

PROBLEMS OF TRIBAL PEOPLE COMMUNITY

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ABSTRACT

The tribal people community is living in forest and most of the tribal people most of them tribal community people and they have separate traditional people values customs and beliefs the tribal people social economically in India (ST) estimate 104 million and cover 8.61 percent of country total population at 2011 and the (ST) population madhyapradesh, Chhattisgarh, Odisha, Maharashtra and they have the Article 342 of India constitution 700 scheduled found in multiple states the tribal people have the own traditional language lifestyle and custom belief they forest is considered as a god and they don't move from they place the most of the tribal people are illiterate people and they trust in Black magic guestetc. They depend the natural and they consider as a god the tribal people face the many problems of his life education, health, etc. The main problem is unemployment low leave of poverty and the government taking the actions to improve the life Article 15 equal rights 16(4), 320(4), 335 of reservation of working Article 330, 332, 334, reservation of parliament article 19 (5) property rights and have the lots of reservation and they will be not awareness to use the law and articles this the main problem of India.

INTRODUCTION:

The term tribal or Adivasi creates an image they lived in forest and half naked men and women in our mind and they speak unintelligible languages they have separate traditional values, customs, and beliefs etc. The people label their natives, uncivilised people, aboriginal, Adivasi, tribal, indigenous etc. The tribal people social economically in India the scheduled tribal people estimate 104 million and they cover 8.61 percent of country total population and the 2011 census have given this report More than half of the Scheduled Tribes population lives in Madhya Pradesh, Chhattisgarh, Odisha, Maharashtra, Jharkhand, and Gujarat. ¹Article 342 of the Indian Constitution has identified almost 700 Scheduled Tribes, spread across various states and union territories. Many tribes are found in multiple states. Orissa and Madhya Pradesh have the most scheduled tribes Santhals, Gonds, Angamis, Bhils, Khasis, Bhutias, and Great Andamanese are some of India's major tribal groups.

WHAT ARE TRIBAL PEOPLE:

The tribal people most of them live in the forest the tribal people the world tribe is derived from the Latin the word tribal means one third the word originally referred one of three territorial groups that united to from Rome Tribal people in India called janjati, vanyajati, vanavasi, adimjati, adivasi etc. The tribal people are living in a mountain tribal communities rely on forests, rivers, and land for their livelihoods and they create the won life style and have an individual language some community traditional etc. They don't like normal people culture and the life separate lifestyle they don't depend on the normal people Tribes were communal societies that did not adhere to a religion with a written text, lacked a traditional state or political structure, and did not exhibit clear class distinctions. Most notably, they did not adhere to a caste system and were distinct from both Hindu and

¹ UNACADEMY,<https://unacademy.com/content/upsc/study-material/indian-society/tribal-problems-in-india> (last visited oct 13 2024).

peasant communities. The tribal people are totally different from the human social group, they faced lots of problems in society and social issues. They are mostly uneducated people in this community because they have their own language and economic imbalance, social misunderstanding, and miscommunication. Political problems exist in society.

PROBLEM OF TRIBAL PEOPLE:

The scheduled tribes have a distinct culture, geographical isolation, shyness of contact with the larger community, and backwardness. They faced lots of problems in their daily life, economically, socially, etc. Change is more in their life, culture, traditions, language, dressing, and eating methods. Now we have to see the problems.

EDUCATION ISSUES:

The Literacy Rate (LR) for Scheduled Tribes (STs) has increased from 8.53 percent in 1961 to 58.96 percent in 2011, whereas the LR of the total population has increased from 28.30 percent in 1961 to 72.99 percent in 2011. From 2001 to 2011, the LR increased by 11.86 percentage points for STs and 8.15 percentage points for the entire population. Illiteracy is a major problem of the tribals; more than 80% of them are illiterate. This has increased from 0.7% in 1931 to 11.30% in 1970 and to 16.35% in 1981. This shows that more than 3/4 of the tribal area is illiterate. They do not have formal education; they don't know about education, school, college, university, or degrees. Tribal higher education suffers. As well, they have a dropout rate in class 7 (73%), in class 10 (84%), and in class 12 (86%) is the education problem.²

RELIGION AND CULTURE ISSUES:

Tribal people have rituals and they must be followed by their culture, traditions, and customs. They consider the forest as one of the gods in their life and their culture. During the British rule, some foreign Christian missionaries tried to propagate their religion in some of the tribal areas, particularly in the northeastern provinces. They even tried to impose their culture on them, even today such an attempt is going on.

Tribal people fail to understand the civilized people, their customs, and practice beliefs and attitudes, and so on. They are suspicious toward the civilized people. On the other hand, Ramakrishna Mission, R.S.S., the Vishwa Hindu Parishad, and other organizations are spreading Hinduism in these areas.⁴ The culture gap between the civilized and the tribal people is coming in the way of the assimilation and integration of the tribal people into the mainstream of the national life of India.

SOCIAL AND ECONOMIC ISSUES:

Tribal people have social problems. Traditional and custom-bound child marriage, infanticide, homicide, animal sacrifice, exchange of wives, black magic, and other harmful practices are still found among them. They believe in ghosts and spirits. They have a keen desire to maintain all these practices in general, and the tribesmen all the

² UNACADEMY <https://unacademy.com/content/upsc/study-material/indian-society/tribal-problems-in-india> (last visited oct 14 2024)

³ EATMY <https://www.eatmy.news/2021/06/problems-faced-by-tribes-in-india.html> (last visited oct 17 2024).

⁴ SOCIALRESEARCH FOUNDATION <http://www.socialresearchfoundation.com/new/publish-journal.php?editID=7145> (last visited oct 17 2024)

time economically issue the tribal area half of the people in unemployed and low level of poverty line non availability of banking facilities problem of land ownership and the most of the tribal don't have the own land they working under the labor and they emotional attached in forest and the belief the god unprofitably agriculture about 90% of tribal engaged in cultivation and most and most of them landless people of the society.⁵

UNEMPLOYMENT:

Unemployment is most of the people or illiterate people and unqualified people and they have language problems to communicate to the people and the tribal people are unemployed or underemployed they need to be helped in finding secondary sources of income and developing animals husbandry, poultry farming handicrafts handloom weaving They uneducated people so they face the problem and they can't be able to handle the technology so they will not come to the high technology work and the government has the same reservation and they will not know about the reservation and don't have any awareness of how to use it this is one of the main problems of unemployment of schedule tribes According to the development report for 2023 a significant portion of the population remains entrenched in poverty In India.

HEALTH ISSUES:

Tribal people face lots of health problems and the main reason is to intake the food. The tribal people do not take much care pertaining to their own health they believe that diseases are caused by hostile spirits and ghosts They have their own traditional means of diagnosis and a cute good number of them fall prey to the disease such as skin disease forest, fever typhoid , T.B etc.

RELATED CASE LAW:

- Brown vs Board of Education

“It is the very foundation of good citizenship. Today, it is principal instrument in awakening the child to Cultural value, in preparing him for later professional training and helping him to adjust normally to his Environment. It is said that child is the future of nation. The quality of education of the child will determine the Quality of life in nation”.⁶

- Mohini Jain vs State of Karnataka

The Hon'ble Supreme Court has emphasized the protection of life and personal liberty as well as right to Education as guaranteed in Article 21 and 21A of the Constitution of India. “Right to life is the compendious expression for all those rights which the courts must enforce because they are to the dignified enjoyment of life. It extends to the full range of conduct which the individual is free Peruse.”⁷

⁵ SOLALRESEARCH FOUNDATION <http://www.socialresearchfoundation.com/new/publish-journal.php?editID=7145> (last visited oct 18 2024)

⁶ Brown v. Bd. of Educ., 347 U.S. 483 (1954).

⁷ Mohini Jain v. State of Karnataka, (1992) 3 SCC 666.

- Murlidhar Dayandeo Kesekar vs Vishwanath Pandu Barde

“The Preamble, the Directive Principles and the Fundamental Rights including the right to life, the apex court Held that economic empowerment and social justice are Fundamental Rights to the tribes. The basic aim to the Welfare State is the attainment of substantial degree of social, economic and political equalities and to achieve Self-expression in his work as a citizen, leisure and social justice. The welfare State, therefore, should take positive Measure to assist the community at large to act in collective responsibility towards its member and should take Positive measure to assist them to achieve the above”.⁸

- Shantistar Builders vs Narayan Khimalal Totame

“The right to life would take within its sweep the right to food, the right to clothing, the right to decent Environment and a reasonable accommodation to live in. The difference between the need of an animal and a Human being for shelter has to be kept in view. The Constitution aims at ensuring fuller Development of every child That would be possible only if the child.. That would be possible only if the child.. It is not necessary that every citizen must be ensured of living in a well-built comfortable house but a reasonable home particularly for people in India can even be mud-built thatched house or Mud-built fireproof accommodation”.⁹

- John Vallamattom v. Union of India, AIR 2003 SC 2902

The Indian Succession Act 1925 prevented the petitioners from bequeathing property for religious and charitable purposes. The court stated that the Act was to prevent people from making injudicious death-bed bequests under religious influence, but had a great impact on a person desiring to dispose of his property upon his death. Hence, the legislation is clearly discriminatory as the properties of any Hindu, Muslim, Buddhist, Sikh, Jain or Paris were excluded from the provisions of the Act. Further, no acceptable reasoning was provided to show why the provision regulates religious and charitable bequests of Christians alone. Clause 1 of the Article prohibits the State from discriminating against citizens on five protected grounds only. This means that if the discrimination is only on the basis of these 5 points then it will be void. One of the important points to remember under this clause is that the prohibition is against the state and not against any private individuals. This clause is used to give horizontal reservations like reservations for visually impaired people.¹⁰

- Samatha v. State of Andhra Pradesh & Ors.⁹

In this judgment, the Hon’ble Supreme court decided in the favor of The petitioner Samatha, a tribal organization that had filed a special leave petition Against the orders of the Andhra Pradesh High court. This case re-iterated the tribal Rights to use their lands located in the Scheduled areas. The court was also of the view That the usage of the land by non-tribal individuals or organizations for mining Purposes makes these communities alien to their land. Therefore, 20% profit gained Through any project in consonance with tribal rights shall be contributed to the tribal Development. As we have talked about the apathetic attitude and legislative incompetence of the State, we shall now look onto the drawbacks of PESA while it tries to ensure forest Rights of tribal communities.¹¹

⁸ Murlidhar Dayandeo Kesekar v. Vishvanath Pandu Barde, (2014) 1 S.C.C. 727 (India).

⁹ Shantistar Builders v. Narayan Khimalal Totame, (1990) 1 S.C.C. 520 (India).

¹⁰ John Vallamattom v. Union of India, (2003) 6 S.C.C. 611 (India).

¹¹ Samatha v. State of Andhra Pradesh, (1997) 8 S.C.C. 191 (India).

Reservation of scheduled tribes:

- Recognition of forest rights Act 2006 done enough

This Act gives communities the authority to use, maintain, and control forests for their own benefit as well as for forest conservation and protection. “The Act recognizes “ the ownership rights of tribes and other forest dwellers who have lived or farmed on a certain piece of land for a long time”.¹² But another picture is that, just 15 lakh complainants were granted legal recognition for their property out of the 39,56,262 cases filed in providing land rights to the country’s forest-dwelling communities under this Act. They are superstitious & stereotypical who believe in outmoded and futile activities that can be detrimental due to a lack of education and advancement.

Article 15 of the Constitution of India forbids discrimination on grounds only of religion, race, caste, gender, or place of birth or any of them.¹³ While prohibiting discrimination based on prejudice, the Article is also the central issue in a large body of judicial decisions, public debate, and legislation revolving around affirmative action, reservations, and quotas. As of the 103rd Amendment of the Constitution of India, Article 15.

ARTICLE 342 IN CONSTITUTION OF INDIA 342. SCHEDULED TRIBES:

1. The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be.
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.¹⁴

ARTICLE 19(5) IN CONSTITUTION OF INDIA:

Nothing in sub-clauses (d) and € of the said clause shall affect the operation of any existing law in so far as it imposes or prevents the State from making any law imposing reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled tribes.¹⁵

¹² The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2006 (India).

¹³ Const. of India, art. 15.

¹⁴ Const. of India, art. 342.

¹⁵ Const. of India, art. 19, cl. 5.

MEASURES:

The tribal people consider the forest to be good and they depend on natural resources and follow the natural medicine and the belief the black magic or ghost and they child marriage culture also follow they society The tribal people nowadays are also suffering to survey to live because they don't know how to use their reservation to utilize the opportunity the government also takes the measurement to develop their lifestyle and the most the people is illustrated people so they are not able to understand the scheme and the people face a lots of problem education ,customer beliefs ,social, economically , health, etc.

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CONCLUSION:

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