progress healthily, understanding of issues like gender equality, environmental degradation, health care, legal education, etc., is vital<sup>8</sup>.

Social progress is distorted in many ways if leadership qualities are not established at the grassroots level. Since even the authority granted to individual authorities in initiating Suo-Moto action has not resulted in the detection of all incidents of tribal land alienation or their restoration, the tribal organization/institutions should be actively involved in protecting the tribal interest in land. The tribal community and its traditional leaders, such tribal panchayats, have a great deal of moral and social power over their constituents.

<sup>7</sup>Kumari, S. (2018). Challenging Issue of Tribal Women Education in India. International Journal of Interdisciplinary Research in Arts and Humanities, ISSN: 2456-3145, Vol 3, Issue 1.

<sup>8</sup>Dube S.C (1990), Indian Society; National Book Trust, India. PP 84-93.

## Economic Development

Tribal communities have a distinctly different socioeconomic structure than non-tribal or more developed groups of people. The process of increasing productivity throughout all sectors of the economy, which heavily depends on the technological advancements made by the community, is known as economic growth<sup>9</sup>. One of the most fundamental objectives of a rising economy like ours is economic success with social fairness. One of the criteria for rapid economic development is the harmonious rise of intersectoral income, commerce, and income distribution. Agriculture and industry rely on one another for markets and raw supplies during growth. It's also widely believed that reducing the ratio of agriculture to industry's output raises the net domestic product and affects the way that revenue is distributed throughout the economy. When economic strategy and execution are carried out democratically, economic resources are dispersed evenly. The socialistic economic mode, which is one of the foundations of economic planning in India, is probably more vital to preserving the political objective of making things possible by striving towards the ideal of democratic socialism.

## Political Approach

The Indian society is known for its inequality, social hierarchy and the rich and poor divide. The social hierarchy is the result of the Caste system, which is unique to India. The pre- and post-independence periods can be used to understand the political strategy for tribal welfare. In addition to giving the tribes separate political representation, colonial administration created excluded and partially excluded zones. These actions were criticised by nationalists who saw them as a demonic plot to create a new form of independence<sup>10</sup>. Given that they are the weaker segment of the population, the constitution granted the tribes several protections after independence.<sup>11</sup> In the first case, ten years were allotted to accomplish the goal; but, because the problem was too complex to be resolved in a decade, it has continued for decades. We must continue to protect the interests of the tribe. The Indian Constitution offers the indigenous people appropriate protections in a number of its articles.

## Contribution of Education to Development of Tribal Women

Education is the most powerful tool for empowerment, in accelerating development and bringing social change<sup>12</sup>. A key component of social development is education. Deprivation and socioeconomic underdevelopment are always linked to illiteracy. At the world conference on education in March 1990 in Jontien, Thailand, the resolution "Education for all" finally expressed the realisation of this fundamental reality. Education is recognised as the most significant relationship between development and education in the extensive body of social science literature. The remarkable recovery of the war-torn economies of Europe

<sup>9</sup> Kainth and G.S and Bawa R.S (1984) , Economic development and structural Changes; an empirical investigation, inter publication, New Delhi.p. 1-2

<sup>10</sup>Mandal, Riya, et al. (2019). Nutritional status of pregnant tribal women. International Journal of Humanities and Social Science Invention, 8(9): 27-30.

<sup>11</sup>Mete, J. and A. Mondal. (2012). Profiling the education among the scheduled tribes in India. Golden Research Thoughts, 1(9): 1-4.

<sup>12</sup> Bardhan, Pranb and Dilip Mukherjee (2007) Decentralization and Local Governance in developing countries: A Comparative Perspective, Oxford University Press.



and Japan following World War-II makes the importance of education as a direct investment understandable<sup>13</sup>. Economic progress inherently enhances the need for human resources, and in a democracy, this calls for the creation of attitudes and values, of which education is a fundamental factor. Motivation, awareness, and a shift in viewpoint assist the oppressed rural population acquire critical faculties, which finally leads to the objective of social reform and emancipation. Education is the key factor determining tribal development. Tribal children's involvement percentages are relatively low. Education is vital to the advancement of indigenous women. Tribal women's cultural norms and lifestyle choices can be adjusted, their perceptions can be altered, and they can become economically independent with the help of education. They would be more capable of organising themselves, appraising their living conditions and situations, and knowing their rights and obligations. People will be able to work and improve their position with education. The social and economic position of the scheduled tribe is substantially influenced by the degree of education. Women with higher education will be better suited to deal with modern society than they were in the past<sup>14</sup>.

### **Law is an Instrument of Social Change**

Indian society class caste discrimination are not different, but they are the same. Dr. B.R. Ambedkar socio- economics ideas and works are based on the principles equality, liberty and fraternity. India, as a welfare state, is taking every step to include these violence-prone people in the process of great economic development. When it comes to crimes including moral malice or moral turmoil, which possesses a significant influence on public interest and social order, the social consequence of the crime cannot be overlooked and calls for exceptional treatment. A law is a regulation of human behaviour that is enforced and imposed by the state. It deals with regulations pertaining to subjects' outward conduct. The law is a tool that helps people live in harmony and harmonious coexistence<sup>15</sup>.

Social changes are a result of the dynamic nature of the law. As a result, the law must adapt to the altering requirements of society. However, what is law? And what function does the law play in society. In order to comprehend laws as a vehicle for bringing about social change in any community, these questions must always be addressed from a sociological perspective. Any culture can experience one of two sorts of change. discontinuous or revolutionary, as well as ongoing or evolving<sup>16</sup>.

### **Legal Awareness**

The educational and awareness programmes carried out by the NGOs in certain parts of Tribal areas have immense impact on respecting the free production. Law is an instrument to regulate the society. Primary responsibility to enact the law is lying on the legislators who are the enacted elected representatives of the people. The administration of the nation is based on national laws in a democracy. Therefore, it will contribute to the country's social, economic, and cultural development if its citizens are aware of its laws. By creating social clubs at the state and district levels throughout the nation, we can raise people's understanding

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<sup>13</sup> Batte, TR,p. 8. 1959

<sup>14</sup> Kalyani, K.S., V. Krishnamurthy, C.C. Rao and N.A. Kumari. (2011). Role performance of tribal women in agriculture- A study in agency area of East Godavari district, Andhra Pradesh. *Journal of Dairying, Food and Home Science*, 30(3): 221-224.

<sup>15</sup> Sridhar. M. *Legal Language*, Asia Law House, Hyderabad, 2<sup>nd</sup>, ed, 2008

<sup>16</sup> Bhasin, V. (2007) "Status of Tribal Women in India", Department of Anthropology, University of Delhi, Stud. Home.Comm. Sci. Vol. 1(1), pp 1-16

of the law and contribute to its development. Raising legal awareness of the rights and responsibilities of the populace is essential for the development of a democracy like India. In a monarchy, the sovereign's decision is the law. It is independent of people's will. Social organisations' main goals are to ensure that people may maintain their rights even if they are financially weak. Inequality in society should be explained by social or cultural indifference as well as financial insufficiency. The curse of Indian politics is illiteracy, which impedes growth in all areas. The situation is made worse by a lack of legal knowledge, which contributes to the ongoing inequality, unfairness and a lack of authority. Legal awareness ought to be widely accessible if the law is equitable for everyone. Individuals without education must have equitable access to justice, irrespective of their status or financial circumstances, to ensure equal justice under the law. The legal system primarily benefits a select group of literate and affluent individuals capable of utilising it to safeguard their rights and interests. Those who need the law the most have the least access to it. This scenario is unconstitutional and politically explosive. Change necessitates mobilising marginalised individuals to assert their rightful claims within existing legal frameworks and facilitating public legal education.

The principal aims of development are to increase per capita income, improve the quality of life for individuals, and ensure justice, freedom, equality, and security for all community members. To assess if the legal provisions or the developmental plan for Andhra Pradesh's Scheduled Tribes are advantageous or detrimental to the scheduled tribes. To identify the specific challenges confronting the Tribals that have undermined their socioeconomic status To assess the efficacy of legislation and diverse governmental development efforts conducted periodically in alignment with governmental development plans. To propose actions and modifications to current legislation for the enhancement of India's indigenous populations.<sup>17</sup>

### **Deficiencies in Law and Remedial Measures**

Law is but a part of human society. Its purpose is to further and protect the interest of society. The problem of society is to reconcile selfish with unselfish social purposes and to suppress the former when they clash with the latter. Law is sum of the condition of social life in the widest sense of the term, as secured by the power of the State through the means of external pressure. Numerous provisions have been added in the Indian Constitution to protect Scheduled Tribes. The founders of the constitution incorporated these measures with foresight so that this weaker group would have a unique chance to join others and build justice, freedom, equality, fraternity, and disparity. The federal government and state governments have also passed a series of legislation to defend scheduled tribes based on these constitutional rights. Laws are recognised as a significant vehicle for bringing about social change. The constitutional provisions act as the field level officials' weapons to combat the concerns of Scheduled Caste and Scheduled Tribe exploitation and to defend their economic and educational well-being. Of course, the threat to field level officers' lives, improper use of their services, political intervention, and the unwillingness of higher officials to handle cases and settle difficulties can occasionally obstruct the effective application of constitutional provisions<sup>18</sup>.

<sup>17</sup>Chanda, Anuradha. Tribal Women. In Bagchi, Jadodhara(ed.) The Changing Status of Women in West Bengal, 1970- 2000 The Challenge Ahead, New Delhi. Sage Publication. 2005. Pp 130-144.

<sup>18</sup> Jha, V. (2005). Migration of Orissa's tribal women: A new story of exploitation, Economic and Political Weekly, 40(15): 1495-1496

## Conclusion

Tribal women must get education in order to modify their habits, become more responsible members of society, and take the lead in societal improvement. Tribal women should be taught through various programs in remote places, and they will also need to get other sorts of training to improve their abilities. Due to gender inequality, indigenous women have been coping with challenges connected to reproductive health, economic underdevelopment, and education. Everyone has equal opportunities for advancement under the goals, fundamental rights, and guiding principles of the Indian Constitution, which recognise everyone equally before the law and prohibit discrimination. Nonetheless, social injustice still affects women and tribal people. Because of environmental degradation and outside interfering, indigenous women confront problems and impediments in gaining a good existence and a sustainable livelihood. To affect women's empowerment, the tribal development plan needs to be enhanced, bettered, developed, and elevated. To meet their core demands, tribal people who reside in rural areas participate in a range of low-level enterprises. They work in agricultural the bulk of the time. In addition, they labour as handcrafters, pastoralists, and occasionally as industrial labourers. Similar to their male counterparts, tribal women in India operate in the agricultural sector and are largely not involved in any form of continuous labour. Tribals are the poorest social group. Their health status of them is also weak. Their service in state and central services are low. But they are facing a number of problems. Government to make them powerful, it is necessary to take various empowering measures immediately. All tribal women should be encouraged to join Self Help Groups. This is obligatory because the tribal women required profitable employment, enhanced awareness and training programmes suitable to their social, economic environment. Government should make sure that the quality and prevails skills, art facets possessed by women should retained in their culture and also for the future generation in the tribal groups.