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**LEGISLATIONS AND LAWS FOR THE DEVELOPMENT OF TRIBAL WOMEN IN INDIA**


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**Abstract:** The Tribal population is an integral part of India's social fabric and has the second largest concentration after that of the African continent. Schedule Tribes (ST's) are Indian population groups that are explicitly recognized by the constitution of India order 1950. As per 2011 census the tribal population of the country is 10, 42, 81,034 which forms 8.6 per cent of the total population of the country. Tribal people have rich heritage along with their innocent life style. As they are living in hill areas and forests they have some peculiar characters like indications of primitive traits, distinctive culture, and shyness of contact with other communities, geographical isolation, backwardness etc. So, for their development central and state governments are implementing different programmes and schemes since 1951. After the Ministry of Tribal affairs were constituted in 1999, there is more focus on development of Schedule Tribes in Indian society especially in Andhra Pradesh. In this paper an attempt is made to study different legislations and laws for the development of Tribal Women.

**Key words:** Tribal Women, Articles, Legislations

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**Introduction:** The Tribal population is an integral part of India's social fabric and has the second largest concentration after that of the African continent. Schedule Tribes (ST's) are Indian population groups that are explicitly recognized by the constitution of India order 1950. As per 2011 census the tribal population of the country is 10, 42, 81,034 which forms 8.6 per cent of the total population of the country. The role of tribal women is substantial and crucial. They constitute about half of the total population but in tribal society women are more important than in other social groups, because they work harder and the family economy and management depends on them. They have remained as educationally, culturally, economically and socially deprived section. Scheduled tribes women play a very significant role in their social cultural, economic and religious ways of life and they are considered as a development factor in their family as well as society. But they are still lagging far behind in the different walks of life (Y.Y. Talavar and M. Nagindrappa, 2014).

**Legislations and Laws for Tribal Women**

**(Article 243 D (3) (xii)):** One-third of the total number of seats to be filled by direct election in every Panchayat to be reserved for women including the number of seats reserved for Scheduled Castes and the Scheduled Tribes women and such seats to be allotted by rotation to different constituencies in a Panchayat.

**(Article 243 D (4) (xiii)):** One-third of the total number of offices of Chairpersons in the Panchayats at each level to be reserved for women.

**(Article 243 T (3)):** One-third of the total number of seats to be filled by direct election in every Municipality reserved for women including the number of seats reserved for Scheduled Castes and the Scheduled Tribes women and such seats to be

allotted by rotation to different constituencies in a Municipality.

**(Article 243 T (4)):** Reservation of offices of Chairpersons in Municipalities for the scheduled Castes, the Scheduled Tribes Women in such manner as the legislature of a State may by law provide.

**Constitutional Provisions of Tribal:** The constitution has given more than 20 articles on the redressed and upliftment of underprivileged with policies on positive discrimination and affirmative action with reference to S.T.

**Article 14** provides that States shall not deny any person equality before law or the equal protection of laws within the territory of India. Article 15 operationalizes the concept of equality in a manner which specifically touches upon the conditions of the Scheduled Castes, Scheduled Tribes and other backward classes.

**Article 15 - Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth**

1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to— access to shops, public restaurants, hotels and places of public entertainment; or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
3. Nothing in this article shall prevent the State from making any special provision for women and children.
4. Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and

educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

**Article 16** - Equality of opportunity in matters of public employment

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
3. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to class or classes of employment or appointment to an office [under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory] prior to such employment or appointment.
4. Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

**Articles 15(4) and 16(4)**, no doubt, fall within Part III of the Constitution comprising the fundamental rights. Every provision of Part III, however, does not confer a fundamental right. Some of the provisions of Part III are just definitional; others are on the effect of the fundamental rights on the existing and future laws. Still others provide for the enforcement and implementation of the fundamental rights while some others provide exceptions to the fundamental rights. Because of this variety of provisions, doubt persists whether Articles 15(4) and 16(4) confer fundamental rights. These articles fall within the rubric of the 'Right to Equality' which consists of five articles - Articles 14 to 18. While Article 14 prohibits the State from denying equality before the law or the equal protection of the laws, Article 17 abolishes untouchability and makes its practice punishable. Article 18 abolishes titles and prohibits their conferment by the State and acceptance by the individual.

**Article 39** Certain principles of policy to be followed Article by the State: The State shall, in particular, direct its policy towards securing-

1. that the citizen, men and women equally, have the right to an adequate means of livelihood;
2. that the ownership and control of the material resource of the community are so distributed as best to sub-serve the common good;
3. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

4. that there is equal pay for equal work for both men and women;

**Article 46** in the constitution of India 1949: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation

**Article 275** Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different states.

Provided that there shall be paid out of the consolidated fund of India as grants-in-aid of the revenues of a state such capital and recurring sums as may be necessary to enable that state to meet the costs of such schemes of development as may be undertaken by the State with the approval of the government of India for the purpose of promoting the welfare of the scheduled tribes in that state or raising the level of scheduled tribes in that state or raising the level of administration of the scheduled areas therein to that of the administration of the rest of the areas of that state.

1. Provided further that there shall be paid out of the consolidated fund of India as grants-in-aid of the revenues of the state of Assam sums, capital and recurring, equivalent to the average excess of expenditure over the revenues during the two years immediately preceding the commencement of this constitution in respect of the administration of the tribal areas.
2. The costs of such schemes of development as may be undertaken by that state with the approval of the Government of India for the Purpose of raising the level of administration of the said areas to that of the administration of the rest of the areas of that state.

**Article 330** - Seats shall be reserved in the House of the People for - Article 332 Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States 332,335 stipulates the claims that the members of the Schedules Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the tribes.

**Article 244 (1)** tribal welfare communities to be setup for the welfare of the tribes

**Article 22(2)** 73<sup>rd</sup> and 74<sup>th</sup> amendments – to ensure effective participation of tribals in the process of planning and decision making

Extension of Scheduled Areas Act 1996. Amendments of Constitution are extended to the Scheduled Areas through Panchayats. These constitutional provisions of the Government of India helped in the development of the tribes and their education.

**Educational and Cultural Safeguards:** Article 15(4) empowers the State to make special provisions for advancement of any socially and economically backward classes or citizens and for Scheduled Castes and the Scheduled Tribes. This provision has enabled the State to reserve seats for Scheduled Castes and the Scheduled Tribes in educational institutions including technical, engineering and medical colleges.

Article 29(1) provides that “Any section of the citizens residing in the territory of India or any part thereof, having a distinct language, script or culture of its own shall have the right to conserve the same” Article 350(a) provides for adequate facilities for instructions in the mother tongue at the primary stage of education for children belonging to linguistic minority groups. The above Article has relevance for Scheduled Tribes as some of them have a distinct language/dialect.

**Political Safeguards:** Article 164(1) provides that in the specific States there shall be a Minister in charge of tribal welfare who may, in addition be in charge of welfare of Scheduled Castes, Backward Classes or any other work. Article 330 provides for reservation of seats for Scheduled Castes and the Scheduled Tribes in Lok Sabha.

Under Article 243(D), reservation of seats in Village Panchayats, Zilla Parishads has been made for Scheduled Castes and the Scheduled Tribes in proportion to their population at respective level in direct election. It has also been provided that the reserved seats for Scheduled Castes and the Scheduled Tribes shall be allotted by rotation to different constituencies in Panchayat at each level.

Under Article 243-T, reservation of seats for Scheduled Castes and the Scheduled Tribes in proportion to their population has been made in municipal bodies at each level. Out of these reserved seats Scheduled Castes and the Scheduled Tribes, at least 1/3rd has been reserved for SC/ST women.

**Service Safeguards:** Article 16, which provides equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State and prohibits any discrimination on grounds of religion, race, caste, sex, decent, place of birth, residence or any or all of them, has made a very special provision which permits Parliament to make any provision for reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. It is through this provision that reservations in appointments and promotions for Scheduled Castes and the Scheduled Tribes and for OBCs in the matter of recruitment have been made.

Article 16(4)(a), this benefits of reservation in the matter of promotion has been extended to Scheduled Castes and the Scheduled Tribes to overrule the judgment of the Supreme Court. Article 16(4)(b) has further made provisions to permit backlog vacancies as a separate category in any year for determining the ceiling of 50% reservation on total number of vacancies that year. (Dr. Chiramana Venkateswarlu 2013).

**Conclusion:** The need for empowerment of tribal women hardly needs justification. Their primitive way of life, economic and social backwardness, low level of literacy, outdated system of production, absence of value systems, sparse physical infrastructure in backward tribal areas and demographic quality of tribal areas make the development of tribals and tribal areas essential. The educational safeguards, political safeguards, service safeguards and various articles are the key elements for the development of tribal women.

#### References:

1. Ruth Rajathy, Dr. Suresh Frederick, A Reluctant Victim Vs. A Willing Libertine: ; Human Rights International Research Journal : ISSN 2320-6942 Volume 2 Issue 1 (2014), Pg 197-200
2. R.C. Verma (1995), Indian Tribes-Through the Ages, ISBN: 81-230-0328-5.
3. C.N. Shankar Rao (2004), Sociology of Indian Society, ISBN: 81-219-243-0
4. Y.Y. Talavar and M. Nagindrappa (2014), Critical Assessment of the Scheduled Tribe Women Empowerment in Present Social Order, ISSN: 2347-2723
5. Census of India (2011) Primary Census Abstract, Scheduled Castes & Scheduled Tribes.

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