

Dr. B.R. Ambedkar's Constitutional and Subaltern Approach to Tribal Development in India

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Abstract

Dr. B.R. Ambedkar is considered by social scientists especially sociologists in India as a Champion of Subalterns (People of Lower Ladders) in Indian society. He is also credited for having sparked the Dalit and the Neo-Buddhist movement in India. Being a subalternist, he urged for a united struggle of the tribal people along with other weaker sections of India. He was well cognized that organized movement of the subaltern people against inequalities and injustices is not sufficient to bring about their development. Thus, he worked hard for legally empowering them. As a chief architect of Indian Constitution, he has provided constitutional guarantees, safeguards and protections for a wide range civil liberties including of religion, for the abolition of untouchable practices, and against different forms of inequalities, discrimination and exploitation for all suppressed sections of people including the SCs and the STs of India. In this article, an attempt has been made to reflect upon Dr Babasaheb Ambedkar's Constitutional and subaltern approach to tribal development in India on the basis of how he formulated a number of constitutional, legal, political, social, economic, and educational safe guards for the empowerment and upliftment of tribal people in India.

Keywords: Tribal Development; Legal Constitutional Approach; Subaltern Approach; Peoples Movement.

Introduction

Dr. B.R. Ambedkar as a Champion of Subalterns (People of Lower Ladders)

Dr. Bhimrao Ramji Ambedkar (Birth on 14th April 1891- Death on 6th December 1956) as popularly known as Babasaheb Ambedkar was one of the greatest Indian jurists, a full-bright research scholar, an economist, one of the most influential political leader, a Buddhist revivalist, a rationalist philosopher and a social reformer who was the chief architect of the Indian constitution. He has offered a Democratic Constitution to India for which the country has assumed a largest democracy in the world today. Being born into a poor untouchable Mahar community, Dr. B.R. Ambedkar spent his lifetime in fighting against the hierarchal social system of inequality and injustice especially the Hindu caste system. Dr. B.R Ambedkar fought for the rights of weaker sections of society, who are in majority (SC, ST, OBC and Religious Minorities) but subjugated, discriminated and systematically exploited by the existing caste system Hindu society. The rights which he secured for these communities really matters great to the same for their overall upliftment. He fought against both exploitations of Britishers and the exploitation that exists within Indian society. His vast knowledge on society and human civilizations along with his own life experiences made him to think and fight against all kinds of discriminations.

Dr. B.R Ambedkar is also credited for having sparked the Dalit and the Neo-Buddhist movement in India. As a spiritual leader, he revived the legacy of Lord Buddha. Thus, Dr. Babasaheb Ambedkar assumed the role of social, political and spiritual leader first for the traditionally named Dalit untouchable people and subsequently for the Dalit sensitive people of whole nation. He had been honored with India's highest civilian award known as "Bharat Ratna", as one of the greatest Gems of India, for his highest contribution to India's nationhood. He is also called as "Vishow Ratna" and "Yuga Purush", as an "epoch making social thinker" of India. He

is considered as one of the greatest social reformers in India. Besides, as an academican, he is well known as a classical Indian political economist, social philosopher and social worker. For being a critique to the social system of India especially the traditional caste system of India, he is recognized as a "subaltern" sociologist in India.

The significance of his philosophy and praxis in the modern history of socio-economic and political thought lay in the fact that he had his own major commitments to humanism, realism and rationalism. He was a stunt critique to the age old system of caste system as inbuilt into the Hinduism based on social inequality and inhuman exploitation of the backward class and marginalized categories of people including women whose plights had been continuing for centuries. Thus, he propounded and advocated a religion or a philosophy of humanism, which has its roots not in dogma and renunciation but in rationalism and empiricism. He had his lifelong struggle against the hierarchical social order of the Hindu society. Though India has been credited in her history as a multi-cultural country in the world, majority of her people belong to the hierarchic Hindu social order where the lowest ranks of people had been living in a kind of inhuman condition in the past and it has been continued to some extent even today mainly because they have been socially suppressed, politically subjugated and economically exploited throughout the history. The hierarchical system of caste was the central mechanism of the Hindu social order. As a humanist, Dr. B.R. Ambedkar identified the caste system as a degenerate system in Indian society and wanted to annihilate it. He struggled hard to bring together all his Dalit caste people and launch a crusade against the oppressors in the Hind social system. Finally, he achieved a grand success in his strivings. He also urged for movements of people belonging to the all other backward class marginalized communities or categories including minorities and the tribal people in order to fight against any form of injustice being united all together.

Aim of The Study

To highlight on "Dr. B.R. Ambedkar's Legal /Constitutional and Subaltern Approach to Tribal Development in India".

Dr. B.R. Ambedkar's Approach to Legal Empowerment of the Subalterns

The integrity of his political statesmanship and social reformism came to be implemented soon after India's independence on 15th August 1947 when Dr. B.R. Ambedkar was invited by the new Indian National Congress-led-Government to serve as the nation's first law minister. On 29th August he was appointed as the chairman of the Constitution Drafting Committee, charged by the Constituent Assembly in order to write free India's new Constitution. While working hard day and night, Dr. Ambedkar earned great praise from his colleagues and contemporary observers for his drafting work. In this tedious and voluminous task, his study of Sangha practice among the early Buddhists and his mastery over legal, political, economic and social knowledge or pedagogy was to come in aid. The Sangha practice incorporated

voting by ballot, rules of debate and precedence, the series of agendas, committees and proposals to conduct the business. The Sangha practice itself was modeled on the oligarchic system of governance followed by the tribal Republics of ancient India such as the Shakyas and the Lichchavis. Thus, though Dr. Ambedkar had used the Western European models in order to give a shape to our Indian Constitution, it's spirit was originally Indian and indeed it was for the indigenous tribal people. However, India's Constitution was very judiciously prepared by Dr. Babasaheb Ambedkar and it has provided constitutional guarantees, safeguards and protections for a wide range civil liberties including of religion, the abolition of untouchable practices, and against different forms of discrimination for all suppressed sections of people of India. Dr. Ambedkar argued for extensive economic and socio-political rights for women and also he own the Assembly's support for introducing a system of reservations for jobs in the civil services, schools and colleges for members of the Scheduled Castes and the Scheduled Tribes, and other backward communities. In fact, through India's Constitution, Dr. Babasaheb Ambedkar urged for legal empowerment of the poor, oppressed and weaker sections of people as an alternative approach to development of bottom level people in India.

Dr. Babasaheb Ambedkar worked as a messiah for the poor masses through making the Constitution of India in which various remedial measures are enshrined in it for the protection and safeguard of the fundamental rights of the people who have been socially subjugated, politically dominated and economically exploited by "others" (the dominant exploiters) in the social systems of India. Basically, his approach was for legal empowerment of the subalterns. With this approach, the Universal Declaration of Human Rights as adopted and proclaimed by General Assembly of the United Nations had been well cognized by Dr. Babasaheb Ambedkar while making various provisions in the "Fundamental Rights" (Chapter-III) and "Directive Principles of State Policy" (Chapter-IV) as enshrined in our Indian Constitution.

When the historic United Nations Charter was signed by all the participating member countries in the world on 26th June 1945 and it came into force on 24th October (U.N. Day) 1945, it speaks of universal recognition of the need of Human Rights. The Preamble of the Charter reads as "*We the people of the United Nations determined.....to reaffirm faith in fundamental human rights, in the dignity and worth of human person, in the equal rights of men and women and of nations large and small.....*". Following the U.N. Charter and its Universal Declaration of Human Rights, the Constituent Assembly of India, under the chairmanship of Dr. B.R. Ambedkar, on 22nd January 1947, passed the historic Objective Resolution upon which the Constitution of India after independence is based. Similarly, the Preamble of our India's Constitution reads as "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVERIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC and to secure to all it's citizens :

JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship; EQUALITY of status and of opportunity; and to promote among them all; FRATERNITY assuring the dignity of the individual and the unity and integrity of the Nation; IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY Adopt, Enact And Given To Ourselves This Constitution”.

The Preamble of our India's Constitution also speaks of the rights and liberties of the people. It has mentioned that “Where it shall be guaranteed and secured to all the people of India including the tribal people, justice, social economic and political; equality of status, of opportunity and before the law, freedom of thought, expression, belief, faith, worship, vocation, association, and action, subject to law and public morality; and where in adequate safeguards shall be provided for minorities, backward and tribal areas and depressed and other backward classes, and”. All these rights have a bearing on the concept of Human Rights and were declared through the Constitution of India under the head of “Fundamental Rights” in which most of the matter of the UN's Universal Declaration of Human Rights (UDHR) are included. In this respect, it is to be noted that various constitutional safeguards have been provided for the development of the tribal people in the country. Thus, it's ultimate credit goes to Dr. Babasaheb Ambedkar who has stood as a messiah for the protection of fundamental rights of the subalterns including the tribal people in India.

In fact, Dr.B.R. Ambedkar laid a foundation by drafting the Indian Constitution to construct an egalitarian Indian society on the principles of equality, liberty and fraternity by dismantling the existing Brahminical tyranny and Neo liberal exploitation in Indian society. He is not just an architect of Indian constitution or a representative of Schedules Castes and Scheduled Tribes, but also the pioneer of democratic rights of the masses in India. He introduced a legal-rationalist perspective of development, through which he questioned each and every systemic discrimination and exploitation from existing inequalities. He introduced the idea of “justice”, where people are entitled to have Social, and Political and Economic justice in every aspect.

In India, the tribal people are not only considered as the poorest of the poor but also they are the most backward and deprived sections of people in the country. Since Independence of India, although the governments have been adopting various strategies and remedial measures in order to eradicate poverty and upgrade the living standard of the tribal people in the country, they are still found in very miserable condition. They are deprived of their rights to “basic needs of life” such as balanced food, neat clothes and safe house. Their children are not able to have such education as necessary for their livelihood. Majority of the tribal women and children are malnourished. Thus in many parts of tribal areas, the issues of malnutrition, hunger and starvation deaths have become a day-to-day affair. Acute poverty, malnutrition, hunger, illiteracy, dire ignorance,

superstition, starvation deaths, unemployment, underemployments, out migration for employment and livelihood, problems of displacement and rehabilitation etc., raises vital questions of “human rights” with reference to the tribal people in India.

Dr. Babasaheb Ambedkar systematically identified socio economic backwardness of tribal people in India. He knew that tribal people are the people who in the past, lived with the freedom without much of any influence from the outside society. They used to have autonomy and rights over the forest resources. But, they had lost all those privileges with the advent of the British colonialism to enter into the forest areas with their draconian forest laws and land regulations. The tribal people had experienced political, economic and cultural hegemony from the East India Company. The Company's policy on tribal people was to exploit their labour for generating revenue and controlling the forest resources by enacting new forest laws. The British constructed modern transport systems likes railways and road ways in order to plunder the heavy raw materials (primarily agricultural and forest products like cotton, jute, indigo, tobacco, rubber tea etc.) to their home lands. Since the cost of building these modern transport structures required more investment in capital and labour, so they did it by exploiting the tribal people's labour and forests for wood. In order to fulfill this huge investment, they started extracting more revenue, particularly from agricultural land. Forest lands were also cleared for agriculture and tribal people were forcefully brought under new laws, not permitted to move freely and not allowed to use forest resources, which was very essential source of their livelihood.

Dr. Babasaheb Ambedkar had well understood the phenomenon of “social exclusion” and limited potential of the subaltern movement in the case of tribal people in India and in this context, in his book “Communal Deadlock And Ways to Solve It” (1945), wrote about the Aboriginal Tribes thus “...The Aboriginal Tribes have not as yet developed any political sense to make the best use of their political opportunities and they may easily become mere instruments in the hands either of a majority or a minority and thereby disturb the balance without doing any good to themselves. In the present stage of their development it seems to me that the proper thing to do for these backward communities is to establish a Statutory Commission to administer what are now called the ' excluded areas ' on the same basis as was done in the case of the South African Constitution. Every Province in which these excluded areas are situated should be compelled to make an annual contribution of a prescribed amount for the administration of these areas.” With the above provisions Dr.B.R Ambedkar hoped that Tribal Development will come true with the effective implementation of constitutional provisions and welfare measures on tribal people. His vision to bring egalitarian society with the ideas of equality, liberty, fraternity and justice will remove all kinds of systemic oppressions on weaker sections of society.

Dr.B.R. Ambedkar drafted 5th Schedule for the provisions related to the administration and control of Scheduled Areas and Scheduled Tribes and 6th Schedule to deal with the administration of tribal areas in the in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram. The sixth schedule also designates tribal areas in Assam and Meghalaya where autonomous district councils and regional councils have been constituted with powers to make laws for management of land, forests, shifting of cultivation, appointment or succession of chief and headman, inheritance of property, marriage and divorce, social customs and matters relating to village or town administration. Article 275 (1) of the constitution provides for grant-in-aid from the Union to the States for promoting the welfare of the Scheduled Tribes or for raising the level of administration of the Scheduled Areas. Article 244 in part X of the Indian constitution envisages a special system of administration for certain areas designated as 'scheduled areas and tribal areas. The scheduled areas are treated differently from the other areas in the country because they are inhabited by 'aboriginals' who are socially and economically rather backward, and special efforts need to be made to improve their condition, therefore, the whole of the normal administrative machinery operating in a state is not extended to the scheduled areas and the central government has somewhat greater responsibility for these areas (M.P Jain, 1987).

The Tribal people who mostly live in remote villages and nearby plain areas are often discriminated by the mainstream Hindu society, particularly by upper castes. Many of them have been living nomadic lives partially dependent on forests and their specific traditional occupations. They face discrimination and hostile situations from the people of mainstream societies due to their different culture, tradition and ethnic practices. The existing caste system in the Hindu society always considered the tribal people as inferior and belongs to the lower strata. Many of the tribal communities often suffered from untouchability in various ways. Therefore, Dr. Babasaheb Ambedkar wanted to have a separate commission for the Scheduled Tribes to look after their conditions and propose developmental plans for them. That is the reason for which he enshrined Article 342 especially for Scheduled Tribes. Thus, tribal development in the true sense and in the present context of India is in fact a post-independence concept and draws the spirit from the constitution itself. Besides, in the section of Fundamental Rights the Articles from 12 to -35 are applicable to every citizen of the country. Moreover, in the Directive Principles of State Policies, the Articles from 36 to 51 specify the guidelines to the states to take every possible measure in order to improve the conditions of all the citizens which include the plights of the Scheduled Tribes in India (Mahendra Jadhav, 2016).

Besides, our Indian Constitution has also provided some holistic features in order to protect the interests of tribal people, which are as : (a) Statutory recognition of tribal communities; (b) Creation of scheduled areas for the thorough development of the

tribal people; (c) Special representations in the parliament, in the legislative assemblies and local bodies; (d) Special privileges in the form of reservation of a certain percentage of posts in government services and seats in educational institutions; and (e) Recognition of the right to use local language for administration and other purposes and to profess one's faith (Shod ganga).

In this way, the Constituent Assembly of India, under the chairmanship of Dr. B.R. Ambedkar, has not only made various constitutional provisions and remedial measures for legal empowerment of the backward class communities in India, he also urged for social movements when there is violation of "Fundamental Rights" of people in the country. As a champion of social movements in his life time, he also gave "mantras" to the backward class communities in order to be first aware of their plights and then be united to raise protest movements for achieving or fulfilling their various rights. Since after his departure in 1956 even till today, the backward class communities as spread throughout India, have been raising voice against any form of injustice, oppression and exploitation and have given rise to a number of new social movements in the country. Among those backward class communities, the tribal communities are not only the most backward but also are the poorest of the poor and whose plights are found even today the most miserable, in spite of their frequent protest movements in different parts of India where they live in majority or minority. While considering their limited potential for successful subaltern movements, Dr. Babasaheb Ambedkar envisioned for their legal empowerment through various Constitutional safeguards.

Constitutional Safeguards for the Legal empowerment of the Scheduled Tribes in India

After independence of India, while recognizing the constraints imposed by the peculiar socio-cultural and geographical environment of the tribal people, the framers of the Indian Constitution (especially Dr. Babasaheb Ambedkar) made various specific legal provisions and safeguards for the protection of the tribal people from age old forms of exploitation and also made special provisions and special measures for their accelerated socio-economic development.

Dr. B.R. Ambedkar intelligently fought with the British before Independence and Indian National Congress after Independence for the emancipation and upliftment of downtrodden sections of people in India, by providing them enough safeguards, rights and legal provisions. In this regard, he clearly understood two important issues about tribes. One is tribal peoples' exploitation by colonial rulers and the second is tribal peoples' discrimination in the Brahminical society. He knew that many tribes living in villages have been facing discrimination by the upper caste Hindu society, because they have been treated as lower and inferior to them. On the other hand, he was aware that, the tribal people who were still living in forests lost their livelihood, being exploited due to continuous encroachment of

outsiders and the plain area people into forest areas for their interests.

Dr.B.R. Ambedkar had observed that, since tribal people are having the more or less same social status like Scheduled Castes, it was imperative to address their socio- economic and educational backwardness by creating necessary provisions in the Constitution and subsequent legal legislations. The following provisions were institutionalized through Indian Constitution such as, the appointment of a Minister-in-charge for Tribal welfare (Article 164); provision of administration of scheduled and tribal areas (Article 244); provision of grants from the Union Government to the states for the welfare of STs, and for raising the level of administration of scheduled areas (Article 275); protection and promotion of the claims of STs to services and posts (Article 335); the control of the Union Government over the administration of scheduled areas and the welfare of STs (Article 339).

All these provisions are meant for the right share of resources, opportunities and autonomy of the tribal people in India. Apart from these provisions, the Fundamental rights have been guaranteed in Indian Constitution in order to protect the basic human rights along with the political rights of the tribal people. In the part IV of the Indian Constitution, Directive Principles of State Policy featured in order to promote the ideals of socio economic democracy and the welfare state. Article 46 is to promote the educational and economic interests of SCs, STs and other weaker sections of society and also to protect them from social injustice and exploitation and particularly, in order to protect them by giving additional attention by the governance of the country.

In India, different policies and programmes of Tribal Development were initiated during successive Five Year Plan periods after Independence with the vision of economic welfare of the state by the implementation of the Directive Principles of State Policy, in which role of government (policy maker and implementer) was seen as indispensable to empower the weaker sections (SCs and STs). Since India adopted the policies of mixed economy after independence with an idea of both public and private sector in parallel work together for contributing to the economic development of the country. In general, various public welfare activities like health, education etc. are controlled by government whereas the production of consumer goods are dealt by private sector. With this, planning on Tribal Development started with three different approaches i.e (1) Isolationist (2) Assimilationist (3) Integrationist.

The first approach was taken from the British regime, and is usually described as not to disturb them (tribal people) much. The policy was to keep away the tribal population from the masses. The British took deliberate efforts not to develop communication in the tribal areas. But this approach was not continued for long because, the tribal people needed certain development in their lives, particularly to improve their quality of life, they needed education, health, nutritional food and proper housing which can

be developed when they are in contact with the people of mainstream society in plain areas.

The 'assimilationist' approach is the approach which paved the way for the tribal people to mingle with the neighbouring non-tribal people. In India, the process of assimilation took place in different parts of the country, resulting in the gradual acceptance of Hindu culture by the tribal people. The main criticism against this approach was that, it tried to change the tribal people by imposing the non-tribal customs and traditions. The Advocates of this view supported a direct assimilation without waiting for a slow and long-drawn change over. The approach is also considered to be a failure because the dominant culture imposing over the tribal people caused to practice the discrimination, subjugation by the Hindu culture; eventually this led to further deprivation of tribal people. The past experience of the policies of isolation and assimilation, forced the planners to take the middle way between the two, which is called the integrationist approach.

The policy of integration consists of two types of measures for tribal development. (1) Protective Measures (2) Promotional Measures. The former consists of land related policies, forest related policies and the policies to protect the specific tribal culture and traditions, while the latter is the same as development and welfare programmes undertaken by the government (through plans) and other voluntary agencies to make the tribal life better through the integrationist approach. In this regard, P.D Kulkarni (1964) states that "the policy of protection and development is undoubtedly same in itself, but it remains to be seen whether development is possible without upsetting the harmony that exists in the placid tribal life." With this intuition Indian planning started with welfare programmes and other mechanisms to eradicate poverty increase the standard of living by providing health, education and employment etc. to the tribal people.

During the Five Year Plan periods, many tribal development programmes have been introduced by the government. Programmes like Integrated Rural Development Programme (IRDP), Jawahar Rosgar Yojana (JRY) Prime Ministers Rosgar Yojana(PMRY) and Training for Self Employment for Rural youth (TRYSEM). All these schemes/ development programmes were introduced in order to provide employment and eliminate poverty in tribal areas. All these welfare schemes are implemented in the states by District Rural Development Agencies (DRDA's) in collaboration with Commercial and Cooperative Banks. For improving the economic status of tribal people, following special programmes was also launched, during 1980's, mainly (a) the Asset Programme and (b) the Employment Programme. The Asset Programme aims at the overall integrated development of rural life through the removal of poverty and unemployment in rural areas. In this programme productive assets are directly given to the poor. It is believed that income generated from these productive assets would not only be sufficient to repay the bank loans but will help the assisted families to cross the 'poverty line'. This programme is popularly

known as Integrated Rural Development Programme (IRDP).

The earlier employment schemes were temporary in nature but the employment programme launched from Oct1980, popularly known as National Rural Employment Programme (NREP) is considered as a permanent plan programme. MNREGA has been initiated in tribal areas also to generate employment and income to the tribal people. All these plans have been fairly not able to reach the desired ends to accelerate the living standard and bringing inclusiveness of the tribes. Many policies attempted to address the underlying problems of tribes living in both forests and plains, their main concentration is on the accelerated development of the tribes to enable them to catch up with more advanced sections of the society. But apparently these policies got failed due limited understanding of the same related to their history, ethnicity, culture, beliefs, customs and practices etc.

It is very pathetic to know that the vision of Dr. B.R. Ambedkar has not yet been fulfilled due to lack of proper implementation of all those constitutional provisions and safeguards. In fact, the present miserable conditions of tribal people are quite evident that, the Dr. B.R. Ambedkar's vision and perspective on tribal people are not fulfilled by the policies and schemes so far implemented by the Governments and executives. Many constitutional provisions for rights of tribal people have been violated by not practicing and implementing them. It is imperative now to bring the upcoming policies with the Dr. B.R. Ambedkar's vision to remove the existing backwardness by creating equal access to every opportunity, particularly in the matters of education, employment, health, housing, etc. It is the responsibility of state and every citizen to ensure the equal treatment of tribal people with dignity. All the right and provision which are ensured in Indian constitution need to be protected without any changes. All the policies and schemes need to be framed and implemented by having full understanding of the tribal people regarding their culture and diversity, ethnicity, practices, ethnicity, and other requirement etc. A special emphasis need to be made again and again in order to empower them in education, health, employment and other developments. Their rights need to be guaranteed and there shall be no atrocities and discrimination against tribal people based on their culture and traditions. All the constitutional provisions and rights which have been framed by the Dr.B.R.Ambedkar or followed after his departure, need to be implemented strictly without any modifications. But, unfortunately there are hurdles and challenges on the shown path of Dr. Babasaheb Ambedkar, if to be strictly followed. As a result, the emerging problems and challenges of the tribal people in India, have further aggravated their plights.

Even today after more than six and half decades of India's Independence with a largest democracy and in spite of Constitutional Remedial Measures to remove any form of inhuman discrimination, deprivation, oppression and

exploitation of vulnerable sections including the tribal people in India as well as to protect the fundamental rights of her poor citizens, the dignity of their human rights is often questioned in media, academics and public places. The questions of human rights of the backward class communities in India are basically rooted in it's social systems shaken by rampant corruption, gross inequality, acute poverty, massive illiteracy or ignorance of her people. The corruption has spread, like a never ending virus, everywhere. While poverty begets poverty as a mother of all problems. The phenomenon of poverty is very acute and pervasive in interior parts of rural India. Even after six decades of Independence of the country, massive poverty, hunger, malnutrition, starvation deaths, infant mortality, besides many other problems have been largely observed in different interior tribal villages of India (Nayak 2008, 2014).

In general, poverty is found as the mother of all problems in the tribal areas. Though the percentage of rural people in India below the poverty line has decreased mainly due to development intervention. Where as the recent statistical figures on the rate and extent of poverty in the rural society of India shows that it has been declined to a considerable extent. This has invited a decade long hot debate among academicians and hardcore researchers in India. The skeptics have criticized the supporters on the basis of empirical facts (For detail : See annals of Economic and Political Weekly especially volumes of special articles and research papers). In 1993-94, 37.3 percent of India's rural population was reported as found below the poverty line (BPL). Further it was shown to be decreased to 27.1% in 1999-2000. Subsequently, though the rate of poverty has been highlighted from time to time as reduced at the national level, it continues to be rampant at the regional and local levels and it is widely pervasive and deep rooted among the backward class communities i.e the SCs, STs etc. Surprisingly, in 2013, it is reported in media like TV News (25th July 2013 AJTAK NON-STOP Mourning News Bulletins) that the BPL has come down to 15 % in India. In reality, at the grass root level in rural hinterland of India, even today acute poverty is too rampant and wide spread in tribal areas.

In fact, inequality and poverty has been very massive and continued with different forms and incarnations in tribal areas.. It is true that the "living standards" and "life style" of the upper and middle class as well as status group people has improved, which in turn, has led to "relative deprivation" of a very large segment of India's rural population who continue to live in poverty today. This huge segment of rural poor in India consists of the Scheduled Tribes, and the Scheduled Castes as well as small and marginal peasants, land less laborers, asset less traditional artisans who belong to various backward communities and categories of people including women. Among these most vulnerable deprived sections of the Indians, the tribal people who are generally considered as the poorest of the poor. For centuries, they have not only been "excluded" from the mainstream society, but also been deprived of "basic

needs of life”, alienated from their traditional life system and even discriminated by the “outsiders”. The state of their life, struggle and death raises fundamental questions of human rights. Their rights on their land, water and forest for their survival can be protected only through legal measures especially through our Constitutional Remedial Measures and Fundamental Rights as a part and parcel of “Human Rights” of the UN.

Following the footsteps of Mahatma Jyotiba Phule and Chhatrapati Sahu Maraj, Baba saheb Amedkar preached for education of the lower backward class people at first and then he advocated for their self consciousness, unity and struggle for their rights through legal provisions. Majority of the tribal people, being illiterate and ignorant, are not yet aware of legal provisions and Constitutional safeguards as well as various development programmes and welfare schemes as those are specially meant for the upliftment of the tribal people in India. Even they are unaware of their own “fundamental rights” i.e right to livelihood, food, shelter, education, health and property. There are a large number of cases of land alienation and displacement of tribal people throughout India which raises a fundamental question of “human rights”.

Though the tribal people (the Scheduled Tribes) have been provided with protective and ameliorative measures under various Constitutional provisions including those in the Fifth and Sixth Schedules of Indian Constitution, they continue to be the most backward and underdeveloped segments in the country. However, after six decades of planned economic development and welfare policy measures, a number of studies from different parts of rural India have reported that the incidence of poverty, hunger, land alienation, deforestation, de-peasantisation, displacement, marginalization, indebtedness and impoverishment among the tribal people have been accentuated (Patnaik 1972; Patel 1974; Haimendorf 1982; Pathy 1987; Rao 1987; Fernandes and Menon 1987; Fernandes et. al. 1988; Fernandes and Raj 1992; Fernandes 1991 and 1996; Kothari 1996; Sah 1998; Nayak 2002, 2003, 2004). Some studies reveal that the phenomenon of hunger and poverty is most pervasive and acute in tribal areas of the country where tribal children become victims of premature death due hunger and malnutrition. Though the rate of poverty varies from region to region, between 80% to 90 % of the Scheduled Tribe population in India are found below the poverty line (Fernandes and Menon 1987; Pathy 1987; Samal-1994; Savur Manorama. 1998; Nayak-2002, 2004, 2007 and 2008).

Despite legal restrictions on transfer of the tribal lands to others (non-tribal people), surreptitiously the land mortgages and subsequent transfers continue. Recently the problem of land alienation has been further aggregated by different “development” projects. After independence, the rate of land alienation and deprivation of the tribal people has been further accentuated. The land survey and settlement operations being firmly rooted in bourgeoisie and alien conception of land, completely ignored the value of the collective rights of tribal

people over land and land based resources and contributed to the process of large-scale loss of land of the ethnic minorities. Furthermore, the “development” projects have been crucial to their underdevelopment causing alienation of lands and forests in tribal regions. Owing to various development projects, the forest dwellers are not only alienated permanently from their traditionally inhabited lands but also they are uprooted from their traditional cultural base and life system. Since very little attention is paid to rehabilitation, displacement results in bitter suffering and exploitation at the hands of officials, contractors, middlemen and others. (Fernandes, et al. 1988 : 233).

The tribal rights can be seen as a part of the larger notion of “human rights” discourse in India. During post-independence period, India has been engaged in various developmental works like industrialization, urbanization, Dams for Hydro-electric projects and irrigation, mining's etc., which resulted in displacement of millions of people and more affected were the rural poor tribal People in the country.

After independence, the most serious assault and devastation of forest resources in the tribal regions of the came from “development” projects i.e. irrigation dams, hydro-electricity projects, mines, roads, railways, new townships and industries that forced out the ethnic minorities (tribal people). Large areas of forests, have been denuded due to construction of dams that also displaced thousands of families. While deforestation has had negative effects on all forest dwellers, the consequences on women have been much more pronounced today. In the forest economy, tribal women play a vital role and contribute much more than men do to shifting cultivation, collection and processing of MFP, conservation and protection of forests in general. A direct consequences of deforestation the reduced supply of food fodder and other items with it's ill-effects on the nutrition of women and children since they are the main providers of food. Thus, an immediate consequence of this state of affair is deterioration in the status of women in all fields i.e. economic, social, cultural and physical (Fernandes and Menon 1987 : 158-160).

Recently, in the state of Odisha, the tribal people have realized the true ugly character of the so called “development projects” as they treat those public projects as their real enemies. Today they seem to be mobilising themselves more politically than earlier in the past, to defend their basic rights, to maintain their way of life and control of local natural resources. A number of other studies and reports have explored how all these development projects have caused displacement and destitution which in turn has unleashed various protest movements against those projects (Patel Sujata, 1989, & 1990; Roy Burman B K, 1995; Patra G 1990; Das V, 1995, 1996, & 1998; Buch and Baboo 1997, Baboo 1991; Jena M, 1998; Roy S. 1994; Mahapatra L. K. 1990; Stanleay, 1996; Mahapatra.R. 1999:20; Akerkar, 1995; Barik, 1998; Ray, T. 1995, 1996; Sarangi, D 1996). The recent agitations and movements of the tribal people as evoked throughout India have raised serious

questions of tribal identity and development in the country which needs to be understood through integrative alternative perspectives or approaches.

Thus, in view of growing concern for "human rights" and the tribal protest movement, Dr. B. R. Ambedkar's approach to tribal development in India, is to be considered as a "legal-rational" and "subaltern" approach. As a humanist, he struggled hard in his life time for "fundamental rights" of the down trodden people in India. First of all, Dr. Babasaheb Ambedkar identified the caste system as a degenerate system in Indian society and wanted to annihilate it. He struggled hard to bring together all his Dalit caste people and launch a crusade against the oppressors in the Hind social system. In fact, he fought for the rights of weaker sections of society, who are actually in majority (if included all the SC, ST, OBC and other religious minority communities and categories of people in India) but subjugated, discriminated and systematically exploited by the existing dominant Hindu castes. The rights which he secured in the valuable pages of Indian Constitution for these backward communities really matters great for their overall upliftment. He struggled hard against both exploitative structures of British colonization imposed from outside and the structures of exploitation that existed within Indian society. Finally, he achieved a grand success in his life time strivings. He also urged for movements of people belonging to the all other backward caste-class marginalized communities or categories including minorities and the tribal people in order to fight against any form of injustice being inflicted upon them.

In nutshell, Dr. B. R. Ambedkar formulated a number of constitutional, legal, political, social, economic, and educational safe guards for the comprehensive upliftment of all those deprived sections of people including the tribal people in India. Nevertheless, many of these provisions have been unsuccessful in its implementation for the welfare of these in India. According to him, among these communities, the tribal communities in India are also facing various socio economic problems and "social exclusion" mainly due to the prevailing social stigma and prejudice, which instigates the discrimination on these tribal communities by outside communities. Thus, as per Dr. B.R. Ambedkar's vision, appropriate policies and legal provisions are further needed in order to resolve various recurring socio-economic problems and the contemporary challenges of tribal people in India.

Conclusion

Dr. B. R. Ambedkar formulated a number of constitutional, legal, political, social, economic, and educational safe guards for the comprehensive upliftment of tribal people. Nevertheless, many of these provisions have been unsuccessful in its implementation for the welfare of the tribal people in India. The policies of government which have come to address the problems of tribal people could not be materialized to the expected level. On the contrary to that, much modernization oriented capitalist and neoliberal policies have been implemented with the manifesto of exploiting natural resources without

much looking into its impact on the livelihood of tribal people and their survival. On the other hand, the tribal people in various parts of India are moving from village to village and from rural areas to urban areas in search of livelihood. And they have been facing new challenges by the state. The new laws of the state are against the age-old occupations of tribal people. The tribal people are facing socio economic exclusion due to the prevailing stigma and prejudice, which instigates the discrimination on the tribal people by outside people. Many tribal communities in different parts of India have also been branded as criminals, sorcerers, black magicians, robbers etc. These people always live with insecurity as they face hostility from the main stream society. Though their political representatives are sensitive to the issues of tribal people in India, but are unsuccessful in achieving their interests since their minority number is not decisive in realizing the impact of their political power. Hence, the idea of welfare and social justice (as per Dr. B.R.Ambedkar's vision) of tribal people in general has continued to remain as a utopia. It is imperative to have comprehensive understanding of their history and culture. Accordingly as per Dr. B.R. Ambedkar's vision, the tribal people have to be organized by strong leadership and new policies as well as programmes can be framed in order to resolve their contemporary problems and challenges in India.

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