

UNVEILING THE ROLE OF PUBLIC POLICY IN PROVIDING SOCIAL JUSTICE TO TRIBAL COMMUNITIES IN INDIA :BREAKING BARRIERS AND CREATING INCLUSION

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Abstract

The tribal communities of India are deep-rooted with the nature, indigenous livelihood, oral traditions, folk culture pit are mostly confined to their own people, Tribals with their organic lifestyle and beliefs challenge the modern way of reckless living and development needs. Their sustainable living provides lessons to the world struggling with pressing issues like climate change and environmental issues. From time to time, the tribals have faced displacement and deprivation to facilitate various developmental projects such as setting up of industrial operations, construction of dams, etc., leading to deforestation, and further pushing them towards the periphery of the social construct. Now time has come that these tribal population should be attributed a certain unique position in the society. Equality, which our constitution makers aspired for is not possible if major population of tribal population remain tribal and lead a deprived life. Social Justice will not be served in true sense. Here public policy can play a crucial role in breaking barriers and creating inclusion. Public policy can act as the catalyst for change, shaping the way societies address inequality, discrimination, and systemic injustices. This article delves into the multifaceted role public policy plays in social justice, highlighting its power to drive meaningful reform and promote equality among tribal communities.

Keywords- Public policy, inclusion, schedule tribes, deprivation, Particularly Vulnerable Tribal Groups, Van Dhan, Tribal Research Institute

Introduction

Public policy refers to the decisions and actions taken by governments and other institutions to address societal issues. It encompasses a broad range of issues, including education, healthcare, housing, and criminal justice. The role of public policy in social justice is to create a framework that ensures fairness, equality, and inclusivity for all individuals, regardless of their background. At its core, social justice aims to eliminate disparities and provide equal opportunities for everyone. Public policy provides the necessary tools to achieve these goals. Through legislation, regulations, and initiatives, public policy sets the stage for a fair and equitable society. It establishes guidelines and standards that govern the behavior and practices of individuals, organizations, and institutions.

Breaking barriers and creating inclusion are fundamental aspects of social justice. Barriers can take many forms, including discrimination, prejudice, lack of access to resources, and unequal treatment. These barriers prevent individuals from fully participating in society and limit their opportunities for success. Public policy has the ability to dismantle these barriers and create a more inclusive society. For example, in the field of education, public policy initiatives can ensure that all children have equal access to quality education, regardless of their socioeconomic status or geographical location. This can involve implementing policies that allocate resources to disadvantaged schools, providing support for students with special needs, and promoting diversity and inclusion in the curriculum. Public policy plays a critical role in identifying and addressing systemic biases and structural inequalities. By incorporating social justice principles into policy-making, public policy seeks to level the playing field and create a more inclusive society.

Tribal communities in India and Public Policy

The word 'tribe' was originally a Latin word 'tribus' meaning 'the poor', later used to specify the masses.¹ The Oxford dictionary defines tribe as "a group of persons forming a community and claiming descent from a common ancestor".² "A social group composed chiefly of numerous families, clans, or generations having a shared ancestry and language".³ The tribes can be described as self-reliant communities who enjoyed the autonomy of governance over the territory they inhabited until the colonial rulers started merging them with the dominant population. The organic lifestyle and cultural beliefs of tribal communities present a contrast to the contemporary patterns of unsustainable development and heedless living. Their mode of sustainable existence offers insights to a global community grappling with urgent challenges such as climate change and ecological concerns.

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¹ Editorial- Tribal Sustaining the roots, Yojana, 2022,p-5

² Oxford English Dictionary, IX, 1933, p. 339, as cited in Fried, 1975, p. 7

³ <https://www.merriam-webster.com/dictionary/tribe>

The common expectation from them to follow the mainstream culture for their own growth, hinders with their beliefs and practices, thus erasing their identities under pre-established systems. Therefore, it becomes challenging and at the same time necessary that they are recognised for who they are and attributed a certain unique position in the society.

Tribal communities in India were viewed with derision by the British. Several legislations were brought to alienate them from their ancestral rights and further criminalised upon demanding their rights. The Constitution makers adopted specific measures to protect the rights of STs. Article 46 of the Constitution provides that the State shall promote with special care, the educational and economic interest of the weaker section of the people, and, in particular, the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation'. Similarly, Articles 15 and 16 empowered the Government for making special provisions for the Scheduled Tribes. In addition to the constitutional provisions, the Parliament has passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 to prevent the commission of offenses or atrocities against the members of Scheduled Castes and Scheduled Tribes and to provide relief and rehabilitation for the victims of atrocities'. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 'recognises and vests forest rights and occupation on forest land to Scheduled Tribes'.¹

The Ministry of Tribal Affairs was set up in 1999 after the bifurcation of Ministry of Social Justice and Empowerment with the objective of providing a more focused approach towards the integrated socio-economic development of the Scheduled Tribes (the most underprivileged section of the Indian Society) in a coordinated and planned manner. Before the formation of the Ministry, tribal affairs were handled by different Ministries at different points in time.

The Ministry of Tribal Affairs is the Nodal Ministry for overall policy planning and coordination of programmes for development of STs. In order to achieve its objectives, the Ministry has undertaken following activities :²

- Social security and social insurance to the Scheduled Tribes
- Tribal Welfare: Planning, project formulation, research, evaluation, statistics and training
- Promotion and development of voluntary efforts on tribal welfare
- Development of Scheduled Tribes
- Scheduled Areas
- Monitoring of ST Welfare Grants, based on the framework and mechanism designed by NITI Ayog
- The National Commission for Scheduled Tribes
 - a. Commission to report on the administration of Scheduled Areas and the welfare of the Scheduled Tribes; and
 - b. Issue of directions regarding the drawing up and execution of schemes essential for the welfare of the Scheduled Tribes in any State.
- Implementation of the Protection of Civil Rights Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, excluding administration of criminal justice in regard to offences in so far as they relate to Scheduled Tribes.

The National Commission for Scheduled Tribes has been set up in 2004 by amending Article 338 and by inserting a new Article 338A in the Constitution through Constitution Amendment (89 Amendment) Act, 2003 which, inter-alia, enjoins upon the Commission to oversee the implementation of various safeguards provided to Scheduled Tribes under Constitution or under any other law for the time being in force or under any other order of the Govt. and to evaluate the working of such safeguards. The Commission comprises a Chairperson, a Vice-Chairperson and three full time (including one lady) Members. NCST has identified ten areas for policy implementation and investigation, which raise primary concerns related to the tribal communities, such as forest rights (CFR & PESA), R&R', mining- related issues (DMF & MMDRR), financial issues and implementation of development schemes, atrocities, grievances, inclusion and exclusion, health and nutrition, education, legal and constitutional issues, Scheduled Tribes Component in welfare schemes. Within these ten areas, the Commission performs 'grievance redressal and planning'. It derives its power for grievance redressal (b) of Article 338A whereas 5(c) and participation in the planning process.³

Several Schemes and policies are being introduced to be inclusive of the tribal communities and recognising their vulnerable situation which prevents them from receiving egalitarian privileges and social status. Recently, the birth anniversary of the renowned tribal leader Birsā Munda on 15th November has been announced as Janjatiya Gaurav Diwas to commemorate the struggles and sacrifices of tribal freedom fighters during the independence movement.⁴

The Government of India, through various policy measures, is working for the welfare of the backward communities including the STs. The State Governments also work in a similar fashion from their resources and most of the time in collaboration with the Central Government for the welfare of the backward communities. The Government presently makes the bulk of its contribution for ST welfare through various schemes exclusively for tribal welfare,

¹ Editorial- Tribal Sustaining the roots, Yojana, 2022,p-5

² <https://tribal.nic.in/AboutMinistry.aspx> accessed at 18.35 on 20.8.23.

³ Harsh Chauhan, "Policies on Schedule Tribes", Yojana , July 2022,p7-9

⁴ Ibid

As commonly understood, public policy pertains to the strategies, principles, and goals adopted by a government to tackle a range of societal issues and hurdles. Conversely, schemes encompass distinct initiatives or programs introduced by governmental bodies or organizations to effectively execute and fulfil the objectives set out in public policy. Schemes are concrete actions or projects designed to address a particular issue, provide a service, or deliver benefits to a specific group of people. In India, Central Government came up with various schemes for the benefit of the tribal communities.

Some of the important Central Sector and Centrally Sponsored Schemes/Provisions for tribal welfare are:

1. Special Central Assistance to Tribal Sub-Plan or Tribal Sub-Scheme of States: Special Central Assistance to Tribal Sub-Plan, is given by the Central Government to States to support their efforts in bridging the gap between the tribal population and other social groups through human resource development, enhanced quality of life, enhanced opportunities and alleviation of poverty.

2. . Grant-in-aid under Article 275(1): Grants-in-aid from the Union to certain States, charged on the Consolidated Fund of India, are provided to promote the welfare of the STs in that State or raise the level of administration of the Scheduled Tribes' Areas to that of the administration of the remaining area of the State. Such grants are only additive to the State's efforts and are given to plug critical gaps in governance.

3. Scholarship and Fellowship schemes: The Central Government has made provisions for scholarships to Scheduled Tribe students of the country which are available at various levels of education, viz. pre-matric education and post-matric education. National Scholarship Scheme (Top Class) For Higher Education of ST Students: Under this is a Central Sector Scheme fully funded and implemented by Central Govt. Scholarship is given to ST students for pursuing higher studies in prescribed courses in any of the 246 Premier Institutes of Country like IITs, AIIMS, IIMs, NIITs, etc. identified by the Ministry. Preference is given to girls, Divyang and PVTGs. National Fellowship Scheme For Higher Education of ST Students: Under this Central Sector Scheme fully funded and implemented by Central Govt students belonging to tribal communities get scholarship to pursue MPhil and PhD in following:

- Universities/Institutions/Colleges included under section 2(f) /12(B) or 2(D) and 12(B) of UGC Act
- Deemed to be Universities included under Section 3 of the UGC Act, 1956 and eligible to receive grants-in-aid from UGC.
- Universities/ Institutions/ Colleges funded by Central/ State Government.
- Institutes of National Importance.

National Overseas Scholarship -- This Scheme provides for financial assistance to selected ST students to pursue Post Graduation, PhD & Post-Doctoral study abroad. A total of 20 awards are given every year. Of these, 17 awards are for STs and 3 awards for students belonging to Particularly Vulnerable Tribal Groups (PVTGs).¹

Special Fund for Protection of Particularly Vulnerable Tribal Groups

Particularly Vulnerable Tribal Groups (PVTGs) refers to those tribal communities which have pre-agriculture level of technological expertise, a stagnant or declining population, having extremely low level of literacy, and a subsistence economy. Around 75 such PVTGs have been identified by the Government of India in 18 States. Government is now giving priority to protection and improvement in the social indicators like livelihood, health, nutrition, and education to improve their situation

For Education of Girl Child

There is a special emphasis by the Central Government to empower women and educate the Girl Child in recent years. To benefit tribals as well, funds were allocated for the schemes for strengthening ST girl child education in Jharkhand

National Scheduled Tribes Finance and Development Corporation:

The Public Sector Undertaking under the Ministry of Tribal Affairs extends concessional loans to eligible ST persons for undertaking income generation activities or self-employment as per the norms.

The Government of India has taken up the challenge of educating the tribal population in mission mode. The Centre is giving more priority to the development of Eklavya Model Residential Schools (EMRS), for filling the gap in the education of tribal children.

In order to celebrate the contributions and sacrifices of tribal freedom fighters, the Centre announced to commemorate 15th November as 'Janjatiya Gaurav Diwas', which is the birth anniversary of tribal leader Birsa Munda has been dedicated to celebrating the memory of brave tribal freedom fighters.

To secure the rights of the tribals on forest produce, Government of India has recently given stress on the establishment of Agro/Forest/Natural resource-based micro industries. Recently a scheme was launched to provide a mechanism for marketing of minor forest produce through the development of a value chain through MSP called "Van Dhan Vikas Karya" which essentially imparts training to the tribals in marketing their minor forest produce and in developing value chain components.² The scheme marketing and logistics development for promoting tribal products from North Eastern Region has been approved

¹ <https://tribal.nic.in/ScholarshiP.aspx> accessed on 20.8.23 at 19.16pm.

² Asit Gopal, Welfare of Tribes, Kurukshetra, September 2022, p 12-15

during 2021-22 for two years which aims to strengthen livelihood opportunities for tribal artisans through increased efficiency in procurement, logistics and marketing of tribal products.¹

Various Tribal Research Institute were established for the development of the Tribal communities

Tribal Research Institute (TRI) is the research body of the Ministry of Tribal affairs at state level . It is envisaged that TRI's should focus on their core responsibilities as body of knowledge & research more or less as a think tank for tribal development, preservation of tribal cultural heritage, providing inputs to States for evidence based planning and appropriate legislations, capacity building of tribals and persons / institutions associated with tribal affairs, dissemination of information and creation of awareness .There are 26 Tribal Research Institute (TRIs) supported by ministry of Tribal Affairs, Government of India.

In Jharkhand, Dr Ram Dayal Munda Tribal research institute was established (Ranchi). It offers courses in tribal research under Ranchi University. There are some privately run tribal research varsity in states like Odisha

The TRI in Assam was established in the year 1963 with its head quarter at Shillong which was the capital of undivided Assam (consisting of Assam, Meghalaya, and Mizoram). It had six District Research Officers posted at Guwahati, Dibrugarh, Diphu, Aizawl, Shillong and Tura, under the administrative control of Tribal Area Development Department of Assam with a (100 %) hundred percent financial grant from the Government of India through the Ministry of Home Affairs Department.

Apart Assam And Jharkhand, several Tribal Research Institute were established in Andhra Pradesh, Andaman And Nicobar Islands, Chhattisgarh, Gujarat, Himachal Pradesh, Jammu And Kashmir, Karnataka, Madhya Pradesh ,Maharashtra, Manipur, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal, Kerala.²

Conclusion

Public policy has a profound impact on tribal communities, as it can either perpetuate or mitigate existing inequalities. Well-designed and inclusive policies have the potential to uplift marginalized communities, improve their living conditions, and empower them to lead fulfilling lives. One of the key impacts of public policy on tribal communities is its ability to address systemic biases and discrimination. Tribal communities often face structural barriers that prevent them from accessing opportunities and resources. Public policy interventions that prioritize inclusivity and affirmative action can help level the playing field and provide tribal communities with equal access to education, employment, healthcare, and other essential services. Moreover, public policy can empower these marginalized communities by amplifying their voices and addressing their specific needs. Policies that promote community participation and engagement can ensure that tribal communities are actively involved in decision-making processes. This not only helps in identifying and addressing their unique challenges but also promotes a sense of ownership and agency among these communities.

Additionally, public policy can contribute to reducing social and economic inequalities. By addressing disparities in income, education, healthcare, and other areas, public policy initiatives can uplift tribal communities and bridge the gap between different socio-economic groups. This leads to a more equitable distribution of resources and opportunities, creating a society that values social justice and inclusion.

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