

Political Representation and Indigenous Peoples in India

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Abstract

This essay focuses on the historical injustices meted out to indigenous people popularly called 'scheduled tribes' in India in all the aspects of socio-economic and political life with special emphasis on political representation. The obstacles that the indigenous people face in entering in to political institutions and legislative bodies have been thoroughly discussed and the questions are raised such as how the reservations are being implemented and have they really contributed to the development of indigenous people? Suggestions and remedies for the upliftment of indigenous are given at the end of the article.

After becoming independent from the British, India became a sovereign democratic republic and prepared a constitution of its' own in 1950. The constitution of India has borrowed several concepts from the constitutions of other countries. Therefore, it is treated as a bag of borrowings. The

Indian constitution provides for a parliamentary form of government, where the citizens on the basis of universal adult franchise elect the public representatives periodically. Since India is so vast and diverse in culture, there exist several ethnic and cultural groups conflicting with each other to safeguard the interests of their particular communities. The most backward and marginalized among these groups are scheduled castes and indigenous people. The case of indigenous people is much worse as they live in the forests and outside of mainstream Hindu culture. Before independence, when India was under the rule of the British, there emerged some sort of democratic political institutions where some of the Indians were given opportunity to participate in the legislative activities as representatives. However it was only the rich, business and educated classes of Indians who could secure those legislative positions. All those rich, business and educated people were belonged to the upper strata in the caste hierarchy. The same trend continued even after independence. The upper class/caste people have dominated all the political as well as bureaucratic institutions even after independence.

The minority communities—particularly the indigenous people have been oppressed since ages. As they are backward in all the social-economic, cultural, and educational aspects, they always lagged behind in securing political power. The majority and dominant communities always have oppressed them. They always felt it difficult to compete with the upper strata populace to achieve political power; rather they have been remained submissive to the dominant communities. The indigenous people have never been given

important positions in committees, commissions, taskforces etc. Further, they never got important ministerial portfolios like home, finance, defense, and revenue. They were always given smaller and insignificant ministerial portfolios. Their strength is very less both in the parliament and state legislatures; that prevent them in influencing the policies pertaining to them. They are discriminated and dominated in every aspect by the upper strata legislators.

One of the main considerations of the representative democracy is the representation of plurality of interests. But, in the context of India democratic representation of the plurality of interests never has taken place. Interests of the dominant sections of the society always remained at the forefront and the interests of the weaker sections have taken backseat. For representative democracy to survive there needs to be a peaceful resolution of conflicting interests by means of impartial deliberations and debates. Through peaceful resolution of conflicting interests and impartial deliberations every community will get its due without any distinction and discrimination. Fulfilling this, the architects of the constitution of India have realized to provide certain special safeguards and welfare provisions for the upliftment and accommodation of the weaker sections of the population in to the polity. As a part of that, reservations in political institutions such as parliament and state legislatures are being provided. The question here is how these reservations are being implemented and have they really contributed for the development of scheduled tribes? The present paper tries to look in to some of these questions and brings out certain

suggestions for the realization of constitutional provisions pertaining to indigenous people.

Socio-economic Profile of Indigenous People

Indigenous people constitute 8.2 percent of India's total population according to 2001 census reports. They are still primitive, remote from modern civilization, and backward in all walks of social, economic, and cultural life even after 50 years of India's independence. There have been several opinions about the definition and meaning of tribe (indigenous people). According to Ghanashyam Shah 'tribe identifies the people who live in a primitive or barbarous condition under a headman or chief.' According to him, scheduled tribes (indigenous people) are aboriginals or adivasis and were believed to be the original natives of the land (Chaudhuri, 1992).

Ghanashyam Shah says that the British create the so-called tribal and non-tribal categories. In the words of Lucy Mair, 'a tribe is an independent political division of a population with a common culture (Sharma, 1998). According to Ralph Linton "in its simplest form the tribe is a group of bands occupying a contiguous territory or territories and having a feeling of unity deriving from numerous similarities in culture, frequent contacts, and a certain community of interest (Sharma, 1998, pp 88-89).

In India, indigenous people are more or less concentrated almost all over the country. One major concentration of indigenous people is found in the northern borders of India stretching from Jammu and Kashmir across Himachal Pradesh, Uttar Pradesh, and northeastern parts of India. Another major concentration is found in Central

India consisting of Madhya Pradesh, Orissa, and Andhra Pradesh. And a smaller number of indigenous people are found in Karnataka, Tamil Nadu, Kerala, Gujarat, and Rajasthan. Government of India recognized nearly 573 communities as indigenous people. Nearly 75 percent of indigenous peoples' population is found in Central India. Indigenous people in India have different kind of lifestyles and cultures of their own. Each indigenous tribe is different from the other in all walks of life. These indigenous peoples are considered as *adivasis* or believed to be the first settlers on the soil of India. They were migrated to India in the past from different parts of the world. Most of them live in forests, adjacent to rural villages, and remote areas. They make their livelihood by hunting and gathering, agricultural labour, and use of forest products. With the advent of Aryans to the subcontinent the indigenous people were continuously exploited for years together. Most of them have lost their cultural identities, customs, and rituals by being assimilated in to the mainstream population.

With a view to involve them in the mainstream population the Indian Constitution framers have provided certain special safe guards and protective provisions for the up-liftment of indigenous people. Important among such provisions are the following;

Social Provisions:

- Article 14 provides for right to equality.
- Article 15 provides for prohibition of discrimination on the grounds of race, religion, caste, language etc.

- Article 17 provides for abolition of *untouchability*.
- Article 23 provides for abolition of trafficking and exploitation.
- Article 24 provides for abolition of children working in industries below 14 years of age

Economic Provisions:

- Article 46 provides for promotion of educational and economic interests of SCs and STs.
- Article 46 A provides for protection and conservation of forests.
- Article 244(5th schedule) deals with administration of scheduled areas and empowerment of governors of the states to carry out their functions and report to the president.
- Article 275 says that the special funds to be sanctioned to the scheduled areas from the consolidated fund of India.

Political provisions:

- Article 330 provides for reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the house of the people.
- Article 332 provides for reservation of seats for SCs and STs in the legislative assemblies of states.
- Article 335 aims at recognition of the claims of SCs and STs to service and posts.
- Article 338 provides for appointment of national commission for SCs and STs.

- Article 342 deals with the identification and determination of STs.

Apart from the above-mentioned provisions, the government of India has also taken up certain statutes and legislations regarding indigenous people. They are; Protection of Civil Rights Act 1955 (previously known as Untouchability Offences Act and modified in 1976 as Protection of Civil Rights Act), Prevention of Atrocities Against Scheduled Tribes and Scheduled Castes Act 1989, Bonded Labour Abolition Act 1976, The Child Labour Regulation Act 1986, The Forest Conservation Act 1980, The Panchayats Extension Act 1996 etc. Along with these legislations the governments at both central and state level have taken up several developmental programs for the development of indigenous people in India.

The Essence of Reservations and Political Representation for Indigenous People

Representation is one of the basic aspects of modern governments. The concept of representation existed always in the past but its 'political' significance was unexplored as we use in contemporary times. Political thinkers/theorists of middle ages made considerable use of the idea of representation in the construction of the relationship between the church and state. According to Thomas Hobbes the concept of state or community rests on the idea of representation. He advocated for a multitude of persons who are made into one person and he is the actual representative of that multitude (Fredrich, 1996). In modern times with the advent of industrial revolution and development of transport and communications in the Western European

countries a large middle class emerged. The rise of middle class led to the formation of several associations, interest groups, political parties etc. that eventually started demanding their share in the political affairs of their countries. Further, the industrialization in the West, in modern times, gave birth to imperialism and colonialism that in turn led to the colonization of Afro-Asian countries by the industrially advanced countries with Britain in the fore-front. After a long suffering under the British supremacy these countries by virtue of prolonged so called independence struggles and revolts finally acquired independence and established their own representative political institutions and self-government.

Thus, the modern concept of political representation along with its representative institutions spread to African and Asian countries. Since most of these countries are so diverse in culture and varied in life styles a large number of associations, cultural and ethnic groups, racial groups, business classes etc. started demanding their share in the political affairs of their particular countries. As a result, elections, political parties, interest and pressure groups started playing an important role in the political affairs of these nations. With these developments in the modern period, the concept of political representation became prominent and an important aspect of debate and discussion for scholars around the globe.

Political Representation involves the delegation of government to a small number of citizens elected by the rest (Held, 1985). That small number of elected citizens acts as the representatives of the represented. Political

representation is considered as an important concept since the public views can be refined and enlarged when passed through the medium of a chosen body of citizens or representatives. In this entire process of the political representation the large number of citizens influence political power and governmental action through their elected representatives and get their problems and issues solved. Further, the decisions taken up by the authorized representatives will have a binding effect upon the entire community that is represented. In a parliamentary democracy, the enactment of general rules and policies requires careful coordination of conflicting interests and viewpoints of different sections of the society so as to reach an effective compromise and consensus. If the coordination of conflicting interests, opinions and problems of different sections of the population are not properly coordinated or undermined, then the very purpose of achieving democratic principles and commitments will be difficult.

There has been difference of opinions about the concept of political representation and its nature. There are some scholars who criticize political representation and there are some others to uphold the concept. The scholars who criticize the concept argue that political representation undermines democratic norms in the sense that representation of different sections having different cultures and lifestyles will lead to the rise of identity politics that eventually leads to destroy the common good, weakens national identity and undermines class solidarity (Young, 2000). Further, they feel that the rise of identity politics will encourage antagonism and conflict between different sections and make national

integration difficult. They argue in favour of common good principle rather than specific and sectional interests.

Contrary to the above arguments, on the other hand, the scholars who support the concept of political representation argue that since the modern governments are too large and diverse in culture there needs to be recognition for the plurality of interests of different sections and communities in the process of political representation. A famous scholar Marion Young mainly supports this inclusive view. She argues that there are certain sections of the population such as blacks, women, working class etc. that are not adequately represented in the representative institutions and decision making process in several democratic countries.

According to her when political outcomes result from an exclusive process by dominant and wealthy classes that outcome is illegitimate (Young, 2000, pp 52-54). She says that the exclusion of the under-represented communities from the decision making process contributes to perpetuate political and social inequalities. The practice of exclusion of weaker sections from the debates and discussions and perpetuation of social inequalities is against the normative democratic ideals of political and social equality. Further, more inclusion of the marginalized groups not only in legislatures but also in commissions, boards, task forces, media coverage, and other decision making bodies will help them to confront and find remedies for structural inequalities. She also suggests number of ways to promote greater inclusion of the marginalized groups. Establishment of political and associational institutions specifically designed for these groups,

techniques of quotas in electoral lists, proportional representation, reservation of seats etc. will promote greater inclusion of under-represented groups (Young 2000, pp. 141-153).

The reservations are provided as a part of preferential treatment so as to enable the indigenous people to be among the members of the governing class. The term preferential treatment is used interchangeably as compensatory discrimination, protective discrimination, positive discrimination, inclusion, special reservations etc. According to Prakash Louis the purposes of positive discrimination are threefold. They are as follows:

1. It is made for the discriminated and deprived social groups for their protection against the dominant communities,

2. These policies are different from the general ones as they are specifically meant for the deprived and discriminated communities.

3. These policies serve as a remedy to include the excluded social groups in the decision-making process and deliberations (Louis, 2005). It implies that the reservation policies for the deprived social groups are essential for the realization of democratic goals such as equality and justice.

The reservations in the Indian constitution have been provided with a view to involve them in the mainstream population and enable them to participate in the political affairs of the country. Since, the effective leadership and political power plays an important role in the socio, economic and political lives of different communities, the reservations in law making bodies are expected to bring about a drastic change in the lives of the tribes. According to Marion Young the

marginalized groups such as blacks, women, racial and ethnic groups etc. need to be included not only in the legislatures but also in other influential bodies like task forces, commissions, expert committees etc. for their overall development and inclusion (Young, 2000).

While framing the constitution of India, Dr. B.R. Ambedkar vividly explained about the purpose and objectives of the reservations for scheduled castes and indigenous people. According to Ambedkar a reservation is an instrument of protection against the aggressive communalism of the governing class that comprises the dominant communities like Brahmins and other upper-strata communities. The reservations are intended to keep the Hindu communal majority within bounds and limit their political power and influence. He asserted that *dalits* (scheduled castes), and indigenous people are not a part of Hindu society and hence they want to be partners in running the government of this country. Further, he said that they want partition of political rights and those rights must be recognized distinctly from those of the Hindus separately. By distinctly recognizing the political rights of *dalits* he meant to say that Indian social structure is so diverse and varied where some of the sections or communities of people are dominant in all walks of life and some other communities are marginalized. Hence, the existing social structure needs to be considered in framing the constitution. The political structure must be related to the social structure. If that does not happen then the legislature, the executive and the bureaucratic branches of the country will be occupied and dominated by the upper strata communities that will eventually suppress the

already marginalized communities like dalits and indigenous people.

Ambedkar further revealed the fact that the Brahmins (superior caste) who are the chief and leading element in the governing class acquired their political power by sheer communalism rather than by force and intellect. He said that according to the laws of Manu *Smriti* (text) the important posts like *Purohit* (priest), Chief Justice and Judges of the High Courts and the post of ministers were all reserved for the Brahmins (superior caste). Even for the post of the Commander-in-Chief the Brahmin was recommended as a fit and a proper person. So, Dr. Ambedkar by keeping all the repercussions that arise in the absence of reservation strongly recommended for the provision of reservations in the constitution of India (Sontakke, 2004). Though in principle, these reservations may enable the weaker sections to participate in political affairs and decision-making, in reality these reservations have not fetched them with any major development or advancement in their life styles. Even the developmental programmes and policies specifically meant for indigenous people have not been implemented with vigor and commitment due to the stratified Indian social order. According to Marc Galanter there is no proper method or uniformity for identifying the reserved constituencies for indigenous people and *dalits*. There are different standards adopted like the population concentration for indigenous people and for *dalits* both population concentration and dispersal of reservation across the regions. There is no role for the Courts in demarcating the reserved constituencies. The responsibility for demarcating the reserved constituencies is

entrusted to Delimitation Commission that was set up in 1972.

Marc Galanter clearly examined the basis for reservation for weaker sections and historical reasons for the provision of reservations for the *dalits* and indigenous people in India. He further says that the presence of *dalits* and indigenous peoples' members in the Cabinet Ministership influences decision making in favour of them for the initiation and expansion of policies. But, due to the rigid and dominant social order they are not given with the important positions in the Cabinet. Further, there is no constitutional requirement or statutory provision for reservations in political appointments within the legislatures, Cabinet Ministership and other Standing Committees (Galanter, 1984. Pp.44-48). These are the areas where there is a need for the maximum inclusion of indigenous people and *dalit* members' in order to have equality and balance in decision-making process of the governance.

To conclude, for Indian democracy to survive and to uphold its spirit, it is essential to protect and safeguard the interests and aspirations of weaker sections in general and indigenous people in particular. Mere provision of protective legislations and constitutional remedies on paper without any will in implementation, the realization of social justice is simply impossible. Indigenous people should be given more opportunities in every aspect of socio-economic and political life so as to realize their full potential and eventual progress.

References

- Chaudhuri, Buddadeb, 1992. Tribal Transformation in India –Socio Economic and Ecological Perspective, IIP, New Delhi, pp.113-140
- Friedrich, Carl J. 1966. 'Constitutional Government and Democracy', Oxford & IBH Publishing Co., New Delhi, pp. 272-73.
- Galanter, Marc, 1984. Competing Equalities, OUP, Delhi, 1984, pp. 44-80.
- Held, David, 1985. 'Models of Democracy', Polity Press, Cambridge, p. 64.
- Louis, Prakash, 2005. Remedies against Discrimination and Inequality: the Global Experience and Lessons for India, Social Action, Jan-March, 2005, Vol.55, No.1, pp. 1-20.
- Sharma S.P & Sharma J.B, 1998. Culture of Indian Tribes, Radha Publications, New Delhi, p. 89.
- Sontakke, Y.D, 2004. Thoughts of Dr. Babasaheb Ambedkar, Samyak Prakashan, New Delhi, pp. 188-190.
- Young, I. M, 2000. Inclusion and Democracy, Oxford University Press, pp. 82-87.

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