

ADIVASI OR SCHEDULED TRIBE : DETERMINATION OF THE IDENTITY

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1. Introduction

Like the *Jataka* tale of an elephant and seven blind men the issue of tribal identification, especially of the Scheduled Tribes, swing from one far end to another. Much interest, in this issue, has been shown by different people for one or the other reasons. The Christians are interested in their conversion. And the Hindu organizations are interested in effacing their identity by absorbing them in their religion. But currently the issue came in arena when many communities, like the *Jats* in Rajasthan and the *Dhangars* in Maharashtra, want themselves to be included in the list of Scheduled Tribes (The Constitution (Scheduled Tribes) Order, 1950) (hereinafter referred to as ST's) with the sole purpose of reservation benefits.

The term 'tribe' has nowhere been defined in the Constitution of India. It has been defined by many social scientists, but none of them gave a complete picture of the tribe. In the scheme of reservation policy, various terms are used such as, Schedule Tribe, Nomadic Tribe, etc. But when we speak about Schedule Tribe the common perception is that the people included in the list are Adivasis. Therefore, it is evident that the communities who claim that they should be included in the list of Scheduled Tribes must fulfill the criterions of being Adivasi.

Such identification is necessary not only for the reservation benefits but also for their identity of being Adivasi itself. The issue of identity becomes more serious when the state like Uttar Pradesh excluded the Adivasis from the Constitutional and administrative category of Scheduled Tribes and wrongly placed them in the lower/lowest categories of the Hindu social hierarchy.² Similarly in Gujarat the Rathwas (an Adivasi tribe) is excluded from the list of Scheduled Tribes. The object of the present paper, therefore, is to identify the criterions on the basis of which a community can be called as Adivasi

The communities demanding themselves to be included in the list of ST's is long, therefore, it requires a comprehensive study of all those communities which is beyond the limit of this paper. The paper, therefore, limits its scope to identify the criterions of being Adivasi, and leaves the matter to the communities demanding themselves to be included in the list of ST's to ascertain whether they fulfill the criterions identified in this paper.

2. Adivasis and their Nomenclature

'Adivasi' is a group name of those tribes which are inhabitants of India much before the people of different cultures or ethnic origin arrived. It is not a name of any particular caste or tribe. Other related terms for 'Adivasi' include 'Indigenous Peoples', 'Primitive tribes', 'Aborigines', 'Aboriginal peoples', 'Native peoples', 'First peoples', 'Autochthonous' (sprung from the earth). In Sanskrit, they are referred to as '*Attavika Jana*' (forest dwellers). In the ancient Vedic literature Adivasis have been referred to as '*Rakshasas*', '*Asuras*', etc.

In India, there has been a confusion regarding the nomenclature of Adivasis; they are referred to as '*Vanvasis*' (forest dwellers), '*Girijanas*' (hill people), etc. In the Census Report of 1891 they were termed as 'Animists'³. During the British Period, they, along with the people belonging to the Scheduled Castes, were loosely referred to as 'Depressed Classes'. In the Government of India Act, 1935, definition of 'Scheduled Castes' were given; in which, the Adivasis also were included.⁴ No separate definition was made for them.

The Constitution of India refers to them as “Scheduled Tribes” and a separate definition of which is given under Article 366(25). The word ‘tribe’, as stated above, has nowhere been defined in the Constitution of India. Article 342 only declares that the Scheduled Tribes are “the tribes or the tribal communities or parts of or groups within tribal communities” which the President of India may specify by public notification.⁵ The communities thus notified under Article 342 are deemed to be the ‘Scheduled Tribes’ “for the purpose of the Constitution”.

3. Origin and history of the word ‘tribe’

The term ‘tribe’ is derived from the Latin word ‘*tribus*’ (from ‘*tri*’ and ‘*bu*’), which denotes an inhabited place.⁶ According to ‘Encyclopedia Americana’, the Latin word ‘*tribus*’ means ‘one third’, which originally referred to one of the three peoples who united to found Rome. The Romans later applied *tribus* to the 35 peoples who, according to tradition, became part of Rome before 241 B.C. and, still later, to segments of the Gallic or Germanic peoples whom they conquered. The word *tribus* was first used to imply three divisions amongst the early Romans. It was rendered into Greek and the Greeks used the word with reference to the tribes of Israel. According to ‘Shorter Oxford English Dictionary’, the word tribe (*tribus*) denotes ‘group of persons forming a community and claiming descent from a common ancestor’. For example, it has been assumed that each of the twelve divisions of the people of Israel would claim descent from the twelve sons of Jacob.

Over the years, in different countries, the word ‘tribe’ or ‘tribus’ has carried different connotations. For Romans, the word meant political divisions; for the Greeks it meant fraternities, and the Irish history referred to the term as communities having common surname.⁷

The word tribe implies an aggregate of stocks. A stock implies an aggregate of persons, who are supposed to be kindred. It may also denote an aggregate of families which form a community usually under a Government or a Chief. The Chief may possess an autocratic power over the members of the tribe. This might be recognized as the earliest picture of a community. The term ‘tribe’ also signifies “a primary aggregate of people in a primitive or barbarous condition under a head or a chief”.

In Article 342, the procedure to be followed for specification of a Schedule Tribe is prescribed. However, it does not contain the criterion for the specification of any community as Schedule Tribe.

The term ‘tribe’ has been defined by many authors, but none of them gave a complete picture of the tribe. However, following characteristics can be attributed to the term ‘tribe’, which may serve (and in fact serves) the criterion for specification of any community as Schedule Tribe. In this connection, it is pertinent to note that a number of tribes have since transformed themselves so much that they do not conform to many of the criterion listed below.

1. Tribes are usually endogamous groups, though certain tribes have become exogamous after coming into contact with external world. Within the tribe there are sibs or clans which may be exogamous.
2. Tribes are generally homogenous cultural, social and political organizations which have their own laws and justice, customs, rituals, rites, etc.
3. Each tribe is headed by a tribal chief or headman who commands the tribe and whose decisions are final. The selection of this office is either hereditary or by trial of strength.
4. Most of the tribal languages do not have scripts.
5. Each tribe claims descent from a common ancestor which may be real or mythical. This common ancestry serves to unite them in strong bonds.

6. Tribes have territorial identity, i.e., each tribe occupies a common and well defined territory which serves as its homeland.
7. Tribes believe in certain myths, rudimentary type of religion and magic.⁸

Here, it must be noted that, though the community who claims to be included in the list of Scheduled Tribes may have fulfilled the above-stated criteria but that by itself is not sufficient for their inclusion in that list. Because they may be included in the list of Nomadic Tribe, etc. Therefore, fulfillment of the above criterion is not sufficient; they must fulfill the criteria of being Adivasi.

4. Adivasi

The word 'Adivasi' is derived from the words – 'Adi', means from the beginning, original and 'Vasi' means inhabitants, which indicates that they are the original / native inhabitants of India. It is an umbrella term for a heterogeneous set of ethnic and tribal groups believed to be the aboriginal population of India. As stated earlier, in India, there are several parallel terms used for Adivasis for example, *vanvasi*, *girijan*, etc. but the term Adivasi carries the specific meaning of being the original and autochthonous inhabitants of India. Mr. Jaipal Singh⁹ had insisted on the term 'Adivasi' in the Constitutional Assembly but, his proposal was rejected with the reason that the term Adivasi is very generic.¹⁰

The Indian term 'Adivasi' and the internationally accepted term 'Indigenous people' carry more or less the same meaning. The adjective 'indigenous' with reference to the word 'people' denotes, 'any ethnic group of people who inhabited a geographical region with which they have the earliest known historical connection'. This goes very close to the term Adivasi which means original / native inhabitants.

Though the term 'Indigenous Peoples' has not been defined but the prominent and internationally recognized organizations, such as the United Nations, the International Labour Organization, and the World Bank described certain cultural groups as Indigenous Peoples who fulfill certain criteria.

ILO, in its Convention: C169, namely, 'Indigenous and Tribal Peoples Convention, 1989',¹¹ though, have not defined the term 'Indigenous and Tribal Peoples' but Article 1 of the Convention prescribed certain criteria for determining Indigenous and Tribal Peoples, on fulfillment of which the Convention becomes applicable to them. Accordingly, Indigenous and Tribal Peoples means those people whose social, cultural and economic conditions distinguish them from other sections of the national community, and

- (a) Whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
- (b) Who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions; and
- (c) Who identify themselves as indigenous or tribals.

All these criteria very well apply to the Adivasis. They are the original inhabitants of India long before the Aryans invaded India. The wars between the Aryans and the Adivasis forced them to recede to the relatively inaccessible regions of forests, hills and large mountain slopes. The Adivasis, thus, for centuries, persisted in isolation with little or no contact with the population of open plains

and centers of civilization that spread in India. Therefore, their social and economic¹² conditions are quite different from other sections of the national community. They have their own religion,¹³ gods,¹⁴ festivals,¹⁵ languages¹⁶ and a distinct culture. They do not come within the ambit of *Varna-system* of Hindus.¹⁷ Their original religion is separate from that of the Hindus, Muslims, Christians, Jainas, Buddhists, etc. The Adivasi method of living life is entirely different from that of others. In the matters of Personal Laws they are still governed by their customs and traditions. They identify themselves as indigenous or tribals. In the light of the above facts, it can safely be said that the terms 'Adivasi' and 'Indigenous Peoples' convey more or less the same meaning.

The 'World Council of Indigenous Peoples' had asked the Government of India's Permanent Committee in the United Nations, regarding the problems / issues of Adivasis (Indigenous Peoples) in India; a very strange answer was given by Mr. Jayant Prasad, a Government of India representative, in front of the UN Working Group on Indigenous Population in Geneva (1993), on behalf of the Government of India that, "in India there are peoples belonging to Scheduled Tribes and not the Indigenous Peoples."¹⁸

In this background, it is always to be remembered that, 'Scheduled Tribes' is an administrative term used for the purpose of 'administering' certain specific constitutional privileges, protections and benefits for specific sections of peoples considered historically disadvantageous and backward. But for practical purposes, the United Nations and multilateral agencies such as the World Bank, ILO, etc. consider the Scheduled Tribes as 'indigenous Peoples' that is, the Adivasis.¹⁹ The Dhebar Commission also in its report stated that, the Scheduled Tribes as listed in the Constitution includes in it the concept of Adivasis;²⁰ irrespective of the religion they embraced. The person who fulfils the above-stated criteria is Adivasi. Identity of 'Adivasi' does not depend on the religion which he embraces.²¹ In India, the presence of Adivasis can be found in almost every religion, for example, 32.80% of Christian population consists of Adivasis, while in Buddhism their population is 7.40%, in Sikhism 0.90%, in Hinduism 9.10%, in Zoroastrianism 15.90%, in Jainism 2.60%, in Islam 0.50%.²² All these Adivasis are included in the list of Scheduled Tribes.

Conclusion

The Indian term 'Adivasi' and the internationally accepted term 'Indigenous people' carry more or less the same meaning. The communities notified under Article 342 are deemed to be the 'Scheduled Tribes' "for the purpose of the Constitution" only. But this is not sufficient for establishment of the identity of the Adivasis.

It quite possible that a particular tribal community may have fulfilled all of the criterion stated above and still it may not have been included in the list of Scheduled Tribes. But this does not mean that such community do not fall within the ambit of Adivasis, that is, Indigenous and Tribal Peoples. Therefore, only those tribes or tribal communities who fulfill the above-stated criterion of Adivasi should be included in the list of Schedule Tribes.

(End notes)

- 1 Dr. P. H. Pendharkar, Assistant Professor, N. B. Thakur Law College, Nashik, E-mail: phpendharkar@gmail.com
- 2 See, Verma, A.K., "Tribal 'Annihilation' and 'Upsurge' in Uttar Pradesh", Economic and Political Weekly, December 21, 2013, Vol. XLVIII No. 51, at p 52.
- 3 <http://www.chaf.lib.latrobe.edu.au/dcd/php?title=&action=next&record=1004> visited on 4/16/2009.
- 4 Clause 26 (1) of the First Schedule (Part I) of the Government of India Act, 1935 defines the term 'Scheduled Casts' as, "such casts, races or tribes, or parts of or groups within casts, races or tribes being casts, races, tribes, parts

- or groups which appear to his Majesty in Council to correspond to the classes formerly known as “the depressed classes”, as His Majesty in Council may specify”.
- 5 Though the word ‘tribe’ has not been defined in the Constitution of India but Article 366(25) defines the word ‘Scheduled Tribes’ means “such tribes or tribal communities or parts of or groups within such tribes communities as are deemed under article 342 to be Scheduled Tribes for the purpose of this Constitution.”
 - 6 Chaudhari, Mamata, “*Tribes of Ancient India*”, (2000), Indian Museum, Calcutta, at p 6.
 - 7 Rajeeva, “*An Introduction to the Tribal Development in India*”, (1989), International Book Distributors, Dehra Dun, at p 1.
 - 8 Rajeeva, *Ibid*, pp 9 -10.
 - 9 He was member of the Constituent Assembly of India and the President of Adivasi Mahasabha and also one of member of the ‘sub-committee on the excluded and partially excluded areas in the Provinces other than Assam’ which was form by ‘Advisory Committee on the Rights of citizens, minorities and tribal and excluded areas’ set up by the Constituent Assembly in terms of paragraph 20 of the Cabinet Mission’s Statement of May 16, 1946.
 - 10 More, Madhav Bandu, “*Adivasi Va Manavi Adhikar*”, Adivasi Ekta Parishad, Shahada, Distt. Nandurbar, at p 2.
 - 11 Came into force on 05.09.1991.
 - 12 Simple economy is their distinguishing feature. It is subsistence type economy. Barter system still exists in many parts. Many of the tribes are still in the food-gathering stage, hunting stage, pastoral stage; even shifting cultivation is being followed.
 - 13 Their pattern of religious belief is in the form of Animism and Animatism. Broadly speaking, religion of Adivasis in all the parts of the world is very crude type, represented more of less by animism and worship of natural forces. They believe in sorcery and witchcraft. Belief in miracles, magical rites and totemism also played an important part in their religion. They are also Phallus worshipers. According to some scholars, both Phallus worship and the Shaiva cult were of tribal origin. Both the god *Shiva* and the goddess *Kali* are believed to be originally non-Aryan deities, whom the Aryan subsequently incorporated in their own pantheon. For details see, Chaudhari, Mamata, *Supra* note 5 pp 80 – 81; See also, Sankrutyayan, Rahul, “*Volga Te Ganga*”, (2005), Lok-Wangmaya Gruha, Mumbai, at p 63.
 - 14 For e.g., the Adivasis of Nandurbar district believe in Waghdev, Dhandev, Sarpdev, Kovdev, Dongerdev, Khetradayadev, Kansari Mata, Yahamogi Mata, Pandhar Mata, Raja Pantha, etc. For details see, Gare, Dr. Govind, “*Satpudyatil Bhil: Etihasik Ani Samajik Magova*”, Continental Prakashan, Vijaynagar, Pune.
 - 15 Niyi Chari, Ola Pujatla, Indal Puja, Dudumakai, Novai, Govhan Puja, Holi, Diwali etc. For details see, Padvi, Virsingh, “*Adivasi Jeevan Sangharsha*”, Santkrupa Press, Nandurbar.
 - 16 Common language / dialect is one of the distinctive features of a tribe. Each tribe has its own language. For example, Santhali of Santhals, Gondi of Gonds, Bhilli of Bhills, Kokni of Koknis, Pawri of Pawras, Mawchi of Mawchis, etc. Almost all of the languages of Adivasis have no script.
Adivasis are either the Pre-Aryan tribes or they are other than Aryan tribes. Therefore, their languages are different from the Aryan group of languages. For example, Bhilli language is from Dravidian Family of languages. For details see, Sharma, Rajeevalochan, “*Janajatiya Jeevan aur Sanskriti*”, (1971), Kitab Ghar, Kanpur, pp 175 – 176. In this connection it is to be noted that though the Adivasis have their own distinct languages but still in the modern times many of their languages have been influenced by the local languages.
 - 17 The *Verna-system* of Hindus consists of ‘castes’, which are stratified social groups based on division of labour by birth while, Adivasi ‘tribes’ are territorial groups having no stratification of society and no division of labour by birth. Castes and even sub-castes of Hindus are always endogamous. However, exogamous groups among castes and sub-castes exist among the Hindus which are called as *gotras*. But Adivasi tribes may be endogamous or exogamous. Social status of a Hindu is based on caste which in turn is decided by birth while, social status among Adivasis does not depend upon the tribe. Adivasi tribes do not suffer from any civil or religious disabilities but the caste system of Hindus suffers from such disabilities, e.g., practice of untouchability.
 - 18 More, Madhav Bandu, “*Adivasi Bolu Lagala*”, Sugava Prakashan, Pune, pp 14 – 15; See also Ddungung, Gladson, “*Adivasis Towards Violence*”, in ‘Social Action: A Quarterly Review of Social Trends’, July-Sept., (2010), Vol. 60, No. 3, pp. 250-262.
 - 19 <http://www.pucl.org/Topics/Dalit-tribal/2003/adivasi.htm> visited on 17/4/2009.
 - 20 More, “*Adivasi Bolu Lagala*”, *Supra* note 17 p 16.
 - 21 For instance, it has been held in *Kartik Oraon v. David Munzhi and Another*, AIR 1964 Pat 54 that, a person who is a member of Oraon Tribe which a Schedule Tribe is entitled to contest election as a candidate for the Parliamentary seat reserved for Scheduled Tribe, even if he is converted to Christianity. And in *Karbhari alias Joseph Shankar Nikam v. Smt. Rahibai Anaji Gite*, AIR 84 Bom 392, it has been held that, a person belonging Bhil tribe which is a Scheduled Tribe is entitled to the benefits of restoration of land to Scheduled Tribe even after his conversion into Christianity..
 - 22 http://en.wikipedia.org/wiki/Scheduled_Castes_and_Scheduled_Tribes visited on 17/4/2009.