



## A STUDY ON IDENTIFICATION OF SOCIAL JUSTICE AND SPECIAL POLICIES FOR TRIBAL PROTECTION AND SOCIAL JUSTICE

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### **Abstract**

India has the second largest tribal population of the world. Though they are in minority among the total population of India, they are significant in terms of their socio cultural and economic specificities. They are socially, economically weaker due to cause and consequence of poverty, absence standard of education and awareness. They lack of personal hygiene and sanitation, nutritional deficiency and health services. The present study focuses to identify the Social Justice and special policies of our State Government to safeguard of Schedule Tribe. Under the Indian Constitution significant changes have been taken places through the reservation policy of the Government.

**Key Words:** *Bifurcation, Underprivileged and Immunization.*

### **Introduction**

India has the second largest tribal population of the world. Though they are in minority among the total population of India, they are significant in terms of their socio cultural and economic specificities. They constitute 8.6% of the total population of India, as per the Census of 2011. Some states have higher tribal population, while others have much lower representation of Scheduled Tribes (STs) in their population. They constitute 5% in the southern states of India.<sup>1</sup>

Under Article 342 of the Constitution of India there are 705 notified STs, spread over different States and Union Territories of the India. Within STs Population, some ST communities constitute more than 5% in population in every State. The largest number of communities listed as Scheduled Tribes are in the State of Odisha, i.e. 62.<sup>2</sup> They are socially, economically weaker due to cause and consequence of poverty, absence standard of education and awareness. They lack of personal hygiene and sanitation, nutritional deficiency and health services. The present study focuses to identify the Social Justice and special policies of our State Government to safeguard of Schedule Tribe. Under the Indian Constitution significant changes have been taken places through the reservation policy of the Government.

**Tribal Protection Act:** The architects of our Indian Constitution, being awake of the different identity of the tribal communities and their habitat, provided certain articles exclusively devoted to the cause of the tribal people. These Articles are: 244, 244A, 275(1), 342, 338(A) and 339.

1. **Articles 244** The provision of the Fifth Schedule shall dealing with administration of Scheduled areas and Tribal area.
2. **Articles 244A** This article deal with formation of an autonomous state comprising certain tribal area.
3. **Articles 275(1)** According to this article, Constitution of India guarantees grants from the consolidated fund of India each year for promoting the welfare of Scheduled Tribes for creation of infrastructure in tribal area.
4. **Articles 342** Indian President after consultant with the State Governor to issue an order for the first list of tribal communities. Any subsequent include or exclude from the list of STs can be effected through an Act of Parliament as envisaged under clause (2) of Article.
5. **Articles 339** Control of the Union over the welfare of Schedules Tribes. These provisions are aimed to ensuring social, economic and political equity; several specific legislations have been enacted by the Central and State Governments for the welfare and protection of tribal people and their tribal domain.<sup>3</sup>



**Protection of Civil Rights Act, 1955:** In continuance of Article 17 of the Constitution by which untouchability was abolished and its practice in any form forbidden, the Protection of Civil Rights Act, 1955 was enacted. The provisions of the Act extend to whole of India. Further the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought into force with effect from 30<sup>th</sup> January, 1990.<sup>4</sup> For develop and safeguard of Scheduled Tribes, Central Government have released sufficient funds. Details of fund allocation from 2008-09 to 2014-15 to Tamilnadu.<sup>5</sup>

#### **Scheduled Tribes Act for Special Courts**

For ensuring speedy trial of cases under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, 193 exclusive Special Courts, have also been set up by nine States. In Tamilnadu out of 32 courts four Special Court established for SC/STs.<sup>6</sup> This special Courts are held in Trichy, Thanjavur, Thirunelveli and Madurai. Later in 2015, Villupuram and Sivagangai district had such courts upon the courts perseverance while hearing the case.

#### **Prevention of Atrocities ACT 1989 (POA)**

In India, some states Special Police Stations for registration of complaints of offences against SCs and STs have been set up in Bihar (38), Chhattisgarh(13), Jharkhand (24) and Madhya Pradesh (51). But this facility is not available in Tamilnadu.<sup>7</sup> According to Prevention of Atrocities ACT 1989 (POA), in Tamilnadu, considerable number of Scheduled Tribes cases registered by Tamilnadu police. Number of cases registered and their disposal under the SC/STs Prevention of Atrocities Act, 1989 during the year 2009-10 to 2014-15.<sup>8</sup>

#### **Forest Dwellers Act, 2006**

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, also known as FRA, sought to regularize land holdings of tribal and other forest dwellers on forest land, by giving them legal titles on the same. It also gave them the right to collect and use minor forest produce, besides making them responsible for protecting and conserving the forest.<sup>9</sup> The Government Tamil Nadu, the permitted tribal communities to collect non-timber forest produce from forest areas free of cost and sell them in the open market for their day-to-day earnings, with the association of the village forest committees.<sup>10</sup>

#### **Political Safeguards**

The following articles provide for reservation of seats for SC/STs in elections to various bodies. Article 330 & 334 Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People., Article 332 Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States, Article 243D Reservation of seats in every Panchayats and Article 243T Reservation of seats in Municipalities.<sup>11</sup>

#### **Grants-in-Aid under Article 275 (1) of the Constitution**

According to Article 275 (1) of the Constitution of India guarantees grants from the consolidated fund of India each year for promoting the welfare of Scheduled Tribes for creation of infrastructure in tribal area. Some of the activities approved during 2016-17 for grants under Article 275(1) of the Constitution and Special Central Assistance to Tribal Sub-Plan Special Central Assistance (SCA to TSP) are given below:

1. Eklavya Model Residential School (EMRS).
2. Addition to existing building infrastructure of Secondary / Sr. Secondary School Construction of Girls and Boys Hostels.
3. Addition to / Strengthening of building infrastructure of Community Health Centre / Primary Health Centre.
4. Health Equipment's with minimum three years life period.
5. Adoption and extension of commercial and traditional crops to augment tribal household income.
6. Soil health management and moisture / water conservation measures.
7. Promotion of organic farming.
8. Setting up nurseries of fruits, flowers, vegetables including polyhouse, greenhouse.
9. Practice and promotion of growing horticultural products with forward linkages like warehousing, processing, etc.
10. Cooperative based (or other) dairy development including processing and chilling infrastructure to ensure better and reasonable price to tribal households.



11. Provision of sports facilities in tribal schools.
12. Promotion of poultry as income generating activity with backward and forward linkages.
13. Veterinary services including building infrastructure and equipment.

### **Eklavya Model Residential Schools**

Eklavya Model Residential Schools (EMRSs) are set up in the States / Union Territory funded under Article 275(1) of the Constitution of India on the pattern of Jawahar Navodaya Vidyalaya the Kasturba Gandhi Balika Vidyalayas and the Kendriya Vidyalayas. The objective of EMRS is to provide quality middle and high level education to Scheduled Tribe (STs) students in remote areas, not only to enable them to avail of reservation in high and professional educational courses and get jobs in Government and public and private sectors. Central Government fund allotment to Tamilnadu for development of Scheduled Areas in Tamilnadu from 2015-15 to 2016-17 is as under:-<sup>12</sup>

Hostels got boys and girls in Thuraiyur and Sengattupatti in Trichy district. At the cost of Rs.2.30 Crore and Rs 3.60 Crore.<sup>13</sup> Also out of 21 Tribal Research Institutes (TRIs) around India, one institution Tribal Research Centre, Government of Tamil Nadu, Udthagamandalam, Nilgiri District, is held Tamilnadu<sup>14</sup>.

### **Special Central Assistance to Tribal Sub Plan**

As per the guidelines of the Union Planning Commission, New Delhi, the Tamil Nadu State Planning, Development & Special Initiatives (SP) Department in its has designated the Adi Dravidar & Tribal Welfare Department as the 'Nodal department' for formulation and implementation of TSP in Tamil Nadu.<sup>15</sup> The Director of Tribal Welfare has been designated as Monitoring Officer to monitor and review the tribal welfare schemes in all districts<sup>16</sup> The State Government have constituted a State Level Monitoring Committee (SLMC) under the Chairmanship of the Chief Secretary to Government to review the performance of all the concerned Departments implementing schemes under TSP once in three months<sup>17</sup> Details of fund outlay and fund allotment by Central Government to Tamilnadu according to TSP from 2002-03 to 2016-17.<sup>18</sup>

### **Separate Ministry for Scheduled Tribes development**

For development of Schedules Tribes, a separate of Ministry of Tribal Affairs was set up in 1999, after the bifurcation of Ministry of Social Justice and Empowerment with the objective of providing more focused approach on the integrated socio-economic development of the Scheduled Tribes, the most underprivileged of the Indian Society, in a coordinated and planned manner. Before the formation of the Ministry, tribal affairs were handled by different Ministries as given below: -

1. As a Division of the Ministry of Home Affairs named as 'Tribal Division' since independence up to September, 1985.
2. Ministry of Welfare during September 1985 to May 1998.
3. Ministry of Social Justice & Empowerment from May 1998 to September 1999.<sup>19</sup>

For development and safeguard of Scheduled Tribes, Government had taken adequate Constitution protection policies, reservation in educational intuitions and employment, allocation of budget and amendments as per requirements.

### **Mobile Unit for Tribes HealthCare**

The Mission's Mobile Unit takes medical care of the tribal's at the very door steps of the ailing, living in distant localities and to those unable to reach the Government hospitals in the district. Weekly sub centres have been opened in different parts of the district, the Nilgiris district of Tamilnadu. Another activity taken up by the mobile unit is the medical inspection of children in nursery schools, primary schools and hostels for tribal children. Patients are examined and given medicines, and cases requiring hospitalization are taken to the Mission Hospital in the ambulance. Averages of 75 patients are treated at each centre every week. The mobile unit conducts diagnostic and treatment camps in tribal colonies on six days in a week. In the camps immunization and distribution of Vitamin-A are also conducted.<sup>20</sup> Through mobile hospital services health education can be given effectively through distribution of pamphlets, posters and showing film slides and documentaries.



## Conclusion

The central Government 2011 census report 1.1% STs Communities have been notified in Tamilnadu. For improvement of their life, Government have implemented enough legal protection through the constitutional articles of 244,244A, 275(1), 342,338(A), 339,15 (4), 15 (5), 16(4), 16 (4 A), 164(1) proviso, 275 (1) first proviso, 243 D, 243 T, 330, 332, 335, and 338 to 342 for enhance social status through various reservations. Also with the help of Central Government assistance, Tamilnadu received various fund for STs' development programme. Moreover, till in Tamilnadu not have a single reserved seat in the Lok Sabha for ST and no Special Police Station for them. Still they are living in unhygienic condition, agriculture lands are alienated, basic issues such as drinking water, electricity, link roads, consumer shops and transport facilities for school going children are not upto the mark as compare to others. Government have allocated one percent out of the State Plan for TSP areas in Tamilnadu. Therefore, to uplift of STs Status more tighten constitutional amendment and fund allotment is needed for better social guard of those people.

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