CHAPTER V

RESPONSE TO THE CHALLENGE

I

It would be unfair to suggest that the governments both at the Centre and at the state level have done nothing so far, to improve the conditions of the backward regions in the country or to solve the problems faced by the tribals through ages. It must be admitted that, apart from making special provisions for the backward people under the Constitution of India, successive governments, since independence, have taken a number of steps, both administrative and legislative, to overcome the age-old problems. Even during the pre-independence days, the British government never ignored the tribal uprisings and used to take prompt actions to contain the displeasure of the people. Thus, almost every tribal protest during the British Raj was followed by some corrective measures. The British were quick to realise that only repressive measures were not enough to keep the aggrieved tribals in check, so they used to look into the causes of such uprisings and adopted certain administrative measures accordingly. They even offered a few concessions to the agitating tribals in order to pacify them.

Thus, immediately after the Kol Ulgulan of 1831-32, it was decided to replace the indirect administration of the Chotanagpur region by the East India Company by a new system of administration under the Wilkinson Rule. The region became a part of the South West Frontier Agency, which was given the status of a Non-Regulation Province under Article - 4 of the Regulation XIII of 1833.
Thus, the Chotanagpur region was brought under the direct control of the military officers in place of the civilians for better administration and effective suppression of future rebellions.

Similarly, soon after the Santal Hool of 1855 a separate Non-Regulation district called the Santal Parganas was created vide Act XXXVII of 1855 and was placed under a separate Commissioner of the Bhagalpur Division. The main objective was, no doubt, to keep the tribals under close surveillance in order to minimise the chances of recurrence of such disturbances in the future. But in the process the alien administration was forced to pay greater attention to the tribal problems and seek suitable remedies for them.

In the wake of growing discontent among the Mundas and Oraons against the exploiting zamindars during the late fifties and sixties of the nineteenth century, the British government gave a serious thought to the question of registering land tenures in the Chotanagpur region. As a result, the Chotanagpur Tenures Act was passed in 1869 to settle the disputes regarding the title of the Bhumihari lands. The Lieutenant Governor of Bengal was empowered by the Act to appoint one or more persons as Special Commissioners to implement the provisions of the Act. However, the Act was a failure and the tribals, instead of gaining anything out of it, lost more and more of their lands to the landlords.

The Birsa Munda uprising of 1895 - 1900 was followed by the Original Survey Settlement of 1901 and the Chotanagpur Tenancy (Amendment) Act, 1903. While the former aimed at effecting a survey
and settlement of the Munda country to get a correct record of the existing facts in tenants' holdings, the latter tried to impose restrictions on transfer of tribal land ensuring the rights of the Mundari Khuntkattidars over their land.

Illegal transfer of lands by tribal raiyats was further banned by the subsequent Chotanagpur Tenancy Act of 1908. Section 46 of the Act prohibited transfer of land 'from an aboriginal to a non-aboriginal' without the prior permission of the Deputy Commissioner. Thus, legal breaks were applied on the institutionalisation of tribal land as a commodity and the tribals of Chotanagpur won a degree of legal protection for their land rights much before the peasants from other parts of Bihar got similar protection.

The Santhal Parganas Tenancy (Supplementary Provisions) Act, 1908 contained far more restrictive provisions as far as the transfer of land by a tribal or non-tribal raiyat of the region was concerned. The provisions under this Regulation allow transfer of land only to the extent to which it has been conferred and only to a tribal, residing in the same region.

The Chotanagpur Tenancy Act, 1908 was, however, a failure as far as preventing transfer of raiyati lands was concerned. Its provisions were discriminatory between the tribal and non-tribal buyers of land. Tribals faced much more difficulty than the non-tribals in getting permission from the Deputy Commissioner. Its major success was that it had given the raiyats a greater security
of tenure than they had enjoyed previously. The Act also provided some recognition to Khuntkattī rights[^3] of the tribals and banned beth begari[^4]. Though the Act was not an unqualified success it can be considered as the first major step in the direction of solving the perennial problems faced by the tribals.

The Government of India Act, 1935 made a reference to the 'Backward Tribes' in India and described the Chotanagpur and Santal Pargana region as 'partially excluded areas'. Thus, these areas were brought under the special responsibility of the Governor.

The Bihar Restoration of Bakast Land and Reduction of Arrears of Rent Act was passed in 1938. This Act enabled the tenants to assert their claims over lost land with the backing of law. However, the rent reduction operations could not bring much benefit to the tenants as in most cases rent reduction in their favour was negated by appeals by landlords to the Commissioner[^4].

Thus, though the tribals through their occasional outbursts could draw the attention of the administration to the problems faced by them and even forced them to adopt certain legal and administrative measures to protect their traditional hold over land, these measures failed to effect any meaningful change in the lives of the tribals in reality. Alienation of land and other forms of exploitation continued through legal loopholes backed by a dīku-British nexus.

In general, the British administration adopted a policy of isolation[^5] towards the tribals in India which instead of helping
them to come out of their problems like exploitation and extreme poverty led to their further alienation from the national mainstream. The colonial masters deliberately maintained a dividing line between the tribals and the non-tribals to serve their own interest.

II

Indian independence brought with it new hopes and aspirations in the minds of the tribals as the Constitution of India incorporated special provisions to protect and promote the rights and interests of the tribals in India. The basic objective behind such special arrangements was to help the people from the backward communities to catch up with the rest of the country as quickly as possible.

Under Part III of the Constitution, dealing with the Fundamental Rights, discrimination among citizens on grounds of religion, race, caste, sex or place of birth has been prohibited (Article 15), equality of opportunity has been ensured for all citizens in matters of public employment (Article 16), restrictions have been imposed on transfer of tribal property to non-tribals and forced labour has been banned. The Constitution has further guaranteed freedom of religion and has recognised cultural and educational rights for all. Though discrimination and inequality is generally prohibited among the citizens, clause 4 of Article 15 has allowed the State to make special provision for the advancement of the Scheduled Tribes. Similarly, clause 4 of Article 16 has made special provision for the reservation of posts in govern-
ment services for the backward people who are not adequately represented.

The Chapter on Directive Principles of State Policy has incorporated special provisions to promote 'educational and economic interests of the Scheduled Tribes and other weaker sections of the society. It has also pledged to 'protect them from social injustice and all forms of exploitation' (Article 46).

In a proviso to Article 164 (1) of Part VI of the Constitution arrangements have been made to appoint a Minister in charge of tribal welfare in the states of Bihar, Orissa and Madhya Pradesh. The President of India is further empowered to appoint a 'special officer' for the tribals, to supervise the working of the Constitutional safeguards provided for the Scheduled Tribes and report back to the President on their effectiveness (Article 338). The President may also appoint a Commission under Article 339 of the Constitution to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the states. Provision for a similar Commission to investigate the conditions of the socially and educationally backward classes of people in different parts of India and to recommend steps to remove the difficulties faced by these people has been made under Article 340 of the Constitution.

Article 244 under Part X of the Constitution says that the administration and control of the Scheduled Areas and Scheduled Tribes in India should be done in accordance with the Fifth Schedule of the Constitution. Under this Schedule, the President is entitled to declare any area inhabited by a substantial number of tribal people as Scheduled Area. According to the provisions of the Fifth
Schedule, the Governor of each state, having Scheduled Areas therein is required to submit a report to the President regarding the administration of the said areas at least once a year. It has been further recommended to set up a Tribes Advisory Council in each state having Scheduled Areas therein or having Scheduled Tribes but not Scheduled Areas. Such Councils, composed of not more than twenty members, are expected to advise the Governor on such matters pertaining to the welfare and advancement of the Scheduled Tribes. The state Governor has been empowered to examine the applicability of various laws, passed either by the Parliament or by the state legislatures, to the Scheduled Areas. The Governor, in consultation with the Tribes Advisory Council, is further entitled to make regulations to prohibit transfer of land from the area, to regulate the activities of money-lenders in the area or to amend any law applicable to the area, when felt necessary.

Article 275, under Part XII of the Constitution, provides for financial assistance to the states from the Consolidated Fund of India to enable the state concerned to promote the welfare of the Scheduled Tribes in that state or raising the level of administration of the Scheduled Areas therein to the level of the rest of the state.

Articles 330 and 332, under Part XVI of the Constitution, provide for special provisions reserving seats for the Scheduled Tribes in the Union Parliament and in the State Legislative Assemblies. Article 334 specifies that such reservation of seats is not going to be a permanent feature of the Constitution. Such
temporary reservation of seats for the tribals in legislative bodies has not only gone a long way to remove the feeling of alienation among the tribals by making them part and parcel of the whole legislative machinery but has also enabled them to draw the attention of the decision makers to the problems faced by the tribals which need special care.

Besides, Article 335 assures the tribals that their claims to government services and posts, both under the central and the state governments, shall receive due consideration when such appointments are made. By implication it is suggested that a portion of government jobs will be reserved for the tribals who, because of their backwardness, fail to get into such posts on their own. But there is one pre-condition to such reservations; the standard of efficiency in administration should be maintained while making such appointments.

Article 342 of the Constitution deals with the procedure to be followed in scheduling the tribal communities as 'Scheduled Tribes'. The President of India is entitled to specify, by public notification, the tribes or tribal communities to be considered as Scheduled Tribes but only after consultation with the Governor of the concerned state. However, Parliament is empowered to modify the list by law and may include or exclude any community from the list in accordance with the changing needs of time. Clause 25 of Article 366 under Part XIX of the Constitution, which deals with definitions of miscellaneous matters, repeats once again the procedure to be followed in determining the 'Scheduled Tribes' in accordance with the provisions of Article 342.
Thus, the Constitutional safeguards provided for the tribals cover wide areas with the aim of helping the long deprived tribals to come to the forefront of the social edifice. The Constitution not only makes special provisions for the socio-economic uplift of the backward tribal communities through reservations for them in government jobs, educational institutions and legislative bodies; it also authorises Ministers and special officers for the tribals to supervise the implementation of these provisions. A close perusal of the Constitutional provisions makes it clear that there was no lack of sympathy among the framers of the Constitution for the backward sections of the society. The Constitutional text is full of well intended provisions which want to provide a helping hand to the deprived tribals. But whether the benefits of these provisions are actually accruing to the needy, whether the Constitutional provisions are being translated into actual practice is the all-important question.

III

In addition to these Constitutional provisions, governments both at the centre and at the state level have adopted several legislative and administrative measures since independence to protect, preserve and promote tribal interests.

The Scheduled Area Order of 1950 included several administrative provisions for the 'peace and good government' of the areas, declared as 'Scheduled Areas' by the President of India under the Fifth Schedule of the Constitution. Special regulations
for such areas imposed restrictions on transfer and allotment of lands as well as on the business of money lenders in these areas.

A Tribes Advisory Council was set up for the state of Bihar in 1951 in accordance with the provisions laid down under the Fifth Schedule of the Constitution. The Council had the state Chief Minister and the Minister in charge of 'Aboriginal Welfare' in the state as its ex-officio Chairman and Deputy Chairman respectively. Out of its twenty other members, fifteen were from the Scheduled Tribe members of the Bihar Legislative Assembly. The powers and privileges of the Council were not clearly laid down though the Council, according to the provisions of the Fifth Schedule of the Constitution, was expected to advise the Governor of Bihar on matters pertaining to the welfare and advancement of the Scheduled Tribes in the state.

Meanwhile, the Land Reforms Act was passed by the Bihar Legislature in 1950. The Act aimed at doing away with the arrangements made by the Permanent Settlement of Lord Cornwallis. It established a direct link between the tenants and the State and made arrangements for the transfer of the interests of proprietors and tenure holders in land and of the mortgagees and lessees of such interests to the State, on payment of appropriate compensation. The Act further provided for the formation of a Land Commission for the state of Bihar with powers to advise the state government on the agrarian policy to be followed consequent upon such transference.

The Bihar Land Reforms (Amendment) Act, 1953 enabled the state government to acquire all estates and tenures within a particular area by issuing a single notification. Thus, all the remaining estates
in Ranchi district were vested in the State vide Notification No.1022/LR, on January 1, 1956. Gradually, all the intermediary interests except the Mundari Khuntkatti tenancy within the purview of the Chotanagpur Tenancy Act of 1908 and the Bhuinhari tenure were vested in the State.

In 1956, Prime Minister Nehru appointed the Kaka Kalekar Commission to "determine the criteria to be adopted in considering whether any sections of the people ...... (apart from the Scheduled Castes and Scheduled Tribes) should be treated as socially and educationally backward classes" and to prepare a list of such classes. The Commission found it difficult to avoid caste as a criterion for determining backwardness under the prevailing conditions and listed some 2399 disadvantaged groups in its report, who deserve special treatment from the government. The report also suggested various measures for the economic, social, political, educational and cultural advancement of these groups. Nehru, however, shelved the report and the states were asked to formulate their own criterion for determining what constituted backwardness, to identify these groups and work out what the percentage of reservation should be.

Another Commission under the Chairmanship of U.N.Dhebar was constituted on April 28, 1960 in accordance with Article 339 of the Constitution to report on the administration of the Scheduled Areas and the actual conditions of the Scheduled Tribes. The Commission, which submitted its report by the end of 1961, made several recommendations regarding the successful implementation of the Constitutional provisions, safe-guarding the interests of the tribals. The report
emphasised the need for emotional integration of the tribals with the mainstream of Indian society. It criticised and condemned the policy of isolation pursued by the British administration during the pre-independence days and also focussed on the limitations of the Constitutional provisions in free India. Creation of a separate ministry at the centre for tribal welfare was suggested to look after the proper implementation of the various provisions incorporated in the Constitution for the betterment of the tribals.

The Bihar Scheduled Areas Regulation, 1969 was adopted with the objective of stopping further land alienation among the tribals. The Act, particularly Section 71 of it, successfully dealt with the problem of land alienation. It empowered the Deputy Commissioner to enquire into any case of transfer of land that had taken place within thirty years and restore the land to the original raiyat, if such transfer was found to be illegal, without providing any compensation to the vendees. However, land in the Municipal area or land meant for non-agricultural purposes even in rural areas, was kept outside the purview of the Act.

Within a decade of introducing the Regulation, by March 1978 to be precise, around twenty two thousand cases of transfer of land were reported out of which fifty percent cases were dispensed with in favour of the affected families restoring in the process fourteen thousand acres of land.

In 1971, the Bihar Government constituted the Chotanagpur and Santhal Parganas Autonomous Development Authority with the intention of "formulating short term and long term plans for the region as
The Authority emphasised the development of irrigation facilities, establishment of new industries, increasing power generation, construction of rural roads etc. to effect speedy development of this backward region.

The Authority has subsequently been trifurcated through an amendment in 1978 into three Authorities one each for the South and North Chotanagpur Divisions and one for the Santal Parganas. Each of these authorities is expected to prepare perspective and short-term plans for the all-round development of the respective regions.

A 'Task Force on Development of Tribal Areas' was set up by the Planning Commission on April 5, 1972 with L.P. Vidyarthi as the Chairman. It was entrusted with the task of reviewing the nature and level of development and in the process identifying the bottlenecks and weaknesses in the policies and programmes of the government. The Task Force was further asked to suggest corrective measures and formulate special schemes for extremely backward areas, for the neglected and isolated tribes as well as for those tribals who are adversely affected by major projects in the region.

Apart from the Task Force, the Planning Commission constituted five working groups which were to deal with different subjects like identification of the Tribal Development Areas and the less developed tribal communities, the legislative and administrative
set up of the tribal areas, the forest based tribal development programmes, general programmes as well as area wise programmes concerning infra-structure and social services in the tribal areas and the personnel policy in those areas. These working groups were formed primarily to facilitate proper functioning of the Task Force.

During the Fifth/Year Plan an 'Integrated Tribal Development Programme' (ITDP) was introduced in areas with a concentration of tribal population. Both short-term and long-term measures were suggested for the development of tribal areas which were classified as 'macro', 'meso' and 'micro' areas depending on their size. This tribal 'Sub-plan' sought to narrow the gap between the levels of development of a tribal area and that of a non-tribal area. The plan emphasised the improvement of the basic infrastructure in tribal areas for boosting tribal economy. Special schemes were adopted to improve the communication network, rural electrification as well as to establish schools, rural health centres, marketing and credit societies in tribal areas.

In December 1974 the Government of Bihar introduced the Bihar Scheduled Caste, Scheduled Tribes, Backward Classes and Denotified Tribes, Debt Relief Act and the Bihar Money Lenders Act, 1974. The Debt Relief Act allowed relief to those backward people who owned not more than one acre of land. By this Act, all debts of the tribals were liquidated barring, of course, governmental and institutional loans. This certainly went a long way to rescue the poor tribals from the clutches of the money lenders. But in the absence of easy availability of credit from government sources, the tribals
often fall prey to the unscrupulous money lenders when they are urgently in need of money.

The Bonded Labour System (Abolition) Ordinance, 1975 was promulgated by the Central Government to free the bonded labourers, a large number of whom were tribals, and to restore their mortgaged lands to them. It further authorised all the District Magistrates to identify, free and rehabilitate the bonded labourers in their respective areas. According to some government figures, within five years of the promulgation of the Ordinance, some eighteen hundred bonded labourers were freed in the district of Palamau alone. A sum of Rs.61,211 has been liquidated on account of their debt-money and 34.14 acres of land, which were mortgaged, have been restored to them.

In 1978 the Bihar Government under Karpoori Thakur introduced a new formula to make the reservation system for the backward classes more effective. The formula made the economic factor an integral part of the whole exercise "so that the really needy in these sections can benefit and to exclude those who are economically better off". Under this system 12% of the jobs were reserved for the backward classes without any reference to the economic criterion. The next 8% of the jobs were reserved for the too backward (Ati Pichhra) people on the basis of their economic conditions. Even 3% reservation of seats was suggested for those belonging to the forward but economically not well off classes.

The Janata Government at the Centre appointed a Commission on January 1, 1979 with B.P. Mandal as its Chairman, to prepare a list of the backward communities, in need of some encouragement and special assistance from the government. The Commission submitted its
report on December 31, 1980 in which it identified more than three thousand socially and educationally backward castes and communities which included the tribals. The report which was shelved for almost a decade was brought to light by the V.P. Singh government at the Centre. On August 7, 1990 V.P. Singh announced in Parliament his decision to reserve 27% of the jobs in Central services and Central Government undertakings, for the socially and educationally backward people in accordance with the recommendations of the Mandal Commission. He further advocated 40% reservation of seats in all the legislatures of the country for those who live below the poverty line.

The Bihar Tribes Advisory Council, which remained almost defunct ever since its inception in 1951, was revived in 1984. The Council was reconstituted in November 1985 to include more representatives from the Scheduled Tribes and even included six non-tribal members in it. However, the Council which meets irregularly and possesses only advisory powers has not been able to do much to improve the conditions of the tribals.

In August 1989, an expert Committee on Jharkhand Matters (COJM) was constituted by the Union government with the objective of finding solutions to the Jharkhand problem and suggesting modalities to improve the lot of the tribals. The Committee, composed of twenty four members included the movement leaders and experts on the subject apart from government officials from the Centre and the Bihar government. The Committee, though half of its members were representatives of the Jharkhand movement, recommended in its report the formation of an 'Autonomous Council' in Bihar with some degree of
autonomy and similar councils in West Bengal, Orissa and Madhya Pradesh subject to the approval of the concerned state governments.

On August 1, 1991 the Bihar Assembly passed the 'Jharkhand Area Development Council Bill, 1991. The Bill proposed to give more powers to the Development Council than the existing autonomous development authorities to expedite the pace of development in the region. The Bill, however, is yet to receive the assent of the President of India to become a full-fledged Act and naturally could not effect any change in the development patterns of the region.

Apart from these legislative measures the Government of Bihar has also established a Tribal Research Institute at Ranchi to facilitate research on various aspects of tribal life. In depth research on tribal societies, their art and culture and their life-styles in general, will certainly help the non-tribals to understand the tribal problems better. This may ultimately help removing the psychological barrier of suspicion and hatred that exists between these two communities. The Bihar government has further bifurcated the Bihar Secondary School Examination Board and the Bihar State Intermediate Education Council and has set up their regional offices at Ranchi for the easy access of the tribals.

The Government of Bihar has also taken initiative to organise 'Kala Kendras' (academies) to preserve and promote tribal art and culture. The government is attaching great importance to tribal festivals by declaring public holidays on the festival days. Statues of tribal martyrs and heroes are being erected, Universities
(e.g. Sidhu - Kanu University in Santal Parganas), roads and town squares are being named after them recognising their role during the struggle against British colonialism. Such recognition, no doubt, goes a long way in removing the alienation of the tribals from the national mainstream.

Similarly, in West Bengal several steps have been taken by the state government to develop tribal culture and language in the state. A Cultural Research Institute has been established in Calcutta to carry on research on tribal life and culture. Santali, a language spoken by the Santals, the largest tribe in the state, has been recognised as a medium of instructions at the primary level of education. The state government has officially recognised Ol-Chiki as the official script of the Santali language and has undertaken a programme of publishing primary books for children in the Ol-Chiki script.

Seminars and melas (fairs) are frequently organised in different parts of the state where both the tribals and the non-tribals participate and exchange their views. On such occasions tribal folk-songs, dances and other cultural activities are performed which help strengthening the process of integration. A museum, named after Sido and Kanhu, has been set up in 1980 at Suri, the Head-quarters of the district of Birbhum, to preserve the tribal heritage.

Jhargram Development Council was established in March 1973 which has undertaken several measures to improve agriculture, irrigation and small scale industries in the region. Tribals enjoy special rights and privileges in the state as far as consumption of
forest products is concerned. Besides, eighty-eight 'Large sized Multi-purpose Cooperative Societies' (LAMPS) have come up in different tribal areas of the state to improve the socio-economic conditions of the tribals. These 'Societies' provide money to the tribals for implementing self-employment schemes in the fields of agriculture, animal husbandry and small scale industries and thus generate new employment opportunities for the tribals.

Moreover, the bulk-share of the benefits from the West Bengal government's land reform measures has gone to the Scheduled Caste and Scheduled Tribe population of the state. In Purulia district, where tribals constitute 18.79% of the total population, (1981 census) the percentage of them getting patta of khas land, patta of homestead land and their percentage among the registered bargadars are 30.40%, 37.50% and 22% respectively. Likewise in Bankura district 10.55% of the people are tribals and their percentage of getting patta of khas land, patta of homestead land and their percentage among the registered bargadars are 19.58%, 12.79% and 11.5% respectively. In Midnapur district 7.99% of the people are of tribal origin and their percentages under those three heads are 22.51%, 23.05% and 15.26% respectively.

Besides, the state government has decided to install busts of tribal heroes like Birsa Munda, Sido, Kanhu and others at different places in the state. By declaring June 30 as the Sido - Kanhu day, renaming Calcutta's Esplanade East as 'Sido - Kanhu Dahar' or by dedicating the stadium at Durgapur as well as the bridge over Subarnarekha river to the memory of these tribal heroes, the state
government has recognised the contribution of these tribal leaders in their fight against colonial rule. Such recognition, certainly, helps removing the psychological barrier that alienates the tribals from the rest of society.

III

However, inspite of all these well-intended measures adopted by the governments both at the Centre and at the state level, little progress has been made in reality, so far as the conditions of the common tribals are concerned. They still suffer from the basic problem of economic underdevelopment. Even after about half a century of our independence the tribals are mercilessly exploited by the privileged sections of society and are deprived of the basic amenities of life. Neither have they benefited from the developmental programmes undertaken for their advancement nor has their traditional way of life been spared by the forces of modernisation.

A major rethinking has to be done and the government should not be satisfied merely by spending crores of rupees for tribal welfare; they have to take into account the actual changes brought about in tribal life by such spending. The government should try to devise a mechanism through which funds meant for the tribals should be actually used for improving their socio-economic conditions. It is one thing to guarantee certain rights and privileges under the Constitution or to provide legal protection to certain sections of the people; it is altogether different to make those provisions effective in actual practice. If one just takes into consideration the constitutional provisions regarding reservations in government
jobs and educational institutions, for the weaker sections, it becomes evident how the basic objective behind such special arrangements has been defeated owing to insincerity on the part of the government officials and some unscrupulous elements in society. While 'reserved' posts are often made 'open' owing to non-availability of suitable candidates from the backward communities, people from the advanced sections also produce false certificates to get the advantage. Thus, the provisions which the constitutional framers contemplated for only ten years, still exist and even after more than forty years of enjoying such privileges the weaker sections are far from catching up with the rest of society.

Moreover, the backward people are mostly unaware of the rights and special privileges granted to them under the Constitution or by the laws of the land. It is rather improper to impose a system of law on the tribals which they are unable to comprehend. Either laws should be made very simple for the tribals to understand them easily or they should be educated to such a level so that they can make use of those legal provisions. Until and unless the tribals reach such a stage, 'adivasi laws', deeply rooted in tribal culture, should be allowed to continue in tribal dominated areas. For that, codification of the tribal customary laws is to be done in right earnest.

In order to improve the conditions of the tribals in general, it is absolutely necessary to put an end to all sorts of exploitation let loose by the people with vested interests. Further land alienation has to be stopped by all means. The loop-holes in the existing laws are to be plugged immediately. Wherever the tribals have been dispossessed of their land they should be compensated with alter-
native land. The government should further provide financial assistance and guidance for their proper rehabilitation. Excess lands are to be redistributed among the landless through effective land reform measures.

Besides, tribals should be granted special rights over forest areas considering their symbiotic relationship with forests. Their traditional rights and privileges over forest-products, grazing and hunting should not be interfered with. In order to prevent illegal felling of trees the real culprits like the forest contractors and the saw mill operators are to be apprehended. The alienation of the forest department officials from the forest dwellers lead to gradual depletion of forest areas. So a basic change has to be brought about in the attitude of the forest officials towards the tribals and their problems. Moreover, any programme of afforestation sponsored by the government should not be taken up without the consent and direct participation of the tribals. Their views are to be given due consideration while preparing the nurseries, selecting the species or choosing the land for plantation.

For the preservation and promotion of the tribal languages and culture an 'Academy of Jharkhandi Languages' or separate academies for major Jharkhandi languages can be set up. These academies may facilitate research, encourage creative writings and make arrangements for publication in these languages. Tribal children should have the opportunity to learn everything in their mother tongue. The fear of being overshadowed by a neighbouring language and culture and gradually losing their identity can be countered effectively only by granting due recognition to tribal cultural heritage. Tribal folk traditions are to be preserved in their pure form. Folk artists can be given more
exposure through various mass-media not only to encourage them but to make the non-tribals familiar with the folk art and literature. Such exercises may help in removing the feeling of apprehension or hatred that exists between the tribals and non-tribals.

So far as the question of promoting economic development in the Jharkhand region is concerned, the schemes for development should be made more realistic in the sense that both human needs and material resources available in the region are to be taken into consideration. It is not enough to restore lands to the original owners, they should be provided with proper irrigation facilities and be trained to the use of fertilisers. Side by side, development of cottage industries can be encouraged as an alternative economic pursuit for the tribals.

Tribal areas should get their due share out of the revenue earned by the Centre from the region. This is necessary to finance various projects undertaken to improve the conditions of the tribals. A specific cess can be imposed on the mineral and other natural resources taken out of this region and the money collected therefrom may be used for the overall development of the region and its people.

Debt relief boards can be set up to write off loans outstanding in the name of poor tribals for a long time. Such boards may consist of tribal leaders and those non-tribal officials who are sympathetic to the tribal problems and command confidence of even the tribals. Institutional credit should be made available to the
tribals on easy terms to take them out of the clutches of the money lenders. Even among the tribals greater attention should be paid to the relatively weaker sections who should receive greater share of the loans, grants and subsidies offered by the government. Similarly, in the sphere of education non-Christians should receive greater attention than the Christians as the latter were brought under the educational programmes of the Christian missionaries much earlier. The government should arrange for more scholarships for the tribal students along with residential hostels for them. More importantly, maintenance grants for the parents of these students should be introduced in order to bring them to schools. Mobile health units may be set up to reach the remotest corner of a tribal village until and unless primary health centres are created at the block level of every district. These health units may play a crucial role in developing a general awareness among the tribals regarding hygiene and nutrition and may also help reducing the influence of Jangurus (tribal magicians).

In matters of employment the government has to show more enterprise in enforcing the Constitutional provisions regarding reservation of jobs for the tribals. They should be provided with technical training to make them competent for the jobs. Special coaching centres may be organised to prepare tribal candidates for administrative jobs.

The overall administration in the Chotanagpur Plateau region has to be streamlined if one is really interested to effect an all-round development of the region along with its inhabitants.
In a report of the Planning Commission it was observed that unless there is a single agency administration within the comprehension of the tribals, no amount of planning and expenditure is going to deliver the goods. So, all activities regarding tribal welfare and development, including policy formulations and implementation of those policies, are to be brought under the Tribal Welfare Department of the government for a well coordinated, comprehensive effort.

The Tribes Advisory Council in Bihar should be provided with executive powers instead of functioning as a mere advisory body. It must be regular in its meetings and should follow a mandatory time-frame to implement its decisions. The Chotanagpur and Santhal Parganas Autonomous Development Authority, even after its trifurcation, has failed to bring about any significant change in the lives of the hapless tribals. Procedural wrangles, mutual bickerings, wilful negligence and bureaucratic bottlenecks have made these authorities mere paper-tigers with little concern for development. If a Jharkhand Autonomous Council is established in accordance with the Sixth Schedule of the Constitution in place of the present Autonomous Development Authorities, that should be endowed with real administrative, financial and legislative powers. The Council must be directly involved with the planning, execution and monitoring of the development programmes in the region.

However, for the successful implementation of governmental schemes for development, it is imperative that only experienced and efficient officials with a sympathetic mind should be posted in the region. The officials have to be tactful in their dealings with the tribals and it may be made compulsory for the officials to learn.
tribal languages before getting a posting in the tribal region. But most importantly, tribal aspirations for autonomy and greater participation in the government should be given due recognition by allowing them to manage their own affairs as far as practicable. Instead of imposing an alien administration from above it would be much better if the common people are made part and parcel of the administration. With first hand knowledge of the local problems and needs, these people should be involved in the course of planning as well as during implementation of those plans in reality. Apart from creating a sense of involvement among the so-far neglected people, such measures would bring back their confidence in the administration. An effective implementation of the Panchayati Raj system in Bihar may serve the purpose. Local self-governement at the village, block and district levels may fulfil the aspirations of the people to become their own masters.

Over and above, one should try for an emotional integration of the tribals with the rest of society. Mistrust and hatred originate in the minds of the people which give rise to divisions. So, special care should be taken to bring the tribals and the non-tribals closer. Superiority complex of the non-tribals should be replaced by a greater awareness of the tribal society and its culture. Participation of the non-tribals in tribal festivals and cultural programmes and the vice-versa may generate a healthy respect for each other’s cultural heritage. Once the fear of losing one’s cultural identity is dispelled, the psychological barrier between the communities would be largely removed. The feeling of alienation would give way to a sense of oneness with the rest of the country — a sense of being and belonging together.
NOTES AND REFERENCES:

1. Lands under the ownership of individual Oraon families who were descendants of the original Oraon settlers of Jharkhand, known as 'bhuinhars' who had cleared virgin forests for habitation and cultivation.

2. The original Munda settlers of Jharkhand who had cleared the virgin forests for habitation and cultivation.

3. Rights of the original settlers over the land.


6. Article 19, Clause 5 has been dropped by the 44th Amendment to the Constitution of India in 1978.


9. As mentioned by Bhowmick P.K., op. cit., p 56.

15. Ibid., p 62.
16. Ibid., p 63.
18. Ibid., p 235.