

The Status of Human Rights of Baiga Tribes in Central India

Dr. Chakali Bramhayya*

Assistant Professor, Department of Political Science & Human Rights, Faculty of Social Sciences, Indira Gandhi National Tribal University, Amarkantak, Madhya Pradesh

Abstract – This article will critically examine the status and scenario of Human Rights of Baiga Tribes in Central India. The Baiga Tribal community in Central India has been the most vulnerable community in Central India. The socio, economic, political and cultural rights of Baiga Tribes have been violated. Even after 69 years of Independence, the conditions of Baiga Tribal communities have not been improved. The fundamental human rights of Baiga tribes have been violated and discrimination, suppression and brutality have been perpetrated on them, particularly on Baiga tribal women. Baiga Tribal communities have faced social discrimination and isolation in Central India. The historical factors have determined the political, ideological, social, cultural and economic life of the Tribal communities. The Constitution of India, National Human Rights Commission, Ministry of Tribal Affairs, National Commission for Scheduled Tribes have been strongly advocating for social justice and Human Rights of Baiga tribes. Despite these developments, the democratic experiment has not been succeeded in this endeavor. In this context, therefore, there is need for emergence of Baiga Tribal movements in Central India to protect their human rights. This article will critically analyze status of Human Rights of Tribes within the larger framework of human rights in general and how the human rights of Baiga tribes have been violated in Central India in particular. Further, the article will critically examine various welfare policies of Ministry of Tribal Welfare, Government of India for the empowerment of Baiga Tribal society in contemporary Indian Democracy. It will also critically analyze the role of the Indian Constitution to create an egalitarian tribal society in India, which is based in equality, liberty, justice and fraternity. The Constitution of India provides and guarantees justice, social, economic and political rights for all citizens. The constitutions makers realized that the inequitable forces have been deeply involved in the socio, economic and political system of the society. Finally, it has been resulted in the deprivation and disadvantage of the marginalized, deprived and the weaker sections of the society. Further, it will also examine constitutional safeguards for the empowerment of Baiga Scheduled Tribes in Central India.

Key words: Human Rights, Socio, Economic, political and cultural rights, Globalization, Forest Rights Act, Fifth Schedule, Constitution of India, Empowerment, Baiga Tribe, Displacement

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OBJECTIVES

The article will critically investigate the following objectives

1. To explore the nature and dynamics of Human Rights of Baiga Tribes in Central India
2. To critically examine the status of socio, economic, civil, political and Cultural Rights of Baiga Tribes in Central India
3. To critically analyze the impact of Globalization on Human Rights of Baiga Tribes in Central India
4. To critically examine the broad policy guidelines to bring about improvement in the livelihood of Baiga Scheduled Tribes
5. To critically analyze the repercussions and implementation of Forest Rights Act, PESA Act, Vanabandhu Kalyan Yojana(VKY) in the Baiga Tribal areas of Central India.
6. To critically elucidate the implementation of Fifth Schedule in the Baiga Tribal Areas of Central India.
7. To critically analyze the policies and programmes aimed at Particularly Vulnerable Tribal Group of Baiga Tribes in Central India.

8. To critically examine the implementation of Tribal Sub - Plan in the Baiga Tribal Areas.
9. To critically explain the factors responsible for Human Rights Violations in Baiga Tribal inhabited areas of Central India.
10. To critically analyze the role of National Human Rights Commission, United Nations Human Rights Commission in promotion and protection of Human Rights in the Baiga Tribal areas of Central India.
11. To critically examine the role of National & International Non - Governmental Organizations in spreading awareness about Human Rights situation in Central India.
12. To analyze the role of State in spreading awareness of Human Rights of Tribes.
13. To critically explain the role of democratic institutions in protection of Human Rights.
14. To critically examine the Human Rights of Baiga Tribal women in the Central India.
15. To critically explain the welfare measures taken by Government of India to protect the Human Rights of Tribes
16. To critically elucidate the role of Ministry of Tribal Affairs and National Commission for Scheduled Tribes in empowerment and protection of Human Rights of Baiga Tribes in Central India
17. To critically analyze the dichotomy between traditional political institutions and modern political institutions
18. To critically elucidate the factors, which are responsible for displacement of Baiga tribes in Central India.

INTRODUCTION

Baiga Tribe is a part of Particularly Vulnerable Tribe Groups (PVTGs) in Central India. Three tribes of Madhya Pradesh Baiga, Bhariya and Sahariya have been declared specific backward tribes by the Government of India. Government of India has decided the following criteria to recognize a backward tribe :- (i)Resides in extremely backward and remote areas. (ii)Stable or declining population (iii) previous technology level in agriculture (iv) The minimum level of literacy. There are 1,31,425 Baiga tribes are there in Madhya Pradesh. There are 1, 143 Baiga Tribal villages, 22 Blocks covered in 06 Districts in in Madhya Pradesh (Tribal welfare Department, Government of Madhya Pradesh, 2016).

The Baiga tribal community is the most backward community in our country. Prior to 7th decade, the Baiga livelihood fully dependent on shifting cultivation and forest product and they were totally cutoff from mainstream. Now the shifting cultivation has been totally banned in this area and forest products are not adequate for their livelihood. Therefore, Baiga tribal community has lost their livelihood and deprived of their basic human rights. The Socio, economic, political and cultural rights of Baiga Tribes have been violated. Most of the basic needs - education, employment, health, sanitation, housing, drinking water, road, social security- are still lacking in Baiga tribal inhabited areas. The Human Development Index (HDI) of the Baigas is much lower than the rest of the population. Even among the tribals, the Baiga are far less literate. Most of the Baiga people are living in a below poverty line situation. Their conditions are far worse in comparison with rest of the population. They could not reach the expected level of development despite all the possible efforts done on the part of the governments. The development process has displaced sizable number of Baigas from their natural habitat depriving themselves of their traditional source of livelihood in recent times.

Keeping in view the problems of Baiga tribal community, The Ministry of Tribal Affairs, National Commission for Scheduled Tribes have been implementing various welfare schemes in order to protect the human Rights of Baiga Tribes in Central India. The National Human Rights Commission and State Human Rights Commission have been playing predominant role to facilitate the Baiga Tribes to enjoy their constitutional rights. The Ministry of Tribal affairs has been implementing various schemes for the empowerment of Scheduled Tribes in India i.e., Forest Rights Act, Vanabandhu Kalyan Yojana, Direct Benefit transfer scheme (DBT) for Post Matric Scholarship & Rajiv Gandhi National Fellowship for students of STs, Central Sector Schemes under which 100% Grant is given to States and UTs, Development of Particularly Vulnerable Tribal Groups (PVTGs), National Overseas Scholarship Scheme, Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of value Chain for MFP NET, Tribal Cooperative Marketing Development Federation of India Limited (TRIFED) and World Bank Project- Improving Development Programmes in the Tribal Areas. Fifth and Sixth Schedules of Constitution of India have been playing pivotal role in the protection of democratic ethos and development of tribal areas in India. The National Commission for Scheduled Tribes is safeguarding the socio, economic and political interests of Scheduled Tribes for the welfare of the Scheduled Tribes in India. The above mentioned schemes have been implemented in tribal inhabited areas in order to empower the Scheduled Tribes and establish an egalitarian society.

This study will certainly help to understand the status and grassroots realities of Human Rights and also the impact of Government of India schemes on Baiga tribal community. The analysis and interpretations of the study will brought out strengths and shortcomings of Government of India welfare schemes, the contemporary issues and problems of Human Rights of Baiga Tribes which will be highly useful for policy decision makers, academicians, activists and researcher. This article will also explore the various options for resolving issues and problems of Baiga Tribes: welfare measures, employment opportunities, Constitutionally guaranteed Affirmative action, poverty alleviation measures, state accords, education schemes, Vanabandhu Kalyan Yojana (VKY), Forest Rights Act, Direct Benefit Transfer(DBT), National Rural Health Mission(NRHM). Post Matric Scholarship & Rajiv Gandhi National Fellowship for students of STs , Central Sector Schemes under which 100% Grant is given to States and UTs, Development of Particularly Vulnerable Tribal Groups (PVTGs), National Overseas Scholarship Scheme, Mechanism for Marketing of Minor Forest Produce (MFP) through Minimum Support Price (MSP) and Development of value Chain for MFP NET, Tribal Cooperative Marketing Development Federation of India Limited(TRIFED) and World Bank Project-Improving Development Programmes in the Tribal Areas.

THE STATUS OF HUMAN RIGHTS OF BAIGA TRIBES IN CENTRAL INDIA

Scheduled Tribes: Article 366 (25) of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342 of the Constitution. The Constitution of India guarantees equality before the Law for all (Article 14), but also has created special provisions of affirmative discrimination for the empowerment and development of the deprived, marginalized sections of the society (Article 15(4)). It also empowers the State to make provisions for reservation in appointments or posts in favor of any backward class citizens if the State feels that such deprived, backward and marginalized sections inadequately represented in the services under the State (Article 16(4)). Further, it gives an opportunity to the State to promote the interests of the Scheduled Tribes and also ensures to protect them from discrimination, exploitation and various socio, economic and political inequalities (Article 46) (Constitution of India, Ministry of Tribal Affairs, Government of India, 2016). The Constitution of India has also ensured affirmative action/positive discrimination by providing Reservation of seats for the scheduled Tribes in Parliament and also in the State Legislative Assemblies; educational institutions and in services (Articles 330, 332, 335). Constitution of India has also empowered the State to appoint a National Commission for Scheduled Tribes to address the

problems and to protect the interests of the Scheduled Tribes (Article 340) and also to recognize the Tribal Communities (Constitution of India – Article 342, Ministry of Tribal Affairs 2016, National Commission for Scheduled Tribes 2016)

Broadly the Scheduled Tribes reside in two geographical areas – (i) the Central India and (ii) the North- Eastern Area. Majority of the Scheduled Tribe population has been concentrated in (i)Central India : Madhya Pradesh (14.69%), Chhattisgarh (7.5%), Jharkhand (8.29%), Andhra Pradesh (5.7%), Maharashtra (10.08%), Orissa (9.2%), Gujarat (8.55%) and Rajasthan (8.86%); (ii)North East: Assam, Nagaland, Mizoram, Manipur, Meghalaya, Tripura, Sikkim and Arunachal Pradesh(Ministry of Tribal Affairs, Statistics Division, Government of India 2013). 64.7% of Scheduled Tribes are there in Dindori District where as 47.9% of Scheduled Tribes are there in Anuppur District. Further, the article will critically examine the repercussions of Forest Rights Act, PESA Act, and Fifth Schedule on the human rights of Baiga Tribes in Central India. It will examine the role of various policies of Ministry of Tribal Affairs, National Commission for Scheduled Tribes, Government of India and National Human Rights Commission (NHRC) for the protection of human rights and empowerment of Baiga Tribes in Central India.

Dr.Verrier Elwin (1939) has done rigorous research on Baiga tribes. His works will be immensely helpful to carry out research in the Baiga Tribal areas of Central India. Traditionally, the Baiga tribes in Central India have adopted a system, which was closer to forest, indigenous technology nature. They were heavily depending on natural resources and forests available in their habitat. The livelihoods of Baiga tribes are determined and characterized by (a) forest-based livelihoods, (b) a stagnant or declining population(c) pre-agriculture level of technology (d)a subsistence level of economy (e) extremely low literacy.

Baiga Tribe is a part of Particularly Vulnerable Tribal Groups (PVTGs) in Central India. Most of the Particularly Vulnerable Tribal Groups (PVTGs) are heavily dependent on land and resources for their livelihood. Baiga tribes are forest dwellers. The circumstances and various factors forced Baiga tribes to be more vulnerable for displacement and eviction without compensation because of the policies of Reserved Forest and Protected Forest. For instance, when Acanakmar Tiger reserve notified under Tiger project in the year 2009, 245 Baiga families were moved out of the Acanakmar Tiger Reserve. The houses constructed for them on the verge of collapse. In this process, the Baigas tribes have been displaced and basic fundamental right of Baigas i.e. right to live in forests and access to forest resources have been deprived and denied. This

process has led to the gross violation of human rights of Baiga tribes. It's a complete violation of the forest rights in accordance with the Forest Rights Act, 2006 (Report of Review Committee of Ministry of Tribal Affairs, 2015, Xaxa 2015, Mishra 2015, Bara 2015).

The overall Indian experience with constitutional governance, democracy and development, search for justice and social change indicates that the human rights realization is fraught with innumerable problems and impediments. This is sharply evident in its complex experience in the domain of human rights. The system witnessed several progressive laws raising the human rights standards but simultaneously saw enactment of laws which are repressive indicating the dilemmas of the Indian State which has been acting as protector and promoter of human rights (Haragopal 2015). The laws related to scheduled tribes have been enacted. Several legal reforms related to land, property, status and privileges are introduced. This was followed by setting up of a wide range of institutions and organizations.

The Liberal and Marxist philosophical foundations of the rights either in terms of individual – centric or communitarian or collective – centric stand and challenged in the transitional context. The notion of the state and its sources of legitimacy, the place of the rule of the law both as a normative standard and procedural propriety, place of the individual group and varied forms of dominance in the civil society. The movement and their strivings to transform the existing forms of dominance, call for a creative debate. On this debate, the theoretical challenges posed by the Feminist, moralist and Marxist schools are very useful, their conceptual adequacy in explaining the growing complexity needs to be looked into. It is the process of foundations of rights, there is a possibility of their creative expressions both in the realm of theory and practice (Haragopal 2015)

Contemporary human rights cultures hover between retribution to the violators and the display of forgiveness of those violated, manifesting somehow the ethical superiority of those irreversibly violated. Perhaps or perhaps not quite, the future of human rights depends on how this moral negotiation of suffering is, in the decades to come, made more inclusive, participatory and just from the standpoint of those violated rather than that of perpetrators (Baxi 2012). There has been dichotomy between individual rights and collective rights. As an individual, he/she has to sacrifice personal interests for the sake of collective interests/group rights (Haragopal 2016). The contradictory implications of the political society marked by empowerment through protection and politicization of interests on the one hand, and a process of fragmentation of the political struggles with their self-arrogating discourses on the other, is sought to be overcome in the contemporary movement of the Human Rights Movement (HRM), by, ironically moving beyond the domain of political itself that constituted the

core character of the political society. In a significant way, the HRM seems to be reformulating its civil society versus political society framework by underpinning a new ethical dimension (Singh 2009, Gudavarthy 2009).

Asmita Kabra (2012) has analyzed the impact of displacement on Adivasi's livelihood in terms of Land possession, quality and encroachment, agriculture, hunting, livestock and wage Labour. Millions of tribals and forest people are completely dependent on forests for their livelihoods. Given the circumstances of extreme poverty and hunger, Tribes have been working as wage laborers in extremely unsafe and insecure occupations for their livelihoods and they are being paid less wages. The economic elite are exploiting the Baiga tribes in Central India. Intermediary people are exploiting the natural resources and forest products from tribal areas by paying them very less money. In this connection, there is a great need to protect the forests and wildlife since it is very much interlinked with the livelihood of the Baiga tribes. It is important to recognize the protection of forests and wildlife is closely linked to the livelihood situation of the Baiga tribes. Physical and political alienation and physical alienation had led to the psychological alienation of tribes. Government agencies and various stakeholders have to create awareness among Baiga tribes about their forest rights and Baigas should be given an opportunity to participate in the schemes and programmes related to the protection of forests (Munshi 2015, Baviskar 2015).

There are problems for tribal communities in claiming their habitat rights i.e. the overlapping of traditional habitat boundaries of PVTGs with wildlife habitats;; multiple interpretations of habitat, lack of clarity over definition and interpretation of habitat rights, and a lack of awareness among Baiga about their rights and claims (Review Committee Report, Ministry of Tribal Affairs, Government of India 2015, Xaxa, Bara, Mishra 2015). The evolution of definition of 'habitat' among PVTGs is still in process. For instance, work being done in the Baigachak area of Dindori district, Madhya Pradesh to document the traditional 'garhs' or places of origin of the Baigas, a forest-dependent PVTG belonging to Madhya Pradesh and Chhattisgarh. Garhs are sacred places (i.e. caves, trees, villages, rocks) that could extend much further than the traditional village or forest boundaries of Baigas resident in one particular area. Garhs are often associated with sacred plants and totemic animal species, deities in Reserved Forest, worshipped and protected by particular clans of the Baigas. The worship of garhs is a living tradition. Some Activists in Dindori have attempted to analyze the history of habitations of Baiga tribes in Dindori. The levels of poverty and of vulnerability have been explored in the context of PVTGs. Baigas access to resources in forests makes a difference to the extent of their vulnerability. There are two arguments. One the one hand, where there has been emphasis on timber tree,

a depletion of forest cover, the livelihood of Baiga tribes affected a lot. On the other hand, where the Baiga tribes have access to the natural resources, the basic human rights of Baigas have been protected. Some NGOs and institutions are documenting the culture of Baigas in Central India. For instance, The Jana Swasthya Sahyog in Dindori and Anuppur has identified the various fruits, food and flora of the Baiga tribes in the Central India (Xaxa 2015, Mishra 2015, Bara 2015, Ministry of Tribal Affairs 2015).

The review committee of Ministry of Tribal Affairs has pointed out that the depletion of natural resources, or denial of access to the resources, forces the Baiga tribes to live in poverty and face more problems. The committee has noted that there is very abysmal participation of women Forest Rights Act (Review Committee Report, Ministry of Tribal Affairs, Government of India, 2015). Women are highly dependent on forest and forestland for their livelihood and active participants in the various forest activities. In a telling statement, the women's cooperative President in Panibhandar village in Odisha reportedly said in an interview, *"My land and forest is important for me, what will I do with other things if there is no right over forest. Forest is the only resource from which women are getting income."* The absence of voice of women voice at various levels i.e. from Gram Sabhas to forest committees shows that human rights of women have been violated and overlooked (Review Committee Report, Ministry of Tribal Affairs, Government of India, 2015).

The Baiga tribes have been denied right to access to forest and forest resources in Central India. It's is a complete violation of the human rights of Baiga tribe in accordance with the rules and regulations of Forest Rights Act, 2006. In this juncture, Forest Rights Act, Government of India and local forest departments have to protect the habitat rights of Baiga tribes by allowing them to enjoy their forest rights. Section 3(1) (e) of the FRA recognizes the "rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities" and Section 2(h) defines 'habitat' as the "area comprising the customary habitat and such other habitats in Reserved Forests and protected forests of Primitive Tribal Groups and pre agricultural communities and other forest dwelling Scheduled Tribes". The FRA Amendment Rules now provide that, "In view of the differential vulnerability of PVTGs, the District Level Committee shall ensure that all PVTGs are conferred habitat rights, in consultation with their concerned traditional institutions and that their claims for habitat rights are filed before the concerned Gram Sabhas". Government of Madhya Pradesh has to recognize the habitat rights of Baiga Tribes in Anuppur and Dindori districts (Xaxa 2015, Bara 2015, Sunder 2016).

Their socio, economic, political and cultural rights of Baiga Tribes have been denied and deprived in Central India. The socio, economic vulnerability of Baiga tribes Baigas in Central India has led to treat Baigas as 'endangered' and 'on the verge of extinction' has denied them their full humanity. In spite of granting autonomy and human rights to Baiga tribes to address their historical injustices, this opinion has led to disastrous State Government interventions in the name of their 'preservation'. The Baiga Scheduled Tribes in Central India i.e., the Paharias, Kamars and Pahari Korvas have been denied permanent methods of contraception in order to encourage their population growth (Review Committee Report, Ministry of Tribal Affairs, Government of India, 2015).

There is a need to restructure the Tribes Advisory Council (TAC), which is an integral part of the administrative structure of the Fifth Schedule. Presently, The Tribal Advisory Council consists of 20 members, of which two-thirds is comprised of elected members in the State Legislature belonging to the Scheduled Tribes (Mishra 2015, Xaxa 2015). Tribes Advisory Council should be made more active and responsible and has empowered for the tribal affairs in the Baiga Tribal areas through the following measures: "The scope and responsibilities of Tribal Advisory Council (TAC) should be strengthened to protect the human rights of Baiga tribes. Constitutional provisions, policies, administrative matters, laws, policies should come under its supervision and purview. The tribal development plan of a State should be approved by the Tribal Advisory Council (TAC) before it is placed before the Legislative Assembly. The Tribal Welfare Department should be made responsible and accountable to the TAC. The Governor should advise and monitor the functioning of the TAC" (Review Committee Report, Ministry of Tribal Affairs, Government of India, 2015, Xaxa 2015, Mishra 2015).

The Dindori district administration has granted habitat rights to the Baigas by using gazette notification passed by the colonial British government. 150,000 Schedules Tribes are residing in the forest areas of Madhya Pradesh and Chhattisgarh. Since historical injustice has meted out to the primitive tribal communities living in central India, the government of Madhya Pradesh has recognized the habitat rights of Baiga Tribal villages in Dindori district (Chakravarty 2016). In a meeting held in village Rajni Sarai on January 13, 2016. The district administration told the villagers that they are free to access all their ancestral rights over land and forests. The district administration of Dindori has promised them that without consent of the Baiga Tribes, the land will not be transferred to other communities. District Collector Smt.Chhavi Bhardwaj, who started the process of recognizing habitat rights in 2014, told Down To Earth that around 9,308 hectares in the seven village – Dhurkutta, Rajni Sarai Jilang,,Silpidi Limauta, Ajga

Dhaba, and have been granted to about 900 families under Section 3 (1) d of Forest Rights Act, 2006.

Ekta Parishad, a non-profit based in Tilda in Chhattisgarh, has played predominant role in ensuring forest rights and initiated a dialogue with the Dindori district administration. The administration used a gazette notification passed by the colonial British government which recognized these areas as Baiga Chak (meaning area of Baiga). Baigas are considered as particularly vulnerable tribal group (PVTG) in the Indian Constitution. Baiga tribes are heavily dependent on forest produce, shifting cultivation, fishing for livelihood. Government agencies have discriminated Baigas and often evicted them from forest areas. Ekta Parishad would like deal with the problems of other 64 other PVTGs across the country. According to convener of Ekta Parishad, Ramesh Sharma, habitat rights are being granted to the Baiga tribes in Dindori district and it's a good starting point that the human rights of Baigas will be protected (Down to Earth Magazine, Anupam Chakravarty, 2016 Thursday 14 January 2016).

THE IMPACT OF GLOBALIZATION ON THE DEVELOPMENT, DISPARITY AND LIVELIHOOD OF BAIGA TRIBES IN CENTRAL INDIA

The industrial and technological achievements of civilization have led to the extinction of and absorption of many of the world's tribal peoples and cultures. Despite the fact that currently tribes have been asserting their rights and rediscovering their cultural heritage, attempts are underway in some quarters to explain away the destruction of tribal cultures. After destroying the political autonomy of the Adivasis, the state gained control of their lands (Satapathy 2015).

The globalization has negatively affected the livelihood of the Baiga Tribal communities. Baiga tribes in Central India have faced numerous many problems because of globalization. There were massive attacks on developmental projects. Finally, it has led to the displacement of Baiga Tribes in Central India. Economic and commercial activities, alien forces and cultures have influenced the indigenous culture of Baiga tribes. Baiga Tribes have been denied their basic rights in terms of access to forest and land. Thus, it is leading to cultural death or ethnocide of Baiga Tribes in Central India. Finally, this whole process has undermined their culture. These factors have made them to lead a very difficult life in the contemporary global world (Siddai 2015, Ganesh 2015, Kamala 2005, Areeparampal 2012, Kabra 2012, Reddy 2013, Balagopal 2014, Munshi 2015, Sharma 2015, Munshi 2016). Forest produce collectors, hunters and gatherers, artisans, fisher folk, are the victims of industrial development and machine-oriented technology.

The economic liberalization, privatization and globalization (LPG) model has promoted the unregulated growth of mineral industries in Central India. It has resulted in the deprivation of traditional means of sustainable livelihood of Baiga tribes. The elite in India exploiting the resources of Baiga tribes and displacing the Baiga Tribes from their natural habitat and forest (Balagopal 2012, Munshi 2012, Mohanty 2012, Areeparampil 2012). Such kinds of activities have protected the interests of elite while it impoverishing the Baiga tribes, who are completely dependent on forest for their livelihood (Kumar 2014, Areeparampal 2015, Kabra 2015, Sunder 2016). The present scenario neither accommodating them into non-form sector economy nor inculcating any kind of technical skills among the Baiga tribes to cope up with the situation in the contemporary global world (Sunder 2016, Haragopal 2016). There is a heavy presence of massive steel plants i.e. NALCO, BALCO in Central India. A number of polluted industries, hydro – power projects and forest based industries are exploiting the natural resources of Baiga tribes in Central India. The tribal employment is very negligible despite of heavy presence of industries in the Baiga inhabited areas of Central India. Employment opportunities have to be created for the Baiga tribes in order to empower them and develop their socio, economic and political conditions (Sharma 2015, Balagopal 2015, Haragopal 2016).

CONTEMPORARY ISSUES OF TRIBES:

The National Human Rights Commission has to protect the human rights of Baiga tribes in Central India. It should address the issues of Baiga Tribes i.e. collective rights, gender equality, right to self-determination and discriminatory issues, dispossession of land and forest, poverty, abuse and violence and denial of culture and developmental issues, subjugation, widespread violation of human rights, justice, democracy, good governance. The right to self-determination is a fundamental right of Baiga tribes and it is being exercised in accordance with the principles of democracy, equality, justice, good faith and good governance (Sunder 2015, Haragopal 2015, and Mishra 2015). Autonomous political, social and economic structures of Baiga tribes support the right to self-determination. Baiga tribes have the right to exercise their own decision making, which will influence their human rights (Haragopal 2015, Sharma 2016, Mohanty 2012, Lobo 2012, Firdos 2012, Ramda 2014, Mukherjee 2014, Gudavarthy 2015).

CENTRALLY SPONSORED SCHEMES FOR THE EMPOWERMENT OF BAIGA TRIBES IN CENTRAL INDIA

The following constitutional provisions are dealing with various socio, economic and political safeguards of Baiga tribes in Central India. These are:-

The Ministry of Tribal Affairs is implementing the following schemes for the empowerment of Baiga scheduled Tribes in India: Research and Training, Information and Mass Media, National Tribal Affairs Awards, Centre of Excellence, Supporting Projects of All-India nature or Inter-State nature for Scheduled Tribes, Organization of Tribal Festival, Exchange of visits by Tribals, Monitoring and Evaluation, Information Technology, Lump-sum Provision for N.E., Central Sector Schemes under which 100% Grant is given to States and UT, Post Matric Scholarship for STs /Book Bank, Upgradation of Merit of ST Students, Pre matric scholarship for ST students, Girls Hostels, Boys Hostels, Establishment of Ashram Schools (Source: Ministry of Tribal Affairs, Government of India, 2016, National Commission for Scheduled Tribes 2016).

IMPLEMENTATION OF FOREST RIGHTS ACT:

The Ministry of Tribal Affairs is the nodal agency to implement Forest Rights. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a landmark and significant legislation to recognize the forest rights of tribals and other traditional forest dwellers. According to Ministry of Tribal Affairs, by the end of July 2016, 41,82,806 lakh claims have been filed. Out Of these, 56,68,591 lakh Individual Rights; 45,45,358 Lakh Community Forest Rights titles have been distributed covering a total area of 1,02,13,949.20 lakh acres of land. So far 83.06 per cent of claim applications filed have been disposed of and forest right has been granted to the Scheduled Tribes (Ministry of Tribal Affairs, 2016; National Commission for Scheduled Tribes, 2016).

SCHEME FOR MINOR FOREST PRODUCE:

Due to lack of information, Scheduled Tribes have been deprived of various economic opportunities. The intermediaries and traders are deciding the Minor Forest Produce (MFP). The economic elite in tribal areas is exploiting the Scheduled Tribes by hiding the actual price of various forest products. The scheme for Minor Forest Produce has been initially implemented in the fifth schedule areas for 12 MFPs namely (i) Wild Honey (ii) Myrobalan (x) Tamarind (iii) Gums (Gum Karaya) and (iv) Karanj. (iv) Tendu Leaves (vi) Bamboo (vii) Mahua seed (viii) Sal Leaf (ix) Sal Seed (x) Lac (xi) Chironjee The Ministry's agency, Tribal Cooperative Marketing Development Federation of India (TRIFED) has hosted 'MFPNET', a web-based portal which will communicate the tribes about the latest price of Minor Forest Produce (The National Commission for Scheduled Tribes 2016).

Vanbandhu Kalyan Yojana: Ministry of Tribal Affairs has introduced and implemented Vanabandhu Kalyan Yojana for the comprehensive

and holistic development of tribals. This scheme will lead to sustainable development among Tribes in India. The scope of Vanabandhu Kalyan Yojana (VKY) is to cover all tribal people and all areas with tribal population across the country. The of Objectives of Vanabandhu Kalyan Yojana: (i) Improving the quality of life in tribal areas (ii) Improving the quality of education (iii) qualitative and sustainable employment for tribal families (iv) Bridging infrastructure gaps with focus on quality (v) Protection of tribal culture and heritage (National Commission for Scheduled Tribes, 2016; Ministry of Tribal Affairs, 2016).

Components of Vanabandhu Kalyan Yojana: (i) Qualitative & Sustainable Employment, (ii) Quality Education & Higher Education, (iii) Accelerated Economic Development of tribal areas, (iv) All Weather Roads with connectivity to the nearby town/cities, (v) Universal Availability of Electricity, (vi) Urban Development, (vii) Robust institutional mechanism. (ITDAs/ITDPs), (viii) Promotion and conservation of Tribal Cultural Heritage (ix) Promotion of Sports in Tribal Areas. (x) Health for all (xi) Housing for all (xii) Safe Drinking Water for all at doorsteps (xiii) Irrigation facilities suited to the terrain (Ministry of Tribal Affairs, Vanabandhu Kalyan Yojana 2016).

CONCLUSION:

The welfare schemes and the policies of Ministry of Tribal Affairs, National Commission for Scheduled Tribes, Government of India have empowered the scheduled tribes in terms of social, economic and political aspects. The Scheduled tribes have benefitted out of the welfare schemes of the Ministry of Tribal Affairs. There has been dichotomy between traditional indigenous political institutions and modern political institutions. Modern political institutions have to protect the human rights of Scheduled Tribes and they have to create opportunities for the scheduled tribes to effectively participate in the process of elections in contemporary Indian democracy. The social, economic, political and cultural rights of Scheduled Tribes should be protected. The National Scheduled Tribes Commission and National Human Rights Commission have to play pivotal role in order to empower the Scheduled Tribes in India. Bureaucrats, policy makers, academicians, politicians and social activists have to spread awareness about various schemes of Ministry of Tribal affairs and National Commission for Scheduled Tribes to the scheduled tribes, those who are living in rural and tribal inhabited areas. Ministry of Tribal Affairs has taken various initiatives for the Socio-economic development and empowerment of the Tribal people. The constitution of India has also guaranteed various constitutional provisions for the overall development of Scheduled Tribes. The ministry of Tribal Affairs

has been implementing the scheme such as Tribal Sub Plan (TSP) for the rapid socio-economic development of tribal people. Similarly Central Ministries/Departments have earmarked funds out of their budget for the Tribal Sub-Plan. As per guidelines issued by the NITI – AAYOG (Planning Commission), The National Commission for Scheduled Tribes is plying predominant and vital role in order to empower the Baiga scheduled tribes in Central India.

REFERENCES

- Agarwal Bina (1994). "A Field of One's Own, Gender and Land Rights in South Asia", Oxford : Oxford University Press
- Aiyar Mani, S. (2002). "Panchayati Raj: The Way Forward", Economic and Political Weekly, August 2002
- Ambedkar B. R. (1987). "Dr. Babasaheb Ambedkar Writing and Speeches", Volume 3, pp. 95-115, Department of Education, Government of Maharashtra, Bombay.
- Anderson Benedict (2006). "Imagined communities: Reflections on the origins and spread of nationalism. London: Verso.
- Arnold D. and Guha R. (1995). "Nature, culture, imperialism: essays on the environmental history of South Asia", New Delhi: Oxford University Press.
- Atiyah Judges and Policy (1977). Quoted in Henry J. Abraham, "The Judiciary: the Supreme Court in the Government Process", (Boston: Allyn & Bacon, 1977), 189.
- Bageshree S. (2009). "Calorie intake criterion puts 50 per cent Indians below poverty line", The Hindu, 20 September, p. 18.
- Banerjee Rahul (2014). "Actualizing Adivasi Self-Rule—The Only Panacea", Yojana, 58: pp. 22-25.
- Banerjee Sumanta (1984). "India's simmering revolution: The naxalite uprising", London: Zed Books.
- Baxi U. (1982). "The crises of the Indian legal system", New Delhi: Vikas Publishing House.
- Baxi U. (1994). "Inhuman wrongs and human rights: unconventional essays", New Delhi: HarAnand Publications.
- Baxi U. (2002). "Rule of law in India: theory and practice", Hong Kong University Seminar, pp. 20–21 June.
- Baxi Upendra (1987). "The Right to be Human", New Delhi: India International Centre
- Baxi Upendra (2003). "The Twilight of Human Rights in India", India International Centre Quarterly, Vol. 30, No. 2 (MONSOON 2003), pp. 19-28
- Baxi Upendra (2012). "The Future of Human Rights", Oxford: New Delhi.
- Béteille André (1986). 'The Concept of Tribe with Special Reference to India', Journal of European Sociology, 27(2): pp. 297–318.
- Béteille Andre (1996). "The Mismatch between Class and Status", the British Journal of Sociology, 47(3).
- Biswal Tapan (2015). "Human Rights, Gender and Environment", New Delhi: Viva Publishers
- Bosu Mullick S. (1993). "Jharkhand Movement: A Historical Analysis", in M. Miri (Ed.), Continuity and Change in Tribal Society, IIAS, Shimla.
- Burman Roy J. J. (2009). "Adivasi: A Contentious Term to denote Tribes as Indigenous Peoples of India, Mainstream", Vol XLVII, No 32, July 25, 2009
- Carens J. H. (2000). "Culture, citizenship and community: a contextual exploration of justice as evenhandedness", Oxford: Oxford University Press.
- Chanock M. (2001). The making of South African legal culture 1902–1936: fear, favour and prejudice. Cambridge: Cambridge University Press.
- Chanock M. (2005). Customary law, sustainable development and the failing state. In: P. Orebech, F. Bosselman, J. Bjarup, D. Callies, M. Chanock and H. Petersen, eds. The role of customary law in sustainable development. Cambridge: Cambridge University Press, pp. 338–383.
- Charles L. Black Jr. (1960). "The People and the Court: Judicial Review in a Democracy", (London: MacMillan, 1960);
- Chatterjee P. (2004). Politics of the governed. New York: Columbia University Press.
- Chattopadhyaya Kamaladevi (1978). "Tribalism in India", New Delhi: Vikas Publishing House.
- Chiriyankandath James (1999). 'Multiculturalism a Symposium on Democracy in Culturally Diverse Societies', Seminar" Number 484.

- Chowdhury Payel Rai (2011). Judicial activism and Human Rights in India : a critical appraisal, The International Journal of Human Rights, 15:7, pp. 1055 -1071
- Cohn B. (1965). "Anthropological notes on disputes and law in India", In: B. Cohn, ed. "An anthropologist among the historians and other essays", New Delhi: Oxford University Press, 575-631.
- Comaroff J. L. and Comaroff J. (2006). "Law and disorder in the postcolony: an introduction", In: J.L. Comaroff and J. Comaroff, eds. "Law and disorder in the postcolony", Chicago: University of Chicago Press, pp. 46-55.
- Das Satya Prakash (2005). "Human Rights : A Gender Perspective", The Indian Journal of Political Science, Vol. 66, No : 04, October-December, 2005, pp. 775 -772
- Debroy Bibek and Babu Shyam (2004). 'The Dalit and Adivasi Question – Reforms and Social Justice', Globus, Delhi, 2004.
- Desai A. R. (1986). "Violation of Democratic Rights in India", Popular Prakashan: Bombay
- Deshpande S. (2003). "Contemporary India – A Sociological View", Viking, New Delhi, 2003.
- Deshpande V. (1967). "Educational Planning : Some aspects of protective discrimination" in G. S. Sharma (ed.), " Educational Planning : Its Legal and Constitutional Implications in India", Bombay : N.M.Tripathi Publishers
- Dhagamwar V. (2006). "Role and image of law in India: the tribal experience", New Delhi: Sage Publications.
- E. Welch, Jr. and V. A. Leary (1990). "Asian Perspectives on Human Rights", Oxford: Western Press.
- Elwin, Verrier (1939). "The Baiga", London: John Murray.
- Elwin, Verrier (1963). "A new deal for tribal India", New Delhi: Ministry of Home Affairs. Gadgil.
- Elwin, Verrier (1968). "The Kingdom of the Young", London: Oxford University Press.
- Government of India (1994). Handbook of Social Welfare Statistics, Ministry of Social Justice and Empowerment, Government of India.
- Government of India (2000). PESA Act, Ministry of Panchayat Raj, New Delhi
- Government of India (2001). Annual Reports, National Commission for the Scheduled Castes and Scheduled Tribes, Government of India, New Delhi, 1956-2001.
- Government of India (2003). Annual Report, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi, Chapter 5, Paragraph 5.2.
- Government of India (2003). Annual Reports, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi, 1956-2003.
- Government of India (2005). Annual Reports, Banking Division, Ministry of Finance, Government of India, New Delhi, 1978 to 2004-2005.
- Government of India (2005). Annual Reports, Public Enterprises Survey Volume 1, Ministry of Heavy Industries and Public Enterprises, New Delhi, 1978-2005.
- Government of India (2007). Report of the Steering Committee on Empowering the Scheduled Tribes for Tenth Five Year Plan(2002 -2007), Planning Commission, New Delhi
- Government of India (2007). Ministry of Tribal Affairs. 2007. Report of the Working Group on Empowerment of Scheduled Tribes for the Eleventh Five Year Plan (2007-2012), New Delhi, Ministry of Tribal Affairs.
- Government of India (2007). Planning Commission. 2001. Report of the Steering Committee on Empowering the Scheduled Tribes for the Tenth Five Year Plan (2002-2007), New Delhi, Planning Commission.
- Government of India (2007). Report of the Steering Committee on Empowerment of Scheduled Tribes for the Tenth Five Year Plan(2002 - 2007), Planning Commission , New Delhi
- Government of India (2014). A Hand Book of National Commission for Scheduled Tribes, New Delhi: National Commission for Scheduled Tribes
- Government of India (2014). Issues related to Scheduled Tribes, 7th Report of Administrative Reforms Commission

- Government of India (2015) Constitutional Safeguards and Legal Measures, National Commission for Scheduled Tribes, 2015.
- Government of India (2015), Integrated Tribal Development projects/Agencies, Ministry of Tribal Affairs, New Delhi
- Government of India (2015). Annual Report 2014 - 2015, Ministry of Social Justice and Empowerment, New Delhi
- Government of India (2015). Annual Report, 2014 – 2015, Ministry of Tribal Affairs, New Delhi.
- Government of India (2015). Constitution of India, Ministry of Law, New Delhi.
- Government of India (2015). Constitutional Safeguards and Protective Measures, Annual Report, 2014 – 2015, Ministry of Tribal Affairs, New Delhi .
- Government of India (2015). National Policy on Tribals, Ministry of Tribal Affairs, New Delhi
- Government of India (2015). Report of Administrative Reforms Commission.
- Government of India (2015). Report of the High Level Committee on Socio, Economic, health and Educational Status of Tribal Communities of India, Ministry of Tribal Affairs, Government of India, New Delhi.
- Government of India (2015). Special Report: Good Governance for Tribal Development and Administration, May, 2012, National Commission for Scheduled Tribes, New Delhi.
- Government of India (2016). Ministry of Tribal Affairs, URL: <http://www.tribal.nic.in/index.aspx>, accessed on 15th September,2016
- Government of India (2016). Ministry of Tribal Affairs, Forest Rights Act, URL : [http://www.tribal.nic.in/Content/Forest Right Act Other Links.aspx](http://www.tribal.nic.in/Content/Forest_Right_Act_Other_Links.aspx) Accessed on 25th September 2016.
- Government of India (2016). Ministry of Tribal Affairs, Vanabandhu Kalyan Yojana, URL: <http://vky.tribal.nic.in> Accessed on 25th September 2016
- Government of India (2016). National Commission for Scheduled Tribes, URL: <http://www.ncst.nic.in/> accessed on 2nd September 2016
- Government of India (2016). Tribal Cooperative Marketing Development Federation of India Limited (TRIFED), URL [http://www.trifed.in/trifed/\(S\(jnrz40n5y4jmgpawkvxe5ggs\)\)/default.aspx](http://www.trifed.in/trifed/(S(jnrz40n5y4jmgpawkvxe5ggs))/default.aspx), accessed on 15th September, 2016
- Government of India, Ministry of Tribal Affairs (2005). Note on the “Scheduled Tribes (Recognition of Forest Rights) Bill.” New Delhi: Government of India.
- Haragopal G. (2015). Rights in a transitional society: A Re – look at Philosophical Foundations of Human Rights, Indian Journal of Human Rights, Vol. 07, Number 1 & 2.
- Khan Mumtaz Ali (1995). ‘Human Rights and the Tribes’, Uppal Publishers, Delhi, 1995.
- Kirpal V. and Gupta (1999). “Equality through Reservations”, Rawat Publications, Jaipur, 1999.
- Kumar Raj (2006). National Human Rights Institutions and Economic, Social, and Cultural Rights: Toward the Institutionalization and Developmentaliation of Human Rights, Human Rights Quarterly , Vol. 2, o. 3 (Aug., 2006), pp. 55-9
- Kumar Singh Ujjwal (2009), “Human Rights and Peace: Ideas, Laws, Institutions and Movements”, New Delhi: Sage Publishers
- Madhav and Ramachandra Guha (2000). “The use and abuse of nature”, New Delhi: Oxford University Press.
- Merry S. E. (1997). “Global human rights and local social movements in a legally plural world”, Canadian journal of law and society, 12, 247–271.
- Ministry of Tribal Affairs, Government of India Retrieved from <http://tribal.nic.in/> visited on (March 3rd 2014)
- Minz N. (1993). “Cultural Identity of Tribals in India”, Social Action, Vol. 43, Jan-March.Pp 32- 40.
- Mishra Narayan (2005). ‘Schedule Castes Education - Issues and Aspects’, New Delhi : Kalpaz
- Misra P. K. (1977). "Patterns of Inter-Tribal Relations."In *Tribal Heritage of India*. Vol. 1, *Ethnicity, Identity, and Interaction*, edited by S. C. Dube, 85-117. New Delhi: Vikas Publishing House.
- Mitra S. (2010). “Citizenship in India: some preliminary results of a national survey”, Economic and political weekly, XLV (9), 27 February, 46–53.

- Munshi Indrani (2012). "The Adivasi Question: Issues of Land, Forest and Livelihood", Orient Black Swan, New Delhi
- Nabhi (2003). "Reservation and Concessions for Scheduled Castes, Scheduled Tribes, and Other Backward Classes", 3rd Revised Edition, New Delhi: A Nabhi Publication,
- Nair R. (2006). "Human rights in India: Historical, social and political perspectives", New Delhi: Oxford University Press.
- Nayak Vijay and Prasad Shailaja (1984). "On Levels of Living of Scheduled Castes and Scheduled Tribes", Economic and Political Weekly, Volume 19 (30), 1984.
- Poulter S. (1998). "Ethnicity, Law and Human Rights. The English Experience", Oxford Clarendon Press [4].
- Prakash Louis (2004). "Affirmative Action in Private sector", Economic and Political Weekly August 14, 2004, p. 36-91.
- Prasad, Ishwari (1986), "'Reservation - Action for Social Equality", Critarian Publications, New Delhi.
- Ramanathan U. (2008). "Eminent domain, protest and the discourse on rehabilitation", In: M.M. Cernea and H.M. Mathur, eds. Can compensation prevent impoverishment? New Delhi: Oxford University Press, pp. 208–229.
- Randeria S. (2007). "The state of globalization: legal plurality, overlapping sovereignties and ambiguous alliances between civil society and the cunning state in India", Theory, culture and society, 24 (1), pp. 1–34.
- Rao S. et al (2007). "Tribal land alienation in Andhra Pradesh: Processes, impacts and policy concerns", Economic and Political Weekly 41 (52): pp. 5401–7.
- Rao Venkata (2009). "BarataRatna Dr.B.R.Ambedkar: The Champion of Human Rights with special reference to Scheduled Castes and Scheduled Tribes", The Indian Journal of Political Science, Vol.67, No.04, (OCT. - DC. 2006), pp. 901906
- Rao, N. (2009). "Conflicts and contradictions: land laws in the SanthalParganas", in: N. Sundar, ed. Legal grounds: natural resources, identity and the law in Jharkhand. New Delhi: Oxford University Press, pp. 56–81.
- Rosencranz A. (2008). "Supreme Court and India's forests", Economic and political weekly, XLIII (5), 2 February, pp. 11–14.
- Russell R. V. and Hira Lal (1916). "Baiga." *The Tribes and Castes of the Central Provinces of India*. Vol. 2, pp. 77-92. London: Oxford University Press. Reprint. 1969. Oosterhout: Anthropological Publications.
- Sachar, R. (2009), "Human Right: Prospects & challenges", New Delhi: Gyan Publishing House.
- Satapathy Bishnu (2015). "Human Rights of Marginalized Groups, Dalits, Adivasis, Women, minorities and Unorganised Workers" in Tapan Biswal(ed) " Human Rights, Gender and Environment", New Delhi : Viva Publishers
- Sathe, S. P. (2002). "Judicial activism in India: transgressing borders and enforcing limits", New Delhi: Oxford University Press. Shapiro, I., ed., 1994. The rule of law: Nomos XXXVI. New York: New York University Press.
- Sayantan Bera (2012). "Baigas in exile", Down to Earth, July 31, 2012, URL : <http://www.downtoearth.org.in/content/baigas-exile>, accessed on October 10, 2016
- Sen Amartya (2011). "The Global Status of Human Rights, Proceedings of the Annual Meeting", (American Society of International Law) , Vol. 105, Harmony and Dissonance in International Law (2011), pp. 3-12
- Shah G. (2004), "Social movements in India: A review of literature", New Delhi: Sage Publications [5].
- Sharma B. D. (2001). "Tribal Affairs in India: The Crucial Transition", New Delhi: SahyogPushtakKuteer.
- Sharma Mukhul (2010). "Huma Rights in a Globalized World", New Delhi: Sage Publishers
- Singh M. (2009). "Address at the Chief Ministers'Conference on Implementation of the Forest Rights Act", The Hindi, November 20.
- Sundar N. (1999). "The Indian census, identity and inequality", In: R. Guha and J.P. Parry, eds. Institutions and inequalities. New Delhi: Oxford University Press, pp. 100–127.

- Sundar N. (2007). "Subalterns and sovereigns: an anthropological history of Bastar", 1854–2006. 2nd ed. New Delhi: Oxford University Press.
- Thompson, E.P., 1975. Whigs and hunters. New York: Pantheon Books.
- Sundar Nandini (2011). "The rule of law and citizenship in Central India : post-colonial dilemmas", *Citizenship Studies*, 15 : 3-4, pp. 419 -432.
- Suresh H. (2003), "Fundamental rights as human rights", Mumbai: Sabrang Communications and Publishing Pvt. Ltd.
- Thipper B. (2014), "Right over forest land for tribals in the offing," The Indian Express, February 21, 2014. P. 6
- Turner B. (2001). "The erosion of citizenship", *British Journal of sociology*, 52 (2), 189–209.
- Upadhyay V. (2009). "Water law and the poor", In: N. Sundar, ed. *Legal grounds: natural resources, identity and the law in Jharkhand*. New Delhi: Oxford University Press, pp. 132–156.
- Xaxa, Virginius (1999). "Tribes as Indigenous people", *Economic and political Weekly*, 34No.51 December 18-28, Pp. 358.

Corresponding Author

Dr. Chakali Bramhayya*

Assistant Professor, Department of Political Science & Human Rights, Faculty of Social Sciences, Indira Gandhi National Tribal University, Amarkantak, Madhya Pradesh

E-Mail – bramhayyajnu@gmail.com