

# **First Dr Kumar Suresh Singh Memorial Lecture**

**Tribal Situation THEN (2013) and NOW (2023)**

By

**Prof Virginius Xaxa**

Chairman, Xaxa Committee, Constituted by Dr Manmohan Singh,  
Prime Minister of India (2013)

To Examine the Socio-Economic,  
Educational and Health Status of Tribal Communities



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To Examine the Socio-Economic, Educational  
and Health Status of Tribal Communities

**Organised by:**

**Dr Kumar Suresh Singh Tribal Resource Centre**

**Under the aegis of**

**Xavier Institute of Social Service (XISS), Ranchi**

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# Part - A

## Introduction

In the intricate tapestry of India's diverse cultural heritage and rich social mosaic, the tribal communities have always held a unique and cherished place. Rooted in the country's heartland, these indigenous groups have preserved their distinctive traditions, languages, and ways of life for centuries. Their connection to the land, deep-seated communal bonds, and harmonious coexistence with nature are testimonies to their enduring legacy. As we delve into the pages of history, we are compelled to recognize the profound journey that India's tribal populations have undertaken, marked by resilience, resistance, and hope.

Tribal communities in India have endured immense suffering, often living on the fringes of society, deprived of basic amenities, and facing discrimination on multiple fronts. Historically, their struggles have been deeply intertwined with the loss of their ancestral lands and the exploitation of their resources. The introduction of numerous laws and acts was an attempt to address some of these issues, yet the plight of tribal communities persisted.

Socio-economic progress has been an uneven journey for India's tribal communities. While there have been notable achievements in healthcare, education, and economic empowerment, many tribal areas continue to grapple with poverty, malnutrition, and limited access to quality education and healthcare facilities. The tension between preserving their distinct cultures and traditions and embracing modernity has posed unique challenges that have defined the socio-economic landscape for these communities.

Dr Manmohan Singh, the Prime Minister of India, constituted a High-Level Committee (HLC) in 2013, headed by Prof Virginius Xaxa, a renowned sociologist from Department of Sociology, Delhi School of Economics, in recognition of the continuing disparities and challenges faced by tribal populations. The Committee was mandated to examine the socio-economic, educational and health status of tribal communities and recommend appropriate interventional measures to improve the same.

As we embark on the journey of Dr Kumar Suresh Singh Memorial Lecture through this volume, we have the opportunity to reflect on the **Tribal Situation THEN (2013) and NOW (2023)**". It is our intention to explore the dynamic changes, advancements, and persistent issues that have shaped the lives of tribal communities during this decade. Over the course of time, significant changes have taken place within India's tribal communities. It is therefore crucial to note, learn and develop an understanding of the tribal situation from different perspectives, especially from the country's development.

With an extensive background in anthropology, sociology, tribal studies, and dedicated career to researching and advocating the rights, culture, and well-being of tribal communities, the chairman of the High-Level Committee, Prof. Virginus Xaxa, is delivering the First Dr Kumar Suresh Singh Memorial Lecture, organized on 16 November 16, 2023, in at Xavier Institute of Social Service, Ranchi.

I hope that the lecture and discussions contained within these pages will illuminate the complexities, successes, hurdles and resilience faced by India's tribal communities over the past decade. May this volume serve as a testament to the enduring spirit of our tribal brethren, and may it propel us towards a more inclusive and equitable future for all.

**Dr Joseph Marianus Kujur, SJ**  
Director, XISS

# Tribal Situation THEN (2013) and NOW (2023)

Prof Virginius Xaxa

I am grateful to Dr. Kumar Suresh Singh Tribal Resource Center under the aegis of Xavier Institute of Social Service Ranchi for extending to me the invitation to deliver the first Dr. Kumar Suresh Singh Memorial lecture. It is a great privilege and honor and I acknowledge it with gratitude and humility. I cannot claim to know Dr. Singh well. I did, however, meet him a couple of times on occasions like seminars and workshops. Dr. Singh was by profession a civil servant and like a breed of a few among them went an extra mile to serve the people. As a civil servant, he is well known for competently and efficiently handling the famine in 1966-67 in the Jharkhand region, then a part of Bihar, and saving the lives of hundreds of people if not thousands. Yet he is known less as a civil servant and more as a historian and anthropologist, the latter probably more than the former. His book on the Birsa movement titled, 'Dust, Storm, and Hanging Mist' introduced him to the academic world. He exceptionally combined his work as an administrator and the pursuit of scholarship. Engaging with the tribal question has been his passion and his volume of publications and writings, almost all hover around it.

Dr. K.S. Singh's edited volume, 'Tribal Situation in India' is one of his most widely read works. The volume carries contributions from who is who on tribal questions in India then. The organizers of the memorial lecture have suggested me speak on the tribal situation in contemporary India, more specifically on the situation since the submission of the report of the High-level Committee constituted by Prime Minister, Manmohan Singh in 2013. The committee was mandated to study the socioeconomic, educational, and health status of tribal communities in India was submitted to the PMO in May 2014. I shall therefore engage with the tribal situation in India today in keeping with the key dimensions and issues of the subject in the report. These concern access to basic amenities and social services, livelihood, education, health, constitutional and legal issues, atrocities, violence, etc.

The constitution of India has made provisions for three distinct arrangements for ensuring the interest and development of the tribes besides their rights of citizenship viz right to equality before the law irrespective of class, caste/tribe, race, religion, and gender to one belongs. The three arrangements are (i) inclusion and participation in the

state institutions via reservation, (ii) social and economic development, and (iii) protection of their interest and welfare. The representation and participation in state institutions were however contingent on over all socio-economic development of tribes. At the same time the socio-economic development was dependent on the protection of their interest and identity especially, land, forest, and water, the life support system of the tribal people from the varied forms of exploitation. The lecture will engage with all these aspects as a part of understanding the tribal situation today. Representation in state institutions as well as protection of the interest is in a sense related to the question of the socioeconomic, and educational health status of tribal communities. The greater the development, the greater is the chance for effective participation in state institutions and securing tribal interest and welfare. Hence, I shall engage in my lecture with the question of development.

### **Tribal Sub-Plan (TSP)**

Although tribes were viewed as different, the model of development has been the same as for the rest of the Indian society except for some minor adjustments given the geographical terrain they inhabited. The same pattern continues even today. There has been, however, change from time to time in respect of policies, programmes, and schemes relating to varied components of development. These have broadly been classified into economic and social and further classified into education and health. One of the key strategies adopted for the development of tribes in 1974-75 has been the Tribal Sub-Plan. It was supposed to be the critical financial instrument for supporting the development of STs. The plan mandated 40 Central Ministries/ Departments including the Ministry of tribal Affairs to earmark funds out of the total allocation for tribal development every year. The fund was to be in proportion to the size of the tribal population in the country. TSP funds are spent by different Central Ministries / Departments under their schemes for various development projects relating to education, health, agriculture, irrigation, roads, housing, drinking water, electrification, employment generation, skill development, etc. for accelerated socio-economic development of Scheduled Tribes in the country. There have been many problems in the implementation of TSPs. There were significant unspent amounts. At times, TSP funds were used for the construction of roads for mineral or industrial projects, projects that increased the displacement of STs. Even actual allocation through the different plan phases invariably remained far short of the stipulated size of the tribal



population. Only occasionally, it went above 4 percent. NITI Aayog has obligated earmarking of the fund in the range of 4.3 to 17.5 percent of the total Scheme allocation every year as Tribal Sub Plan (TSP)/ Scheduled Tribe Component (STC) funds. Accordingly, there has been a steady and tangible increase in budget allocation. This has been most visible in the last few years. Tribal Sub-Plan has also undergone a change in its nomenclature. It is now known as the Development Action Plan for Scheduled Tribes (DAPST).<sup>1</sup> With this, the idea of a separate development focus for STs has been replaced by an “allocation for welfare of scheduled tribes”. It remains to be seen whether the shift of emphasis from a development path to welfare allocation for STs makes any difference to funds and schemes for ST development. In a way, it is back to 1974-75 when the shift to TSP was presented as a shift from welfare to development perspective. The focus is now more on schools, especially residential schools, research institutes, funds for NGOs, scholarships, etc. As for the budget allocation is concerned, there has been a steady increase with rupees 6173.97 crores in 2020-21 to 8451.92 in 2021-22, 7301.00 in 2022-23, and 12461.88 in 2023-24.<sup>2</sup> At the same time, The Union Budget 2021-22 has allocated an amount of 78256.31 crores as part of the Scheduled Tribes Component (STC) of 41 ministries for the welfare of STs. This was a more than 50% increase over the STC Budget of the last financial year. Accordingly, in almost all the 41 ministries there has been an increase in budget allocation for the welfare of the tribes.<sup>3</sup> This has a bearing on the Ministry of Tribal Affairs as shown earlier in the discussion.

## Poverty

In the context of development of the country as a whole, the issue of poverty remains the burning issue. The STs not only started out at a higher poverty level than the rest of India, but they have also fallen further behind the rest. Hence the reduction of people’s poverty line has always been the critical agenda of development. The size of people living below the poverty line has always been high in the case of tribes. Tribes did best in poverty reduction in the period of India’s fastest rate of growth from 2004-05 to 2011-12. The incidence of poverty fell by 17 percentage points in this period, as compared to 3.7 percentage points

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1 Institute for Human Development (IHD), Scheduled Tribe Human Development Report (submitted to the Ministry of Tribal Affairs, Govt. of India) 2020.

2 <https://www.indiabudget.gov.in/doc/eb/sbe100.pd>.

3 <https://pib.in/Pressreleaseshare.aspx?PRID=1696868>.

in the 11 years 1993-94 to 2004-05.<sup>4</sup> Between 2005-06 and 2015-16, the intensity or breadth of poverty increased among the STs. In 2005-06 among the ST, 52 percent of households were deprived in the weighted indicators of multidimensional poverty, the combination of education, health, and standard of life. Their number in 2015-16 was 56 per cent.<sup>5</sup> In short, tribes represent a disproportionate share of people living below the poverty line, with low literacy rates and poor health status. They account for about one-sixth of all people living in multidimensional poverty in India,” said the United Nations Development Programme (UNDP) and the Oxford Poverty and Human Development Initiative after they produced the global Multidimensional Poverty Index.<sup>6</sup> As per the IHD conducted survey almost 90 per cent of respondents in Jharkhand thought that poverty had increased over the last 10 years. In MP 45 percent thought that poverty had decreased in this period, while in Rajasthan just 22.8 percent thought that poverty had increased.<sup>7</sup> The persistence or increase in poverty in a certain sense seems to be related to the unavailability of work. After all, there has also been a decline in WPR (working population rate) among STs from about 70 per cent in 1999-2000 to about 60 per cent in 2011-2012, and further to 54.1 per cent in 2017.<sup>8</sup> The decline is sharper in the case of the tribal population. Work participation rates (WPR) are measured as the proportion of people engaged in economic activities to the total eligible population, i.e., population usually 15-60 or 64 years.

## Health

The public health structure is a five-tier system. Sub-centers with a health worker and auxiliary nurse-midwife covering a population of 3,000-5,000 population is the lowest. Primary health centers are the next higher level of structure at which doctors are appointed and cover a population of 30,000. It is followed by community health centers, district hospitals, and higher-level medical facilities including medical colleges. Yet even today there are deficits in respect of such structures. Just to illustrate, the all-India deficit in the number of health sub-centers under the laid-down norms was 22 percent as in 2019.<sup>9</sup> In the mainland states,

4 IHD. Op. cit. P.16.

5 Ibid. P. 20.

6 <https://timesofindia.indiatimes.com/india/in-india-5-out-of-6-multidimensionally-poor-are-from-lower-tribes-or-castes-un-report/articlesh>

7 IHD, Op. cit. P. 209.

8 Ibid. P. 63.

9 Ibid. P. 137.

there is a deficit in health sub-centers in as many as six states. These are Jharkhand, Odisha, Madhya Pradesh, Maharashtra, Rajasthan. Most of these states have also a shortfall of the primary Health centers. At the all-India level, the deficit in the number of PHCs, according to the laid-down norms is 25. In addition, there has also been a shortage of health personnel including female health workers in some states. This is even more so in the case of male workers and across states with Rajasthan, West Bengal, Madhya Pradesh, and Jharkhand as poorly placed. There seems to be a fair amount of deficit in health personnel in the eastern/central parts of the country while in the west, south, and Northeast, there are fair amounts of extra staff<sup>10</sup> (pp. 137-140). The issue of health infrastructure and health services in conjunction with the health status of tribal communities remains a subject of key concern. However, it has not been given the kind of attention given to education in the last 10 years. It is also reflected in the budget allocation. Neelam Makhijani, Country Director and CEO, of Child Fund India says that the tribal health issues have been long ignored in India and the data and statistics are the proof. Under-5 mortality for a child born to a tribal family is 57 per 1,000 births, while for the rest of the country, it is 37. A child born to a tribal family is more likely to die as compared to a non-tribal population. The chances of dying are as high as 20 percent during the neonatal period, whereas it is 45 percent during post-natal.<sup>11</sup> On the current status of healthcare facilities, a majority in each state thought that it was poor, while this figure went up to 83.7 percent in Jharkhand. More importantly, above 50 percent of each state thought that there had been no improvement in health facilities in the last five years.<sup>12</sup>

## Education

In the case of education too, the structure of schools is mandated to be governed by certain rules and guidelines. With a high share of the population living in forested and hilly terrain, access to schools has been a major issue for the Scheduled Tribe (ST) community. Access norms have been set by the Right to Education (RTE) Act, 2009, which says that state governments need to ensure the availability of primary schools within one kilometer of any habitation and upper primary schools within three kilometers of any habitation. The Rashtriya Madhyamik

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10 Ibid. P. 209.

11 <https://swachhindia.ndtv.com/world-health-day-2022-experts-speak-on-the-solutions-india-should-focus-on-to-fix-the-ignorant-tribal-heal>

12 IHD. Op. cit. P. 209.

Shiksha Abhiyan (RMSA) has also specified distance norms for secondary schools, which are within five kilometers of any habitation. However, on the pretext of an insufficient number of students, governments are reorganizing schools at different tiers by closing down certain schools thereby pushing students to other schools for which they have to travel long distances. In fact, the existing schools can continue only if there are a number of students above the threshold, that is, > 40 for primary school and > 20 for upper primary school. In Odisha, this has led to the closure of 475 primary and 13 upper primary schools in 2019–20. On this consideration, Odisha was to close down 6340 schools with less than 20 students and 5177 schools with less than 40 students in 2020.<sup>13</sup> Much of this depletion in the student population is due to the systematic recruitment of children from villages to study at residential schools, government and private. Indeed, there has been an increasing premium attached to residential schools in the name of imparting good education to tribal children. Correspondingly, there had been a substantial increase in budget allocation, especially in the segment of residential high and secondary schools. Residential schools for higher age groups may not be a big issue but surely it is an issue for children at a young age. Weaning them away from their home and community at an early age is likely to have far-reaching implications for the well-being of the children and their relation with the community they belong to. It is not only likely to estrange them from their community but also from their parents, language, culture, and values. This is not what the children from sub-national communities go through. Why then is the policy and agenda to expose the tribal children to such a system? Further, if the quality at the primary school level is not taken care of, children are invariably faced with challenges and difficulties at high and secondary schools. As it is, many tribal languages and cultures have become endangered. In fact, many tribal languages have become extinct and many are on the way.<sup>14</sup> Rather than saving and protecting the rich reservoir of heritage and diversity, the emphasis on residential schools will only erode them. Interestingly, a New Educational Policy has been announced in 2020. Now the system and syllabus are being structured and fine-tuned in line

13 Mallick, Sarmeeli. 2020. Odisha Govt. to Shut down over 6300 Schools in State. Odishatv. in. March 13 (<https://odishatv.in/odisha-news/odisha-government-to-shut-down-schools-infrastructure-less-enrolment-education-system-439981>)

14 Barik, Satyasundar, 2017. Tribal communities in Odisha are speaking up to save their dialects. The Hindu, June 3. (<https://www.thehindu.com/news/national/other-states/tribal-communities-in-odisha-are-speaking-up-to-save-their-dialects/article18713925.ece>)

with the new policy. The policy introduces a 5+3+3+4 system, replacing the 10+2 structure, for a more flexible and focused approach. While the policy emphasizes mother tongue-based education, its language formula with an emphasis on regional languages, Hindi, and English is oblivious of tribal languages. Initial years (grades 1-5) have to use regional languages to ease learning before transitioning. As far as tribes are concerned, there seems to be hardly any positive note in the policy. The emphasis on the mother tongue as the medium of instruction is worthy of attention but the conception of the mother tongue does not go beyond regional language. Regional language is not the mother tongue of tribes but of the dominant sub-nationality. In short, there is hardly anything new for tribes in the new policy.

### **Public Services and Amenities**

The improvement in the last 10 years is most visible with respect to infrastructure such as motorable roads, electricity, and other necessities of life such as drinking water, cooking fuel (LPG), housing conditions, etc. The condition of ST households underwent improvement in 2018 in terms of approach by motorable road as compared to 2012. The proportion of ST households with access to motorable roads with/without streetlights has increased by about 5 percentage points from 42.2 per cent in 2012 to 46.7 per cent in 2018.<sup>15</sup> During 2012 and 2018, the availability of drinking water for the exclusive use of the household increased from 16.8 percent in 2012 to 28.4 percent in 2018, an improvement of 11.6 percentage points over the years.<sup>16</sup> Regarding access of households to toilet facilities, the ST households recorded a remarkable improvement of about 35 percentage points in access to latrines for exclusive use between 2012 and 2018 which was higher as compared to other social groups.<sup>17</sup> The proportion of households with access to electricity for domestic use witnessed about a 12-percentage point increase among ST households during the period.<sup>18</sup> Public services accessibility to every village in India is one of the key promises of the present government. It boasts of many milestones having crossed during its regime. All the same, the overall access to electricity for domestic use is the poorest among the states of the eastern and central region and at the same time, the disparity between the STs and the non-STs is most stark in this region. Housing conditions underwent a marginal improvement of 1 percentage point among ST households in access to 'good' condition of the housing structure. A large chunk lives in poor

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15 Ibid. P. 34.

16 Ibid. P. 38.

17 Ibid. P. 39.

18 Ibid. P. 43

and satisfactory housing conditions.<sup>19</sup> The status of Adivasi Livelihoods Report 2022 points out many gaps in this regard. Its survey of 4135 households in 16 districts and 53 blocks in Jharkhand and Odisha shows that only 46 per cent of the villages in Jharkhand and 57% in Odisha had public transport services to their block headquarters. The percentage of villages having an all-weather road to block headquarters was 74 in the case of Jharkhand and 72 in the case of Odisha. The average distance of the nearest primary school when it is not in the village was 3 km. in the case of Jharkhand and 2 km in the case of Odisha whereas the norm is 1 km. The survey also shows that 14 per cent of the villages in Odisha and 8 per cent in Jharkhand have no electricity connection. Mobile network availability has been even worse.<sup>20</sup>

### **Dispossession**

In addition to their rights as citizens, the Indian constitution provides for protective provisions to safeguard and protect their identity as distinct people. This is most evident in the 5th and 6th schedules of the constitution, the Panchayat (Extension to Schedule Areas) Act 1996 and the Scheduled Tribe and other Traditional Forest Dwellers Act 2006 (FRA) plus state-level legislations restricting alienation of tribal land. Yet The promise made in these acts continues to be elusive. This is most evident in the scale of dispossession from land, forest, and other resources that tribes have suffered. This has pushed them to small and marginal landholding as well as landlessness leading to their impoverishment and vulnerability. They suffer from the lowest development indicators. Yet the process of dispossession continues thereby causing unprecedented impoverishment. The year 2021-22 has been no different. Just to illustrate, the land acquisition for the construction of an MSME park at Rio village under Panposh sub-division in Sundargarh district, Odisha is in progress which the people have been resisting.<sup>21</sup> Another acquisition of Private land amounting to 27.26 acres in the Village Lanjiberna under Kutra Tehsil of Sundargarh for expansion of mining activity by M/S Dalmia Cement Bharat Ltd formerly known as OCL India Ltd, Rajgangpur has been in process.<sup>22</sup> Despite large-scale protests over mining in the dense forests of Chhattisgarh, the Union government has accorded stage two

19 Ibid. P. 46.

20 Pradan, 2022. Status of Adivasi Livelihoods Report. Jharkhand and Odisha

21 <https://odishatv.in/news/miscellaneous/land-acquisition-for-msme-park-faces-opposition-in-sundargarh-5-detained-130278>

22 <https://odishatv.in/news/miscellaneous/land-acquisition-for-msme-park-faces-opposition-in-sundargarh-5-detained-130278>

clearance to the Parsa coal block. Parsa is one of the six coal blocks allocated in the region despite the Adivasi agitation.<sup>23</sup> The launching of 41 blocks of coal for commercial mining spread across Odisha (9), Jharkhand (9), Madhya Pradesh (11), Maharashtra (3) and Chhattisgarh (9 amidst the deadly second wave of the COVID-19 pandemic are now in the process of operation. They would not only lead to the displacement of people but also the loss of forest cover and rich biodiversity. Further, it would disturb the ecological balance and lead to environmental degradation by polluting air and river bodies thereby contributing to climate change. Dispossession has been the single most important factor in the impoverishment of tribal people in India.<sup>24</sup> Gondalpur coal block in Jharkhand with geological reserves of 176 million tonnes of coal won over by Adani during the auction, for example, proposes to take up 513.18 hectares of land, of which 219.65 hectares is forest land. The villagers stand to lose prime agricultural land and about 4,029 people – a conservative estimate based on the 2011 census – are likely to be displaced by the project.<sup>25</sup>

### **Diluting Protective Laws and Rules for Dispossession**

Some measures of notable importance in the context of the 5th schedule areas have been the introduction of the PESA, FRA, EIA, and SIA, as well as the provision of safety nets such as consultation and a public hearing over the acquisition of land for various kinds of projects. Such measures restrained unscrupulous moves to acquire land and divert forests for mines and infrastructure projects with devastating consequences for tribes. The 5th and 6th schedule regions are rich in natural resources. However, since the 6th schedule is geographically distant and has a special protective mechanism cum self-governance, the exploitation of the natural resources has steadily come to be focused on the 5th schedule areas ever since India's independence. Since 1991, as pointed out earlier in the discussion it has become an important destination.

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23 <https://thewire.in/uncategorised/hasdeo-aranya-mining-clearance-centre-trampling-on-tribal-rights-say-activists>; [https://thewire.in/uncategorised/hasdeo-aranya-mining-clearance-centre-trampling-on-spread-across-odisha \(9\), Jharkhand \(9\), Madhya Pradesh \(11\), Maharashtra \(3\) and Chhattisgarh \(9tribal-rights-say-activists\)](https://thewire.in/uncategorised/hasdeo-aranya-mining-clearance-centre-trampling-on-spread-across-odisha-9-jharkhand-9-madhya-pradesh-11-maharashtra-3-and-chhattisgarh-9tribal-rights-say-activists)

24 <https://www.newindianexpress.com/nation/2021/sep/16/atrocities-against-scs-and-sts-increased-in-2020-ncrb-report-2359402.html>

25 <https://thewire.in/rights/jharkhand-villagers-protest-adanis-new-coal-venture-refuse-to-allow-land-acquisition-surveys>

The current NDA regime has been attempting to do away with many of the provisions in the acts referred to above to facilitate the ease of doing business. An attempt was made to amend the LARR Act through ordinance and later through the bill introduced in the parliament in 2015. Out of the total 15 amendments in the NDA bill, nine were the main or substantial. The Bill was to enable the government to exempt five categories of projects (defence, rural infrastructure, affordable housing, industrial corridors, infrastructure (PPP) from the requirements of social impact assessment, restrictions on the acquisition of multi-cropped land, and consent for private projects and public-private partnerships (PPPs) projects.<sup>26</sup> The government had to drop most of its contentious amendments to the Land Acquisition Act of 2013, bringing back the crucial clauses related to the consent of affected families and social impact assessment (SIA) following the sustained opposition pressure.<sup>27</sup> Following such an attempt at amendment at the centre, the 5th schedule state with BJP in government such as Jharkhand brought ordinance and later bill to amend the pro-tribal land tenancy acts such the Chhota Nagpur and Santhal Pargana Tenancy Act. The bill was passed but did not receive assent from the governor following the massive resistance against the bill by tribal communities in Jharkhand. While the Acts were stalled, the new instrument mechanism of the land bank was enunciated to attract capital investment in the state.

Since the enactment of the 2013 law, all development projects need to go through the EIA process for environmental clearance. The projects are assessed based on their potential environmental impact and based on these assessments, they are granted or denied clearance. However, the present NDA regime introduced a new environmental impact assessment (EIA)\_draft notification in 2020 replacing the 1994 notification and its 2006 amendments reducing public participation in all the steps of the environment clearance process “by lessening the notice period for public hearings and doing away with them for a large category of projects”. The two most significant changes in the new EIA draft are provisions for a post-facto clearance of projects and abandoning the public trust doctrine.<sup>28</sup> Activists and conservationists say that the new

26 <https://indianexpress.com/article/india/india-others/bjp-takes-u-turn-on-land-bill-agrees-to-bring-back-upas-key-provisions/>

27 <https://indianexpress.com/article/india/india-others/bjp-takes-u-turn-on-land-bill-agrees-to-bring-back-upas-key-provisions/>

28 <https://theprint.in/theprint-essential/what-modi-govts-eia-draft-says-why-environment-experts-think-itll-encourage-violations/470248/>) Accessed 3/12/2021.



draft significantly diminishes the scope of the EIA and fundamentally diminishes its process, by reclassifying industries that don't require an environmental clearance, limiting public engagement, and normalizing environmental violations.<sup>29</sup> The new EIA draft has been widely criticized by experts and activists, who say it has adopted a regressive approach in a departure from the existing 2006 version, and that it fosters non-transparency and encourages environmental violations.<sup>30</sup>

Further, the NDA government enacted the Coal Mines (Special Provisions) Act of 2015 with end-use restrictions in place meaning companies could use the product only for select purposes such as cement, iron, and steel production, etc., and not for trade. The restrictions were later relaxed in 2018. In March 2020, the government passed the Mineral Laws (Amendment) Act intending to promote ease of doing business by removing the restrictions and other measures, as proposed in the Atmanirbhar package. Mining activities result in air, water, and noise pollution along with land degradation. This can impact the already vulnerable indigenous populations' health, culture, and livelihood. Since most of the coal blocks are in forest areas and ecologically sensitive zones, the destruction of forests will lead to irreplaceable loss of flora and wildlife. This will only accelerate global warming and climate change. A CAG 2019 report on the environmental impact of mining activities of Coal India Limited reveals that many environmental norms are being flouted. In 2009-10, the Ministry of Environment & Forests headed by Jairam Ramesh classified coal blocks into 'go' and 'no-go' areas in the five states, based on the forest cover. 'No-go' areas are those where the biodiversity is rich and should not be considered for mining. Out of 602 blocks in total, 153 were classified as 'no-go'. Several blocks opened for auction by the present regime according to Jairam Ramesh, the former Minister of Environment and Forest fell in the 'no-go' category. Now, anyone can take part in auctions for coal blocks including partially explored ones, in contrast to the earlier norm which allowed only captive consumers with end-use ownership to participate.<sup>31</sup>

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29 <https://theprint.in/theprint-essential/what-modi-govts-eia-draft-says-why-environment-experts-think-itll-encourage-violations/470248/>

30 <https://theprint.in/theprint-essential/what-modi-govts-eia-draft-says-why-environment-experts-think-itll-encourage-violations/470248/>

31 <https://factly.in/government-auctions-41-coal-blocks-what-it-means/>

## Atrocities

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a crucial act that safeguards against discrimination against SC/ST. The Act has come into force to prevent the commission of offenses of atrocities against the members of the Scheduled Castes and the Scheduled Tribes. The atrocities against scheduled tribes in 2019 increased by 26.5 per cent.<sup>32</sup> In 2020 it rose by 9.3 percent in comparison to 2019.<sup>33</sup> The data for 2021 is yet to come. However, it is unlikely that there would be a decline in 2021 if one were to take the case of Madhya Pradesh. As per the data provided by Home Minister Narottam Mishra in the state Legislative Assembly in a written reply to a question asked by Congress MLA Jitu Patwari, there had been 33,239 cases registered under the SC/ST (Prevention of Atrocities) Act were registered in a period of four years between January 2018 and November 2021.<sup>34</sup>

While STs are 8.6 percent of the population of India, they accounted for about 11 percent of those arrested in 2015 (NCRB, 2016). Further, while 96 percent of Adivasis arrested are acquitted, because of lack of bail, they end up spending many months, even years, in prison. An author of the study of the justice system in Bastar is quoted as saying, “As per our study the reason for overcrowding is not high arrest rate but because it is taking too long for people to come out of jail. Bail is not granted here, and trials are taking very long”. Jails in ST-dominated areas are also more crowded than other jails. A report pointed out that jails in Kanker and Jagdalpur of Chhattisgarh have occupancy rates of 260 percent and 623 percent respectively, as against the all-India average of 118 per cent occupancy.<sup>35</sup> The NCRB data show that there were some 6,000 cases booked under “Environmental Crimes”, most of which are under the IFA, Wildlife Protection Act, etc. It may be fair to suspect that a substantial number of those booked under these offences could be STs. Even collecting firewood from areas where they have traditionally had such rights could find the person booked by the

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32 <https://theprint.in/india/governance/crimes-against-sts-rose-by-26-5-scs-increased-by-7-3-in-2019-says-govt/598005/>

33 <https://www.newindianexpress.com/nation/2021/sep/16/atrocities-against-scs-and-sts-increased-in-2020-ncrb-report-2359402.html>

34 <https://www.newindianexpress.com/nation/2021/dec/25/over-33000-cases-filed-under-scst-atrocities-act-in-madhya-pradesh-in-four-years-government-d>

35 <https://economictimes.indiatimes.com/news/politics-and-nation/justice-system-works-against-tribals-in-bastar/articleshow/50490694>.

Forest Department for some supposed environmental crime.<sup>36</sup> The IHD's perception survey in Madhya Pradesh and Rajasthan showed that 47.6 percent of respondents reported facing some difficulties or harassment from either Forest Department officials or the police in accessing forest produce.<sup>37</sup> While ST persons end up spending many months, even years in jail, before being acquitted, the rate of conviction under the SC/ST (Prevention of Atrocities) Act, on the other hand, is very low. The Ministry of Home Affairs data for the 3 years, 2014 to 2017, pointed out that the conviction rate under this Act was very low at 16.3 percent for this period. There is no evidence to show that atrocities against STs have come down.<sup>38</sup> A total of 8,272 cases were registered under the SC&ST Atrocities Act, for committing crimes against Scheduled Tribes (STs), showing an increase of 9.3 percent over 2019 (7,570 cases). The crime rate registered increased from 7.3 per lakh population in 2019 to 7.9 per lakh population in 2020, the NCRB, which functions under the Union home ministry, stated.<sup>39</sup>

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is a crucial act that safeguards against discrimination against SC/ST. The Act has come into force to prevent the commission of offenses of atrocities against the members of the Scheduled Castes and the Scheduled Tribes. Functions of the NCST clause (5) of Article 338A provides that: (a) to investigate and monitor all matters relating to the Safeguards provided for the Scheduled Tribes under this Constitution or any other law for the time being in force or under any order of the Government and to evaluate the working of such Safeguards; (b) to inquire into specific complaints concerning deprivation of Rights & Safeguards of Scheduled Tribes. However, the role of the National Commission for Scheduled Tribes in addressing such issues has been poor. The commissions have been functioning for a long without an adequate number of members plus change of the members at regular intervals.

### **Protest and movements**

The tribal people in the region have no option but to fight for their existence and survival. Their struggle is directed at the enforcement of

36 IHD, Op. cit. P. 208.

37 Ibid. P. 209.

38 Ibid. P. 209.

39 [https://www.business-standard.com/article/current-affairs/crimes-against-scs-sts-went-up-in-2020-up-mp-top-charts-ncrb-data-121091601048\\_1.html#:~:text=](https://www.business-standard.com/article/current-affairs/crimes-against-scs-sts-went-up-in-2020-up-mp-top-charts-ncrb-data-121091601048_1.html#:~:text=)

constitutional provisions and laws, rules, regulations, and court orders. The struggle is being carried out through peaceful movements, protests, rallies as well as filing of lawsuits in courts. The governments have taken them as hurdles to their agenda and have taken recourse to violence to curb their lawful and peaceful movements and protests. Since, the banned Maoist organization has a strong presence in states with the 5th schedule areas and conflicts with the state, movements, and activities for assertions of constitutional and legal rights and other entitlements are branded as anti-national and Maoist movements. Men and women participating in these have invariably been booked under draconian laws and kept in detention without trial for years. A large number of young men and women are languishing in jail for years in many of these 5th schedule states. Stan Swamy's research had found more than 3000 such youth in jail in Jharkhand. A movement known as the pathalgadi claiming village self-rule as per provisions of the PESA referred to earlier, invited the wrath of the BJP government leading to the arrest of thousands of tribal people on the pretext of being Maoists. Stan Swamy and Sudha Bharadwaj (in jail for about the last two years) had also been engaged in filing petitions for the release of these prisoners and pursuing the conduct of a speedy trial. In the last 10 years, the stretch of criminality has gone far beyond. The assertion of constitutional rights relating to civil rights such right to free speech, the right to form associations and protest, or protective rights as enshrined in the schedule of the constitution and other legislations like PESA, FRA, CNTA, and SPTA have been branded as anti-national and Naxals leading to arrest and long incarceration. The Pathagadhi movement in Jharkhand has been a good instance of such a state posture and action. The blatant violation of the constitutional provisions and protective legal mechanisms has been going on for a long but has aggravated in the last five years. Further, the present central government tried to push through the Indian Forest (Amendment) Act 2019, which had provisions for the forest guards to shoot people with impunity, and fatally undermine the vital Forest Rights Act.

### **Judicial Pronouncements, Fifth Schedule, and Tribe**

The Supreme Court in its order dated February 13, 2019, has directed the eviction of more than 11.8 lakh tribal families and traditional forest-dwellers from forestlands in 16 states of India. The constitutional validity of the FRA was challenged, and the court has not addressed it. It is against this that the court passed the verdict of eviction of all those non-eligible Scheduled Tribe and Other Traditional Forest Dwellers.

Accusations have also been made against the Union Ministry of Tribal Affairs for failing to adequately defend the statute and the rights of the forest dwellers. A three-judge bench of the Supreme Court, comprising Justices Arun Mishra, Navin Sinha, and Indira Banerjee, directed the State Governments to evict tribal families and traditional forest dwellers whose claims have been rejected by the competent authority on or before July 27, 2019 – when the matter will be heard next. The order was uploaded to the Supreme Court’s website on February 20, 2019. According to the most recent estimate, the number of people likely to be affected by this order was 1.8 million. The detailed 19-page interim order was passed in the context of a batch of writ petitions pending in the Supreme Court since 2008, the first of which was filed by the Bombay Natural History Society and three other wildlife conservation organizations mere months after the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 came into force, challenging its constitutional validity of the Act. The Supreme Court has issued state-specific directions to 16 States, directing that a detailed affidavit be filed by the Chief Secretary of the respective state detailing the evictions carried out and even whether possession of the land has been taken. The central Government remained silent in the court proceedings and was therefore complicit in the decision to drive tribal communities and forest dwellers from their habitat and livelihood assets.<sup>40</sup>

The Supreme Court through a five-judge Constitution Bench recently delivered a judgment quashing a Government Order (GO) passed by the State of Andhra Pradesh which had mandated 100 per cent reservation for teaching posts in schools for Scheduled Tribes (ST) in ‘Scheduled Areas’. This was done keeping in mind the lack of teachers in scheduled areas and the need to impart education in the mother tongue. The judgment could be read in two ways. One is to read it as mere legal issues as reflected in the interpretation of the provision of the 5th schedule. However, from a more substantive question of inequality and constitutional provisions such as poor literacy and hence the inability to avail the reservation facilities for over 70 years and constitutional provision of education through mother tongue does not figure in the question of equality. Merely looking at equality before the law tends to be antithetical to the interest of providing equal chances to tribes.

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40 <https://theleaflet.in/validity-of-the-forest-rights-act-supreme-court-directing-eviction-of-almost-two-million-tribal-peoples-is-a-gross-travesty-of-justice/>

Another recent judgment of the Supreme Court relates to the power of the Municipal Councils to levy terminal tax within the limits of Scheduled Areas. dismissing an appeal brought by a coal mining company challenging the imposition of such taxes in Madhya Pradesh. The court emphasized that Paragraph 5(1) of the Fifth Schedule grants the Governor the power to direct either the parliamentary or state laws would not apply or apply with modification as specified. In the absence of such notification, the position of the Municipal Council was upheld<sup>41</sup>. The paradox is there was the governor's notification in case of the Andhra Pradesh and yet the judicial pronouncement considered it untenable.

### **Concluding Remarks**

To conclude, one can fairly say that the tribal situation in India since the submission of the High-Level Committee Report in May 2024 presents a mixed bag. Whereas there has been some improvement concerning access to infrastructure and basic services, the key issues with which tribes in India have been confronted remain intact. The root of such a cause is a total violation of the protective provisions given in the constitutions and legislations enacted either by parliament or the state legislature. People on the margin need protection of what they have to be able to march along with others. Unlike in Northeast India, this has not been the case with tribes in mainland India. Tribal people in the Northeast despite the prolonged conflict between people and the state have been able to develop because they have not experienced erosion of the control over their land forest their life support system as well as their rootedness in their language and culture. This is the bane of tribal people in mainland India. How to protect what exists and how to reclaim what has been lost demands introspection and rethinking. The onus is the tribal intelligentsia that is visible today to work out such an alternate thinking and strategy.

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41 Suraj Kumar, 'Parliamentary or State Law Wouldn't Apply to scheduled V Areas if the Governor Notifies So, Live Law, 6 October 2023.

## Part - B

### Glimpses

#### Inauguration of the Dr Kumar Suresh Singh Resource Centre

16 November 2022

#### Dr Jospheh Bara

There was nothing unusual about Dr KS Singh. He belonged to the Nehruvian era. The civil services were trained in that fashion, to be, what was called, 'steel-frame' mind. For such characteristics, however, they were disliked by many, more so by the academia. Time has changed. But in mid-1970s JNU campus, the civil servant aspirants were often mocked.

K.S. Singh, qualifying for this career in 1958, was moulded as a typical civil servant of that time. Under the environ of conventional professional antipathy between the academia and the civil servants, K.S. Singh ventured to enter the field of research and writing on Indian tribes. By this choice, the young civil servant unwittingly invited for himself the challenge of recognition as a scholar.

Nonetheless, the choice unveils the other K.S. Singh, an academic bent of mind. He was oriented in historical insights at his Master's at Patna University. With some luminaries of history in the faculty, the department was then one of the best in the country. In tribal history, the area where he was to contribute immensely, he was initiated by historians K.K. Datta and J.C. Jha.

With an intuition for historical research, as a young civil servant, he intended to devise a harmony of this interest with his substantive administrative career. Civil services allowed space for such combination to enterprising individuals. And some civil servants best exploited this to become specialist-administrators: K. Subramanyam on defence, Anil Bordia on education, Askok Vajpeyi on literature and arts to name a few. By his grit K.S. Singh joined the league of those illustrious civil servants of his generation.

Very wisely, which should a lesson for young career seekers, he blended his interest in history with anthropology and decided to do PhD on Birs Munda. He chose a leading university of the time, the London University

and roped in a well-known anthropologist, Christoph von Haimendorf, as his supervisor.

His PhD work was outstanding. It was published in 1966 with an attractive title, *Dust-storm and the Hanging Mist*. The book was well-received world-wide. The uniqueness of the book lay in its rich and competent use of primary data – folklores on Birsa Munda, writings on him by his disciples, hitherto unknown, besides records from archival repositories.

The book got K.S. Singh fame and a scholarly identity. Read widely, it popularized Birsa Munda story and helped in his recognition as a national freedom fighter. As we know, writer Mahasweta Devi was inspired by this book to write her Sahitya Akademi Award winning work, *Aranyer Adhikar* and even a small book on Birsa.

In his academic incarnation, K.S. Singh was different from his bureaucratic face. He found time for participation in academic discussions from his busy official engagements. He would comfortably mingle and interact with academics in lectures and conferences. Good at conversation and informal, he was at ease with everyone, including with the rank and file and low-profile person like me.

The success of his book on Birsa Munda, stimulated him for further work on the tribals. Wherever he was posted whether Khunti or Palamau, he was astute to find a research subject. This was how to produce his second book on Palamau famine.

Research and publication became his passion. When I met him last, weariness was visible in his face. Despite this, on my asking what engaged him, he was prompt reply: '*Jaipal Singh par kam kar raha hun. Jindagi ab lambi nahin hai. Jaldi khatam karna hai*'. That wish was, unfortunately, not fulfilled.

But since his *Dust-storm and Hanging Mist*, he established himself as prolific author. His four-decade career had an output of forty books, that means average one every year, besides countless articles. One wonders how much energy and drive the person had.

There were before him noted scholar-writers on Indian tribes: S.C. Roy, Verrier Elwin, Surajit Sinha, and N.K. Bose, but in terms of volume, K.S. Singh surpasses them all. Today, he has the distinction of authoring the largest literature on Indian tribe.



His scholarly canvass covers diverse dimensions of the tribal society and culture: identity question, place of forest in tribal life, tribe in Mahabharata and Ramayana, socio-cultural and political movements, language and script movements, tribes and nationalism and so forth.

Many of his writings are must-read for researchers in the universities and other institutions of higher education. I have benefited a lot from these writings. Of course, I differ on some of his views, but as part of the academic game.

Despite such outstanding credentials, the academia in the universities hesitated to get him the recognition that due to him. In JNU in 1970s-80s, I recall, all kinds of scholars were invited for lecture. But as one who was regular in these, I do not remember K.S. Singh coming ever.

I won't know the present status, but for a long time, his writings did not figure in the reading list of the courses of the history departments of Delhi University and JNU. This was not for ideological reasons. Writings of many non-leftist liberal historians were always there. The omission owed simply to the fact that he did not belong to the tribe of academia. Perhaps owing to this prejudice, he was rarely a visiting professor or scholar in the universities.

Of course, the name K.S. Singh could not be disregarded completely. He was honoured as President of Modern Indian History section of the Indian History Congress in 1977 whereby a brilliant address he proved his acumen as a historian. He was also given the prestigious Jawaharlal Nehru Fellowship, and at the time of his demise, the National Fellowship of the Indian Council of Historical Research.

Scholarly engagement with tribal issues made K.S. Singh a friend of the tribals. In his work-field Jharkhand, he lent his expertise to the interest of the tribal society. I mention two examples here: first, he prepared with other colleagues in a committee a background document for the creation of the state of Jharkhand; and second, he initiated and executed the idea of the Department, Tribal and Regional Languages at Ranchi University.

Dr K.S. Singh's scholarly pursuit did not come on the way his administrative skill. In the government system, there is the need of strong-willed administrators for building or developing institutions. One

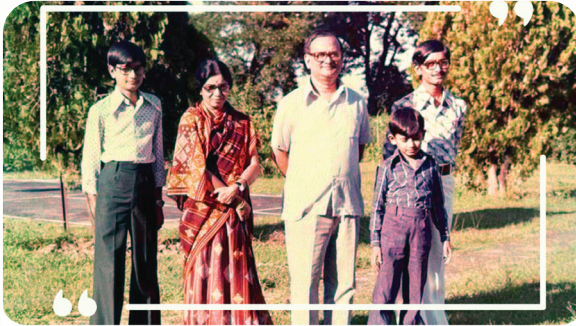
of them, Anil Bordia, was often heard saying: ‘you need to break rules for building institutions.

Dr K.S. Singh was one of those breeds – He played decisive role in raising the Indira Gandhi Rashtriya Manav Sangrahalaya, Bhopal besides face-lifting the languishing Anthropological Survey of India and launching the well-known ‘Peoples of India’ project there.

The family of K.S. Singh is kind to donate the large corpus of his books, other collections and, most valuably, his personal records to the XISS. I am sure they have opted for XISS after a serious consideration. As an independent scholar, concerned with tribal studies and observing the state of academics, I can assure the family that your decision is apt.

XISS is fortunate to receive this prized collection. They move today in the right direction by opening a Tribal Resource Centre, bearing the name of K.S. Singh. The collection, a treasure trove, promises to promote quality research and publication, the ideal of K.S. Singh all through his life.

My deep homage to this great son of India, thanks to family for donating the materials and best wishes to the Xavier Institute for the initiative.



## Dr Rameshwar Oraon

Dr Rameshwar Oraon, the finance minister in Govt of Jharkhand inaugurated the centre. On the occasion, he highlighted the invaluable contribution of Late Dr Kumar Suresh Singh in promoting tribal culture, cuisine, and festivals. He added that the writings of Dr Singh stand out because they are not mere compilations of existing knowledge; rather, they are a product of his own life, experiences, and the challenges he encountered along the way. This distinctive approach, where he shared his personal journey and the difficulties he faced, has proven to be instrumental in the development of the nation.

In Dr. Oraon's words, "If anyone aspires for recognition and acclaim, they should emulate Dr. Singh's commitment to making a real difference in the lives of countless people. His work stands as a testament to the power of personal experience in driving positive change. The newly established resource centre, dedicated to Dr. Kumar Suresh Singh, serves as a repository of his extensive work and unique experiences. I am happy that XISS has taken this initiative to preserve the work of a great scholar-cum-administrator.



## Dr Mahua Maji

Dr Kumar Suresh Singh was a distinguished academic known for his work in the field of indigenous studies, especially focusing on the indigenous people of India. His contributions were significant to understand the social, cultural, and political issues faced by these communities, particularly in the context of the state of Jharkhand. Dr Singh's work likely sheds light on the historical, cultural, and socio-economic aspects of these indigenous communities. His publications provide insights into the struggles and aspirations of the indigenous people in the face of modernization, globalization, and political developments in the region. Understanding his work potentially offer a comprehensive understanding of the challenges faced by these communities, such as land rights issues, displacement, cultural preservation, and socio-economic development.

One can learn more about the complex dynamics of Jharkhand's indigenous communities, their contributions to the country's cultural fabric, and the value of maintaining their legacy in the modern world by reading Dr Kumar Suresh Singh's books.



## Mr Dhruv Singh

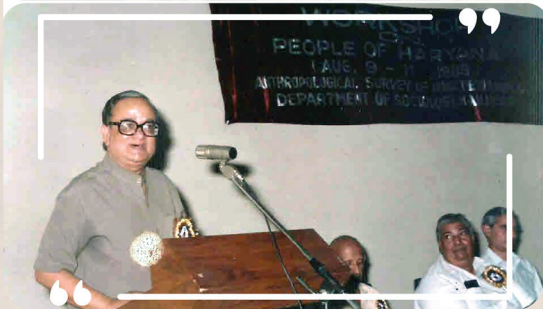
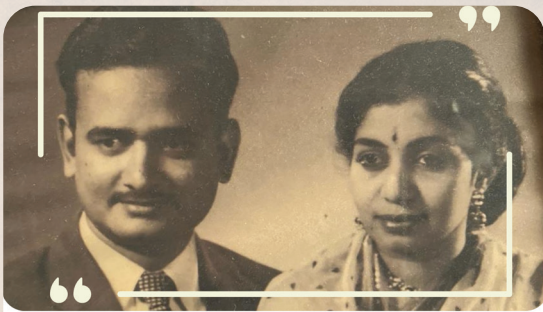
Dhruv Singh, speaking with heartfelt admiration, reflected on his father's remarkable achievements, and thought process. He shared, "My father had a deep and enduring association with XISS. Even his final public appearance was at an event hosted here. What set my father apart was his commitment to firsthand research. He never relied solely on books; he visited the regions and personally delved into the issues to ensure accuracy. Even in his last days, as a Parkinson's patient, my father continued to work on his final book, completing it before taking his last breath."

Dhruv Singh went on to express his family's gratitude for the support and recognition Dr. Kumar Suresh Singh has received, stating, "We have chosen to donate his books to XISS, a place that held immense significance in his life. These books, much like my father, will remain sacred. We are immensely thankful to XISS for dedicating a section of their library to preserve his works. We are equally grateful to all those who have honored his memory, a gesture that should have happened much earlier."

This tribute to Dr. Singh's legacy not only reflects the family's appreciation but also honors his lifelong dedication to helping people through his work.







## About Dr Kumar Suresh Singh Tribal Resource Centre

The Dr Kumar Suresh Singh Tribal Resource Centre (DKSSTRC) is a dream come true for Xavier Institute of Social Service (XISS), Ranchi.

The need of the resource centre arises particularly from the Institute's special responsibility towards the tribal population of the region. The Institute is aware that Adivasis of Jharkhand and central India belt have attracted advanced scholarship, not only within the country at reputed centres of learning but even, perhaps more, in the West.

There is a need to interrogate the existing and emergent approaches, views and theories on Adivasi development and public policy.

The Institute is immediately inspired for this venture by a fortunate donation of a large corpus of books and private papers to it by a celebrated scholar on Adivasis, the late Dr K. Suresh Singh I.A.S.

The need of such a unit was necessary since there is none at present in this part of the country. Besides promoting quality research locally, it attracts scholars from India and abroad. The DKSSTRC is conceived as an academic unit. It is primarily involved in research and documentation works. To add vibrancy to its research activities, the centre generates discussion on Adivasi issues.

