

CONSTITUTIONAL SAFEGUARDS FOR TRIBAL DEVELOPEMENT IN MAHARASHTRA

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Introduction :

During the post independence era India has tried many experiments in the field of tribal development. The journey began with the strategy of community development blocks during the fifties and since then it has continued through the tribal development blocks, area development approach, Integrated rural development programme, twenty point programme. until the Tribal sub-plan strategy was evolved by mid seventies. Panchayat Raj system was also included in India.s. administrative structure simultaneously to ensure better pragmatic execution of tribal development schemes at the local level. One major Intervention was affected by the Government during mid-seventies (1975-76) and the state Government were directed to adopt . Tribal Sub-Plan. strategy within the framework of their state plan. The Tribal sub-plan strategy has been in vogue during last thirty-five years. The aim of this paper is to analyses different approaches observed while framing different policies and programmes for tribal development.

Tribes in India are generally considered to be 'Adivasis,' meaning indigenous people or original inhabitants of the country. The tribes have been confined to low status and are often physically and socially isolated instead of being absorbed in the mainstream Hindu population. Psychologically, the Scheduled Tribal are relatively isolated and live at various stages of economic, technical and cultural development.

For the development tribal community, Scheduled Tribes Welfare program was launched on 2nd October 1952. Maharashtra state cooperative tribal development corporation has been established in 1972. Separate Tribal Welfare Division was established in 1973. To stop the exploitation of tribal community from businessmen's, money lenders government has initiated a new law i.e. "Maharashtra Schedule Tribe Economic Status Improvement Act 1976". According to this act tribal community people were freed from earlier loans. For the fast development of scheduled tribe Maharashtra government has established a Tribal Development Directorate at Nasik. In total 18

integrated tribal developments Project (ITDP) offices are established in tribal region. Various schemes are being implemented through this department.

Constitutional Safeguards :

While the constitution has abolished representation on communal lines, it has included safeguards for the advancement of the backward classes amongst the residents of India, so that the country may be ensured of an all-round development. These provisions fulfil the assurance of Justice, social, economic and political which has been held out by the very Preamble of the Constitution.

The important Constitutional safeguards available for the STs, are mentioned below :

- (1) Social Safeguards Article, 15, 16, 17 and 23 of the constitution provides social safeguards to the Scheduled Tribes. Article 17 provides. Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.. To give effect to the Article, Parliament made Untouchability (offences) Act, 1955, more stringent and passed Prevention of Atrocities Act, 1989. The said Act was amended in 1995 and 2006 again to bring better results. POA is a powerful and precise weapon for preventing atrocities on Scheduled Tribes.
- (2) Directive Principles of State Policy Article 46 of the directive principles of the state policy. which are fundamental in the governance of the country, states : The state shall promote with special care the educational and economic interests of the weaker section of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.. This article is a comprehensive one comprising both the developmental and regulatory aspects.
- (3) Educational and Cultural Safeguards Article 15 (4) empowers the state to make any special provision for the advancement of any socially and educationally backward classes of citizens or for SCs and STs. It means that if special provisions are made by the state in favour of the members of Scheduled Tribes, other citizens shall not be entitled to impeach the validity of such provisions on the grounds that such provisions are discriminatory against them.
- (4) Political Safeguards Article 330 as amended by the constitution (fifty. first Amendment) Act, 1984 provides for reservation of seats for SCs / STs in the Lok Sabha in every state except the scheduled Tribes in the autonomous districts of Assam. Similarly, Article 332 provides for reservation of seats for the SCs/ STs in the state legislative Assemblies.
- (5) Service Safeguards Article 16 (4) empowers the state to make any provision for the reservation in

appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state. Similarly, Article 16 (4A) provides; that nothing in this Article shall prevent the state from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the state in favour of the scheduled castes and the Scheduled Tribes which, in the opinion of the state, is not adequately represented in the services under the state.

- (6) Constitutional Provisions for Tribal Self-Rule Geographical areas designated as fifth and sixth scheduled areas by independent India are identical to those already delineated by the British as scheduled areas. Article 244 (1) provides for a Fifth Schedule that can be applied to any state other than those of North. East India. The Sixth Schedule is supposed to be informed by the ethos of self-management.
- (7) The National Commission for Scheduled Tribes Article 338 (A) of the constitution provides that there shall be National Commission for Scheduled Tribes. It shall consist of a chairperson, vice-chairperson and three other members all to be President of India.
- (8) Forest Right Bill In December 2006, a Forest Rights Bill has been passed by the parliament. This bill recognizes the right of scheduled Tribes and other forest dwellers to the land and forest resources that they used (not to any new resources), which were not recorded when the forest laws were put into force.

Conclusion :

It is highlighted that the Government is formulating many of the welfare policies for the development of the Scheduled Tribes to provide them education, employment, socio-economic and political empowerment, health and nutrition, etc. But, it is noted that the tribal are scattered in different forests and hilly areas and it has become a challenge for their development.

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