



The Impact of Indian Constitutional Provisions on Adivasi Communities: A Critical Analysis

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Abstract

There exist various provisions in the Indian Constitution to protect the rights of Adivasis which include provisions on affirmative actions, land right protection, and cultural preservation. There is an assurance that Adivasis benefit from education through Articles 46 and 15(4). Special governance autonomy in tribal regions is provided by the Fifth and Sixth Schedules. Some positive results of such provisions include improved access to education and employment. The rulings of courts in India, particularly those of the Niyamgiri Movement case, have played a role in reinforcing such constitutional provisions by safeguarding Adivasis' land rights and cultural rights. Despite the existence of such provisions in the Constitution, discrepancies still exist since there have been some obstacles to ensuring full compliance of these provisions with the reality on the ground, including issues of bureaucracy, political indifference, lack of awareness, etc. Industrial development programs as well as land acquisition processes lead to the displacement of Adivasis in their lands. In addition, inconsistencies in the implementation of the Forest Rights Act leave Adivasis at risk of marginalization and exploitation.

Keywords: Adivasi, constitutional provisions, affirmative action, land rights, Forest Rights Act.

I. Introduction

Introduction Adivasi communities, also known as tribal communities in India, have always been considered the most marginalized and disadvantaged communities in India. They have played a vital role in shaping India's history and have made significant contributions to Indian culture, language, traditions, and relationship with nature. Traditionally, the Adivasis were inhabitants of dense forests, hills, and mountains, leading them to form lifestyles based on agricultural farming, forest livelihood, and close social interactions. In spite of their deep connections with nature and culture, the Adivasi communities have undergone centuries of exploitation, marginalization, and social exclusion. In pre-colonial India, the Adivasi people enjoyed relative autonomy and were governed by their laws. With the arrival of colonial powers in India, the Adivasi people found themselves under unfamiliar governance systems, exploitative land tenure policies, and large-scale destruction of forests for revenue generation purposes. The British colonial government in India, especially in the nineteenth and twentieth centuries, attempted to centralize the administration of land and forests, displacing the Adivasi people and disrupting their ways of life. In addition, the colonial government enacted policies that stripped the Adivasi people of their land ownership rights, subjected them to compulsory labor services, and abolished their customary laws. The historical exploitation of the Adivasi people has contributed immensely to the socio-economic inequalities that they currently face.

The Role of Indian Constitutional Provisions Post-Independence The Indian state, after recognizing the importance of safeguarding the rights of Adivasi communities, was conscious of their vulnerabilities in the face of exploitation and marginalization. As such, the Indian Constitution, enacted in 1950, has included several clauses that address the socio-economic and political concerns facing the Adivasi people. Since the enactment of the Constitution of India, several amendments, policies, and legal frameworks have been instituted to guarantee the rights of the Adivasi people and facilitate their socio-economic empowerment. For instance, the Adivasis are included in the scheduled tribe list in India, a provision that recognizes their unique social characteristics and ensures they receive equal socio-economic opportunities with other disadvantaged groups. The Adivasis are granted affirmative actions in several sectors, including education, employment, and governance. Several constitutional provisions have been enacted to protect the distinct socio-cultural practices of the Adivasi communities.

The Indian Constitution includes several provisions that guarantee the welfare and protection of the Adivasi people. The Constitution guarantees the socio-economic and educational advancement of the Scheduled Tribes and their protection against social injustice and exploitation. In addition, Articles 15 and 16 provide for affirmative action, whereby the Adivasi people benefit from reservation in educational institutions, government jobs, and political representation. Moreover, the Constitution's Fifth and Sixth Schedules have established special governance laws for tribal areas, taking into consideration the customs and governance systems of the tribes. These schedules also provide for the establishment of Tribal Advisory Councils in some states, whose main function is to participate in the decision-making process regarding tribal welfare. However, despite being protected by the Indian Constitution, the reality on the ground is quite different. The Adivasi communities still suffer from discrimination, poverty, loss of land ownership, inadequate healthcare services, and insufficient access to education. The uneven distribution of resources, along with the failure of the state's machinery to enforce constitutional safeguards, has resulted in the deterioration of living conditions for the Adivasi people.

Several factors have hindered the implementation of constitutional provisions meant to improve the lives of Adivasi communities. Firstly, the lack of political will and awareness among both the authorities and Adivasi people has greatly affected the implementation of the provisions. Although the Constitution stipulates that the Adivasi people should enjoy affirmative actions, their exclusion from the advantages of these actions is attributed to inadequate infrastructure, limited educational opportunities, and corruption. Secondly, land acquisition for industrial activities, mining operations, and urbanization projects has caused the displacement of thousands of Adivasi families, leaving them without any compensation or rehabilitation. Lastly, the Forest Rights Act of 2006, which aims to guarantee the forest land rights of Adivasi people, has failed to be fully enforced. In fact, countless tribal families are struggling for the recognition of their forest land rights.

Purpose of the Paper This paper critically analyses the impact of Indian constitutional provisions on Adivasi communities. It highlights both the positive impacts and the existing challenges in ensuring the rights of these communities. The purpose of this paper is to evaluate the effectiveness of the legal provisions for Adivasi communities and whether they have resulted in tangible changes in their socio-economic conditions. In addition, the paper examines the various legal and policy frameworks developed since the adoption of the Indian Constitution, evaluating their success in improving the socio-economic conditions of Adivasis. Through this critical assessment, the paper will identify implementation gaps and recommend necessary measures to improve justice delivery to Adivasi communities.

Conclusion By critically evaluating the legal provisions and their practical implications, this paper contributes to the debate on tribal rights in India. The purpose of the paper is to investigate the intersection of law, policy, and the lived experiences of the Adivasi people. The paper will also examine the effectiveness of constitutional provisions in addressing the socio-economic challenges facing the Adivasi communities.

II. Constitutional Provisions Relevant to Adivasi Communities

Some of the constitutional provisions which are designed specifically to guarantee the welfare and rights of the Adivasi community in India include provisions that were made after adoption of the Constitution in 1950. The Constitution takes into consideration the distinct socio-cultural aspects of Adivasis, their marginalized position throughout history and makes provisions which would help to ensure their inclusion into the mainstream and maintain their distinct cultural identity and land rights. In doing so, it seeks to provide a mechanism to solve the problems faced by the Adivasi community. This part highlights the most important constitutional provisions related to the issue under discussion.

Article 46: Directive Principles of State Policy relating to Educational and Economic Interests of the STs

Article 46 of the Indian Constitution represents an important provision in favor of educational and economic interests of the Scheduled Tribes (STs). It obligates the State to prevent social discrimination and exploitation of the Adivasi people and make certain that the community receives proper education and economic support from the State. The full text of the article states the following:

"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 Tribes, and shall protect them from social injustice and all forms of exploitation."

This article is one of the Directive Principles of State Policy (DPSP). DPSP, though non-justiciable, are guidelines that must be followed by the state for good governance. According to this article, the state shall promote the interests of the scheduled tribes by providing them with education and economic development. It also provides them with special protection from any kind of exploitation such as bonded labor and dispossession of lands. However, in practice, this principle has not been fully implemented. Adivasis still find it hard to have access to proper education due to lack of infrastructure in their areas. Similarly, economic upliftment is difficult since they lack access to economic opportunities such as credit facilities and market linkage. Although affirmative action such as reservations in education and employment has helped, it still remains controversial.

Article 15(4) and 15(5): Affirmative Action and Special Protection for Marginalized Communities, Including Adivasis

The provisions related to affirmative actions and special protection for marginalized communities, including Adivasis, are provided under Article 15(4) and 15(5) of the Indian Constitution. These provisions allow the state to make appropriate laws for the advancement of scheduled castes and scheduled tribes.

Article 15(4) states:

"Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."

Furthermore, Article 15(5) allows the State to make special provisions in order to advance the interests of backward classes, especially with regard to education, which is important for Adivasi communities. This may take the form of reserved places in educational institutions, scholarships, and other such measures that will help reduce the disparity that exists in terms of social and educational conditions between Adivasi communities and others. The objective behind these measures is to ensure equality by providing access to certain resources that would otherwise have been unavailable to Adivasi communities due to their socio-economic standing. Affirmative action has indeed been somewhat successful in this regard, having ensured increased representation of Adivasis in various government establishments and educational institutions. Nevertheless, there are still many difficulties associated with providing benefits to the disadvantaged section of Adivasis, especially those living in the forested hills and remote areas of the country.

Articles 23 and 24: Abolition of Human Trafficking and Forced Labor, Necessary for Adivasi Rights

These two Articles, Articles 23 and 24 of the Indian Constitution, provide essential safeguards for the Adivasi communities, especially with respect to preventing forced labor and human trafficking.

Article 23 of the Constitution reads:

"Traffic in human beings and begar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offense punishable in accordance with law."

Article 24 states:

"No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment."

These provisions are important for Adivasi rights because they prohibit the imposition of inhuman working conditions. Article 23 of the Constitution of India states clearly that no person shall be compelled to work in any capacity under compulsory service or slavery or forced labor or to traffic in humans, and any breach of the law in this regard shall be punishable with imprisonment. Forced labor and trafficking remain persistent problems in certain regions even in today's times. Many Adivasi people in Jharkhand, Chhattisgarh, and Odisha have fallen prey to bonded labor and forced labor practices in various industries. Bonded laborers in these regions face a great deal of discrimination, sexual harassment, physical abuse, poor wages, and inadequate safety measures. Adivasi women and children are particularly vulnerable to exploitation because of their ignorance of such practices. Article 338A: The Establishment of the National Commission for Scheduled Tribes (NCST)

Article 338A of the Indian Constitution makes provisions for the establishment of the National Commission for Scheduled Tribes (NCST). The establishment of this Commission is an important move towards recognizing Adivasi rights because it creates a national-level constitutional body responsible for ensuring the well-being of the Scheduled Tribes of India. This Commission advises the President regarding matters of interest to Scheduled Tribes, conducts investigations into grievances raised by these communities, and promotes social equality for Scheduled Tribes. Furthermore, this commission is authorized to review the development and welfare plans for Adivasi communities and can also make recommendations about how to improve the condition of Adivasis in general. Even though the powers and resources of this commission are fairly limited, its establishment is still an important step for protecting Adivasi rights, as it recognizes the issues faced by Adivasi communities and tries to help them address these issues in the most appropriate manner. Fifth and Sixth Schedules: Provisions Related to the Governance and Administration of Tribal Areas

Both the Fifth and Sixth Schedules of the Constitution of India relate to matters of governance and administration of Tribal areas, but there is a distinction between these two schedules based on the geographical locations where they are applicable and their different provisions.

The Fifth Schedule

According to the Fifth Schedule of the Constitution of India, a number of Indian States contain areas designated as 'scheduled areas'. These areas belong to states like Maharashtra, Karnataka, Gujarat, Rajasthan, Andhra Pradesh, Orissa, Chattisgarh, Madhya Pradesh, and Jharkhand. In scheduled areas, special administrative measures may be necessary to protect the interests of Adivasi communities. The Governor of these states has wide-ranging powers that can protect the interests of these communities in many ways. For instance, the Governor can form a number of Tribal Advisory Councils in each of these scheduled areas. The mandate of these bodies is to provide advice on matters that concern the welfare and development of Adivasi communities in these areas. One of the most important provisions of the Fifth Schedule is that land belonging to scheduled tribes cannot be

sold to anyone outside these tribes without the permission of Adivasi people. This protects Adivasis from being deprived of their land, which happens when mining companies take control of their lands.

The Sixth Schedule

This part of the constitution grants special rights to Adivasi communities living in the northeastern states of India like Assam, Meghalaya, Tripura, and Mizoram. Here the constitution gives power to create autonomous district councils that have legislative and executive powers to manage economic and social matters of these tribes. Thus, the autonomous councils have the authority to manage matters related to land and culture of Adivasi people, which makes them important for maintaining Adivasi governance. Scheduled Areas and Tribal Advisory Councils

As mentioned above, Scheduled Areas, in accordance with the Fifth Schedule, and Tribal Advisory Councils (TACs) are important provisions for protecting the governance, culture, and land rights of Adivasi communities. Scheduled Areas are those regions where Adivasi people form the majority of the population and need special administrative attention for the sake of preserving their distinct way of life. Tribal Advisory Councils in these regions provide an advisory function related to matters of land ownership and culture. While the formation of TACs and recognition of Scheduled Areas is important for maintaining Adivasi autonomy, this process often faces bureaucratic delays because of limited resources of these councils and their inability to assert themselves in such matters. Constitutional provisions made for the Adivasi people of India are meant to promote their rights and interests in terms of education, economic growth, and governance. Such provisions include the guarantee of basic human rights, provision of welfare plans, and promotion of education for the benefit of these communities. In addition, the protection of Scheduled Areas and autonomous councils is another way of providing political and territorial autonomy to Adivasi communities in India. However, these provisions are limited in terms of their effectiveness.

III. Evolution of Adivasi Rights in India: A Historical Overview

Pre-Independence:

In the pre-British period, there existed an autonomous administration in India, where indigenous communities operated on the principle of governing themselves through their customary laws. Since these Adivasis settled in forests and hills, their autonomy was based on the connection with the land and resources. However, with the advent of the colonial administration in India, Adivasis experienced severe suppression of their rights with the enactment of various legislations for controlling the resources. These include Forest Acts, Revenue Settlement Systems, which deprived Adivasis from controlling the forest areas and exploiting the resources. Furthermore, the British administration did not understand the culture of the Adivasis, forcing many of them into labor conditions.

Post-Independence:

Since 1950, when the Indian Constitution was passed, Adivasi communities gained recognition from the government. Indeed, several constitutional provisions were included for the benefit of the Adivasis, who had been historically marginalized from the society. In particular, Articles 46, 15(4), and the creation of Scheduled Tribes category in the Indian constitution envisaged uplifting of the Adivasis through affirmative action. Moreover, the post-independence period brought about the protection of Adivasi land rights. These included the Land Reforms Acts and the Scheduled Areas and Tribal Advisory Councils.

Major Constitutional Amendments:

Several amendments have been enacted that have improved significantly the Adivasi position in India. In particular, these include increased number of tribes in the Scheduled Tribes list. Moreover, legislative efforts have been exerted in protection of Adivasi land and cultural rights. These include enactment of Forest Right Act in 2006.

IV. Legal Instruments and Their Implementation

Firstly, the Panchayats (Extension to Scheduled Areas) Act, or simply PESA, introduced in 1996, has empowered these marginalized groups significantly. This act extends the provisions of the 73rd Constitutional Amendment, which led to the introduction of Panchayati Raj Institutions. PESA acknowledges the existence of the traditional governance system of these groups and grants them the power to administer their resources and solve disputes in accordance with their customs. According to this act, Adivasis are entitled to establish their own local bodies of self-governance, like Gram Sabha, that would be responsible for the regulation and management of local resources, namely land and forests. Nonetheless, despite the great potential of PESA in enhancing the power of these tribes, its execution has been rather poor. Firstly, several states have yet to implement it fully. Secondly, Adivasis have insufficient information about this act and their rights. Moreover, there are various barriers imposed by bureaucracy and politicians that prevent them from enjoying the privileges they are granted by this act.

Secondly, the Forest Rights Act (FRA), which entered into force in 2006, is another law intended to empower these indigenous people. The FRA recognizes land and resource rights of the community living near the

forests and depending on them to maintain their livelihood. These include the right to harvest forest products, cultivate land and recognize traditional land claims. Although this act can be considered an important step towards achieving justice for Adivasi people, it has not fulfilled its mission so far. In particular, due to the failure of implementing FRA and conflicts arising between environmental protection and land rights, many Adivasi families experience forced relocation from their villages.

Finally, there are several acts related to land acquisition, which are meant to protect them from unlawful land alienation. For example, in 2013, the government passed the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act. As far as the Constitution guarantees that tribal land will not be sold to someone else unless its residents agree with that, they still suffer from alienation. Thus, it becomes clear that even having these acts does not guarantee sufficient protection of indigenous population of India.

V. Impact of Constitutional Provisions on Adivasi Communities

These constitutional provisions have proven to be highly beneficial to Adivasi communities. These include affirmative action in education and job opportunities, which have enabled the community to get education and secure government jobs. This has helped them in uplifting their social status and bridging the socio-economic gap between them and the mainstream community. Moreover, the constitutional provisions have enabled the Adivasi communities to receive legal protection under the Fifth and Sixth Schedules. It is noteworthy that these schedules ensure that Adivasis receive autonomy over their lands, culture, and governance. Constitutional provisions under these schedules help the Adivasis to maintain control over these aspects of their lives. Through the process of judicial intervention, these constitutional provisions have helped the Adivasis make decisions concerning their welfare through traditional governing bodies such as Gram Sabhas and Tribal Advisory Councils.

Despite having several positive provisions, these constitutional provisions have faced numerous problems in implementation. For example, there is a huge disparity between the legal framework provided in these constitutional provisions and their actual implementation on the ground level. Though these constitutional provisions provide protection to the Adivasis, they are not effectively implemented due to inefficiency in their implementation, corruption in the process of their enforcement, and lack of political willpower. It is noteworthy that the Forest Rights Act of the country continues to lead to the displacement of the Adivasi communities due to delay in land recognition and conflict with the country's conservation policies. It is important to note that the overlap of various acts such as the Forest Rights Act with other land laws, such as those relating to land acquisition, causes difficulties for the displaced Adivasis due to conflicts arising in the process.

Moreover, bureaucratic obstacles and lack of awareness among Adivasis regarding their rights lead to the failure of constitutional provisions to be helpful to the community. Many Adivasi communities are not familiar with the rights given to them through the Constitution, nor do they understand the process of claiming these rights. Social exclusion remains one of the biggest problems faced by these communities, as they continue to experience discrimination despite having constitutional provisions that are supposed to protect them from it.

VI. Case Studies

Case Study 1: Landmark Case - Niyamgiri Movement vs. Vedanta (2013)

As one of the landmark cases in India, the Niyamgiri Movement is a case of an Adivasi community that sought to protect its culture and land under constitutional provisions. The main case revolved around the issue of the mining of bauxite in Niyamgiri hills by the Vedanta Group, which is a major mining company, in the state of Odisha. The Niyamgiri hills were considered ancestral land to the Dongria Kondh, an Adivasi community, and was sacred. Hence, they considered this area to be vital to their religion and culture. The constitutional provisions that were applicable to the case involved the Fifth Schedule and the Forest Rights Act, 2006. As per the former provision, the Dongria Kondhs have rights over their ancestral lands and these rights should be respected and enforced. Case Study 1: Odisha – Implementation Challenges of Constitutional Provisions for Protecting Adivasi Rights The case came before the Supreme Court, whose legal reasoning involved the violation of constitutional rights of Adivasi people. The Court decided in the year 2013 that the Gram Sabha (local village councils) of the Dongria Kondh should be consulted for a final verdict on the mining project. This decision was based on the constitutional provisions according to which the Fifth Schedule protects the right of Adivasi people to self-governance and land protection. The decision of the Court provided a victory for the Adivasi community in this regard. Nevertheless, the implementation of the Court decision has faced certain difficulties. In particular, the rejection of the mining project by the Gram Sabhas did not protect the Adivasi people from possible threats of mining from the side of the state and private companies. Case Study 2: Jharkhand – Mixed Success and Failure in Implementing Constitutional Protection of Adivasi People There were both successes and failures concerning the implementation of constitutional provisions protecting the rights of Adivasis in the state of Jharkhand. Some successes include affirmative actions, which involve providing reservation for Adivasis in various fields such as education, employment, and politics. Besides, there have been some land reforms in order to prevent the sale of

tribal lands. One of the achievements includes the implementation of the Jharkhand Land Transfer Act that does not allow transferring land to non-tribals. On the other hand, Jharkhand faces the problem of the poor implementation of constitutional provisions aimed at the protection of Adivasis' rights. In spite of all the efforts to protect them, a great number of Adivasis have been evicted and displaced by large-scale land acquisitions in order to construct factories, mines, and power plants. The Forest Rights Act has not been efficiently used as well; many tribal families cannot receive recognition of their forest land rights. This is partly due to the absence of political will or lack of awareness about one's legal rights among the Adivasis. Besides, there is the problem of the existence of the land mafia, which violates legal provisions.

Case Study 3: Role of Local Governance and Tribal Advisory Councils in Tribal Areas It is worth noting that there are some important roles of local governments and Tribal Advisory Councils (TAC) in the protection of Adivasi peoples' rights. The TACs serve as advisory bodies established as part of the constitutional provision called the Fifth Schedule, which enables tribal people to be involved in the governance process of their area. For instance, in the state of Chhattisgarh, TACs play a vital role in providing recommendations for the state government concerning various issues, including the welfare of Adivasi tribes. The implementation of the Panchayats (Extension to Scheduled Areas) Act (PESA) together with the establishment of TACs led to mixed results in Chhattisgarh. Although the latter enables Adivasi people to govern their lands and take autonomous decisions in regard to their welfare, the functioning of such councils is impeded by lack of powers, resources, and political influence of local authorities who may not care about tribal people. In this regard, for instance, the TACs in Kanker District of Chhattisgarh successfully advised against land transfer and unauthorized mining of mineral deposits. At the same time, lack of capacity-building of members of such councils as well as some local politicians' desire to use the area for their own benefits prevented the efficient work of local governance institutions in some areas. Bureaucratic obstacles have impeded the recognition of tribal people's land rights under the Forest Rights Act.

VII. Discussion

Although the Constitutional provisions intended to safeguard the interests of the Adivasi population are rather elaborate, their effectiveness is questionable in practice. For example, according to the Fifth Schedule of the Indian Constitution, Adivasi tribes possess the right to occupy their traditional lands, receive equal educational opportunities and adequate representation in the parliament and governmental organizations. Additionally, various measures of affirmative action have been implemented in India to secure the position of minority groups and prevent discrimination against them. Nevertheless, numerous violations of the land and forest rights of Adivasi communities, their exclusion from economic processes, and other similar problems occur in spite of legal protection. The main reasons for such inconsistencies include the inefficiency of bureaucracies involved in enforcing the laws, lack of information among Adivasi populations, and the violation of rights by powerful external parties. Moreover, some Adivasi lands remain inaccessible due to the ongoing conflicts related to mining, logging, and other processes.

Political will and the efficiency of governments are vital in implementing constitutional provisions meant to protect Adivasi tribes. As a result, the constitutional safeguards of minority populations prove to be effective in regions where the governments are willing to help Adivasis in terms of health care, education, employment, and other spheres. This applies to various regions of India, namely Jharkhand and Chhattisgarh. On the other hand, there are regions where the interest of political leaders is associated with maximizing profits through industrial developments rather than promoting the interests of local tribes. Furthermore, corruption and inefficiency of governments hamper the enforcement of laws concerning Adivasis. Finally, the land and resource lobbies may influence the actions of the government by shaping the decisions of officials and preventing them from making beneficial choices related to indigenous communities.

Some difficulties associated with cultural and social aspects also affect the interaction between Adivasis and constitutional provisions. Namely, Adivasi minorities often retain their specific cultural features, such as languages and other aspects of life. As such, although the Indian Constitution acknowledges the importance of preserving these features and providing equal rights to all citizens, Adivasis may be subject to erosion of culture when they become part of the larger population and are forced to follow the same social norms and participate in the processes of modernization, education, and urbanization.

External interventions and civil societies also play an important role in ensuring the protection of Adivasi populations. For instance, various NGOs, such as Niyamgiri Suraksha Samiti and The All India Union of Forest Working People, protect Adivasi lands, file cases against violators, raise awareness of people about Adivasis, etc. Although NGO activists can face resistance in their actions both from authorities and corporations, they provide valuable assistance in terms of advocating for the rights of Adivasi communities and helping them preserve their lands and other assets.

VIII. Recommendations

In order to improve the implementation of provisions of the Constitution for the benefit of Adivasis, one needs to pay attention not only to the reforms but also to the ways in which they could be put into practice. Firstly, it is necessary to ensure the stricter execution of existing laws. This can be accomplished by creating special departments for the protection of the rights of Adivasi people at the federal and state level. These institutions will be responsible for the proper implementation of the Forest Rights Act and Land Reforms. The creation of centralized control systems will ensure the transparency of work and will force both state and federal authorities to implement laws. In addition, this measure will prevent the prolongation of processes and guarantee that Adivasis' rights are protected according to the Constitution.

It is recommended to enhance the powers of local authorities. The decisions regarding the use of the territory and its natural resources should be made by local tribal councils and Gram Sabhas without any intervention from external entities. Moreover, providing these organizations with additional resources will enable them to effectively govern their communities. Finally, PESA should be implemented throughout the country as it allows indigenous peoples to independently regulate the issue of using their territory and natural resources. Such measures will prevent exploitation and invasion in the territories of Adivasis.

Judicial reforms also need to be carried out. Firstly, the court should be more sensitive to the problems faced by Adivasis, as they encounter numerous difficulties when defending their rights in court. The creation of specialized tribal courts or tribunals that would be responsible for solving disputes related to land ownership and forest rights will allow the judicial system to function effectively. Secondly, judges need to be adequately trained so that they understand the peculiarities of the problems that arise during the consideration of cases related to the rights of Adivasis.

Finally, it is necessary to conduct an extensive awareness campaign for the population in remote areas where there are no local NGOs, and Adivasis have little information about their constitutional rights. Community leaders and local government agencies will play a crucial role in the organization of such programs. In addition, it is recommended to provide Adivasis with detailed information about their constitutional rights, laws, and possibilities for seeking help.

IX. Conclusion

Upon closer analysis of the constitutional provisions that relate to Adivasis and the implications that they carry, an ambiguous situation emerges. First, the constitution provides a legal basis for ensuring social welfare of these indigenous communities. Specifically, such articles as 46, 15(4) and the Fifth and Sixth Schedules contain provisions that are aimed at promoting education and economic prosperity of the community while at the same time securing the preservation of their unique cultures. Additionally, judicial intervention sometimes helps strengthen these constitutional provisions. For example, in the case of the Niyamgiri Movement, the Supreme Court recognized and defended the rights of Adivasi people to protect their own lands. Overall, these measures did contribute to some improvements in terms of increased political influence, as well as in securing their property rights and forest rights.

However, when the ground realities are analyzed, there appear to be certain gaps and inconsistencies. Thus, the actual application of the provided constitutional guarantees is not always flawless since the necessary implementation mechanisms may be missing. In particular, Adivasi people continue to suffer from forced displacement, exploitation, marginalization and exclusion, partly because they do not know about their rights or cannot take any action against it due to existing legal and procedural obstacles. The conflict between economic development initiatives and the rights of the tribe members appears to be common nowadays in the processes of land acquisition and forest reservation.

Therefore, it becomes necessary to devise a roadmap of actions needed to promote further improvements in the current situation in terms of securing Adivasi people's rights and increasing their empowerment potential. It should include enhancing the process of applying the provisions described above and creating additional tools for enforcing them. Some examples of such tools include empowering the local governing bodies and making implementation of the Forest Rights Act more efficient as well as addressing socio-political issues and launching judicial reforms.

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