

Tribal Land: Development vs. Traditional Rights of Adivasis

The issues considered in this paper represent the intersection of state and privately owned developmental programmes, and the people who often end up with the shorter end of the stick at the cost of this development. Since liberalization in the 90's, the socio-economic paradigm of neo-liberal development in India has had unavoidable implications for tribals, farmers and other communities of socio-economically underprivileged sections of Indian society. The 1994 rehabilitation policy draft of the Government of India begins by stating that with the 1991 economic policy Indian as well as foreign private investment would require more land than in the past and that much of it would be in the resource rich tribal areas¹. The intrusion of the said paradigm into the lives of these communities has led to a quagmire of both conceptual and real biases, based on the myopic understanding of 'development' within the centrally enforced paradigm. It has often been the case that underprivileged communities become underprivileged due to this intrusion in the first place. As a result, legislative frameworks safeguarding their interests end up being reactive, rather than proactive. The matter's complexity arises from the fact that it is very often state policies that inflict the most damage and at the same time, we look to state legislation to protect the rights of underprivileged communities in the face of unprecedented industrial and economic growth.

Specifically, this paper will compare legislative and constitutional provisions, state initiatives with cases that reveal the impact of these provisions. The scope of the issues discussed in this paper will pertain to a broad range of tribal issues. The common feature amongst them in the scope of this paper is the centrality of land, whether it is displacement or peoples, acquisition of forest and agricultural land or the labelling of tribals as 'encroachers' upon state property. Quintessentially, these considerations will reflect on the idea of 'public space' for tribals and poor peasants.



Silent Rally Against The Tipaimuk Dam In New Delhi in 2006 ([Source](#))

¹ Fernandes, Walter, 1.

The forests in India have been the traditional homelands of the adivasis for centuries. Before the British arrived in India, the adivasis had unchallenged control of their land. The British had an overtly commercial interest in their land. With the enforcement of the Indian Forest Act, 1927, the British government acquired the right to arrogate to themselves the control for 'reserved forests' and their resources². As a result, they declared more and more forests as 'reserved forests'. In the name of trade, they either acquired tribal land in exchange for petty deals or simply pushed adivasis away from their land. The traditional rights of the adivasis to their land were not considered in the imposition of this legal framework upon forest land. They had become 'encroachers' on their own land. Even after independence, the consolidation of government forests continued³, without much recourse to the traditional right of the adivasis on forest land.

"The Indian Constitution, the moral underpinning of Indian democracy, was adopted by Parliament in 1950. It was a tragic day for tribal people. The Constitution ratified colonial policy and made the State custodian of tribal homelands. Overnight, it turned the entire tribal population into squatters on their own land. It denied them their traditional rights to forest produce, it criminalised a whole way of life. In exchange for the right to vote, it snatched away their right to livelihood and dignity."

– Arundhati Roy, *Walking With the Comrades*

Legal Provisions

Article 46 of the Constitution, under the directive principles of state policy states:

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation."⁴

Article 342 and Article 366 pertain to the definitions and specifications of STs. Art. 342:

"1. The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes, or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

2. Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (2) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."⁵

Article 366 (25) defines the term 'Scheduled Tribes' as such tribes deemed under art. 342⁶. The Ministry of Tribal Affairs lays down the following criteria for a community to be identified as a Scheduled Tribe (ST)⁷ –

- indications of primitive traits;

² Dreze, 1

³ Ibid.

⁴ Art. 46. Constitution of India.

⁵ Art. 342. Constitution of India.

⁶ Art. 366 (25). Constitution of India.

⁷ Introduction. Ministry of Tribal Affairs.

- distinctive culture;
- shyness of contact with the community at large;
- geographical isolation; and
- backwardness

Article 335 asserts the claims of SCs and STs to central or state services and posts⁸. Article 330 asserts that seats in the House of the people shall be reserved for SCs and STs in accordance with the proportion of SC/ST population in the country or state⁹. Article 332 does the same for legislative assemblies of States¹⁰. Article 334 ascribes the period of reservations for SC/STs as sixty years from the date of commencement of the constitution¹¹. Article 243D reserves seats for the SC/STs in every Panchayat. It also reserves one-third of the seats for women¹². Article 243T reserves seats for SC/STs in Municipalities¹³. These articles constitute those constitutional directly relating to SC/STs. Furthermore, overarching provisions such as Art. 15¹⁴, Art. 16¹⁵ and Art.19¹⁶ are also especially relevant.

Article 338A. instates the most important central agency on matters of tribal issues: National Commission for Scheduled Tribes. It was introduced in 2003 in the 89th Amendment of the Constitution. The duties of this agency are to safeguard the interests of Scheduled Tribes, to investigate cases of the deprivation of rights of the STs, to advice on their socio-economic development and to make recommendations for state and central policy¹⁷. The objectives sought by the constitutional provisions are to be actualized under the Tribal Sub-Plan Strategy, which was adopted with the Fifth five year plan. In addition, the Ministry of Tribal Affairs was set up in 1999 with a singular focus on Scheduled Tribes.

Article 244(1) outlines the 'Fifth Schedule' – provisions as to the administration and control of scheduled areas and scheduled tribes. It states that a Tribes Advisory Council be set up in each state having Scheduled areas or Scheduled Tribes, or both, with at least three-fourths of the members being STs¹⁸.

Forest Rights Act 2006

The Ministry of Tribal Affairs acts as a nodal agency for implementing the provisions provided in The Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006. Also known as the Forest Right Act, it was notified with effect from 31st December 2007. The act recognizes the traditional rights of forest dwellers. It recognizes the historical negligence to the same. It defines 'community forest resource' as customary forest land within the traditional or customary boundaries

⁸ Art. 335. Constitution of India

⁹ Art. 330. Constitution of India

¹⁰ Art. 332. Constitution of India

¹¹ Art. 334. Constitution of India

¹² Art. 243D. Constitution of India

¹³ Art. 243T. Constitution of India

¹⁴ Art. 15. Constitution of India – Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

¹⁵ Art. 16. Constitution of India – Equality of opportunity in matters of public employment.

¹⁶ Art. 19. Constitution of India – Protection of certain rights regarding freedom of speech, including the right to assemble peacefully and without arms, etc.

¹⁷ Provisions relating to STs. Ministry of Tribal Affairs.

<http://tribal.nic.in/WriteReadData/userfiles/file/cp/Provisions%20relating%20to%20STs874968748.pdf>

¹⁸ Fifth Schedule (4). Ministry of Tribal Affairs.

of the village or seasonal use of landscape in the case of pastoral communities¹⁹. Further, it outlines 'forest rights': right to hold and live in forest land, right of ownership and use of forest produce, rights for conversion of *Pattas* or leases issued by any authority on forest land to titles, right to protect, regenerate or conserve any community forest resource, right of access to biodiversity and community right to intellectual property and traditional knowledge and the right to *in situ* rehabilitation including alternative land in cases where the STs have been illegally evicted or displaced from the forest²⁰.

Criticisms of this act have primarily been on the lines of concern over wildlife and deforestation in the face of relocation to forest lands back to tribals. However, historically the forest dwellers have not been the major source of a threat to either the wildlife in forests or to the forest itself. The primary sources have been commercial uses of both. The Forest Rights Act is one of the more transparent acts with regard to legitimizing the traditional rights of adivasis. In fact, it is one of the only ones that does so.

Doctrine of Eminent Domain

The Doctrine of Eminent Domain has its origins in the British period and is in fact, found at work in many countries throughout the world. The doctrine empowered the British to take property for the public use without the owner's consent. It does not have constitutional backing but manifests itself in laws for land acquisition by the state. The doctrine assumes the liberal theory of individualism in that it derives the right to compensation from a "natural right" to personal property²¹. In the process of the integration of princely states after independence, the government upheld the power of the doctrine to acquire land from big landlords. In a judgement from 1952, the Supreme Court commented that the concept of acquisition and of compensation arise from the sovereign right of the state to acquire and the natural right of a person to compensation²². The doctrine determines the nature of private property rights in the country.

The Constitution did provide for the fundamental right to property under Art. 19 and Art. 31. Art. 19 guaranteed to all citizens, the right to acquire, hold and dispose of property. Art. 31 provided that "no person should be deprived of his property save by law" and in addition, also provided that compensation be paid in the event that the government does take someone's land. However, the Forty-Fourth Amendment, 1978 deleted the right to property from the fundamental rights. Instead, Provision 300-A was added, which provided the constitutional right that no one could take one's property except by law. First, the status of this provision falling from a fundamental right to a constitutional one. This meant that a citizen could not move the court under Article 32. Second, the provision for compensation was removed, meaning that if the state did take someone's property, there would be no need to pay any compensation whatsoever. The removal of the right to property from the fundamental inevitably caused protests, especially from adivasis and farmers and illustrated the tension between centrally-planned development strategies and citizen rights. In the *Group of Experts on Land Acquisition, 1965 – Report*²³, the non-justiciable status of the question of

¹⁹ The Scheduled Tribes and other Forest Dwellers (Recognition of Forest Rights) Act, 2006. Chapter 1 (2). Ministry of Law and Justice.

²⁰ Ibid. Ch. 2 (3)

²¹ Sampat, 41

²² Qtd. In Sampat, 42

²³ Kumar, Virendra.

compensation is mentioned. Only in cases where the legislation has taken land without compensation or with 'illusory' compensation can the judiciary intervene.

In the context of tribals, the sovereign right of the state to acquire clashes with the natural right of the tribal to forest land. However, owing to the provenance of colonial law-making, the former has superseded the latter since independence. The latter acquires a legislative framework only in 2006 with the Forest Rights Act, 2006. The doctrine of eminent doctrine forms the conceptual and legitimizing foundation for the Land Acquisition Act, 1894 and its following amendments.

Land Acquisition

"Land acquisition refers to the process by which government forcibly acquires private property for public purpose"²⁴ The provenance of the series of Land Acquisition laws is the Land Acquisition Act (LAA), 1894. LAA 1894 was used by the British to acquire land from natives for commercial purposes. LAA 1894 does not provide for rehabilitation and resettlement (R&R) for those affected by land acquisition. This act has been devastating to the adivasis, which is why they were referred to as 'depressed classes' in colonial times. In 2007, two bills were introduced in the Lok Sabha: one to amend LAA 1894 and the National Rehabilitation and Resettlement Policy, 2007 to provide for the hitherto absent provisions for R&R. In May 2011, the National Advisory Council recommended combining the provisions of land acquisition and R&R within a single Bill²⁵. In July 2011, the Draft Land Acquisition and Rehabilitation and Resettlement Bill (LARR 2011) was published by the Ministry of Rural Development. The LARR 2011 continued the rhetoric of acquisition of land for 'Public Purpose' without much change from the 1894 bill. However, it did revise the bill in several other regards. It introduced the mandatory consent of 80% of displaced people required in case of acquisition for private enterprises and public-private ventures. It also necessitated a Social Impact Assessment (SIA) in every case of acquisition. As for the accusation of petty compensations in LAA 1894, LARR 2011 declared that the market value of land is to be doubled in rural areas. Moreover, by combining legislation for acquisition with resettlement and rehabilitation, the act also mandated R&R in every case²⁶. The main loopholes in the act arise from the fact that first, Parliament might not be able to justify compensation in the case of the acquisition of agricultural land through private negotiations; and second, that the threshold of 100 acres in rural areas required for a private party to compensate might be easily circumvented. Since the LARR 2011 was passed in 2013, the act is also referred to as LARR 2013.

The LARR (Amendment) Ordinance, 2014 was introduced in the Lok Sabha on the 10th of March, 2015 by the Modi led NDA. The Ordinance creates five special categories of land use: (i) defence, (ii) rural infrastructure, (iii) affordable housing, (iv) industrial corridors, and (v) infrastructure projects including Public Private Partnership (PPP) projects where the central government owns the land²⁷. The main changes posited in this ordinance with respect to LARR 2013 are:

- The ordinance exempts these five categories from the provisions of LARR 2013 which required 80% consent for private projects and the consent of 70% of the affected people for Public-Private Partnerships (PPP).
- The ordinance also rescinds the need for an SIA.

²⁴ The Land Acquisition, Rehabilitation and Resettlement Bill, 2011. PRS LEGISLATIVE RESEARCH. 1

²⁵ Ibid. 3

²⁶ Ibid. 4

²⁷ Ordinance Summary. PRS LEGISLATIVE SERVICE, 1.

- It removes the restrictions on the acquisition of irrigated multi-cropped land and other agricultural land that existed in LARR 2013.
- It removes the provision which ensured the return of unutilized land (for 5 years), and instead extends the period indefinitely.
- While the LARR Act 2013 was applicable for the acquisition of land for private companies, the Ordinance changes this to acquisition for “private entities”. A private entity is an entity other than a government entity, and could include a proprietorship, partnership, company, corporation, non-profit organisation, or other entity under any other law²⁸

The most recent Ordinance is a part of the NDA government’s emphasis on boosting foreign investment in India and accelerating private sector development in general. The latest provision to boost digital entrepreneurship is the ‘Startup India’ movement, which does a lot to expedite the process of setting up a start up in India to a great extent, but also exempts start-ups from nine labour and environmental regulatory laws²⁹. ‘Startup India’ overtly asserts the focus on the neo-liberal model of development that is central to the NDA government’s administration. In a similar vein, The LARR (Amendment) Ordinance, 2014 has also been heavily criticized by a variety of sources. Opposing parties and leaders have called it ‘anti-poor’ and ‘anti-farmer’, including Sonia Gandhi and Muluyam Singh Yadav.

The ordinance has been passed in the Lok Sabha but is yet to be passed by the Rajya Sabha. If passed, the Ordinance presents a grave threat to adivasi lands. The bill represents a step for in the nexus between land regulation policies and private entities. Its technocratic bias is reflected commensurately in the outlook on ‘development’ one gathers from the recent stream of legislations on land acquisition. The number of tribals displaced as a result of such policies has already crossed the million mark. In fact, just Dam projects have displaced close to a million adivasis³⁰. A few examples of projects and the number of displaced by them are: Karjan (Gujarat) - 11,600; Sardar Sarovar (Gujarat) – 2,00,000; Polavaram (Andhra Pradesh) – 1,50,000; Koel Karo (Bihar) – 66,000³¹. With the 2014 Ordinance, this number is set to rise considering the drastic modifications made therein.

Cases

In *Sharad Patil v. State of Maharashtra*³² reveals how in a series of court orders, the status of adivasis as encroachers kept fluxing. The petition was filed in view of the policies of the Government of Maharashtra, released in 1978 aimed at ‘regularizing’ all encroached land before the same year. At first the court ordered government officers not to prevent adivasis from growing crops. In ‘82 the court ordered that fresh encroachments may be regularized. An affidavit was filed a month later, detailing the undue advantage taken of this order by Forest Department³³. However, these allegations were denied by the court. While the court issued a stay order on destroying the crops of the adivasis, the courts held that no further encroachments on ‘government land’ will be allowed. This case highlights the notion of public or community space and resources in forests. While the adivasis live on these lands, the state claims ownership and control, as was asserted even in the present case. In this sense, for the adivasis, the terms of engagement with their immediate natural

²⁸ Ordinance Summary. PRS LEGISLATIVE SERVICE

²⁹ YS, All you need to know about ‘Startup India’. Your Story.

³⁰ Biswas and Pellisery, 10

³¹ Ibid.

³² Sharad Patil v. State of Maharashtra (1982).

³³ Ahuja, 446

environment are set by legislative bodies far away from the forest and the lives and concerns of the forest dwellers. Only the enforcing agencies made contact with the adivasis, in what turned out to be eviction drives or violent suppression of rebellions.

In ***Hundung Victims of Development v. North Eastern Council and Others***, a petition was filed by residents of Hundung, a small village in Manipur. These residents, most of whom belonged to the Naga tribe depended on paddy cultivation and claimed that the industrial policies of the North Eastern Council would affect their livelihood and damage ecology in the area³⁴. The projects that were planned under the Council's policy were a mini cement factory, the Imphal-Ukhrul Road and the Nungshangkong mini hydro-electric power project. The grievances included improper procedure of acquisition under Land Acquisition Act, 1984, diversion of village water resources to the power project and petty compensation. The High Court ordered that compensation had already been paid and in the case of the road, it was being constructed on government land so there was no question of compensation. The court also ordered that the chemicals from the factory were not harmful, even though environmental analysis would not be possible for want of time³⁵. In a follow up in 1993 in ***State of Manipur v. Hundung Victims of Development***³⁶, the decisions of the HC were challenged. The appeal in the SC declared that the petition by 'Hundung Victims of development' be barred on grounds of 'laches' as the petition supposedly didn't qualify as a PIL. The judgement gave the Deputy Commissioner, Ukhrul District the power to verify all land transactions. The grounds of 'laches' were invoked in another famous case, ***Narmada Bachao Andolan v. Union of India***³⁷. The detachment of legislation from the realities of adivasis becomes evident in these cases. The policies of the government to compensate and safeguard tribal environments work with the implicit assumption of manoeuvring around tribal issues in the pursuit of development. Tribal grievances are not viewed in and of themselves, outside the purview of the socio-economic paradigm of development, which is imposed upon them by the state.

The Godavarman case³⁸, was filed as a PIL and has been fought in the Supreme Court since 1995. The litigation itself concerned itself with the destruction of forests by commercial interests. However, the orders by the Ministry of Environment and Forests (MoEF) proved to be damaging to the interests of adivasis. The Intervention Application 703 (IA 703) filed by Harish Salve drew attention to the encroachment of lobbies, supported by the government³⁹. In a rather unexpected outcome, the Inspector General of Forests instructed state governments to evict all ineligible encroachers and all post-1980 encroachers from forest lands, despite the absence of any express order from the SC. Within this legal framework, adivasis fell under the purview of 'encroachers' and were thus, forcibly evicted in large numbers. The implicit assumption here of course, is the assumption of complete control of forest lands by the state. In response to nationwide protests by tribals, the MoEF issued another order, stressing the enforcement of the 1990 guidelines, which sought to regularize encroachments and review disputed claims over forest land. However, the guidelines were met with confusion and inefficiency in implementation by State governments. Largely, the guidelines were ineffectual⁴⁰.

³⁴ Ahuja, 465

³⁵ Ahuja, 466

³⁶ State Of Manipur And Another vs Humdung Victims Of Development AIR SC 1865 (1995).

³⁷ SCC 664 (2000)

³⁸ The Godavarman case, IA 703 (1995)

³⁹ Dreze, 4

⁴⁰ Dreze, 3

After the Godavarman Case, a series of evictions of ‘encroachers’ began. In a statement released by the MoEF in August 2014, encroachers had been evicted from 1.5 lakh hectares of land. While they did not provide a number, the Campaign for Survival and Dignity – a network of some 200 NGOs – estimated that about 3 million tribal families face the threat of eviction⁴¹. Anurag Modi of the Jan Sangharsj Morcha, Madhya Pradesh notes:

“The homes of 73 tribal families of Bhandarpaani in Betul District (Madhya Pradesh) were set on fire by the Forest Department on the night of 4 July 2004. People have been kept in different places and families separated – relatives and even members of the same families are unaware of each other’s whereabouts. Their only fault was that their village has been situated on forest land for generations. Eight children are suffering from severe pneumonia and malnutrition; one of them (Kishan, aged 18 months) died on 22 July. Thirty-five persons of the tribe were illegally confined in Ranipur Forest Range Office; 15 were produced in the High Court at Jabalpur on 26 July in a Habeas Corpus petition. Bakhat Singh, after being released in the Court, was taken away by the Forest Department and has been missing since then.”⁴²

Cases of eviction and violence against adivasis are abundant. In retaliation, adivasis and poor peasants have unavoidably resorted to organized militant movements. The most infamous is the Naxalbari movement in West Bengal in 1967, which was kindled after the police open fired on a group of villagers who were protesting for the right to the crops at a particular piece of land. However, adivasi rebellions date back to the colonial period, and have persisted into the post-independence period⁴³. Recently, the torture of a non-Naxalite adivasi woman named Soni Sori in 2011 has been the kindling force for an adivasi struggle in Bastar, Chhattisgarh⁴⁴. Several other resistance movements exist in states like Bengal, Karnataka and Uttar Pradesh in the recent past. For instance the acquisition of 997 acres of land by TATA motors in Bengal for the production of TATA NANO was protested by the local adivasis and peasants.

Conclusion

Despite the presence of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1995, adivasis have often faced violent repression and eviction. In *Walking With The Comrades*, Arundhati Roy observes the ground realities of the Naxal movement in Dantewada forest, Chhattisgarh that we most often don’t hear about. She notes the otherwise hospitable nature of the armed and militant Naxalites. In Dantewada, the symbiotic co-existence of corporations like the bauxite mining company, Vedanta and land acquisition laws is contrasted with the difficult lives of the native tribals, who have had to fight both Corporates and Government Military and para-military forces for the right to stay and work on their lands. The government had Koya Commandos, the CAF, CRPF, ITBP, CISF, Cobras, Scorpions (some of them para-military) and a policy called ‘wham’: Winning Hearts and Minds to supposedly help adivasis. However, in reality the policy was dominated by violent operations such as Operation Green Hunt backed by the controversial AFSPA. The Modi government’s ‘Ghar Wapsi’ is another rhetorical front for a derogatory policy of converting adivasis to the Hindu faith. Similarly, militant movements in Wayanad, Kerala, where more than 70,000 tribal families depend on the land, were alienated from their land ironically, under policies such as The

⁴¹ Dreze, 4

⁴² Qtd. In Dreze, 7.

⁴³ Roy

⁴⁴ NewsClick.

Kerala Scheduled Tribes (Restriction on Transfer of Lands and Restoration of Alienated Lands) Act, 1975.

The legislative framework at work to protect the rights of adivasis is in its infancy, while policies that exploit and alienate them from their land date back to colonial times. The retrograde colonial worldview informed by Orientalist conceptions of tribals and parochial neo-liberal understandings of development are the primary culprits in creating the decrepit conditions for adivasis. Current legislations show a strong technocratic and corporate bias. In the international race to become a superpower, legislation remains entrenched in concerns of booming economic growth. Even the policies that are meant to uplift tribals do not consider their interests in and of themselves.

The strategies to safeguard and promote the interests of the adivasis are largely based on the logic of their 'inclusion' into the very socio-economic paradigm that has proven to be so violent to them. The issue is rationalized as one in which the adivasis are assumed to be 'primitive', desperately in need of development. This is evident in the legal terminology used to discuss Adivasi affairs. For instance, in the criteria for identification of STs (mentioned earlier). It is true that adivasis have been deprived of socio-economic opportunities for centuries. However, that was so because they were alienated from their land: their basis for a socio-economic livelihood. The solution to the problem of adivasi backwardness is seen as making opportunities of the global economy more accessible to them. Thus, the nature of Scheduled Tribes legislation is inherently one of compensation. However, the problem has never been one of cultural illiteracy or modernization. It was always one of unwarranted claims by the state on the land of the adivasis.

This excerpt from the National Environment Policy, 2006 report alludes to the understanding of the conflict between the abstract ideal of a 'developing nation' and the ground realities of underprivileged communities:

"Poverty itself can accentuate environmental degradation, given that institutional failures persist. For the poor, several environmental resources are complementary in production and consumption to other commodities (e.g. water in relation to agricultural production, fuel wood in relation to consumption of food), while a number of environmental resources are a source of income or food (e.g. fisheries, non-timber forest produce). This is frequently a source of cumulative causation, where poverty, gender inequalities, and environmental degradation mutually reinforce each other"⁴⁵.

The report cites institutional failures - Institutional failures, referring to unclear or insufficiently enforced rights of access to, and use of, environmental resources⁴⁶ - as a major factor in the relationship between poverty and environmental degradation. The argument is that corruption, inefficiency and ineptitude in implementing legislations is the root cause of the failure to deal with environmental issues, especially those with a prominent social dimension. However, as the cases discussed in this paper have shown, it is often legislations themselves that emerge as the primary culprits. Within the considerations of the report, there is an inherent assumption of control over the resources of tribal lands with bountiful resources. The issue discussed is the efficient management of this control, rather than of the relationship between the state and those people affected by its policies.

⁴⁵ Ibid.

⁴⁶ NEP, 6

Figure 2: Tribes with more than 500,000 population, as of 2011

S.No	Tribe Name	Population	States of Habitation
1	BHIL	12689952	Tripura , Andhra Pradesh, Rajasthan, Chhattisgarh, Andhra Pradesh, Gujarat, Maharashtra , Karnataka
2	GOND	10859422	Bihar, West Bengal, Jharkhand , Orissa, Chhattisgarh, Madhya Pradesh, Gujarat, Andhra Pradesh, Karnataka
3	SANTAL	5838016	Bihar , Tripura , West Bengal, Orissa, Jharkhand
4	MINA	3800002	Rajasthan, Madhya Pradesh
5	NAIKDA etc.	3344954	Karnataka, Rajasthan, Gujarat, Daman & Diu , Dadra & Nagar Haveli , Maharashtra , Goa
6	ORAON	3142145	Bihar , West Bengal, Jharkhand , Orissa , Chhattisgarh, Madhya Pradesh , Maharashtra
7	SUGALIS	2077947	Andhra Pradesh
8	MUNDA	1918218	Bihar, West Bengal, Jharkhand, Chhattisgarh, Madhya Pradesh , Tripura, Orissa
9	NAGA etc.	1820965	Nagaland
10	KHOND	1397384	Bihar, West Bengal, Jharkhand, Orissa
11	BORO etc.	1352771	Assam
12	KOLI MAHADEV	1227562	Maharashtra
13	KHASI etc.	1138356	Mizoram , Meghalaya, Assam
14	KOL	991400	Orissa , Chhattisgarh, Madhya Pradesh , Maharashtra
15	VARLI	974916	Gujarat, Daman & Diu, Dadra & Nagar Haveli , Maharashtra, Karnataka , Goa
16	KOKNA	926763	Dadra & Nagar Haveli, Rajasthan, Gujarat, Maharashtra , Karnataka
17	KAWAR	812770	Orissa, Chhattisgarh, Madhya Pradesh , Maharashtra
18	HO	806921	Bihar , West Bengal, Jharkhand, Orissa
19	GUJJAR	799344	Jammu & Kashmir, Himachal Pradesh
20	KORKU etc.	774196	Chhattisgarh, Madhya Pradesh, Maharashtra
21	BHUMIJ	765909	West Bengal, Jharkhand, Orissa
22	GARO	725502	Nagaland, Mizoram, Meghalaya, Assam, West Bengal, Tripura
23	KOYA	692435	Orissa , Maharashtra, Andhra Pradesh, Karnataka
24	ANY MIZO (LUSHAI) TRIBES etc.	667764	Manipur, Mizoram, Meghalaya, Assam
25	HALBA etc.	639094	Chhattisgarh, Madhya Pradesh, Maharashtra
26	DHARUA	630469	Gujarat , Daman & Diu, Dadra & Nagar Haveli, Maharashtra, Karnataka, Goa
27	DUBLA etc.	627599	Gujarat , Daman & Diu, Dadra & Nagar Haveli, Maharashtra , Goa
28	MISING/MIRI	587310	Assam , Arunachal Pradesh
29	TRIPURI etc.	543848	Tripura
30	RATHAWA	536135	Gujarat , Maharashtra, Karnataka
31	SAHARIA etc.	527015	Chhattisgarh, Madhya Pradesh , Rajasthan

Source: Demographic Status of Scheduled Tribe Population, Ministry of Tribal Affairs

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Art. 46.

Art. 342.

Art. 366 (25).

Art. 335.

Art. 330.

Art. 332.

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Art. 243D.

Art. 243T

Art. 15.

Art. 16

Art. 19.

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