

SOCIO-LEGAL STATUS OF TRIBAL PEOPLE IN INDIA UNDER THE CRIMINAL TRIBES ACT, 1871: AN OVERVIEW

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Abstract

India a home to a variety of cultural, religious, ethnic and linguistic groups, has tried hard to establish herself in the global economy. Indian polity is strongly influenced and guided by the principles enshrined in the Constitution like Equality, Justice, and Fraternity and ultimately guarded by the 'Theory of Basic Structure'. With India's rapidly growing economy, we can also see socio-economic inequality, uneven distribution of natural resources and deprivation of social justice. One such marginalized group that lacks attention and needs to be addressed is 'Scheduled Tribes'. In spite of enacting numerous progressive laws, legislations, programs and schemes, they are still unequipped to access the rights that are envisaged under Indian constitution. Their backwardness and most disadvantaged socio-economic conditions, has made Scheduled Tribes weak and venerable, starting from notorious "Criminal Tribes Act, 1871", where they were considered as 'Born Criminals' in India. Even though it was repealed in 1949, the legacy of which still haunt about 60 million people, who come under 313 Nomadic tribes and 198 De-notified Tribes of India¹. Due to this they are facing social seclusion, moral alienation and economic hardships. A large number of them are even today recognized as 'Vimukta Jatis' or the Ex- Criminal Tribes. This paper broadly discusses the atrocities faced by these tribal groups and the role played by the Constitution of India and other prevailing laws. Where the laws have not been able to provide complete remedy to these problems faced by the tribal people.

Key words: tribal people, forests, indigenous traditional knowledge, marginalization, criminal tribes

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¹ BHARGAVA, BHAWANI SHANKER. THE CRIMINAL TRIBES: A SOCIO-ECONOMIC STUDY OF THE PRINCIPAL CRIMINAL TRIBES AND CASTES IN NORTHERN INDIA 65-110. (Ethnographic and Folk Culture Society, United Provinces, by the Universal Publishers, 1949).

Introduction

India gained independence six decades ago and, since then she has successfully made her way up to the list of potentially growing, influential countries. India is one of the largest democracies in the world. While her approach towards reduction of poverty, upliftment of the under privileged classes is remarkable, it is sad to note that in spite of all her efforts there are certain dark areas like caste system, untouchability, poverty alleviation, unequal distribution of natural resources, that she has not been able to do away with. One such major area that needs attention is upliftment of Scheduled Tribes and other nomadic tribes. The question that arises here are the efforts adopted to promote, protect the Scheduled Tribes and other nomadic tribes is meagre or unimplemented, because the social inequalities, injustices and the cruelties of the social order has made them weak and vulnerable. Despite all the efforts, the unfortunate reality remains. Atrocities against the Scheduled Tribes recur, and a serious gap between India's policy declarations and ground realities persists. There are many reasons pertaining to historical, cultural, economic, social and political backwardness of Scheduled Tribes and other Nomadic tribes.

Forest as commons and tribal rights

The indigenous people are dependent on forest and have traditionally made use of forest resources for centuries without state intervention, and they are never regarded as a private property by the tribal themselves, and therefore forest can squarely be described as commons. Forest has been recognized as commons in the ancient Roman times, during the Mauryan period. To consider Forest as commons in India,² one must first discuss the effects of the legacy left over by the British, who regarded forests as a fully state owned resources with no reason for the communities that had lived in and around the forests for years to assume that they had a use right over it.³ The Customary Rights of the Indigenous people over the forest has been lost and violated since British time. This violation of community Rights has led to many problems like damage caused to environment as well as law and order situation like secessionist movements in Northeast India and Naxalism.⁴

² Chandran, MD Subash, and J. Donald Hughes. *The sacred groves of south India: ecology, traditional communities and religious change*. SOCIAL COMPASS 44.3, 413-427 (1997).

³ GUHA, RAMACHANDRA, AND JOAN MARTÍNEZ ALIER. *VARIETIES OF ENVIRONMENTALISM: ESSAYS NORTH AND SOUTH*. Routledge 70-90 (2013).

⁴ Gordon, Sandy, *Resources and instability in South Asia*. SURVIVAL 35.2, 66-87 (1993).

Biological synthesis between the tribals & forests

The most marginalized sections of our society, the tribals, are primarily dependent on these forests for their sustenance. The sustainable forestry management has to be seen in its totality and recognize that the law affecting commodities which are dependent on forest, as well as those that are enacted towards conservation, have to be weighed and balanced for ensuring sustainability⁵. Recognizing the symbiotic relationship between the forests must aim to judiciously utilize forest resources for addressing the concerns of livelihood and also ensure sustainability of their use.

Thought, the sizable amount of the population is dependent on forest resources, the laws on forests have not been cognizance of this fact. The law did not foresee that the concern of sustainability and livelihood would become so critical within such short span of time. As government agencies excrete greater control over forests, millions of rural inhabitants throughout India, who have used these forests to meet their basic needs of food, fuel, building materials, fiber and medicines, increasingly lost access rights. As the lives of the rural communities were eroded, conflict arose between the state agencies and the tribal communities. Disagreement over management priorities led to unsustainable patterns of forest exploitation and to a gradual degradation of India's vast forest.⁶

Indigenous traditional knowledge in protecting forests

Since times immemorial, indigenous people have been dependent on forests for various purposes, as a source of fodder, building materials, food, fuels, and minor forest products. Since forests are their very life base, these communities have a rich tradition of forest conservation, as has been discussed subsequently. They also have their own distinct cultural traits and social setups governing the many facets of their lives, including forest conservation. These communities are known as 'tribe' and considered economically independent group of people who have a specific pattern of living. They identify themselves from the close relationship between their community members and their natural habitat and forest they live in. The indigenous people have a cultural heritage of a symbiotic relationship with the environment. They have developed a number of traditional practices of conserving forests and respect for nature. Rudolph Ryser, Director for Centre for World Indigenous Studies in Olympia, states that, the best and only way to protect the forests and

⁵ Gadgil, Madhav, and RamachandraGuha. *Ecological conflicts and the environmental movement in India*. DEVELOPMENT AND CHANGE 25.1, 101-136 (1994).

⁶ Guha, Ramachandra. *Forestry in British and post-British India: A historical analysis*. ECONOMIC AND POLITICAL WEEKLY 182-196 (1983).

animals in the wild is to leave it to the care and love of indigenous communities as their culture and way of life directly connects with this.

Tribals are depended on forests for every day needs be it food, building materials, fuel, cloths, medicines, etc. The traditional knowledge of preserving the environment enables them to take steps to replenish as they have doing for centuries, else they would lose out their livelihood. Some also states that, as the governmental agencies have a great control over the forests and natural resources, and the communities dependent on forests for basic food, fodder, fiber, medicines and other building materials have lost all the access to the forests. This erosion of rights among the tribal communities, led to conflict between the governmental agencies and communities. This disagreement between the communities and the governmental agencies which led to unorganized and unsustainable patterns of forest utilization and later let to degradation of forests. ⁷The shifting cultivation practice by the tribal people in Northeast India has been raised by some people concern that it is not an environment friendly practice. This practice is prevalent only in few states and it is not common to all tribes in India. The amount of damage done to forests for shifting cultivation is nothing compared to felling of trees for industrialization.

History of marginalization of tribal People

Prior to the British Period the Forest dwellers enjoyed protection and privilege. However the situations of the forest dwellers had deteriorated during the British rule. The historical context of laws relating to forests in India also seems to present two distinct views on their objectives. One of the views held by the state is that, forest was reserved for restricted use and to enable sustainable harvesting, which would meet the objectives of both conservation and livelihood requirements of the poor. At the same time on the other hand, for the first time in the history of India, during the British colonial rule, various pieces of legislation were enforced against Scheduled Tribes and were called as “Criminal Tribes Act,1871”. This act started in North India, and later extended to Bengal Presidency and then to Madras presidency as well. According to this Act certain tribal communities were mischievously branded as “Habitual Criminals” or “Born Criminals”⁸. It started with few communities but later 150 communities ranging up to 60 million people were declared as ‘Criminal Tribes’.

⁷ UPADHYAY, SANJAY, AND VIDEH UPADHYAY. HAND BOOK ON ENVIRONMENTAL LAW-FOREST LAWS, WILDLIFE LAWS AND THE ENVIRONMENT. LexisNexis Butterworths 74-97 (2002).

⁸ FUCHS, *supra* note 15, at 6.

The enactment of Indian Forest Act, 1865 facilitated the acquisition of Indian forests which was used to supply timber for the ship building, iron smelting and tanning.⁹ The Indian forests also served the needs of the British army during the World Wars. Thus the British period saw the advent of usurpation of the right of the forest dwellers. The subsequent Forest Act was passed in 1878 which though recognized the rights of the villagers in the forest region but restricted it to grazing, collection of fuel and fodder, medicinal plants, herbs etc., without conferring any proprietary interest.¹⁰ The rights however gave the state absolute ownership gradually made the forest dwellers outsiders in their own home, tagging them as encroachers. A new legislation was thereafter enacted in 1927 named the 'Forest Act-1927' which also continues till today as the main legislation on forests in independent India.

Ironically, Habitual Offenders Act, 1952 was enacted. According to the act, a habitual offender is one who has manifested a set practice in crime and poses serious threat and danger to the society in which he lives in. To be crisp, the communities that were de-notified under Criminal Tribes Act were brought back under the same stigma and inhuman clutches under the new Habitual Offenders Act, 1952 and were officially called as 'De-notified Tribes'.¹¹

The Habitual Offenders Act was abolished in early 1990's. But the legacy and impact of these laws still haunt 60 million people who come under 313 Nomadic tribes and 198 De-notified tribes. Now they are also considered under the purview of 'Prevention of Anti-Social Activity Act' (PASA) and many of them have been denied the status of Scheduled Castes, Scheduled Tribes as they have no evidence to prove the same.¹² Through this they are deprived of protective discrimination (reservation under Indian Law), as a result they are facing social seclusion, moral alienation, economic hardships and educational backwardness. Even today they are addressed as 'Vimukta Jatis', 'De-notified Tribes' or the 'Ex-criminal Tribes'.

To briefly discuss their current position, we have to consider the facts that are embedded in the history. For the first time in the history of India, during the British colonial rule, various pieces of legislation

⁹ GHATE, RUCHA SURESH. FOREST POLICY AND TRIBAL DEVELOPMENT: A STUDY OF MAHARASHTRA. Concept Publishing Company, 52-76 (1992).

¹⁰ Hazra, Arnab Kumar. *History of Conflict over Forests in India. Working Paper.* NEW DELHI: CENTRE FOR POLICY RESEARCH 25-54 (2002).

¹¹ Abraham, Susan. *Steal or I'll Call You a Thief - 'Criminal' Tribes of India.* ECONOMIC AND POLITICAL WEEKLY, 1751-1753 (1990).

¹² Motzafi-Haller, Pnina. *Locating the agency of marginalized people: Nomadic and post-nomadic service populations in Rajasthan, India.* JOURNAL OF THE ANTHROPOLOGICAL SOCIETY OF OXFORD ONLINE [NEW SERIES] 4.1, 22-54 (2012).

were enforced against Scheduled Tribes and were called as ‘Criminal Tribes Act, 1871’.¹³ This Act started in North India, and later extended to Bengal presidency and then to Madras presidency as well.¹⁴ After a number of corrections and incorporations the ‘Criminal Tribes Act, 1924’ stood final.

According to the Act certain tribal communities were mischievously branded as ‘Habitual Criminals or ‘Born Criminals’. It started with few communities but later 150 communities ranging up to 60 million people were declared as ‘Criminal Tribes’.¹⁵ The reasons for considering these tribal communities as criminals can be divided into three:

1. There were few Nomadic Tribal Communities who were forced to commit organized community based crimes for livelihood, which was an impact of changing social and economic scenario in Colonial India.¹⁶
2. British considered every tribe who strongly resisted Raj Sarkar as Criminals. For instance: Bhils who fought against the British rule in Khandesh were convicted under Sec 110 of IPC and were called as Criminal Tribes.¹⁷
3. A Historian also predicts that the branding happened because, many of these tribes belonged to small communities of low-caste and nomadic people and survived as petty-traders, gypsies, hill and forest dwelling tribes. They were far from the British concept of civilization.¹⁸

The impact of the Act was enormous, Police were given unlimited powers to control them, arrest them for no reason and monitor their movements through compulsory registration and passes. They were prohibited from recourse to appeal and use of judicial system, and district magistrates maintained regular records of so called ‘Born

¹³ SCHWARZ, HENRY, CONSTRUCTING THE CRIMINAL TRIBE IN COLONIAL INDIA: ACTING LIKE A THIEF 30-75 (John Wiley & Sons, 2010).

¹⁴ Radhakrishna, Meena. *The Criminal Tribes Act in Madras Presidency: implications for itinerant trading communities*. THE INDIAN ECONOMIC & SOCIAL HISTORY REVIEW 26.3, 269-295 (1989).

¹⁵ RADHAKRISHNA, MEENA. DISHONoured BY HISTORY:" CRIMINAL TRIBES" AND BRITISH COLONIAL POLICY 89-115. (Orient Blackswan, 2001).

¹⁶ Kapoor, Dip. SUBALTERN SOCIAL MOVEMENT LEARNING AND THE DECOLONIZATION OF SPACE IN INDIA. INTERNATIONAL EDUCATION 37.1, 35-68 (2007).

¹⁷ Radhakrishna, *supra* note 4, at 4.

¹⁸ Arnold, David. CRIMINAL TRIBES AND MARTIAL RACES: CRIME AND SOCIAL CONTROL IN COLONIAL INDIA. INSTITUTE OF COMMONWEALTH STUDIES, UNIVERSITY OF LONDON, 89-96 (1984).

Criminals'.¹⁹ They were arrested without any intimation or valid reason; they were doubted for any crime that took place in the vicinity. Their Right to live, Right to Speak, Right to Information and Right to Privacy were continuously violated. Well, as an extension of this Act, separate 'Reformatory Settlements' were established for boys, aged between four and eighteen, far from their families. Here they were subjected to low paid work and compelled to report the guard rooms several times a day, so that they did not escape the premises. In 1936 Jawaharlal Nehru talking of this Act commented that 'no tribe can be criminals by birth', and the Criminal Tribes Act, 1871, was repealed in 1949, as it was against the spirit of Indian Constitution and a shameful colonial legacy.²⁰

All the above are just the glimpse of the issue and their sufferings do not end here, they are exploited, put to hardship and their struggle for survival is inevitable, few such instances are quoted below.

Incidents establishing the status of tribal people in India

In the first incident, in 2001, a Pardhi (de-notified community) woman, ignited herself in a crowded court hall, to protest against her sons being arrested. She pleaded to the judge to release her sons who were arrested on false charges and if not, she threatened to burn herself. When one of the policemen next to her said 'you are all liars, that's not kerosene, its water'. Ignited by this to prove her innocence and anger she set herself ablaze and died, showing the frustration of lifetime harassment faced by their community. This incident turned political and in the name of witch-hunt, merchants burnt down over 100 homes belonging to Pardhi tribes.²¹

In the another incident, on June 8 1998, 35 years old, Pardhi, landless labourer PinyaHari Kale was picked by police in Satara dist. of Maharashtra. His only income to support his wife and five children was 1000 rupees. His wife Chandrasena was patient about the arrest, because suspicion and arrest of Pardhi tribes for petty or major crime in the area, followed by thrashing in the Police station and release was very common. When Kale did not return home even the next day, she panicked. She went to Police station in search of her husband. They showed his dead body, and told that Kale fell down and died accidentally while trying to 'escape from the custody'. But a second post mortem was conducted on Chandrasena's insistence and found multiple concussions; actually 14 in number and this proved that

¹⁹ Nigam, Sanjay. *Disciplining and policing the 'Criminals by Birth', Part 2: The development of a disciplinary system, 1871-1900.* THE INDIAN ECONOMIC & SOCIAL HISTORY REVIEW 27.3, 257-287 (1990).

²⁰ Radhakrishna, Meena. *Colonial Construction of a 'Criminal' Tribe: Yerukulas of Madras Presidency.* ECONOMIC AND POLITICAL WEEKLY, 2553-2563 (2000).

²¹ Radhakrishna, *supra* note 9, at 3.

Kale died due to multiple blunt injuries and also with an evidence of head injury. Later with the intervention of NHRC (National Human Rights Commission), Chandrasena was compensated by state of Maharashtra and also directed the state to take serious action against people including the doctor who were involved in first post mortem report.²²

In August 2006, a Bheel (de-notified community) woman was attacked and raped in Madhya Pradesh in front of her husband and two year old daughter. Her husband was tied up and beaten when he tried to protest her rape. After the incident, the victims arrived at the police station to report crime, but the police harassed them and refused to file the complaint because of jurisdiction problem. Two precious days were spent running from post to pillar, she lost her unborn child. In meantime her two year old daughter who was thrown into a trench by alleged rapists developed pneumonia and soon died.²³

In January, 2007, Forum for Fact-Finding and Advocacy filed a petition to National Human Rights Commission, according to which Deba Paharia, was murdered in a remote village. As a result, several men and 3 ladies were arrested on suspicion, only because they belonged to a community of de-notified tribe and were taken to Sundarpahar police station in Jharkhand.²⁴ The men were battered and physically assaulted, and witnesses confirm that there were marks of police brutality on their bodies. The three female victims aged between 28 and 31 claim that they were illegally detained, and were subjected to torture, rape, and they were stripped and paraded naked around the police station, in addition to this, the police stole Rs.120 from them. The above are only a few cases of violence and other atrocities that have been committed against the Paharia, Lodha, Pardhi and Bheel and other De-notified Tribes.

This is not to say that members of this community do not indulge in crimes. Of course they did. Their crimes range from stealing fruits from fields to burglaries in which people were murdered, the crimes were organized but, with no 'criminal intention'. There are reasons for such crimes and therefore deserve consideration. Take for instance, Stephen Fuchs in his 'Aboriginal Tribes of India-1973' on indigenous people wrote, that a considerable amount of tribes are considered as wanderers and nomadic, and gathering food in forest and hunting is impossible they have not adopted easy but dangerous job like foraging the fields and villages to lead life. This got them a bad

²² Dilip D'Souza. *De-Notified Tribes: Still 'Criminal'?* ECONOMIC AND POLITICAL WEEKLY, VOL. 34, NO. 51, 3576–3578 (1990).

²³ Abraham, *supra* note 10, at 3.

²⁴ Motzafi-Haller, *supra* note 11, at 4.

reputation in the colonial rule and were branded as criminals and put under strict police supervision. But even after independence the stigma did not reduce or the police supervision that was put on them. They still practiced thieving due to circumstantial pressure.²⁵

Therefore we can consider one thing that's a clear fact here. If 'Criminal' tribes commit crimes, then at least 'part' of the blame lies in the fact that they still lead life in a 'traditional manner', which is no more an option. Not to forget, that a part of the blame also lies with the societal attitudes that leaves them no choice but to be criminals. For instance, local schools do not allow children from 'ex-criminal' communities to attend classes. Even if they manage to stay in school and graduate they are not given jobs only because they belong to an 'ex-criminal' tribe.²⁶ This was just a part of their struggle to live, but the realities are more harsh, brutal and barbaric.

Here it's important to observe that what happened to Kale and his family is typical of what happened many of the de-notified tribes in India. Society and Police often see them as criminals, because once upon a time they were called as 'criminals'²⁷. Many times 'their' mere suspicion results in death of a male member, and family being abandoned with no professional skills or education to feed them, their struggle for survival is more empathetic.

Considering all the above facts, In 2007 The United Nations Anti-Discrimination Body Committee on the Elimination of Racial Discrimination also noted that Habitual Offenders Act was a sophisticated replica of Criminal Tribes Act and they are now branded under a new name called 'De-Notified' tribes and this did not change the stigma or the oppression faced by these communities. It also upheld some of the fundamentals of Civil liberties like 'all human beings are born free and equal', and 'under criminal justice system, a human being is innocent unless proven guilty'.

As a result in 2008, The National Commission for De-notified, Nomadic and Semi- Nomadic Tribes (Ministry of Social Justice and Empowerment) recommended that the reservation available to Scheduled Castes and Scheduled Tribes be extended to de-notified nomadic and semi-nomadic tribes in India, and further extended that

²⁵ FUCHS, STEPHEN. THE ABORIGINAL TRIBES OF INDIA 34-60 (Macmillan India), 1974.

²⁶ Bokil, Milind, and Vijay Raghavan. *Women and Children as Victims and Offenders: The Case of De-Notified Tribes in India. Women and Children as Victims and Offenders: Background, Prevention, Reintegration*. Springer, CHAM, 755-790 (2016).

²⁷ *Ibid*.

the Scheduled Caste and Scheduled Tribe (prevention of Atrocities) Act, 1989 be applicable to these alienated tribes too.²⁸

Considering the current facts we should be extremely concerned about the failure of the Laws to safeguard the rights of DNTs. It is hard and impossible to think that a person can be born as criminal. Ironically, the notion of 'Born Criminals' is so much embedded in Indian society that discrimination, harassment, and inequality seems to be standardized with no kind consideration. There are laws to protect the rights of DNTs against arrest and prosecution on the basis of their caste, creed or ethnic but these are not efficiently enforced. There are no social strategies nor strong political will to minimize the continued civic and human right violations caused to DNTs and therefore initiatives have no enforcement or success rate. An attempt to rehabilitate the De-notified Tribes was tried in five year plans, and Indian Planning Commission also made a meagre stipulation to insure the resettlement of DNTs and programs to assist them in integrating into Indian main stream. Thereafter no specific plans were included in Five Year Plans.²⁹ However, due to negligence by centre and states and negative approaches by society, no serious attempts have been initiated.

In late 1990's the custodial death of Budhan Sabar (West Bengal) and Pinya Hari Kale (Maharashtra) was reviewed by Indian Judiciary and it found the police guilty and punished them. Compensation was awarded to victim's family.³⁰ Even though it was a significant incident for the accountability of the State, it did not bring much change in the lives of the DNTs. The seriousness in decision making was not seen. Therefore equality and taboo-free normal life is still a distant dream for DNTs.

Even after considering the provisions guaranteed under Indian Constitution the struggle of DNTs for life, livelihood and existence as human beings still persists. The official process of colonizing of the forests began with the Forest Act of 1864 and then the Indian Forest Act of 1927, the rights of tribal people were reduced to mere privileges conferred by the state.³¹ Even in today's scenario that tribal people are still dependent on the forests for their survival and driving them out of the forests has left them helpless. Later, The Forest Policy of 1952, the Wild Life Protection Act of 1972 and the Forest Conservation Act of 1980 made them more vulnerable.

²⁸ Karhad, B.D. *De-notified and Nomadic tribes in India: Issues and measures*. INTERNATIONAL JOURNAL OF PHYSICAL AND SOCIAL SCIENCES 4.9, 320-378 (2014).

²⁹ Bokil, Milind, *supra* note 17, at 6.

³⁰ Dilip D'Souza, *supra* note 18, at 6.

³¹ Bijoy, C.R. *The Adivasis of India-A History of Discrimination, Conflict, and Resistance*. PUCL BULLETIN, 90-110 (2003).

Independence, Constitutional privileges and popular welfare programs benefit only a small portion of this community or don't benefit at all. Even to avail the benefits of the state, one has to be strong and powerful, and belong to the right caste, but these groups are still unequipped to access the rights envisaged under the Indian Constitution.³² Many a times the picture is more disastrous, the real needy and worthy of the benefits are mercilessly pushed down in the 'claim ladder', and the existing dominating members take a lion's share in resources, opportunities, and privileges available for education, social and economic development. Due to this even today adivasis and other DNTs are reduced to a level of mere unskilled laborers or 'criminals'. This situation has risen because of the entrenched discrimination and inequality of the mainstream society on adivasis. Tragically, violations of existing constitutional provisions and civic rights of adivasis are embedded in the hierarchical caste system of India and the same was reinforced during colonial and post-colonial rule.³³

The consciousness that drives our political, administrative and judicial system needs to be relooked. However, legislations like Panchayat Raj (Extension to the Scheduled Areas) Act of 1996 and Forest Rights Act, 2006 has always raised positive hopes in self-governance and in recognition of their rights. But the question lies in the extent of implementation.³⁴ Talking of threats to the country, let's consider two important factors, in which a country's integrity can be diluted. The first considerable threats are the movements that arise as an outburst of existing inequality. The movements like Naxalism and Maoism posed serious challenge to the sovereignty of our country, followed by disintegration of states, like Assam to Nagaland, Meghalaya and Mizoram, Andhra Pradesh to Telangana. The recent Bodo land issue in Assam was instigated with a contention that they were neglected and not treated equally.

If the fight for equality continues, the sovereignty and integrity of India will be at stake and the evergreen example USSR (Union of Soviet Socialist Republics) becoming CIS (Commonwealth of Independent States, 1991) is still alive. Along with this, centralized system of governance must be diluted and self-governing system in India must be given more life. The modern world has been

³² Shackleton, Sheona, et al. *Devolution and community-based natural resource management: Creating space for local people to participate and benefit*. NATURAL RESOURCE PERSPECTIVES 76.1, 18-26 (2002).

³³ XAXA, VIRGINIUS. STATE, SOCIETY, AND TRIBES: ISSUES IN POST-COLONIAL INDIA. Pearson Education India 28-56 (2008).

³⁴ BANDI, MADHUSUDAN. IMPLEMENTATION OF FOREST RIGHTS ACT: UNDOING THE HISTORICAL INJUSTICES. RESEARCH UNIT FOR LIVELIHOODS AND NATURAL RESOURCES, Centre for Economic and Social Studies, 2012. Pp. 45-80.

constructed on the pillars of colonialism, feudalism and imperialism, which is supported by forever growing science and technology. The significance of sustainable economy is scattered in the wilderness of a profit oriented economy. The 'forever-unequal' concept of equality, the unresolved contradictions, globalization, exploitation and 'Born Criminals' stigma has left them in the midst of nowhere but to struggle for life and livelihood.

Conclusion

It has been argued by some of the environmental conservationists that opening of forests to the forest dwelling tribals will be disastrous to environment and wildlife.³⁵ There is a lurking apprehension and a well-founded apprehension in the minds of these conservationists that 'a lot of timber mafia, land mafia and others will turn up with fake documentation and claim forest land'. However mere apprehension regarding the sober administration does not render the whole act ineffective and justify uprooting of the tribals from their adobe. The solution lies in the strict supervision and restriction on of timber mafias & forest land grabbers and not in denial of the rightful claims to the forest dwellers. It is argued by some that forest and biodiversity should be protected with complete exclusion of the tribals living therein.

It is pertinent to mention that forests dwelling tribals maintain an ecological approach towards their habitat and in no manner cause devastation of forests. The statistics that 60% of the country's forests cover is found in 187 Tribal districts where less than 8% of national population lives in significant of this fact³⁶. The continued exploitation of tribal people can be disastrous to the ideals enshrined in the constitution of India. Therefore we need to concentrate on following the constitutional principles like Justice, Liberty, Equality and Fraternity more theoretically and implement the existing laws more efficiently. An equal opportunity to lead a humane, dignified life must be given to every man in this Country.



³⁵ Saravanan, Velayutham. *Political Economy of the Recognition of Forest Rights Act, 2006: Conflict between Environment and Tribal Development*. SOUTH ASIA RESEARCH, 199-221 (2009).

³⁶ Paul, Sheeladitya, and SnigdhaChakrabarti. *Socio-economic issues in forest management in India*. FOREST POLICY AND ECONOMICS. 55-60 (2011).