

**DEFINING & CONTEXTUALIZING THE NOTION OF ‘TRIBE’: A PRESSING PRIORITY
TO RECOGNIZE THEIR RIGHTS IN TRUE SENSE**

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Abstract

India is a country of diversities. Different groups of people are living in this country with varied geographical location, social, cultural and economic differences. Despite of all these diversities, India claims itself a united states. United refers to interdependency, not making one group dependent on other. But in true sense after 75 years of independency also we brand few groups in our country as backward, weaker, and deprived, etc. It is very vital matter of concern that the original inhabitants, the tribe of the state are living in the most miserable condition in this country. Individually and collectively they are deprived from many things. Their basic human rights are violated in many ways and they remain ignorant about their own rights as a human being and pay the cost of development which the mainstream society enjoys. The objective of this paper is to investigate about the concept of Tribe. To fulfil this objective it is necessary to understand tribe, their notions and also the dimensions International and National so as to understand them in depth and the rights which are affected in the same context. And then only we will be able to achieve promotion and protection of their rights in true sense.

Keywords: Tribe, Tribal, Diversities, Rights, Concept, Protection, Promotion

I. Introduction

Human rights are the integral part of socio cultural fabric of mankind all over the world and it provides a human being space to live with dignity. They include all rights that should be enjoyed by every individual irrespective of class, caste, gender, age, language, creed, place of birth and belief. Human rights comprise right to life, right to adequate food, right to shelter, right to cloths, right to have safe environment to live, right to participate in socio economic and political activities, right to fair justice, right to fearless expression and right to speech, etc. In the preamble of Universal Declaration of Human Rights, it is said, “Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”¹. Section 2 (d) of the Protection of Human Rights Act 1993, says “Human rights mean the rights relating to life, liberty, equality and dignity of the individuals guaranteed by the constitution or embodied in any international Covenants Conventions and Treaties to which India is a party”².

Tribes have also their natural rights as member of human society. They live in communities and are closely attached to their land, locality and nature. They are well known for their rich community orientation and cultural heritage. Their education system is developed in informal and practical ways. In this changing world their cultural and social rights are violated in many ways. The form of violation is also very complex and effects of these human right violation in case of tribe varies with geographical, social and economic differences of locality they live in.

ii. Tribe

The meaning and definition of tribes has been given in different period of time by various researchers, government reports, people working with tribes, etc. Tribal are not part of the caste system. This is an egalitarian society. According to Dr. Rivers, “the tribe is a simple social group the member of which uses a common dialect and work together in war and in carrying out other common projects.”³ Lewis Gillin and Philip Gillin say, “The tribe is one such group of local communities which lives in common

area, speaks a common dialect and follows a common culture.”⁴ Two facts have been emphasized by them – common habitation and sense of unity. As per Imperial Gazetteer of India, 1911 defines a tribe is a “collection of families bearing a common name, speaking a common dialect, occupying or professing to occupy a common territory and is not usually endogamous though originally it might have been so.”⁵ About tribes, D N Majumdar states that “A tribe is a collection of families, bearing a common name, members of which occupy the same territory, speak the same language and observe certain taboos regarding marriage, profession or occupation and have developed a well assessed system of reciprocity and mutuality of obligation.”⁶ George Peter Murdock mentions, “Tribe is a social group in which there are many clans, nomadic bands, villages or other/ subgroups which usually have a definite geographical area, a separate language/a singular and distinct culture and either a common political organization or at least a feeling of common determination against strangers.”⁷ Bogardus states that 'The tribal group was based on the need for protection, on ties of blood relationships, and on the strength of a common religion.’⁸ According to Perry, two essential elements of the tribe are common dialect and common topography.⁹

From the above definition the characteristics of tribes can be framed as-

- Definite common topography
- Sense of unity
- Common language
- Endogamous group
- Common name
- Common culture
- Organisation of clans and totemic groups

There are ethnic characteristics of tribe as well. Tribal people are culture oriented and their behaviour and action are the reflection of their culture. The characteristics of their ethnic nature includes -

- Straightforwardness
- Faithfulness
- Bound by oral promise
- Spiritual
- Self-dignity
- Community oriented
- Hospitality
- Courageous
- High source of discipline
- Peace loving
- Believe and practice of equality
- Adaptability
- Innovative

III. History of Tribals in India

In India Tribes are well known as ‘Adivasis’ means ‘original inhabitants’. They are also called ‘Atavika’ means ‘forest dwellers’. These people comprise a substantial indigenous minority of population in India and are particularly numerous in North eastern region of India, Odisha, Madhya Pradesh, Andhra Pradesh, Bihar, Jharkhand, West Bengal, Chhattisgarh, Maharashtra, Rajasthan, and Gujarat. Eminent historian who have done detailed research on the epics, ‘Ramayana’ and ‘Mahabharata’, and puranas claim ‘Banaras’, ‘Sabari’ in Ramayana, ‘Jaratha’, the cause of Lord Shri

Krishan's death, 'Ekalavya' in Mahabharata, and many more in other puranas belong to aboriginal group (tribe). History also says that with the entry of Aryas to the land of India, the original inhabitant, tribe went in to the forest and lived in isolated places as they are very peace loving and simple in nature. There is very little history known about tribe during Hindu and Muslim rules. During British rule the tribal became the worst sufferer. They are not regarded as unclean by caste Hindu in the same way as Dalits are, but they continue to face prejudice and often face violation from society. They have great contribution in Indian freedom struggle. In fact, they are the first to start movement against British rule. But none of the brave Adivasi fights against the British have been treated as a part of the "national" struggle for independence. Heroes like Birsha Munda, Tantya Bhil, Lakshman Naik, Kanhu Santal, Thamal Dora, and many more are remembered in the songs and stories of the Adivasi but ignored in the official text books. During this period many independent Adivasi regions were merged with Indian union by means of state violence. The term 'Criminal tribe' was devised by the British rulers and entered into public vocabulary through the Criminal Tribe Act 1871¹⁰ and now they are hauled up under the Habitual Offenders Act¹¹.

After Independence, in the constitution of India the word tribal appeared in the article 342 as 'Schedule Tribe'. According to Article 342 of the constitution, the Schedule Tribe are the tribes or tribal communities or part of or group within these tribes and tribal communities which have been declared as such by the president through a public notification¹².

It specifies the essential characteristics of Schedule Tribe as

1. Primitive Traits
2. Geographical Isolation
3. Distinct Culture
4. Shy of contact with community at large
5. Economically Backward

The term schedule tribe is not coterminous with the term 'Adivasi'. Schedule Tribe is an administrative term used for the purpose of administering certain specific constitutional privileges, protection and benefit of specific section of people considered historically disadvantaged. This term does not exactly match all the people called 'Adivasi'. Out of the 5653 distinct communities in India, 635 are considered to be 'tribes' or 'Adivasis'¹³. In comparison, one finds that the estimated number of STs varies from 250 to 593.

At the beginning, after independence, concept of empowerment was not there and the government and private approaches were more developmental quantitatively. Our first Prime Minister of India was very much impressed by 'trickle down' theory of development and took steps to set up developmental projects in backward regions where the main inhabitants were tribal. With this country's GDP grew but the poor tribal became deprived of many things like landlessness, joblessness, homelessness, etc. Forceful displacement occurred in tribal areas and till date more than 70% displaced tribal are not rehabilitated properly. Many policies and legislations included their problems to give them justice in the welfare state but these schemes remain ignorant to them for which they are unable to take advantage of the services available for them.

On the basis of geographical, social, cultural and economic factors affecting the life of tribes in this changing world tribes are of four types

1. Primitive Tribe (Residing in forest areas and predominant in traditional activities)
2. Rural and Semi Urban Tribe (Living in rural areas and predominate in agricultural activities)
3. Urban Tribe (Migrated and living to urban areas and practicing non-traditional occupation pattern)

4. Ex Criminal Tribe (Do not have any particular living place and traditional activities are considered as criminal actions)

IV. Current Statistics With Regard To Tribe of India

As per 2011 census, the tribal population of the country is 8.4 crore, constituting 8.21% of total population. About 90% of tribal population is living in rural and forest areas. Tribal communities live in about 15% of the country's areas, in various ecological and geo climatic condition. In India the number of primitive schedule tribe is 75. They are characterized by pre agricultural level of technology, stagnant or declining population, extremely low literacy, and substantial level of economy. Some of the primitive tribes are Bondo and Lanjia Soura, kharia of Odisha, Riang and Raji of Tripura, Lodha of west bengal, Onge and Sompen of Andaman and Nicobar, etc.

At the district level there are 75 districts where ST population is 50 percent or more as per the 2001 census. Santhal, Munda, Oraon, Kisan, Mina, etc. are some of the major tribes in India. There are 313 Nomadic Tribes and 198 Denotified Tribes in India. 60 million people belong to these tribes. Banjaras, Lodhas, etc. belong to this group. Literacy rate for ST is 47.10%. As per statistical report of Ministry of Tribal Affairs 2010 only 2.6% of ST households have a member with health insurance, the lowest among all social groups. It also reports that 46.6% ST women have a Body Mass Index (BMI) of below 18.5, indicating high prevalence of nutritional deficiency. As per planning commission during 2004-05, at all India level, 47.3 % of Schedule Tribes are below poverty line in rural areas as against 33.3% in urban areas.¹⁴

V. Human Rights and Tribal

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VI. Tribe and Indigenous People

According to the ILO Convention No. 169, the criteria for Indigenous peoples can be summarised as – Descent from populations, who inhabited the country or geographical region at the time of conquest, colonisation or establishment of present state boundaries. They retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status. And for Tribal peoples – their social, cultural and economic conditions distinguish them from other sections of the national

community. Their status is regulated wholly or partially by their own customs or traditions or by special laws or regulations.¹⁷

Tribal peoples are peoples who are “not indigenous to the region (they inhabit), but that share similar characteristics with indigenous peoples, such as having social, cultural and economic traditions different from other sections of the national community, identifying themselves with their ancestral territories, and regulating themselves, at least partially, by their own norms, customs, and traditions.”¹⁸

VII. Conclusion

The concept of tribe has further been defined as a social group with territorial affiliations, endogamous, with no specialization of functions, ruled by tribal officers, hereditary or otherwise, united in language or dialect, recognizing social distance with other tribes or castes, without any social obloquy attaching to them, as it does in the caste structure, following tribal traditions, beliefs and customs, illiberal of naturalization of ideas from alien sources, above all conscious of homogeneity of ethnic and territorial integration. In Indian country, the expansion of self-governance, the growth of the gaming industry, and the increasing interdependence of Indian and non-Indian communities have intensified concern about the possible abuse of power by tribal governments. As tribes gain greater political and economic clout on the world stage, expectations have risen regarding the need for greater government accountability in Indian country. Despite these expectations, Indian tribes are largely immune from external accountability with respect to human rights. In fact, tribes have effectively slipped into a gap in the global system of human rights responsibility. The gap exists in the sense that tribal governments are not externally accountable in any broad sense for abuses of human rights that they commit.

We must remember – These are the people who have made huge contributions to one’s own country. The biggest is in sharing the land and resources. People need to see that, understand that. Indigenous people should be viewed as the founding peoples of this land.

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