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TOPIC:

Rights of Indigenous People and their protection in India:

India is amulticultural country with rich diversity reflected in the multitude of culture, religions, languages, and racial stocks. The fact is that the population of the country comprises different caste, communities and ethnic groups. The tribes in India spread over the length and breadth of the country. Because of this, at present India has the second largest tribal population in the world, next only to Africa and is a home to almost more than half of the world’s tribal population.

**Who are indigenous people in India**?

The constitution of India made several provisions for safeguarding the tribals, but silent in defining a tribe. It simply declares that the scheduled tribes are the tribes or the tribal communities or path of or groups within tribes or tribal communities, which the President of India may specify public notification under Article 342 of the constitution. They are often referred to as Adivasi, Vanyajati, Pahari, Adimjati and Anusuchit Jana Jati, the latter being the constitutional name. Article 342 has notified 700 Scheduled Tribes each with their distinct cultures, social practices, religions and dialects.

In fact, tribe as a category, separate from the mainstream caste society, is an invention of the British administrators. According to Sing (1995), “the notion of tribe was introduced by colonial administrators. It was part of the universal trend to dichotomize the indigenous people and colonizers, the savage and the civilized, the tribal and the non-tribals.” The tribals are minority in India and constitute 8.61 per cent of the total population of the country numbering 104.28 million and cover about 15 per cent of the country’s area as per 2001 census report.

**Constitutional Provisions to Protect the Rights of Indigenous People:**

The constitution of India has enshrined a number of provisions to safeguard the interest of the indigenous people, the Scheduled Tribes of India. These provisions includes-

* The Preamble of the Indian constitution declares that it assures equality, promotes fraternity, guarantees liberty and ensures justice to one and all.
* Article 15, prohibits discrimination on grounds of religion, caste, race, sex or place of birth.
* The Constitution made provisions for the reservation in employment under Article 16(4), 320(4) and 325.
* Article 17, abolishes untouchability.
* Article 19(5) states that the tribals can own property and enjoy it in any part of the country.
* Article 46, contains provisions that protect the economic and educational interest of the tribals and other weaker sections.
* Article 164, constitution empowers the state governments to appoint a separate ministry to look into the welfare of the tribals.
* Article 224, gives instructions to the administration to take special care to protect tribal interest in ‘Scheduled Tracts’ or ‘areas’.
* Under Article 275, states that a large amount of money can be taken from the Consolidated Fund of India specially to be spent on tribal welfare activities.
* Under Article 275(i) the Centre is required to give grant-in-aid to the states for approved schemes of tribal welfare.
* Under Article 330. 332 and 334 that seats have been reserved for the Scheduled Tribes in both in the Lok Sobha and State Legislative Assemblies.
* Article 338, constitution empowers the president of India to appoint a National Commissioner to look after the tribal welfare activities.
* According to the Article 339(2), the Central Government can provide directions to the states in the formulation and implementation of tribal related welfare plans, programmes or projects.
* Article 342, empowers the President of India to declare on the recommendations of the Governor some groups or communities as ‘Scheduled Tribes’.

Thus, in addition to the above mentioned constitutional provisions, the government appoints Commissions and Committees to look into the problems of the tribals and suggest measures for their improvement. Despite constitutional safeguards and plethora of welfare scheme the tribes are suffering from underdevelopment, illiteracy, health and communication problem, terrorism and exploitation in every nook and corner of the country.