



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Violation of Rights in the East India Tribal Region and The Impact of Modern Indian Constitutionalism

Sanjeev Lakra^a Ambika Kachhap^b

^aNational University of Study and Research in Law, Ranchi, India ^bNational University of Study and Research in Law, Ranchi, India

Received 27 January 2023; Accepted 15 February 2023; Published 20 February 2023

The indigenous community in India, particularly in the eastern region, consists of a large concentration of tribal population who faced atrocities during the British colonisation period. Legal and policy mechanisms shifted forest rights from one person to another i.e., the hands of the local population to the hands of the government. Although British colonisation law has provided the local tribals with a dignified position, it will not be able to remedy tribal people's rights and livelihood difficulties unless equivalent or better progress is made in law and administration in other fields such as land acquisition, etc. Forest policies have jeopardised indigenous rights to the forest and neglected their opinions while formulating legislation from the colonial period. The contemporary civilization and new world want these individuals to be a part of the total, not something distinct, in the effort to endure the tribulation that the future holds for human civilization, with equal chances, positions, and representation.

Keywords: *tribal region, constitutionalism, indigenous community, policy mechanism, british colonisation.*

INTRODUCTION

A narrative of broken promises, dislocation, hardship, and disempowerment in the name of development is taking place in India's hinterland, which is heavily forested and mineral-rich but home to extremely impoverished and vulnerable tribal people. Tribal people are protesting laws

that aim to evict them from their homes and their land in Niyamgiri in Odisha, Jharsuguda in Jharkhand, and other locations across India. Numerous tribal tribes, such as the Santhals, Hos, Oraons, Mundas in Chota Nagpur, and the Santhal Parganas, have been largely and collectively concentrated in an area known as the "Tribal Belt" of Middle India. The region includes the majority of what is today known as Jharkhand. A tribe (Tribal Community) is a group of people who all share a common progenitor, a common heritage, and a way of living that is restricted to them. They build and live in dwellings that reject modern amenities and ways of doing things. Tribals suffered greatly as a result of their decision to live close to the land and adhere to the customs and way of life of their ancestors, which was disapproved of by other peoples and colonial society. They lost their land, and their homes, and had their rights violated, among other things. and in describing how we see the movements and battles of tribes, as well as the horrors they endured during the colonial era and what the revolts carried out by the tribe people and their leaders to rise or regain their identity.

But because of the complexity of the issues surrounding bio-cultural diversity, ethnicity, the history of the people, tribal people's responses to varied state policies, and their ongoing negotiation processes in a globalised world, the tribal situation in east India has attracted enormous research attention throughout the world. Depending on their exposure to the forces of change and intricate connections to the larger socio-political realities of life, these have sped up the process of transition/transformation among the diverse tribal community. We continue to talk about tribes' challenges. The government passed the SC-ST Prevention of Atrocities Act in 1989 to address the issues and put an end to atrocities against tribal people. The Act, however, has fallen short of promises due to caste- and background-based injustice, as well as a rise in crime and atrocities against tribes, all of which have contributed to the Act's failure to safeguard tribes. We also discuss several additional tribal constitutional rights that have been introduced.

CONSTITUTIONAL RIGHTS & PROVISIONS

1st Constitutional Amendment of 1951 when Art. 15(4) and 9th schedule were inserted.

Article 15(4) specifies that this article and 29(2)¹ do not preclude the state from establishing specific measures for the social and educational advancement of caste inhabitants or SC/ST caste individuals.²

*Indira Sawhney v Union of India, 1992*³ is also known as the Mandal verdict. The case of *M. R. Balaji*⁴ is related to reservations July 31, 1962, the state of Mysore issued an order that replaced all earlier state regulations concerning seat reservations under Art. 15(4). The backward classes were separated into two groups under this sequence, one backward class and one more backward class. The edict restricted 68 percent of seats in engineering and medical colleges, as well as other technical institutions, for the educationally and socially disadvantaged classes, scheduled castes, and scheduled tribes, leaving just 32 percent for merit.

It was determined by the Supreme Court that is not justified to classify people as OBC. The contested order's 68 percent reserve clause went against the state's constitutionally allowed power. 15(4) and the same be nullified. Caste cannot be the only foundation, and reservations cannot be more than 50% of the population. Backwardness may be determined based on poverty. Although Article 15(4) was added as a result of the *Smt. Champakam Devarajan's* case ruling is an exception to Articles 15(1)⁵ and 29(2).

Article 16(4) offers equivalent reservations regarding jobs for the underprivileged class of individuals who are underrepresented. While the 77th Amendment adds reservation in promotion and the 85th Amendment adds reserve in promotion with consequential seniority to

¹ Constitution of India 1950, art 29(2)

² Constitution of India 1950, art 15(4)

³ *Indira Sawhney v Union of India* (1992) (Sup) 3 SCC 217

⁴ *M. R. Balaji & Ors v State Oof Mysore* (1962) SCR Supl. (1) 439

⁵ Constitution of India 1950, art 15(1)

Art. 16(14).⁶ *S. Vinod Kumar v Union of State, 1996*⁷ & *Janhit Abhiyan v Union of India*⁸ are leading case laws.

Article 29(2) specifies that "No persons should be barred admittance into any educational institution sponsored by the state or obtaining support out of state money on the ground alone of religion, race, caste, language or any of them". Gives people a special entitlement to admission to state-sponsored or aided educational institutions.⁹ *State of Madras v Champakam Dorairajan*¹⁰ is a leading case law.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- It covers even those offences which are not covered under IPC.
- The statute only applies when a NON-SC-ST commits an offence against an SC or ST.
- Section 3¹¹ of the Statute contains a broad list of offences rendered criminal by the act.
- If a Public Servant commits any of the listed offences against an SC OR ST, the penalties are more severe.

Section 3[1]: Whoever is not a member of a scheduled caste or a scheduled tribe –

- forces an ST OR SC member to ingest or take any inedible or toxic item;
- acts with the purpose to cause damage, insult, or annoyance to any member of ST or SC by putting excreta waste materials carcasses, or any other disagreeable matter in his premises or area. Dumping excreta waste materials corpses or any other noxious substance on his property or in the vicinity;
- violently removes a member of the SC or ST's clothes, parades him naked or with a painted face or body, or engages in any other conduct that is insulting to human dignity;

⁶ Constitution of India 1950, art 16(4)

⁷ *Vinod Kumar v Union of India* (1996) 6 SCC 580

⁸ *Janhit Abhiyan v Union of India* (2022) LiveLaw SC 922

⁹ Constitution of India 1950, art 29(2)

¹⁰ *State of Madras v Champakam Dorairajan* AIR (1951) SC 226

¹¹ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 3

- if he illegally occupies or cultivates any property owned by or assigned to him, the land will be transferred to him/her;
- forces a member of an SC or ST to leave his house, village, or another place of residence by violently removing his clothing, parades him naked or with a painted face or body, or engages in any other conduct insulting to human dignity is punishable by imprisonment for a term not less than six months but not more than five years, and a fine.¹²

SECTION 3[2]

- presents or fabricates false evidence that leads to the conviction of an SC or ST for a crime punishable by life imprisonment and a fine, that person is condemned to death,
- commits mischief by fire or any explosive substance to cause damage to any property belonging to a member of SC or ST, is punishable by imprisonment for not less than six months but not less than seven years, and a fine.
- who is a public official and commits any offence under this section must be punished by imprisonment for a term of not less than one year, which may be increased to the sentence imposed for that offence.¹³

Section 14: Special court - To ensure a rapid trial, the State Government should, with the consent of the Chief Justice of the High Court, designate a court of the session as a special court for each district by the announcement in the official Gazette.¹⁴

Section 7[1]: Forfeiture of property of certain persons - If a person is guilty of any offence punishable under this chapter, the special court may, in addition to imposing punishment, declare in writing that any property owned by the person and utilised in the conduct of that offence must be forfeited to the government.¹⁵

¹² Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 3(1)

¹³ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 3(2)

¹⁴ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 14

¹⁵ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 7(1)

Section 10: Removal of a prospective offender from a certain area - If the special court determines, based on a complaint or a police report, that a person is likely to commit an offence specified in this Act in any area designated as a "scheduled area" or a "tribal area" as defined in article 244 of the constitution, it may direct such person to do so by written order. must withdraw from such location and not return for a period of not more than two years, as specified in the order.¹⁶

Section 21: Government's responsibility to ensure the Act's successful implementation -

1. Subject to any rules made by the Central Government in this regard, the State Government shall take whatever steps are required to ensure the efficient execution of this Act.

2. such measures may include -

- the provision of adequate facilities, including legal aid, to victims of atrocities;
- the provision of travel and maintenance expenses to witnesses, including victims of atrocities, during the investigation and trial of offences under this Act;
- the provision of economic and social rehabilitation to victims of atrocities.¹⁷

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

Norms for assistance and rehabilitation are provided for impacted communities.

According to Rule 3, the State Government to take preventative measures against offences against SC and STs.¹⁸

Rule 7 is a DSP-level officer tasked with investigating Act-related offences, and the inquiry must be concluded within 30 days.¹⁹

¹⁶ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 10

¹⁷ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, s 21

¹⁸ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995, r 3

¹⁹ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1995, r 7

According to Rule 12, Victims of atrocities must get prompt financial or in-kind aid under the stipulated standards..”²⁰

TRIBAL ATROCITIES IN EAST INDIA

Tribal Movement in India: Since educated Adivasis could also obtain government employment, a middle-class Adivasi intellectual leadership eventually developed and lobbied advocating the establishment of an independent state in India. Adivasis in south Bihar despised the Dikus, migratory traders and moneylenders who settled in the region and plucked its wealth, impoverishing the natives. Despite the confiscation of Adivasi lands, the majority of the gains from mining and industrial advancements in this mineral-rich area went to the dikus. Experiences of marginalisation and a sense of injustice galvanised Adivasis to build their own identity and encourage group activities, which eventually resulted in the foundation of a unique state.²¹ Jharkhand is the state where most of the Adivasis used to live and experience lots of atrocities against themselves, The issues raised by Jharkhand's leaders were as follows:

- Survey and settlement efforts were stalled, camps closed, and so forth.
- Resisted loan, rent, and cooperative dues collection.
- Nationalization of forest products, which they boycotted.

Government Failure in providing Employment: The constitution has solicitously provided for the consideration of the claims of scheduled castes and scheduled tribes in appointments to services and posts related to the union's or states' activities. In the case of the scheduled tribes, this 'reservation' has even after 25 years of freedom failed to meet even a fraction of the claims in terms of their population. The yearly reports of the commissioners for SCs and STs continue to bring forth this fact with a wealth of statistical material But discussion on the reports inside parliament has become a sort of ritual, and the state governments are least bothered with them.

Appointment to services and positions in the federal and state governments, as well as in other public institutions and under- takings, not only constitutes an avenue of employment to the new

²⁰ Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1995, r 12

²¹ *K.C. Vasanth Kumar & Another v State of Karnataka* (1985) SCR Supl. (1) 352

generation of educated tribal youth but also helps to associate them with the work of administration. To talk of the advancement of tribal places and tribal people yet fail to associate even a few thousand tribals in the work. The fate of administration, in running the government, is rank hypocritic and even downright insincerity. But the main point is, that in the higher echelons-the policy-making and decision-making spheres, the scheduled tribe is almost totally absent. In any case, the appointments fall far short of the statutory provisions, despite the working of the reservation orders for the last 17 years Many of the state governments have preferred not to supply information regarding the representation of the STs in the state services.

Thus the position is no better than before. Even now some of the public-sector undertakings refuse to carry out the principle of reservation, nor do they consider themselves accountable to anyone for carrying out the principle of reservation. One cannot fail to mention that while educated tribal youth registered with the employment exchanges are unable to secure employment, the appointing authorities Justify their refusal to fill the reserved vacancies on the plea, that they do not find suitable candidates

Tribals Hounded out of the Forest Lands: Even if the tribal people are extremely poor, their homes may be among the richest places in our country. They have access to unending reserves of mineral ores in addition to a huge wealth of forests. Following independence, these areas had a natural increase in interest due to their role as providers of raw materials and locations for major projects. The tribal areas have seen the development of significant irrigation and power projects, steel mills, mechanised mines, and other enterprises. Rourkela, Bhilai, Ranchi, Bailadilla, Korba, Talcher, Maithon, and Hirakud, among others, are now significant locations on the country's economic and industrial map.

In the process of constructing these national projects, tribals have been dispossessed of their lands by due process of law and have been paid cash compensation. But the money was squandered away, and the tribals soon became penniless and landless. The necessity to open craftsmen-training schemes or apprenticeship schemes at the very start of construction of such projects, where the tribal youth whose families have been displaced can acquire the necessary

skills and trades and thus secure employment after the gestation period of the projects is over, has never been stressed.

The first impact of these projects has been the large-scale displacement of tens of thousands of tribal families from their traditional homes. While this was inevitable in the overall interests of the country, scant attention was paid to the rehabilitation of the uprooted tribals. To quote an instance, the Assistant Commissioners for SCs and STs for Bihar, West Bengal, and Orissa found out after investigation that out of 14,561 tribal families who had been evicted from 62,494 acres, only 3476 families had been allotted some sort of alternative land. For the planners and the bureaucrats at the helm of affairs, the woes of the uprooted tribals were nothing more than a cry in the wilderness. To them, the problem of rehabilitation was incidental, which the 'political agitators' or 'social reformers' occasionally force on their busy hands.

But this was not the only 'misfortune facing the tribals. Even in the matter of employment in the projects and under- takings launched in areas inhabited by them, they were not the major beneficiaries. At the construction stage, there was naturally an initially huge demand for unskilled labour, and the tribal youth managed to find some occupation. But no sooner the construction phase came to an end, and the completed project required the services of skilled and semiskilled labour, new elements moved in from outside, and the tribal youth found himself out in the cold. There was no longer any place for him in the undertaking that his back-breaking toil had helped to create. Unsited for any skilled job, without any previous technical training, and having no place to go back, he had to drift like so much flotsam and jetsam of society. In planning the projects, the authorities never cared to set up training institutes during the construction period where suitable local youth could be picked up and trained for being absorbed in skilled and semiskilled jobs later on, i.e., after the projects are completed. It betrays a typical callousness for the future of the displaced and local tribal youth.

COMMUNITY SEGREGATION AND HARASSMENT DURING INVASION AND BRITISH COLONIZATION

Debt and Bonded Labour: The moneylenders exploited the tribals cruelly and mercilessly, the moneylender, or the zamindars were appointed by the rulers of the region who were usually non-tribal, this was the basic foundation of exploitations and communal segregation in the tribal regions. In most cases, the debt obtained by the father is passed on from father to son which created the forms of repayment of debts in the forms of bonded labour and forced labour. In the eastern regions of the tribal families worked as bonded labourers in the forms of agriculturists, mining labourers, and cultivators. During the early post-Independence era 66% of then-Santhal families were deeply in debt. The Kora and Mahli communities small indigenous tribal communities of present-day West Bengal, Odisha, and Jharkhand were entirely in debt. There were only a few money lenders who provided money to the tribals and only a few of them had the license to provide loans. Their rate of interest varied from 150 to 600 percent. That would sum up to one anna per rupee per interest. Research and study on tribal labour by the National Commission on Labor in the year 1969;

The moneylenders' grip on the tribal economy is so vicious that there is no other way to secure freedom except to secure freedom expects by replacing them. The legislation fails to serve the purpose as not only the tribal is ignorant of the various providers of credit ions meant for his protection but, even if he is knowledgeable about these, he does not cooperate with the law-enforcing agencies in bringing the moneylender to book for fear of losing his only source of credit. Instances have come to light in which the tribal is working as a sharecropper on his land or just as an agricultural labourer on the land on which his position is de jure and the position of the moneylender is de facto.²² The schemes and the rules laid down by the legislation have improved the status of the tribal community but still, some tribals are exploited based on their caste and their social status. While provisions have been made by the legislation to protect the community and punish the cognizable offence and punish the people who set bonded labour.

²² A B Bardhan, *The Tribal Problem In India* (Communist Party Publication 1973)

And various developmental programs have been conducted to liberate the bonded labourers from the clutches of zamindars and exploiters.

EXPLOITATION BY THE MECHANISM OF THE MARKET

The numerous bonds by which the tribal producer is bound hand and foot to the moneylender-cum-merchant, and the complex mechanism of the market which catches him in its wheels and squeezes virtually the last drop of blood out of him, has been vividly brought out by an investigator who has studied the economic organisation and the prevailing market amongst the Bhils and Bhilalas of a township in Madhya Pradesh. It is therefore worthwhile to reproduce his rather lengthy account. It must be noted here that the moneylender is a shrewd businessman and tried at all costs to please his customers and- also keep his business going well at the same time. He, for example, does not use a seed loan: would give 3 to 4 dhadis to a Bhil in the lean season and then more after the harvest in September-October. (He would give more for liquor and Diwali celebrations.) Taking advantage of the informal relations thus developed. the moneylender would in times of crisis come to sympathise or enjoy with a tribal, at the same time tell him to celebrate the occasion well and to go to him if he needs any money.

An official publication of the Madhya Pradesh government in 1967, summed up this phenomenon as follows: "Almost all facets of tribal life are under the control of exploiters. The moneylender-cum-trader has been highly successful in 'linking' credit with marketing and provision of supplies A small group of persons who combine among themselves to play the role of bankers, traders, and forest, PWD, or contractors, exercise enormous influence and control in tribal areas The tribal has to cope with them in one situation the other and can hardly afford to break away from the Tath chalked from OLA for him. He must work for them. they sell to them his produce and put- them the things required by him The vicious from all sides and neither can break it to reach any alternative agency nor latter can provide succour to him. The only solution possible in such areas is that the government should nationalise the taking over the liability to repay the debts on conditions that all the produce of the tribals will be marketed through the agency of the state government and his requirements will also be provided by the government. Of course, this proposed solution does not reflect any serious official thinking The tentacle of

the capitalist market economy has reached out to all tribal areas and a form of primitive decumulation of capital based on the ruthless exploitation of the tribals is in progress.²³

KHARSAWAN MASSACRE

KHARSAWAN is a tribal-dominated community region around 60 kilometers from the steel metropolis JAMSHEDPUR. It was the weekly haat day. The entire territory has been turned into a police camp by the ODISHA administration. ODISHA The government intended to integrate Saraikela and Kharsawan into Odisha due to The kings agreed to the presence of Oriya-speaking people in the majority of these cities, but the indigenous residents of the area refused to assemble in either Odisha or Bihar. Their desire was for an Adivasi state, which is today known as Jharkhand.

Thousands of tribal members had gathered for the protest that day, and police had formed a line and told them not to cross it. Jaipal Singh Munda, the movement's leader, did not appear in Kharsawan that day. People couldn't comprehend what was being said, and then there was the sound of a gunshot. Hundreds of people were slain. According to reports, the tribals first attacked with arrows before opening fire. Following the occurrence, martial law was implemented in the region, which was most likely the first martial law in independent India. The first martial law was imposed in independent India. Bihar's leaders were influential in Indian politics at the time, and they, too, were opposed to the union. In such a case, the occurrence had the effect of halting the merging of the territory into Odisha. After the occurrence, this location became known as the KHARSAWAN MARTYR SITE. Tribal people came here on January 1 to pray and pay honour to the martyrs.²⁴

BATTLE OF BASTAR

Natural resource-rich Bastar is a tribally dominant area where the tribal people have made the most use of the terrain to extract the minerals. The colonial government of India planned in 1905

²³ *Ibid*

²⁴ '1st January 1948, The Scariest and Painful New Year, The Kharsawan Golikaand' (*TribeHool*, 07 April 2021) <https://www.tribehool.com/read-blog/85_1st-january-1948-the-scariest-and-painful-new-year-br-br-the-kharsawan-golikaand.html> accessed 25 January 2023

to ban shifting agriculture, hunting, and gathering of forest products and to protect two-thirds of the country's forests. Bastar residents' means of subsistence were decimated because so many relied on trees. To harvest, transport, and safeguard trees, the British kept a few so-called "forest communities" in the forest. Villagers have endured famines despite paying exorbitant land rents and giving colonial rulers free labour.

EFFORTS LAID BY TRIBAL LEADERS

Tilka Manjhi (Bihar): Tilka gathered the Adivasis into an army trained in the usage of bows and arrows to defend his people and country. The Santhal area had a devastating famine in 1770. This was the start of his 'Santhal Hool' (the revolt of the Santhals). He kept attacking the British and their sycophantic friends. Tilka refused to submit to colonial authority from 1771 until 1784.²⁵

Narayan Singh (Chhattisgarh): The Sepoy Mutiny of 1857 was not confined to the activities of Indian Army men, it spread to the tribal hinterland as well. One such example is Narayan Singh, the tribal landlord whose ancestors belonged to the Gond tribal group residing in Sarangarh. In August 1856, he relieved the cultivators by distributing grain hoarded by a merchant - an act of public benefit for which he was publicly executed by the colonial authorities on 10th December 1857 at Raipur.²⁶

Jatra Bhagat (Jharkhand): Jatra Bhagat, also known as Jatra Oraon, from the Gumla District (his followers were known as 'Tana Bhagats') organized the Oraon tribals (one of the five largest tribes in South Asia) to fight against the oppression being done by the local zamindars and authorities. In 1921, the tribals actively participated in the Non-Cooperation Movement. On their persuasion, 'The Bhagat Agricultural Lands Restoration Act' was passed in the then Bihar, for the land-alienated tribals.²⁷

²⁵ 'Santhal Rebellion' (Byjus) <[²⁶ *Ibid*](https://byjus.com/free-ias-prep/santhal-revolt/#:~:text=The%20Santhal%20Revolt%20took%20place,revolt%20that%20occurred%20in%20India.> accessed 23 January 2023</p></div><div data-bbox=)

²⁷ *Ibid*

Gunda Dhur (Chhattisgarh): The British control in Bastar was ended, and tribal sovereignty was reinstated. Even though for a short period. Consequently, the reservation of land for industrial use by the colonial regime was suspended and the reserved area was reduced almost to half.

Birsa Munda (Jharkhand): First, a Munda youngster started thinking about the ills plaguing his society and decided to remove them by setting his people free from British domination. He provided the Mundas with leadership, religion, and with a code of life seeking dignity and freedom. In 1894, he led the Mundas to Chaibasa for the redress of complaints and was imprisoned. He was imprisoned for two years under harsh conditions. He continued to assist his people, particularly the poor and sick, and was revered as 'Birsa Bhagavan'. Birsa fought the British throughout his life. After a furious encounter, he was apprehended on February 3, 1900, in the Chakradharpur jungle, and perished in captivity. His memory is still held in high regard.

Diva-Kishun Soren (Jharkhand): Diva and Soren Soren were maternal brothers. Raghunath Bhuiyan was his guru's name. After accepting British freedom, Raja Abhiram Singh of Podhat pushed the people to rise against King Abhiram Singh of Podhat and the British rule. Under the leadership of Diva-Kisun, the uprising began in 1872 AD. This insurrection lasted a long time, but the locals eventually told the British authority that Diva-Kisun was hiding in the mountain. Diva-Kisun was arrested by the British administration and Raja Abhiram Singh's forces and executed at Seraikela prison.

Nilamber and Pitamber (Jharkhand): In October 1857, the brothers - Nilamber and Pitamber from the Latehar district - led around 500 tribals in an attack against the British agents in the region. The Palamu Fort was occupied by the rebelling tribals. Later, the strong British forces suppressed the rebellion, arrested the brothers, and hanged them in Lesliganj.

Sidhu and Kanhu Murmu (Jharkhand): In 1855, the Santhals gathered in the Bhagnadihi Village under the leadership of the brothers - Sidhu and Kanhu Murmu - and declared themselves free from colonial rule. At the outset, the British rule was paralyzed in the area and the native agents were killed.

Telanga Kharia (Jharkhand): Telanga Kharia, belonging to the Kharia tribe, encouraged the tribals to fight against the British atrocities and injustice in the Chota Nagpur region. Under his leadership, 13 jury panchayats were formed, and he formed an army of around 1500 trained men in guerrilla warfare against the colonial regime.

WAY FORWARD: CONCLUDING REMARKS

The problem of bringing about the all-round development of the tribal-inhabited territories and all tribal people have been mentally exercising of many social reformers, and all sections of the democratic movement, who believe that there can be no national progress while vast territories and considerable sections of the Indian people continue to exist in darkness and disease, poverty and indigence. But what are the political, economic, and social conditions under which alone the tribal people can take a 'great leap' across centuries-old backwardness and stagnation, and at least come up to the level of their fellow countrymen? The narrow class outlook of most social reformers, especially those drawn from the ruling party, has prevented them from finding a radical solution. They have tried to seek solutions within the existing administrative structure and the present social system, yielding only when the pressure of political circumstances compelled them.

All this shows that development cannot take place by relying solely on the bureaucracy, while the tribal masses remain silent spectators or only passive beneficiaries. Development cannot come as a gift from outside and from above, with the administration acting as 'trustees for their welfare. A program of development that does not rely on the energy and initiative of the tribal people themselves, which does not unleash their revolutionary potentialities, has not much chance of success. Tribal people's initiative in the first place, together with genuine fraternal help from all democratic sections of the Indian people and from a state power that is willing to curb all exploiters can alone help the tribal people to make quick progress along the high route of economic and social prosperity.

Increasing sections of tribal people are losing confidence in the capacity of a government in which they play no part, and an administration where they have no place to bring about their

all-around development. Their political aspirations have therefore grown. There is a growing realisation that in areas where they are preponderant, the tribal people should have political power in their hands. This is only possible when contiguous tribal areas are brought together and given the necessary degree of autonomy, either as separate states or regions within existing states, to enable the tribal majority to take their destiny into their own hands. This of course involves suitable amendments to the present constitution.

All those who have seriously and sincerely discussed the tribal problem have had to face this issue in one way or another other For instance, even the Dhebar commission concluded that if there was to be any substantial advance in the sphere of education and health services in the tribal areas there should be separate entries for such areas exclusively. Experience had shown that as part of a common cadre for the whole state, it was difficult may impossible to obtain the services of willing, enthusiastic, and qualified personnel familiar with the tribal way of life, language, and culture, and eager to contribute to tribal regions.

In another place, the commission pointed out that Some collectors brought to their attention the fact that contiguous scheduled areas of different districts would enhance administration as well as the rate of growth. The commission admits that it considered the above pleas and found that they had great force. The commission shied away from following up on these arguments, which would involve the reorganization of all contiguous tribal areas and the formation of separate cadres for such areas. Had it done so it would have come to the question of reorganization of existing states, autonomy for tribal majority areas, and so on questions which it was not competent or prepared to answer?

Equally important for the future of tribal people's advance is the question of the path of development pursued by the country. The tribal areas are not out of bounds or inaccessible to the host of parasites and exploiters that the capitalist path of development and the capitalist social system continuously generate and foster. No amount of protective regulations and welfare measures undertaken by the government can shield the tribal people or the territories they inhabit from the tentacles of the capitalist market.

Thus the struggle of the tribal people for their development, for creating the preconditions in which such development can take place at an accelerated pace, inevitably comes up against the exclusive state power of the bourgeoisie and the path of capitalist development that it pursues. It is a struggle of the entire exploited tribal masses against the present conditions. Only an insignificant minority—the old rotten feudal elements, the traditional rajas and chieftains whose very condition of existence lies in the continued ignorance and backwardness of the tribal masses, or the present day hangers-on of the dominant bourgeois class—are opposed to this struggle. This struggle by its very nature is a part of the broad struggle of the working class peasantry and other revolutionary-democratic masses in the country against the capitalist path and for an alternative non-capitalist path of India.