

'Tribes', tradition and state



In scientific as well as societal discourses on India, 'tribes' are believed to be outside the realm of the state. However, contrary to this commonly held assumption, as I will outline in this paper, 'tribes' have actually been unequivocally incorporated into the colonial as well as postcolonial state in India. The administrative policies that have constituted the 'tribes' and their traditions as distinct from Indian society in general have played a major role in their marginalisation and deprivation.

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TO POSITION 'TRIBES' OUTSIDE THE STATE – and outside Indian society in general – is part of an until now influential anthropological debate on 'tribes' in India, which has explored, in particular, the level of integration of 'tribes' into wider society. It was the eminent Indian anthropologist Andre Béteille, who positioned tribes outside the control of the larger precolonial Indian states (Béteille 1986). To counter this, Surajit Sinha has argued that tribes, as a dimension of a 'little tradition', cannot be adequately understood unless they are seen in relation to the 'great tradition' of Indian society (Sinha 1958). These positions notwithstanding, it can be argued that before the arrival of British rule in India, diverse forms of political organisation could be found in 'tribal' societies. At the village level, the large majority of the 'tribes' had a simple system of a 'traditional' administration directed by a headman. At a larger scale some of these groups developed into a principality or kingdom. Moreover, many 'tribes' were well integrated into the countless little kingdoms of India. However, even if some 'tribes' such as the Santhals in Eastern India remained outside the precolonial states of India, they cannot in any way be treated as disconnected from the ideas, values and practices represented by Indian society in general, and it has to be stressed that almost all of them had been in close interaction with that broader society.

Revolts and rebellions

With the rise of British rule the situation changed. Far from being outside of the state, 'tribes' were incorporated into the colonial state structure through war, conquest and annexation. This was followed by the introduction of new and uniform civil and criminal laws as well as administrative structures that were imposed on 'tribal' traditions and ethos. Further, the notion of private property was introduced and in many parts of 'tribal' India landlordism replaced a lineage or community based landownership. The intrusion of colonial rule and administration into the 'tribal' areas led to a large scale movement of 'non-tribal' people from the plains to these 'tribal areas.' This resulted in large scale eviction of 'tribes' from their land through force, fraud, deceit and so on. 'Tribal' communities did not keep a land registry or land records. Also, a lot of members of 'tribes' lacked knowledge of reading and writing. There are quite a few instances in which new settlers took advantage of this, forging evidence and documents in their favour. The local administration, which was usually manned by 'non-tribal' administrators, worked hand-in-glove with their ethnic kinsmen to ensure smooth transfer of land from 'tribals' to 'non-tribals'. The court language was alien to the 'tribes' and as such many villagers could not defend themselves in court against the accusations made. Over and above, the colonial state made claims to forest land, thereby denying the rights 'tribes' had so far enjoyed over the forest (Singh 2002; Bosu Mullick 1993). All these developments gave rise to widespread discontent and restlessness, leading to a series of 'tribal' revolts and rebellions all through the late 18th and 19th centuries (Raghavaiah 1979).

The idea of 'tribes' as outside the Indian state was reinforced, when in response to these colonial 'tribal' movements, the British administration coined the idea of an administrative structure that would be, to a certain extent, consistent with 'tribal' tradition. Accordingly, after much experimenting, a governmental system for 'tribal' areas was created that, in certain respects, differed from the general Indian administration. The distinct legislative and executive measures adopted were primarily aimed at protecting and safeguarding the interests and welfare of the 'tribes.' From 1874 onwards, 'tribes' or 'tribal areas' were governed by the Scheduled District Act. This term applied to districts that had a majority 'tribal' population, and were taken up by the government in a schedule, hence 'Scheduled Districts.' As per this Act, the Government was required to specify what laws were to be enforced in the Scheduled Areas or Districts while laws implemented elsewhere in India did not necessarily apply to the Scheduled Areas or Districts.

'Scheduled Tribes'

Without considering their ambivalent colonial origin, arrangements made for the administration of the 'tribal' areas during the British period were by and large continued in the post-independence era. Provisions made for the administration of areas inhabited by the 'tribes' were specified in the Indian constitution (Verma 1990). As such, in addition to emphasising the fundamental rights of 'tribal' people, similar to those of other citizens, the constitution of India contains many special assertions for the 'tribes.' These include among others their statutory recognition (article 342) as the 'Scheduled Tribes,' so that special administrative measures could be addressed to them. Among these are a proportionate share (quota) in state employment and proportionate representation (quota) in the national parliament and in the state legislative assemblies (articles 16 (4), 330 and 332). The constitution also ensures protection of the 'tribal' languages, dialects and culture so that their distinct identity and tradition can be maintained (article 29). Furthermore, the constitution acknowledges the postcolonial continuation of a special administration of 'tribal areas' in the form of 5th and 6th Schedule Areas. The 5th Schedule Area provides for the establishment of Tribal Advisory Councils in 'tribal' dominated areas of mainland India and the 6th Schedule Area provides for the Autonomous District Councils which operate in the North Eastern Region of India. Tribal Advisory Councils consist of members of which three quarters are to be representatives of the Scheduled Tribes in the Legislative Assembly of the respective federal state. The function of the council is to advise the federal government on matters pertaining to welfare and interests of the 'tribes' in the state. Autonomous District Councils on the other hand provide 'tribal' communities space for a certain legal and administrative autonomy, a form of self-governance. Thus, a clear and strong legal framework exists, anchored in the constitution of India, within which the national state's agenda for the social, economic and political 'upliftment' (as it is locally referred to) of 'tribal' people has to be understood.

Notwithstanding these extensive provisions, 'tribal' people have not gained a lot from them. The cause of this is that despite claims to the 'protection' and 'upliftment' of disadvantaged 'tribes,' national development is key to the state agenda of post-independence India. This national development has primarily been envisaged in terms of large scale industrialisation, mineral exploitation and infrastructure development (dams, irrigation and power projects). Benefits of such projects have, however, gone primarily to the members of the high castes and people living in urban environments, not to marginalised 'tribal' people living in the rural hinterlands. Under the garb of larger national and regional interests, the state has invariably pursued the interest of the dominant sections of society over the interest of the 'tribal' communities. 'Tribal' areas in states like Jharkhand and Orissa have witnessed large scale industrialisation, mineral exploitation and infrastructure development projects. Examples of such projects are the Bokaro Steel Plant and the UCIL mines in Jharkhand, as well as the Hirakund Dam, Rourkela Steel Plant and Mahanadi Coal Fields in Orissa. Nevertheless, in these states the percentage of 'tribal' people who live below the poverty line is much higher than in other Indian states, or even than the national average. Even when it comes to literacy and to various health related indicators, the figures for Jharkhand and Orissa are far worse than for India as a whole.

The 'upliftment' of 'tribals'

For the social and economic 'upliftment' of the 'tribals,' the state has, especially in central India, from time to time come up with new legislation and institutional arrangements. Such arrangements, though aimed at protecting and safeguarding 'tribal' interests, did not initially include references to their traditions. Rather, national development initiatives were responsible for the erosion of traditions. For example, in the 1960s, nation wide, the Indian state initiated the Panchayati Raj, (an institution for local self-government). Within the 'tribal' areas, the introduction of the Panchayati Raj contributed significantly to the decline of traditional systems of governance. Similarly, 'tribal' languages and local religious ideas and practices, which the state aims to protect, have been eroded under influence of state practices (education of 'tribals' through state languages and non-enumeration of their distinct religions in the decennial census enumeration) ushered by post-independence India. Paradoxically enough, however, in more recent times there have been attempts to restore 'tribal' traditions. Nowhere is this more evident than in the Panchayats (Extension to Scheduled Areas) Act, 1996 (popularly known as PESA) and The Scheduled Tribe and Traditional Forest Dwellers (Recognition of Forest Rights) Act of 2006 (known as RFR). Both acts aim to provide renewed space for 'tribal' traditions. The RFR Act aims to restore the traditional rights 'tribes' earlier used to enjoy over forest, which the colonial and postcolonial state have taken away from them. PESA, much more controversially, claims to restore a 'traditional' system of governance in 'tribal' areas that has either ceased to exist, or has never existed at all.

In 'tribal' areas, rather than reinstating the 'tribal' village headmen, the widespread introduction of government authorised, democratically elected Panchayat village councils has contributed significantly to the decline of the 'traditional' village meetings, reinforcing the power of the government administration. I am not necessarily in support of the 'traditional' authority of the village headmen, but it has to be said, unfortunately, however well intended these Acts are, the promises held by them stand for nothing. Rather, as it works out, these acts heighten the deprivation of the 'tribes' of India.

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