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Chapter - 1
Constitutional Provisions, Legislative
Enactments, and Human Rights Measures to
Protect the Rights of Tribal's in India

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Chapter - 1

Constitutional Provisions, Legislative Enactments, and Human Rights Measures to Protect the Rights of Tribal's in India

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Abstract

The Constitutional Safeguard Provisions related to Scheduled Tribes has been inserted into the Indian Constitution. In order the enactment related to tribal rights has brought several amendments in the Parliament. However, states has bound duties to take care about the citizen of India has really *enjoying certain rights, which it has been deal under constitution of India*, human Rights and other laws. This Paper discusses the constitutional provision related to Scheduled Tribes and several Acts related to Scheduled Tribes passed by the Indian legislature. It also discusses the international human rights provisions related to Scheduled Tribes. For this purpose, secondary data from law books, law articles, law journals, newspapers, etc. have been used.

Keywords: constitutional law, human right, legislative enactment, amendment

1. Introduction

The Universal Declaration of Human Rights, and the core human rights treaties, and other universal instruments relating to human right ^[1]. The Legal status of these instruments varies declarations; Principles, guidelines, *Standard rules and recommendations have no binding legal effect*. But such instruments have an undeniable moral force and provide practical guidance to states in their conduct; Covenants, Statutes, Protocols and Conventions are legally binding for those states that ratify or accede to them. "India has the Second largest Tribal Concentration in the World, and the Scheduled Tribes are spread across the country mainly in forest and hilly regions" ^[2]. The

¹ Pandey JN. *Constituted Law of India*, publisher Central Law Agency, 30D/1, Motilal Nehru Road, Allahabad-2, 2003, 29.

² See, <https://legaldesire.com/rights-of-tribals-in-india-with-respect-to-access-to-justice/> dated 01/12/2018

essential characteristics of these communities are their particular geographical location, distinct culture, economic backwardness and aloofness from the society at large” [3]. It was Mahatma Gandhi who fought hard to recognize them as free citizens of India and called them “the Girijans or the Children of the Forest God. Since after independence, the Government of India spent lot of resources to improve the standard life of the Scheduled Tribes through legislation, developmental programmes” [4] and various progressive welfare schemes.

2. Analysis the constitutional provisions for safeguarding the tribal rights in India

The Constitution of India Provides for Social, Economic, Political, Cultural, Educational and Service Safeguards for the Scheduled Tribes. Apart from specific and general legislations also enacted to provide the safeguard and protect the interest of Scheduled Tribes. The preamble of the Constitution of India seeks “to secure to its entire Citizens; including the Scheduled Tribes, a right of justice-social economic and political; liberty of thoughts, expression, belief, faith and worship; equality of status and opportunity; and to promote among them all. And fraternity, assuring the dignity of the individual and the unity and integrity of the nation” [5].

Begin with, article 366(25) the Constitution of India define the term of Scheduled tribes [6] and it provided that such tribes or tribal communities or part of or group within such tribes or tribal communities as are deemed to be scheduled tribes under Article 342 for the purposes of this Constitution [7].

The Non-discrimination and equality is core instrument of Indian constitution, and under Articles 14 the state shall not deny to any person equality before the law or equal protection of the law within territory of India” [8] and Article 15 (1) also prohibited of discriminate against a citizen on grounds only of religion, race, sex, caste or place of birth or any of them⁹. Similarly, clause 2 Article 15, declared that no citizen including the scheduled tribes “shall be subjected to any disability, liability, restriction or condition with regards to-(a) access to shops, public restaurants, hotels and

³ Ibid

⁴ Ibid

⁵ Pandey JN. Constituted Law of India, Central Law Agency, 44th Edition 2007, Allahabad, at 29.

⁶ Bakshi PM. The Constitution of India, incorporating amendments up to the constitution, (fourteen Edition 2017), universal Law publishing of LexisNexis, Haryana, India, 353.

⁷ Ibid at 6

⁸ See, supra Note 1 at 69

⁹ Ibid 8 at 122

places of public entertainment; or (b) the use of wells, tanks, bathing Ghats, roads and places public resort maintained wholly or partly out of state funds or dedicated to the use of the general public ^[10]. However, Article 15 clause 3 the states have empowered to make special provision for Women and children ^[11] including scheduled tribes. Article 15(4) and 16 (4), (4A) and (4B) provides special provision for the advancement of any socially and educationally backward classes of citizens or SC/STs and protective discrimination respectively.

In reality, however, the number of SC/ST members in higher echelons of administration, still remains low in proportion to the reservation offered. It also stated Article in 335 to provided that the claim of the members of the SC/STs shall be taken into consideration consistently with the maintenance of efficiency in the administration, in the making of appointments to services and posts in the Centre and State level ^[12]. The practice any form of Untouchability arising out then it is forbidden and it also would be an offence punishable in accordance with law as provided by Article 17 of the Constitution.

However, the every citizen of India have the right including scheduled tribes to exercise of the right to freedom of speech and Expression ^[13], right to assemble peaceably and without arms ^[14], right to form association or union or cooperative Societies ^[15], right to move freely throughout the territory of India ^[16], right to reside and settle in any part of the territory of India ^[17], and right to carry on any profession or any occupation, trade or business ^[18].

The right life and personal liberty guaranteed under Article 21 of the Constitution which is applicable to every person including the Scheduled Tribes. In case, Article 23 also prohibits traffic in human beings and beggar and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law ^[19]. It does not specifically mention SC/STs but since the majority of bonded labours belong to SC/STs, this Article has a special significance. In

¹⁰ Ibid 9 at 113

¹¹ Ibid 10 at 114

¹² See, supra Note 7 at 331

¹³ 19(1) (a)

¹⁴ 19(1) (b)

¹⁵ 19(1) (c)

¹⁶ 19(1) (d)

¹⁷ 19(1) (e)

¹⁸ 19(1) (g)

¹⁹ See, supra Note 12 at 82

pursuance of this article, Parliament has enacted the Bonded Labour System (Abolition) Act, 1976. For effective implementation of this Act, the Ministry of Labour is running a Centrally Sponsored Scheme for identification, liberation and rehabilitation of bonded labour, the efficacy of which is debatable to some extent. The Indian constitution under Article 24 also laid down provision that no child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment [20]. The Child Labour (Prohibition and Regulation) Act 1986 prohibits employment of children in certain hazardous occupation and processes, the violation of which is made punishable under the Act.

Article 25 guarantees to every citizen the right to freedom of religion including the Scheduled Tribes. Every Scheduled Tribes (like the non Scheduled Tribes) has the “freedom of conscience and the right to practice and propagate religion [21] subject to proper order, morality and health. No Scheduled Tribes can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group. Even the Scheduled Tribes also protect the right from deprivation of the right to the “language, script or culture [22]. Even every citizen of India, have right to move the Supreme Court by appropriate proceeding for the enforcement of the fundamental rights [23] conferred by part II of the constitution and it also applicable to Scheduled Tribes.

There are some social, economic, Political and cultural rights listed as Directives Principles of state Policy also applicable to protection the interest of scheduled tribes. Moreover, the Directive principles of State Policy can be used as guidelines by the government from time to time for welfare of disadvantages groups of the Society. It ensures that the government has the flexibility to undertake appropriate legislative and administrative measures to ensure Scheduled Tribes. The most important Article 38(1) the state shall strive to promote the welfare of the people by securing and protecting a social order in which justice, social, economic and political shall inform all institutions of the national life [24], and Article 38(2) state also strive to minimize the inequalities income ad endeavour amongst individual but also amongst groups of people residing in different areas or engaged in different vocations [25].

²⁰ Ibid

²¹ Ibid at 83

²² Ibid at 89

²³ Article 32(1)

²⁴ Prof. Pande GS. Thirteen Edition, Constitutional Law of India (Incorporating one Hundred fourth Amendments), University Book House. Jaipur, 2018, 322.

²⁵ Ibid at 332

The inter alia directs the state to protect the interest of all citizen, men and women including scheduled tribes their right to adequate means of livelihood ^[26]; and however, Article 39(b) the ownership and control of the material resources of the community should be so distributed as best to subserve the common good ^[27], and even article 39(c) operation of economic system should not result in the concentration of wealth and means of production to the common detriment ^[28], however, Article 39(d) there should be equal pay for Equal work for both men and women ^[29], and Article 39(e) also provide the good health and strength of workers, men and women, and the tender age of children are not abused and that Citizen are not forced by economic necessity to enter avocations unsuited to their age or strength ^[30].

However, Article 39(f), the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment ^[31] including scheduled tribes.

Under Article 39A to promote justice on the basis of equal opportunity for all citizen of India, and therefore it is duties of every state to provide equal justice and free legal aid for weaker section of the society. In Article 41, the state also has empowered to protect the interest of weaker section regarding to make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want” ^[32].

However, Article 42 the constitution obligates sate to make provisions for securing just and human condition of work besides some maternity benefits ^[33]. Under Articles 40 of Indian Constitution Which mandates the state to take steps to organize village Panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government ^[34]. This was achieved only by the 73rd and 74th constitutional amendments to the Scheduled areas through the provisions of the Panchayat (Extension to the Scheduled areas) Act, 1996 to ensure effective participation of the tribal in the process of planning and decision-making.

²⁶ Article 39(a).

²⁷ See, supra Note 25 at 332

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

³² See, supra Note 22 at 115

³³ See, supra Note 2 at 332

³⁴ See, supra Note 31 at 334

Article 45 requires the states to endeavour to provide early childhood care and education for all children below the age of six years ^[35]. However, “the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation” ^[36]. This is reaffirmed by Article 46, which directs the State to promote with special care the educational and economic interests of the weaker sections and in particular of the SC/STs. Article 47 of the constitution imposes on the Government a primary duty of the state to raise the level of nutrition and the standard of living of its people including children and to improve the public health ^[37].

Article 243G Scheduled 11, which are also applicable to Scheduled tribes regarding provide for minor forest produce (item 7 of Scheduled 11), Rural housing (item 10 of Scheduled 11), Drinking water (item 11 of Scheduled 11), Road and communication (item 13 of Scheduled 11), Rural Electrification (item 14 of Scheduled 11), poverty alleviation programmes (item 16 of Scheduled 11), Education including primary and secondary School (item 17 of Scheduled 11), Technical training and vocational Education (item 18 of Scheduled 11), Adult and Non-formal Education (item 19 of Scheduled 11), Cultural Activities (item 21 of Scheduled 11), health and sanitation (item 23 of Scheduled 11), family welfare (item 24 of Scheduled 11), women and child development (item 25 of Scheduled 11), welfare of weaker section (item 27 of Scheduled 11) ^[38].

The constitution under article 275 stated for “grants from the Union to certain states ^[39] and it provided that “there shall be paid out of the consolidated fund of India as grant-in-aid of the revenues of a state such capital and recurring sum as may be necessary to enable that state to meet the costs of such schemes of development as may be undertaken by the state with approval of the Government of India for the purpose of promoting the welfare of the schedule tribe in the state or raising the level of administration of the schedule Area therein to that of the administration of the rest of the area of the state ^[40].

Similarly, the constitution makes special provision for the Administration of certain areas called Scheduled Areas in states other than

³⁵ Substituted by the 86th Constitution Amendment Act, 2002.

³⁶ See, *supra* Note 32 at 118

³⁷ *Ibid*

³⁸ See, *supra* Note 34 at 611

³⁹ See, *supra* Note 37 at 313.

⁴⁰ *Ibid*

Assam, Meghalaya, Tripura and Mizoram even though such areas are situated within a state or Union Territory article 244(1) ¹⁴¹. The term schedule Areas has been defined in the Indian Constitution, and same as the president has power to declare any area as a Schedule Areas under fifth schedule. In paragraph 6, of the fifth schedule of the constitution has prescribes following procedure for scheduling, rescheduling and alteration of scheduled areas.

Under the fifth schedule a provision is made for setting up a tribal advisory council which is consulted by the Governor in relation to his regulation making powers, beside this Article 339(2) empowers the Centre to give directions to a State asking them to draw up and execute schemes to the welfare of Scheduled tribes.

The Policy makers of the Constitution of India gave recognition to them as “Scheduled Tribes” in the fifth scheduled. While understanding the historical reasons for the backwardness of tribal groups in the country made constitutional provisions, several special plans and programmers for their welfare and their development and has been allocating funds for this purpose in the national and state budgets.

The Political empowerment of Scheduled tribes also has made the provision in the constitution of India i: e Article 330 and 332 provides for reservation of seats for SCs/STs in the Lok Sabha and State Legislative Assemblies respectively. Similarly, Article 243D and 243T provides for reservation of seats for SCs/STs in the Village Panchayate and Municipality However, Article 334 has been amended five times, extending, the said period by ten years on each occasion. Article 338 provides for National Commission for the Scheduled Castes and Scheduled Tribes entrusted with the power to investigate all matters relating to the safeguards provided to SC/STs and to report to the President on the working of these safeguards.

3. Legislative Enactment

Legislative Enactment India has passed various laws to protect the rights and interests of the depressed class like Scheduled Castes and Scheduled Tribe in order to fulfil the Constitutional Provisions pertaining them.

- i) The Parliament enacted Untouchability (Offences) Act, 1955. To make the provisions of this Act more stringent, the Act was amended in 1976 and was renamed as the Protection of Civil Rights

⁴¹Durga Das Basu. Workbook on Constitution of India, published by LexisNexis (A Division of Reed Elsevier India Pvt Ltd) 14th floor, Building No.10, Tower-B, DLF Cyber city, Phase-II, Gurgaon-122002, Haryana, India, 305.

Act, 1955. As provided under the Act, Government of India also notified the Rules, viz., the PCR Rules, 1977, to carry out the provisions of this Act. As cases of atrocities on SC/STs were not covered under the provisions of PCR Act, 1955.

- ii) Bonded Labour (Abolition) Act, 1976.
- iii) The Parliament passed important Act in 1989 for taking measures to prevent the atrocities. This act is known as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 followed by Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995. Despite the State taking these legal measures to protect the SC and STs, it could be found that the condition of these section of people have not improved as much as it should have. There are many reasons that contribute to this abysmal situation. The lack of political will to enforce the Act rightfully, insensitiveness of the society towards SC and STs, continuing adherence to the caste system, lack of human rights awareness etc. are few to mention.
- iv) The Central Government has enacted the new Act, which as popularly known as Panchayats (Extension to Scheduled areas) Act, 1996 was implemented in the fifth Scheduled areas. This Act was one of best piece of legislation and that is why it attracted many Social activists as they considered it as a symbol of grass root level democracy. It is a revolutionary Step towards tribal development and their administration. The fifth Schedule of the Constitution provides for certain guidelines for the development and administration of the Scheduled areas. It also flows of 'grants-in-aids out of the consolidated fund" of the India to the Scheduled areas for Promoting and Welfare of the Scheduled tribes.

The PESA Act promotes Self-rule of the tribal's in the Institutions like Panchayte and Grama Sabha. The 73rd and 74th amendment Act, 1992", and going further, PESA Act, 1996 to stipulate that the state Government shall not make any law which is derogatory to the traditional, socio- cultural rights. The gram sabha under its power provide a safeguard to tribal's traditions, customs, and cultural identity. It provides for the mandatory approval of plans, programmes, projects for social and economic development by the gram sabha before they are taken up for implementation and mandatory consultation (albeit not consent) with them before the acquisition of land for development projects.

It necessary required the recommendation of the local bodies prior to grant of prospecting licenses, mining concessions or leases for minor minerals is mandatory. The PESA endows the local bodies with powers to prevent alienation of land in a scheduled area, and to take the appropriate action to restore any unlawfully alienated land form tribal's.

The Supreme Court in *Raoji and Others v. State of Maharashtra* (AIR 1986 Bom 262) upheld the Maharashtra Land Revenue Restriction Code (S.36A) that restricted the transfer of land by tribal in favour of non-tribal. The Panchayats Extension to the Scheduled Areas Act (PESA) of 1996 gives additional powers to Gram Sabha's in the scheduled areas. Gram Sabha's of Panchayats in tribal areas listed in Schedule V of the Constitution enjoy additional functions and powers to help local communities preserve their socio-cultural norms and retain control over their natural resources. In the historic "Samatha" Judgment (AIR 1997, SC 3297), the SC held that the government lands, forestlands and adivasi lands in Scheduled Areas cannot be leased out to non-adivasis or private industries. The court also recognised the Gram Sabhas as competent to safeguard and preserve community resources. This decision rightly gives due importance to the involvement of interested stakeholders and reiterates the need to give right of self-governance to adivasis through Gram Sabha's. But the powers entrusted to the Gram Sabha's are limited legally in many ways:

- a) State governments continue to wield enormous power over Panchayats thus holding the final say.
- b) Absence of clear delineation of power between Gram Panchayat and Gram Sabha's.
- c) The ensuing problem of over lapping jurisdiction.
- d) The precedence of Special Laws like Forest Act over Gram Sabha decisions.
- v) The Scheduled Tribes and other Traditional forest dweller (Recognition of forest rights) Act, 2006; It is in this background that the proposed Scheduled Tribes (Recognition of Forest Rights) Bill 2005 or the Tribal Bill is scheduled to be introduced in the Parliament shortly. The Bill seeks to provide rights to the forest dwelling tribal people whose rights have been extinguished after the Supreme Court stayed the regularization of tribal villages in forest areas on 23 November 2001 in the case of *Godavarman Thirumulpad v. Union of India* (Interlocutory Application No.703 in Writ Petition No. 202/95). The draft Bill spells out 12 rights to

tribal's ranging from inheritable rights to forestland, rights of ownership to minor forest produce, and rights to traditional knowledge. Major highlights of the Bill are as follows:

- a) The Bill proposes giving 2.5 hectares of land to each tribal family occupying forestland since or before October 25, 1980.
- b) The Gram Sabha fully empowered to determine the extent of forest rights to the inhabitants.
- c) Convert forest villages into revenue villages to bring modern development.
- d) Access to traditional seasonal resources.

However, the Bill in its present form is dogged by controversy, with many social and conservation groups, as also the Ministry of Environment and Forests (MoEF) opposing it. The major criticisms against the present draft are the following:

- a) The Bill leaves out many forest dwellers, such as tribes not scheduled in the Constitution like dalits and backward communities, creating circumstances for their eviction from notified areas. For example, Chhattisgarh, one of the States to be most affected if the Bill gets through, has about 30,000 Scheduled Tribes who will benefit from the law. But, at the same time it has over 21,500 non-tribal's living in forests who will not be given any land or rights.
- b) The Ministry of Environment and Forests (MoEF) objects to the Bill, saying it will hinder efforts to conserve India's dwindling forest cover and subsequently its biodiversity. Quoting a clause from the draft bill, the MoEF says that if 2.5 ha of land is given to each tribal family then going by this calculation 20 per cent of India's land (68 million hectares) is forested; 8 per cent of India's population is tribal, which adds up to more than 50 million hectares.
- c) The vesting of right to allot this land with the Gram Sabha of the village concerned, which is also empowered to punish wildlife crimes and any action that leads to the destruction of the forest is another subject of criticism.
- d) That the forest, wildlife and protected areas in particular, will be jeopardized as a result of this Bill. This is the main criticism of the conservationist lobby.
- e) It is widely criticized as not taken a holistic policy approach for addressing tribal issues, but one rather made in haste without consideration to the other relevant issues that affect tribal's.

- f) That the draft does not categorically provide for the rights of the tribals to other resources such as water, technology, credit *etc.* (Communist Party).
- g) The draft if implemented will do gross injustice not only to tribal groups but also to people who are dependent on the forests for their livelihood.

On the other hand, proponents of the Bill feel that it is a remedy to the grave historical injustice that has been inflicted on tribals from time immemorial. They feel that tribals need land to sustain their culture, and by giving them their rights, this is an attempt to undo the injustice done to them. Moreover, it is felt that as tribals know their surroundings well, they are better equipped to safeguard and protect their flora and fauna. They also argue that the legislation only seeks to recognize and regularize ground reality by granting legal entitlement to those millions of families who are today seen as encroachers and thus empower and improve livelihood chances of a historically marginalized people.

- vi) Finally, to monitor enforcement of some of these laws, the Central government established the National Commission for Scheduled Tribes.

4. Human Right and Tribal People

The Human rights are the fundamental rights, which are essential for every human being to lead the dignified life. Human Rights are absolute, universal and inalienable. The United Nations defines term of indigenous peoples which as follow “Indigenous Communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them” [42].

The Indigenous peoples has right to enjoy the full measure of Human rights and fundamental freedoms without any discrimination. The indigenous peoples have an historical relationship with their lands. Generally, they are descendents of the original inhabitants of such lands. They have developed over many generations a holistic traditional scientific knowledge of their lands, natural resources and environment [43].

The United nations General Assembly unanimously passed Universal Declaration of Human Right 1948. It contain the Several provisions deals

⁴² Aman Gupat. *Human rights of Indigenous peoples*, published by Isha Books, Delhi. 2005; II:2.

⁴³ Ibid 41at 1

with right to life, right to liberty, right to food, right to shelter, right to cloths, right to adequate food, right to shelter, right to pollution free air, right to Noise free surroundings, right to have safe drinking water, right to vote, right to participate social, economic, cultural and political activities, right to embrace any religion, right to free speech and impression.

Subsequently, the other human rights instruments and mechanism have been developed at the international level to protect the Rights of disadvantages groups which as under: International Covenant on Civil and Political Right 1966, International Covenant on Economic, Social and Cultural Rights 1966, the Convention on the Elimination of All Forms of Racial Discrimination 1965, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religious or Belief (1981), and the United Nations, Convention on Elimination of all forms of Discrimination against women 1979, Convention on Rights of the Child 1989, ILO Convention No. 29-Forced Labour Convention 1930, ILO Convention No.-Discrimination (Employment and Occupation) Convention 1958, ILO Convention No. 107-Indigenous peoples Convention 1957, Draft Declaration on the Rights of Indigenous People (1994), and ILO Convention No. 169-Indigenous and Tribal peoples Convention 1989.

The Indigenous peoples have particular rights in international law, and these rights are include Self-determination, Collective land rights, Use of natural resources and territories, Practice customary law, Environmental conservation, Protect traditional knowledge, intellectual property, and cultural heritage, and Free, prior and informed consent to measures that affect them or their lands and territories.

The protection of human Rights Act, of 1993, established India National Human Right Commission in 1993. According to “section 2(d) of the Protection of Human Rights Acc, 1993 say Human Right means the rights relating to life, liberty, equality and dignity of individuals guaranteed by the Constitution or embodied in International Covenants Conventions and Treaties to which India is a party” [44]. The Scheduled tribes of India are entitled to enjoy all the rights in equal status which are enjoyed by other groups of peoples in the society.

5. Conclusion

The State duty to protect their basic human right of tribal people i.e. the right to food, right to live with dignity, livelihood, adequate standard of

⁴⁴Dr. Meena SP. Human Rights of Tribes, problems and Perspectives, published by Pointer Publishers, Jaipur, India H, 2015, 29.

living, health, water, adequate housing, property, education and information, freedom of expression, work and social security, freedom from hunger, freedom from the worst forms of child labour etc.. Every state needs to make various efforts on its own to bring tribal peoples into main stream. It also the duties of every states to implementation of the scheme and gives more strength to tribal families to spare the service of their children. The mass media agencies have an important role to create more awareness about the various Schemes launched by the Government ^[45].

Besides, the vocational skill development programme should be launched in tribal area with the aim to improve the economy. The tribal educated youth can a revolutionary change through Education, because they need draw their more attention towards education, health and new occupation. The Status of health of tribal peoples is very low in India because no sanitation and hygiene, inadequate food and nutrition, lack of medical facilities etc. ^[46].

The state duties to conferring ownership rights in respect of mine and forest produce to the scheduled tribe living in forest and mining area. It also needs to take measure step for safeguard rights of tribal communities over mineral resources, water resources and other resource etc. The states also take care about the various development projects should not affected the tribal peoples. The growth of industrialization is the main purpose for mass deforestation and others acts like forest Act, Mine act, The Environment protection Act, 1986 shall be strictly applied in favour of tribal peoples and Environment. It also required the infrastructure facilities like road, power, communication, education and sanitation etc... In tribal area ^[47].

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⁴⁵Ibid

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⁴⁷ Ibid

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