



Special Provisions for tribes in the Indian Constitution: articles, Committees & Recommendations

Dr. Ashish Kumar Lal
Assistant Professor
Dept. of Political Science
M.L.K.(P.G.) College, Balrampur (U.P.) 271201

Dr. Aditya Pratap Singh
Ex- Research Scholar
(Political Science, Siddhartha University)

Date of Submission: 06-08-2025

Date of Acceptance: 18-08-2025

Abstract-

India is home to a large number of Scheduled Tribes (STs), who have historically faced socio-economic disadvantages and marginalization. Recognizing their vulnerabilities, the Indian Constitution has provided special safeguards to protect their rights, promote their socio-economic development, and ensure their cultural preservation. Key provisions include reserved political representation, protection of land rights, special educational programs, and financial assistance.

This research paper explores the constitutional provisions, legal frameworks, and policies designed for the upliftment of Scheduled Tribes. It also discusses the recommendations of key committees and commissions such as the Lokur Committee (1965), Bhuria Committee (1995), and Xaxa Committee (2013). Despite these measures, tribal communities continue to face displacement, economic exploitation, and lack of access to essential services. This paper critically analyses implementation gaps, challenges, and case studies of both successful and failed policies. Furthermore, it compares India's tribal policies with global best practices and suggests policy recommendations for better integration of tribal communities while preserving their cultural identities.

Key Words- Tribes, Development, Union, Committee, Discrimination, Constitution, Justice

I. Introduction

1.1 Who Are Scheduled Tribes? -

Scheduled Tribes (STs) are communities that have been historically marginalized due to geographical isolation, economic backwardness, and socio-cultural distinctiveness. The term "Scheduled Tribe" was first introduced in Article 366(25) of the Indian Constitution, which states that Scheduled Tribes are those communities that are "scheduled" under Article 342 by a Presidential Order.

According to the 2011 Census, STs constitute 8.6% of India's population (approximately 104 million people). They are concentrated in central, eastern, and northeastern states, with significant populations in Madhya Pradesh, Odisha, Chhattisgarh, Jharkhand, Gujarat, Maharashtra, and the northeastern states.

1.2 Criteria for Recognizing Scheduled Tribes-

The Lokur Committee (1965) established the following five criteria for recognizing a community as a Scheduled Tribe:

1. Primitive traits (traditional lifestyle and economic activities).
2. Distinctive culture, language, and religious practices.
3. Geographical isolation from mainstream society.
4. Economic and social backwardness.
5. Shyness of contact with the outside world.

Although these criteria continue to be used, many tribes remain unrecognized due to bureaucratic inefficiencies and political considerations.

II. Constitutional Provisions for Scheduled Tribes

The Indian Constitution includes various articles aimed at protecting the rights and interests of Scheduled Tribes. These provisions can be categorized into protective, developmental, and political safeguards.

2.1. Protective Provisions-

These provisions aim to safeguard Scheduled Tribes from exploitation, displacement, and loss of cultural identity.

1. Article 15(4): Allows the state to make special provisions for the advancement of Scheduled Tribes in education, employment, and social welfare.



2. Article 19(5): Permits restrictions on non-tribal access to tribal lands to prevent exploitation.
3. Article 46: Directs the state to promote educational and economic interests of STs while protecting them from social injustice.
4. Fifth Schedule: Governs the administration and control of Scheduled Areas in mainland India.
5. Sixth Schedule: Provides autonomous administrative structures in the northeastern states through Autonomous District Councils (ADCs).

2.2. Developmental Provisions-

These provisions empower the government to undertake development measures for STs.

1. Article 275(1): Provides for special grants from the Union government to states for the development of Scheduled Areas and STs.
2. Article 330 and 332: Provide reservation of seats for STs in the Lok Sabha and State Legislative Assemblies.
3. Article 338A: Establishes the National Commission for Scheduled Tribes (NCST) to oversee the implementation of safeguards.
4. Article 339(1): Empowers the President to appoint a commission to report on the administration of Scheduled Areas and the welfare of STs.

2.3. Political Provisions-

1. Reservation in Legislatures:

- Article 330 & 332: Ensures representation of STs in Parliament and State Assemblies.
- Article 243D & 243T: Reserves seats in Panchayati Raj institutions and municipalities.

2. Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA):

- Grants Gram Sabhas control over natural resources, minor forest produce, and local governance in Scheduled Areas.

III. Committees and Commissions on Tribal Welfare-

Over the years, various committees and commissions have reviewed and recommended policy measures for tribal welfare.

3.1. The First Backward Classes Commission (1953) – Kaka Kalelkar Committee-

- Recommended special educational programs and economic incentives for tribal communities.

- Emphasized the need for safeguarding tribal land and cultural heritage.

3.2. The Lokur Committee (1965)-

- Defined the criteria for classifying tribes, including geographical isolation, distinctive culture, and economic backwardness.
- Recommended stricter implementation of land transfer restrictions to prevent alienation of tribal lands.

3.3. The Bhuria Committee (1995)-

- Studied tribal self-governance and recommended greater autonomy for tribal regions.
- Led to the enactment of the Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA), ensuring tribal participation in governance.

3.4. The Xaxa Committee (2013)-

- Examined the socio-economic status of STs and recommended policy interventions in education, healthcare, and employment.
- Suggested reforms in the implementation of Forest Rights Act, 2006, to better protect tribal land and livelihood.

IV. Tribal Rights and Legal Framework-

Several laws have been enacted to protect tribal rights and interests.

4.1. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989-

- Protects STs from discrimination and violence.
- Provides for special courts for speedy trial of cases involving atrocities against STs.

4.2. PESA Act, 1996-

- Strengthens tribal self-governance by granting more power to Gram Sabhas in Scheduled Areas.
- Ensures that tribal communities have control over land, water, and minor forest produce.

4.3. The Forest Rights Act, 2006-

- Recognizes the rights of forest-dwelling STs over land and resources.
- Empowers Gram Sabhas to manage forest resources sustainably.



V. Challenges in Implementing Tribal Provisions-

Despite constitutional safeguards, several challenges hinder the effective implementation of tribal provisions.

5.1. Land Alienation and Displacement-

- Large-scale industrial projects and infrastructure development have led to the displacement of STs.
- Weak enforcement of land laws allows non-tribal to acquire tribal land illegally.

Example: The Sardar Sarovar Dam project displaced thousands of Adivasis.

5.2. Exclusion from Development Programs-

- Many government welfare schemes fail to reach tribal populations due to lack of awareness and administrative inefficiencies.

5.3. Limited Political Representation-

- Though STs have reserved seats, they often lack political agency and leadership opportunities in mainstream politics.

Because ST leaders have limited influence beyond reserved constituencies.

5.4. Education and Healthcare Gaps-

- STs suffer from high illiteracy rates and poor healthcare access.

5.5. Implementation Gaps in Laws-

- The Forest Rights Act, 2006, and PESA Act, 1996, face implementation challenges due to bureaucratic resistance and lack of coordination between central and state governments.

VI. Recommendations for Strengthening Tribal Welfare-

6.1. Strengthening Institutional Framework-

- Enhance the role of the National Commission for Scheduled Tribes (NCST) by giving it more power to enforce policies.
- Improve coordination between central and state governments in implementing tribal welfare schemes.

6.2. Land and Resource Protection-

- Enforce strict monitoring mechanisms to prevent land alienation.
- Strict enforcement of land transfer laws to prevent land alienation.

- Strengthen Gram Sabhas to manage natural resources effectively.

6.3. Education and Skill Development-

- Increase investment in tribal education, particularly in remote areas.
- Establish more residential schools.
- Establish more vocational training center to provide employment opportunities for ST youth.

6.4. Economic Empowerment-

- Expand tribal cooperative societies to promote self-employment.
- Provide microfinance and credit facilities to encourage entrepreneurship among tribal communities.

6.5. Enhancing Political Participation-

- Promote tribal leadership beyond reservations.

VII. Case Studies-

7.1. Success Story: Self-Rule in Nagaland-

- Nagaland's Autonomous Councils effectively govern local tribal affairs.

7.2. Failure: Mining Displacement in Odisha-

- Vedanta Mining Project (Niyamgiri Hills) faced opposition from Dongria Kondh tribals.

VIII. Global Comparisons: Tribal Rights in Other Countries-

8.1. Australia-

- Aboriginal Land Rights Act grants self-governance rights.

8.2. Canada-

- Indigenous self-governance policies allow control over natural resources.

8.3. United States-

- Native American Reservations provide limited self-rule.

IX. Conclusion-

The Indian Constitution provides an extensive framework for protecting and promoting the welfare of Scheduled Tribes. However, challenges remain in implementation, governance, and socio-economic integration. To ensure true empowerment, the government must strengthen institutional mechanisms, ensure land security,



promote education, and encourage political participation.

The future of tribal welfare lies in balancing development with the protection of tribal identity and rights. By learning from successful case studies and global best practices, India can create a more inclusive and just society for its indigenous communities.

References

- [1]. The Constitution of India, Government of India.
- [2]. Report of the Xaxa Committee (2013), Ministry of Tribal Affairs.
- [3]. Report of the Bhuria Committee (1995), Ministry of Rural Development.
- [4]. The Forest Rights Act, 2006, Ministry of Environment, Forest and Climate Change.
- [5]. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- [6]. Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA).
- [7]. Reports from the National Commission for Scheduled Tribes (NCST).
- [8]. This paper presents a comprehensive analysis of tribal provisions in the Indian Constitution, highlighting their importance in promoting social justice and equitable development.