

Safeguarding Tribal Culture And Vulnerability: An Analysis From Legal Perspective

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ABSTRACT

India, one of the world's most ancient civilizations, is distinguished by its profound cultural heritage, encompassing an unparalleled diversity of foods, spices, crafts, and traditions. Tribal communities, constituting approximately 8.6% of the nation's population, represent an integral yet historically marginalized demographic. Despite their pivotal contributions as independent craftspeople and farmers, engaging nearly 57% of the tribal population, their historical narrative reveals systemic exploitation and neglect. Recognizing this, the framers of the Indian Constitution introduced a robust framework of safeguards aimed at preserving the rights, dignity, and cultural identity of Scheduled Tribes, while fostering their socio-economic inclusion.

This paper seeks to critically analyse the multifaceted legal protections accorded to tribal communities in India. With an emphasis on safeguarding their cultural heritage, the study delves into legislative measures such as the Geographical Indications (GI) Act, patents, and intellectual property laws as vital instruments for the preservation of their vulnerable yet invaluable traditions. Furthermore, the paper explores the pivotal role of the Ministry of Tribal Affairs in addressing critical developmental gaps and delivering essential services, thereby facilitating tribal mainstreaming and empowerment. By examining constitutional provisions, legislative frameworks, and the emerging discourse on protecting tribal culture, this study provides a comprehensive blueprint for ensuring the sustainability of tribal heritage and the holistic advancement of these communities for future generations.

KEYWORDS

Tribes, Legal Aspect, Culture, Geographical Indication.

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INTRODUCTION

The majority of the tribes in India are classified as “Scheduled Tribes” under Article 342² of the Constitution of India. Since the country’s independence, the overall population of tribal people has been steadily rising census after census. Currently, the nation’s tribal community accounts for close to 9% of the nation’s overall population.³ The contribution of the Indian ethnic groups towards conserving the biodiversity of various virgin forests is significant and remarkable. They have, time and over, been at the forefront for the protection of the flora and fauna around them by declaring the same as “sacred”. They possess a great amount of ancestral knowledge and skills on how to cope with and mitigate the dangers associated with various diseases as well as natural disasters. There have been prolonged, ongoing discussions over the subject of the appropriate approach for the Central Government to take towards the betterment of the indigenous tribal communities. While some believe that “assimilation” or absorbing tribal groups into the dominant culture of the society should be avoided and that tribal groups should be given more autonomy, others believe that assimilation is the only way to improve their life and living conditions.

There are several others, who do not support either of the viewpoints, assert that integration is the ideal solution. They believe that a balance between autonomy and assimilation should be preserved, allowing indigenous people to maintain their sense of self and culture while simultaneously living side by side with the general populace. A strong set of policies and legislation is necessary to facilitate tribal integration into the mainstream and to develop a creative adjustment between tribes and non-tribes that leads to a responsible partnership.⁴ In this way, they would feel a sense of unity and maintain their identity at the same time. This paper focuses on how tribal groups have developed and the role that law plays in regulating their way of life. What laws apply to them? Why is it necessary to amend these laws so that these tribes can achieve a higher socioeconomic status? These are some important research

² INDIA CONST. art. 342.

³ Singh, P. “Safeguarding Indigenous Culture: An Analysis of International Legal Framework and Indian Policies,” IJLJ, 10(1), 20-37. (2019).

⁴ R.K. Shukla, Safeguarding Tribal Rights: A Constitutional Perspective, 79(3) Indian J. Pol. Sci. 853 (2018).

questions related to this paper and in order to get a sound conclusion, these questions will further be broken down into their parts.⁵

LITERATURE REVIEW

The following literature has been reviewed for the study:

1. Jayashankar K.K. and Jonson Philip, (2011), “Constitutional Law” noted that the Constitution, which establishes the basic framework of India’s policies, is based on a number of fundamental values. The Preamble, the section on fundamental rights, and the Directive Principles, according to their argument, are the heart and soul of the Indian Constitution.
2. Choudhry R.N. and Naqvi S.K.A., (2012), “SC/ST (Prevention and Atrocities) Act, 1989,” remarked on the implementation of the “SC/ST (Prevention of Atrocities) Act, 1989.” The Act is a form of legislative measure, to do justice to members of the SC/ST.
3. Chakrabarti Dr Shambhu Prasad, (2018), “Tribal Rights in India” where the author has provided an exposition on the conceptual and historical framework of tribal rights in India. The author’s composition was articulate in its reflection of constitutional interpretations pertaining to the rights of indigenous communities. He also cited several challenges that the tribal community encounters from non-tribal individuals. The speaker underscored the significance of a collaborative approach involving sociological, political, and anthropological perspectives in researching tribal communities.
4. Mehta (2000) provides a comprehensive assessment of the tribal development strategies implemented throughout the 20th century. As per his statement, the government has not fulfilled the fundamental necessities required for their sustenance. During the initial fifty years, the administration of the region was carried out by the British government in conjunction with the indigenous rulers. The individuals in question exhibited a lack of concern towards their necessities and well-being. Therefore, in the initial half of the century, they were subject to exploitation by the governing authorities of that time.

⁵ N.R. Reddy & N. Chowdhury, Rights of Indigenous Peoples in India: A Critical Appraisal, 13(1) NUJS L. Rev. 67 (2020).

5. Deshmukh (2003), where the author argued that the welfare strategies in place were insufficient in addressing the feelings of inferiority and the injustices experienced by tribal communities. It is currently acknowledged that the welfare requirements of tribal communities entail deliberate endeavours by the tribal members themselves, involving self-motivation and self-determination, to attain the desired standard of living.

OBJECTIVES OF THE STUDY

The research in this paper strives to reach the following objectives:

1. To deeply understand the tribal community in India and the various rights and laws available in their aid.
2. To analyse the problems and issues affecting the development process of the Indian tribal communities.
3. To study the legal framework available for the protection of the tribal community.
4. To figure out how laws could be made better for protecting the tribal communities, their culture, their innovations and their future generation.

The research in this paper revolves around the laws available to the tribal communities of India, the legal problems faced by this community, and what solutions are available for the same. The methodology used is the doctrinal method of research and in this regard, the current In this study, legislative documents are considered primary sources for conducting critical analysis. Conversely, secondary sources such as commentaries, papers, and articles are utilized for this purpose.

LAWS APPLICABLE TO THE TRIBAL POPULATION OF INDIA

Constitutional Safeguards available to Tribal Communities

The Scheduled Tribes (ST) demographic structure, which accounts for roughly 8.6% of India's population, is estimated to be around 10.4 crores. Furthermore, there are more than 730 Scheduled Tribes that have been officially recognized under Article 342 of the Constitution of India.⁶ Seventy-five of these groups are classified as Particularly Vulnerable Tribal Groups (PVTGs). PVTG is a subcategory of the Scheduled Tribe classification. This group is deemed

⁶ Press Release, Ministry of Tribal Affairs, Year End Review 2022 (Dec. 31, 2022), <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1887716> (last visited Aug. 25, 2026).

to be more susceptible to vulnerability compared to the general Scheduled Tribe population. The Indian Government formulated the PVTG roster intending to enhance the quality of life of vulnerable tribal communities in a prioritized manner. The Particularly Vulnerable Tribal Groups (PVTGs) are distributed across 18 Indian states and one union territory.⁷

Land and Forest are the only source of livelihood for the majority of the tribal population even today. The tribal communities of India continue to suffer even after 76 years of independence. They never receive any benefits from, the budgetary allocations, and there is no change in their way of life. Even when they may have valuable moveable, immovable and/or intellectual property, they may not have any idea to protect the same or capitalize on it due to their general lack of awareness of the related laws.⁸

The persistent socioeconomic status of the tribal population in India has yet to improve despite the implementation of ST sub-plans. Furthermore, the diversion of funds intended for their economic development has hindered progress in this area. This issue warrants further research in tribal areas across the country. Currently, there exists a pressing necessity to conduct research and analysis on the laws, predicaments, and obstacles faced by tribal communities, to devise solutions and promote awareness among these groups regarding their entitlements under diverse legislative frameworks and governmental policies.⁹

The Indian Constitution provides social, economic, and political guarantees to marginalized segments of society. Several provisions have been established that are specific to the Scheduled Tribes:

- i. Equality before Law (Article 14): The State must prioritise the development of the SC/ST, as well as other socially and educationally marginalized populations.
- ii. Article 15 (4)¹⁰: The provision guarantees equal opportunities to all citizens, including scheduled tribes, in matters pertaining to employment or appointment to any office under the jurisdiction of the State.
- iii. Article 16¹¹: Reservations for members of Scheduled Tribes and other socially and economically disadvantaged groups are a legal requirement in India.

⁷ B.M.L. Patel, *Agrarian Transformation in Tribal India* 313 (M.D. Publications 1998).

⁸ S. Sharma & M. Bhandari, *Safeguarding Cultural Diversity: A Legal Analysis of Tribal Rights in India*, 6(12) *Int'l J. Human. & Soc. Sci. Invention* 49 (2017).

⁹ "Revised scheme of Development of Particularly Vulnerable Tribal Groups" (2022).

¹⁰ INDIA CONST. art. 15, cl. 4.

¹¹ INDIA CONST. art. 16.

- iv. Article 16 (4)¹²: The State must ensure opportunities exist for SC/ST to advance within the services, in any class or class of positions.
- v. Article 16 (4A): The 77th Amendment Act of 1995 facilitated the Parliament's ability to establish provisions for the reservation of promotion posts for individuals belonging to SC/ST. According to the aforementioned provision, a National Commission for Scheduled Tribes must be set up and given the authority to investigate, monitor, and evaluate any concerns that may arise with respect to the constitutional guarantees afforded to the Scheduled Tribes. This meant that the verdict in the so-called "Mandal case".¹³ The policy of promoting minorities within the government must remain in effect.
- vi. Article 338¹⁴: The stipulation necessitates the establishment of a Commission tasked with presenting a report on the management of the Scheduled Areas and the well-being of the Scheduled Tribes within the respective States. The Commission shall be responsible for:
 - a) Evaluating the effectiveness of protections for SC/ST under the Indian Constitution or existing laws or Government directives, as well as investigating and monitoring all provisions related to such safeguards.
 - b) Analysis of individual complaints alleging violations of protections afforded to members of the SC/ST.
- vii. Article 339 (1): It entails the establishment of a Commission intending to examine the circumstances of socially and educationally disadvantaged groups, including Scheduled Tribes, and identifying the challenges they face. The Commission is tasked with providing recommendations to address these challenges and enhance the well-being of these groups.
- viii. Article 340¹⁵: The provision stipulates that the designation of tribes or tribal communities must conform to the definition of Scheduled Tribes as outlined in Article 342. The aforementioned provision entails the establishment of a Commission tasked with the investigation of the circumstances surrounding Backward classes.

¹² INDIA CONST. art. 16, cl. 4.

¹³ Indra Sawhney v. Union of India and Others, AIR 1993 SC 447.

¹⁴ INDIA CONST. art. 338.

¹⁵ Report of the First Backward Classes Commission (Kaka Kalelkar Commission), constituted Jan. 29, 1953; Report of the Second Backward Classes Commission (Mandal Commission), constituted Jan. 1, 1979 (India).

The Indian Constitution provides various safeguards to promote economic justice, including equality of opportunity, protection against exploitation, equitable distribution of resources, and the advancement of the economic interests of weaker sections. These principles seek to reduce economic inequalities and ensure that development benefits all sections of society.

- i. Article 46¹⁶: The State is mandated to prioritise the advancement of the educational and economic welfare of the less privileged members of society, particularly those belonging to the SC/ST. Additionally, it is tasked with safeguarding them from social inequities and any type of exploitation.
- ii. Article 275(1)¹⁷: The Indian government mandates the allocation of Grants-in-Aid from the Consolidated Fund of India on an annual basis to facilitate the advancement of the welfare of the ST and the management of Scheduled Areas.
- iii. Article 335¹⁸: The provision is made to consider the claims of the members belonging to the SC/ST during appointments to services and posts related to the affairs of the Union or a State. This is done while ensuring that the efficiency of administration is not compromised.

The Constitution guarantees equality in access to education, prohibits discrimination, and provides special measures for disadvantaged and weaker sections. It also recognises the right to education and promotes educational opportunities for children, minorities, and historically marginalised communities.

- i. Article 46¹⁹: The initiative aims to advance the educational and economic welfare of marginalized groups, including SC/ST, and other underprivileged minorities. It is the responsibility of the State to safeguard the SC/ST against systemic injustice and inequality, as well as all types of mistreatments, while also primarily addressing their economic and educational requirements.
- ii. Article 350A²⁰: It is mandated that each state and public entity within a state make efforts to furnish suitable infrastructure for guiding the native language of children belonging to dialectal minority groups during their initial stage of education.

¹⁶ INDIA CONST. art. 46.

¹⁷ INDIA CONST. art. 275, cl. 1.

¹⁸ INDIA CONST. art. 335.

¹⁹ *Id.* at 16.

²⁰ INDIA CONST. art. 350A.

Additionally, the President reserves the right to provide directives to any state that he deems necessary or appropriate to ensure the provision of such facilities.

- iii. Article 45²¹: The provision of mandatory and cost-free education for minors is ensured. The government must implement measures that ensure universal access to compulsory and cost-free education for all minors up to approximately fourteen years of age.
- iv. Article 29 (2)²² states that it is impermissible to deny admission or financial aid to any citizen in any educational institution that is exclusively run by the State based on their spirituality, ethnic origin, social status, vernacular, or any combination thereof. This also applies to minors who are members of the Scheduled Tribes.

The Indian Constitution ensures political equality through universal adult suffrage, equality before law, and equal participation in democratic processes. It also provides reservations in legislatures and local bodies for Scheduled Castes, Scheduled Tribes, and other disadvantaged groups to ensure their effective political representation.

- i. Article 164(1)²³: provides for Tribal Affairs Ministers in Bihar, MP and Orissa.
- ii. Article 330²⁴: guarantees the reservation of seats for Scheduled Tribes in Lok Sabha and, Article 332²⁵. The provision of reserving seats for the SC and ST in the Legislative Assemblies of the States is ensured by the government.
- iii. Article 243D²⁶: The Panchayati Raj system incorporates clauses that mandate the allocation of seats for individuals belonging to the SC/ST in each Panchayat. The “Panchayats (Extension to the Scheduled Areas) Act, 1996” facilitates the expansion of the 73rd and 74th Amendments of the Constitution to the Scheduled Areas.²⁷ To ensure the effective participation of tribal communities in the planning and decision-making process.
- iv. Article 244(1)²⁸: The Fifth Schedule outlines specific provisions for the management and regulation of Scheduled Areas and Scheduled Tribes within any State, excluding Assam, Meghalaya, Tripura, and Mizoram. The Governors are mandated to furnish the President of India with Annual Reports pertaining to the governance of Scheduled

²¹ INDIA CONST. art. 45.

²² INDIA CONST. art. 29, cl. 2.

²³ INDIA CONST. art. 164, cl. 1.

²⁴ INDIA CONST. art. 330.

²⁵ INDIA CONST. art. 332.

²⁶ INDIA CONST. art. 244, cl. 1 & sch. 5.

²⁷ The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, No. 40 of 1996 (India).

²⁸ INDIA CONST. art. 244, cl. 2 & sch. 6.

Areas. Additionally, the establishment of Tribes Advisory Councils is deemed necessary, particularly in states governed by the Fifth Schedule. To guide on issues related to the well-being and progress of the Scheduled Tribes.

- v. Article 244(2)²⁹: In the northeastern states of Assam, Meghalaya, Tripura, and Mizoram, the Indian Constitution's Sixth Schedule lays out detailed regulations for the administration of tribal lands. These regulations mandate the creation of District Councils, Autonomous Councils, and Regional Councils, and the designation of specific tribal regions as Autonomous Districts and Autonomous Regions.

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

The Indian Parliament passed and implemented the “Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989,³⁰” in order to stop atrocities and hate crimes against the members of the SC/ST. Articles 15 and 17 of the Indian Constitution serve as the foundation for the Act. Article 15 forbids discrimination based on caste. Article 17 of the Indian Constitution stipulates that “untouchability is abolished and its practise in any form is prohibited.” The imposition of any disability resulting from “Untouchability” shall be a crime punishable by law. The Act aims to provide justice to the lower caste and the scheduled tribes and seeks to abolish the ill practices of untouchability.³¹

Some of the important provisions of the Act are:

1. Section 2³² of the Act defines who are SC/ST and what atrocities could be performed against them.
2. Section 3³³ of the Act delineates the penalties for a range of offences that qualify as atrocities against individuals belonging to the Scheduled Castes or Scheduled Tribes. Such offences include but are not limited to, the coerced consumption of harmful substances by a non-SC/ST individual, verbal abuse directed towards a member of the SC/ST community, and the infliction or intention to inflict physical harm. In certain

²⁹ *Id.*

³⁰ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989,

³¹ R. Venkatesan, Tribal Land Rights in India: A Study of Legal Framework and Policy Gaps, 6(2) J. Land & Rural Stud. 162 (2018).

³² The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, § 2 (India).

³³ *Id.* § 3.

instances, the maximum sentence may be extended to a period of seven years or up to five years.

3. Section 4³⁴ of the legislation stipulates the consequences for a public official who deliberately or knowingly fails to fulfil their obligations as outlined in the Act. The prescribed duration of penalization is a minimum of six months, with the possibility of extension up to a maximum of one year.
4. Section 5³⁵ of the act delineates the punitive measures that are to be taken in the event of a subsequent conviction. The minimum sentence for such an offence shall not be less than one year but may be extended up to the maximum punishment prescribed for the specific offence in question.

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

The Forest Act, also referred to as the Tribal Land Act, pertains to the entitlements of forest-inhabiting communities to land and other resources, which have been withheld from them for an extended period due to the perpetuation of colonial forest regulations in India. This legislation was established to acknowledge and grant forest entitlements and land tenure to forest-dwelling Scheduled Tribes and other indigenous forest inhabitants who have resided in these forests for multiple generations, yet whose entitlements have not been officially documented.³⁶

Biological Diversity Act, 2002

In 1994, India acceded to the Convention on Bio-Diversity (CBD) as a member. In order to safeguard the native flora and fauna, conserve natural resources, and protect traditional knowledge, the Indian Parliament passed the Biological Diversity Act of 2002. This legislation aims to promote the preservation of biological diversity, responsible utilization of its components, and equitable distribution of the benefits arising from the use of biological resources and knowledge, among other related issues.

³⁴ *Id.* § 4.

³⁵ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, No. 33 of 1989, § 5 (India).

³⁶ A. Bharti & R. Ghosh, Tribal Land Rights and Legal Framework in India: A Comparative Study of States, 66(4) Indian J. Pub. Admin. 886 (2020).

The Act seeks to achieve the objective of the preservation of biological diversity in India, the sustainable utilization of biodiversity's constituents, the just and impartial distribution of advantages resulting from the utilization of the Earth's biological diversity.

Role of Traditional Knowledge in Conserving Biodiversity

There exists an interdependent relationship between biodiversity and traditional knowledge. The scope of traditional knowledge pertaining to biodiversity conservation in India is vast, encompassing 2753 indigenous communities and their respective geographic locations, agricultural practices, dietary habits, means of subsistence, and cultural customs.³⁷ The following role is being played by traditional knowledge in the conservation of biodiversity:

- i. Local tribes revere plants and fauna as gods or deities and uphold the idea of peaceful co-existence. For instance, groves of trees, that are thousands of years old, are dedicated to the worship of the local deity, such devotion generally emerging from local folklore, surrounding the grove.
- ii. Contrary to what is believed, tribal communities nurture and preserve large varieties of crops. With their traditional knowledge, they have successfully managed to compete with the High Yielding Variety (HYV) and GMO crops.
- iii. The traditional medical system of ancient India is recognised as an integral component of the official healthcare system and relies on a diverse array of biological resources and traditional knowledge.

Intellectual Property Rights Law and Preservation of Tribal Heritage and Culture

- i. Patents: Section 3(p) of the Patents Act, 1970³⁸, It is evident that traditional knowledge is explicitly excluded from being classified as an invention or a novel concept. This provision serves to safeguard the indigenous knowledge upheld by the tribal communities of India, thereby preventing its misappropriation or theft.
- ii. Traditional Knowledge Digital Library (TKDL): In 2011, the Council of Scientific and Industrial Research (SIR) and the Ministry of Ayush established the Traditional Knowledge Digital Library intending to prevent the grant of patents on traditional

³⁷ R.K. Ahirwar & G.K. Singh, Biodiversity Conservation of Traditional Knowledge and Natural Resources Management of Madhya Pradesh, Int'l J. Sci. Res. 1579 .

³⁸ The Patents Act, 1970, No. 39 of 1970, § 3(p) (India).

knowledge belonging to tribal communities in India. The aforementioned is a collection of indigenous knowledge that is currently present within the nation. The Act plays a crucial role in facilitating the provision of traditional knowledge information in local languages to patent examiners across various international patent offices. The library has an additional objective of safeguarding and conserving the historical and customary knowledge of the nation from unethical patent practices and biopiracy. This is accomplished by electronically documenting the knowledge and categorizing it according to the international patent classification system.³⁹

- iii. Geographical Indications: Geographical Indication (GI) tags have a significant impact on the conservation and promotion of small-scale enterprises operated by indigenous communities and rural farmers. Out of the total of 370 registered GI products, 50 of them pertain to tribal products.⁴⁰ The year 2021 witnessed the commemoration of India's 75th year of Independence, during which TRIFED augmented the Tribes India catalogue by incorporating 75 novel tribal products. These products, originating from 20 distinct states, are slated to be registered for GI Tag under the Geographical Indications of Goods (Registration and Protection) Act, 1999, India.⁴¹

The empowerment of the Scheduled Tribes (ST) is of paramount importance for the thriving of India's economy, given their significant economic and social disadvantage. The process of GI tagging has the potential to facilitate the advertisement of unique characteristics and distinctiveness of rural commercial enterprises. Notwithstanding, there exist various obstacles that impede the utilization of potential advantages by tribal communities, including but not limited to illiteracy, inadequate awareness, prevalent reluctance towards machines and contemporary technology, the culture of intermediaries, and the tension between conventional and modern institutions.

³⁹ S. Banerjee & S. Chakrabarti, Protection of Traditional Knowledge in India: An Overview of Legal and Policy Frameworks, 23(3) J. Intell. Prop. Rts. 147 (2018).

⁴⁰ R. Rana & S. Kumar, Protection of Traditional Knowledge in India: An Analysis of the Biological Diversity Act, 2002, 1(1) Int'l J. Adv. Legal Res. 33 (2019).

⁴¹ Press Release, TRIFED, Ministry of Tribal Affairs, To Mark 75 Years of Independence, TRIFED Adds 75 New Tribal Products to Tribes India Catalogue (2021), <https://pib.gov.in/PressReleasePage.aspx?PRID=1746665> (last visited Aug. 25, 2026).

ISSUES AND CHALLENGES FACED BY THE TRIBAL COMMUNITIES IN INDIA

1. Land Alienation: Natural resources are the main source of income for tribal people. However, they were forcibly relocated when the colonial powers discovered minerals and other valuable resources in the tribal lands. Following independence, these areas were placed under state administration, which had a detrimental effect on the tribal way of life. The legal transfer and occupation of the lands and natural resources of the tribal community were undertaken by external parties and the state. The loss of control over land and resources has posed additional challenges to the tribes' occupations.⁴² Due to the loss of their forest rights, indigenous people fell to the mercy of landlords and moneylenders. They became more indebted and lost their source of income.
2. Identity Crisis: Rapid industrial expansion in and around tribal areas, has compelled the tribal communities to relocate to urban centers or reside on the outskirts of these industrial areas, resultantly being uprooted from their natural habitat. Such tribals are going through an identity crisis as a result of being cut off from their homeland and being unaware of and unprepared for the metropolitan lifestyle. This led to the emergence of a number of psychological problems, including sadness, low self-esteem, low confidence, lack of belonging etc.
3. Illiteracy: According to the Census of 2011, the literacy rate of Scheduled Tribes (STs) was recorded at 59%, while the overall literacy rate at the national level was 73%.⁴³ The issue of illiteracy can potentially arise from various factors such as misinformation, resistance to modernization, poverty, social isolation, nomadic lifestyle, and inadequate infrastructure and educators who can cater to their specific requirements.
4. Gender Issues: Despite the Scheduled Tribes of India exhibiting a more favourable sex ratio of 990 females per 1000 males, in comparison to the national average of 943 females per 1000 males, women belonging to these tribal communities continue to encounter numerous challenges. As a consequence of their abrupt immersion into urban living and their incapacity to acclimatize to the transformations that ensued following their coerced relocation after independence, women within the community became increasingly susceptible. The prevalence of consumerism and the commodification of women has resulted in a diminished status for

⁴² R. Verma & S. Kaushal, Traditional Knowledge and Intellectual Property Rights in India: Issues and Challenges, 23(5) J. Intell. Prop. Rts. 268 (2018).

⁴³ Bharti, A., & Ghosh, R. "Tribal Land Rights and Legal Framework in India: A Comparative Study of States." Indian Journal of Public Administration, 66(4), 886-902. (2020).

them within society. According to the State's perspective, there exists a group that is not sufficiently represented in the services provided by the State.

5. Lack of proper legal aid: The amount of legal aid accessible to tribal communities is considerably lower than that which is affordable to the average urban resident. Moreover, costly legal proceedings can impose additional financial strain on these individuals. Moreover, the individuals' inability to read and write, coupled with their limited knowledge, impedes their comprehension and utilisation of numerous legal rights and protections at their disposal.
6. Lack of banking facilities: Insufficient banking facilities are observed in rural and tribal regions. Frequently, this circumstance renders them disadvantaged in relation to their commercial operations. Furthermore, their exclusive dependence on lenders of money exacerbates their financial obligations.

RECOMMENDATIONS AND SUGGESTIONS

The government must implement policies that effectively balance the conservation of tribal lands with the promotion of industrialization. The issue at hand pertains to the lack of a sense of belongingness among tribal communities in our country, despite the implementation of various laws, rules, and policies.

It is imperative to introduce novel approaches for the promotion of tribal products, with the aim of enhancing the economic viability of their community. It is imperative to establish direct lines of business in order to mitigate intermediary issues and ensure that the tribal community is able to fully realise the benefits of their products. Significant promotional endeavours are necessary to promote these products and sustain positive consumer attitudes towards their distinctiveness. Individuals must possess knowledge regarding Intellectual Property Right Laws, as it can facilitate the maximisation of economic opportunities associated with their products.

To address the prevalent issue of illiteracy, it is imperative to establish additional schools, colleges, and educational institutions within tribal territories. Educators must receive training to effectively instruct and communicate with members of tribal communities in their native language. Additionally, measures should be taken to incorporate traditional knowledge into the standard academic curriculum to promote inclusivity.

There is a need to enhance legal aid provisions for tribal communities. It is recommended that both state and central governments incorporate mobile courts into their schedules to extend legal awareness to remote tribal areas. This initiative aims to educate the tribal community on their constitutional, commercial, and moral rights, as well as provide them with safeguards. Additionally, it seeks to establish a robust dispute-resolution mechanism in these regions, guided by the principles of justice, equity, and good conscience.

The tribes are advocating for the implementation of the Agricultural Indebtedness Relief Act to facilitate the retrieval of their land, which was unlawfully pledged as collateral. It is of utmost importance that the “Tribal Cooperative Marketing Federation of India (TRIFED)” and other NGOs accord appropriate attention to this issue.

The rapid advancement of tribal commerce is crucial in accordance with the principles of “Aatmanirbhar Bharat” and “Vocal for Local”, which can aid in expediting the achievement of economic self-sufficiency for tribal societies. The integration of tribal commerce into the wider e-commerce industry is a viable option, involving the retailing of such products on established e-commerce platforms like Amazon, Flipkart, and Reliance. However, it is imperative to acknowledge the significance of the lack of regulatory measures.

Traditional Knowledge and Folklore are abundant among Indigenous communities and socioeconomically disadvantaged groups residing in diverse regions of the country. The thorough identification and documentation of indigenous knowledge throughout the country are essential for facilitating the execution of measures aimed at safeguarding the collective legacy of tribal communities and other relevant parties.⁴⁴

It is imperative to implement measures that guarantee the availability of sufficient public funds for the betterment of the SC/ST. Additionally, it is crucial to ensure that the funds designated for their welfare are utilized solely for their intended purpose. The current allotments for Backward Classes are significantly insufficient and necessitate an increase in funding that is solely dedicated to their well-being. It is imperative to implement targeted programmes aimed at enhancing the competencies and circumstances of these social groups.⁴⁵

⁴⁴ National Commission to Review the Working of the Constitution, Issues of Social Justice: Scheduled Castes, Scheduled Tribes and Other Backward Classes - An Unfinished National Agenda (Consultation Paper, 2001), at 15.

⁴⁵ *Id.*

It is recommended that additional branches of nationalized banks be established in tribal areas to mitigate the risk of tribal community members falling into debt and to promote financial literacy. This measure could potentially facilitate the expansion of their enterprise and foster economic autonomy among the indigenous population.

CONCLUSION

Indigenous People and tribal communities form a portion of our country's population. Their heritage and culture, their ways of life, their perception of this planet, and their deep insights into various subjects ranging from medicine to other sciences and arts are invaluable treasure troves for everyone. However, Indian tribes are already in vulnerability due to their low status in society. In this case, the rule of law and justice are used to ensure social fairness and equality in the community. It is essential to remember that the rules that are currently in place are insufficient to protect the interests of these tribal populations. In truth, the study examines the variations and discrepancies between the state's formal strategy and the actual methods by which these laws are put into practice. Their contribution to our country's socio-economic development remains unacknowledged. These obvious flaws in the current rules and the difficulty enforcing tribal rights compound the issue of the state's lack of concern for these people. Overcoming these flaws can only ensure the betterment of the tribal communities and the further development of our country as a whole.