

# INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION

[ISSN 2581-9453]

---

Volume 6 | Issue 3

2024

---

© 2024 *International Journal of Legal Science and Innovation*

Follow this and additional works at: <https://www.ijlsi.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

---

This Article is brought to you for free and open access by the International Journal of Legal Science and Innovation at VidhiAagaz. It has been accepted for inclusion in International Journal of Legal Science and Innovation after due review.

In case of **any suggestion or complaint**, please contact [Gyan@vidhiaagaz.com](mailto:Gyan@vidhiaagaz.com).

---

**To submit your Manuscript** for Publication at **International Journal of Legal Science and Innovation**, kindly email your Manuscript at [editor.ijlsi@gmail.com](mailto:editor.ijlsi@gmail.com).

---

# Constitutional Awareness among Schedule Tribe: An Empirical Study of Erukunda Thanda, Sankarpally Mandal, Telangana

---

DR. S. KANNAN<sup>1</sup>, P.V. SAI KUSHAL<sup>2</sup>, VENKAT SUNKARA<sup>3</sup>, AND SRI PRAVALLIKA VANAPALLO<sup>4</sup>

## ABSTRACT

*The Constitution provides safeguards and guarantees for the all-round development of tribal communities, focusing on their social, economic, legal, and political rights. These safeguards, including laws and regulations, protect tribal communities, preserve India's cultural diversity, and promote equality and justice. Hence, the present study focuses on how Scheduled Tribes are aware of and utilize these protections. Erukunda Thanda (Tribal hamlet) in Shankarpally Mandal, Ranga Reddy district, Telangana, was selected for the current empirical analysis. Using a simple random sampling method, 30 households were selected for the survey. We used a semi-structured interview schedule to gather information like the awareness level of the Banjaras Tribe on fundamental rights and various constitutional provisions. Over half of the survey participants reported unfamiliarity with the constitution. Half those knowledgeable about the Constitution knew of their fundamental rights and various constitutional provisions for their safeguards. Individuals who have completed their education and are employed in government positions demonstrate a strong understanding of the SC and ST (Prevention of Atrocities) Act of 1989. This underscores the importance of education in empowering individuals and enabling them to assert their rights. Hence, top priority may be accorded to accelerate literacy among the tribe through regular awareness about their various constitutional provisions and legislations for their protection and empowerment. The legal educational institutions' legal aid society can adopt the Thanda in their locality to conduct programs regularly to educate and empower them. Law students can serve and teach people to bring socio-legal inclusion to Society.*

**Keywords:** Constitution, Scheduled Tribes, Awareness, Laws, Education

## I. INTRODUCTION

India is home to a significant tribal population known as Scheduled Tribes. They are considered

---

<sup>1</sup> Author is an Assistant Professor at ICFAI Law School, IFHE (Deemed to be University), Hyderabad, India.

<sup>2</sup> Author is a student at ICFAI Law School, IFHE (Deemed to be University), Hyderabad, India.

<sup>3</sup> Author is a student at ICFAI Law School, IFHE (Deemed to be University), Hyderabad, India.

<sup>4</sup> Author is a student at ICFAI Law School, IFHE (Deemed to be University), Hyderabad, India.

the indigenous people of India, predating the Dravidians and Indo-Aryans. Despite this, India does not officially recognize tribes as indigenous people. The country ratified the International Labour Organization (ILO) Convention 107 on Indigenous and Tribal Peoples of the United Nations in 1957 but refused to sign the ILO Convention 169 in 1989<sup>5</sup>. The constitution of India categorizes these ethnic groups as Scheduled Tribes and targets them for social and economic development. Scheduled Tribes are defined under Article 366 (25) as tribes or tribal communities deemed to be so under Article 342 of the constitution. According to the 2011 census, tribal people comprise 8.6% of India's total population, totaling over 104 million people. They mainly inhabit the hills and forests of the country, occupying about 15% of the nation's total land mass<sup>6</sup>.

The tribal rights and protective mechanisms are enlisted in the Constitution of India, which came into force on 26th January 1950. It acknowledges the historical injustices suffered by tribal communities due to British policies and provides various rights for tribal people. It also imposes a positive obligation on the State to develop tribal communities in India. These communities are referred to as 'Scheduled Tribes' in the Constitution. The administration in tribal areas is specified in two specific schedules, Schedules 5 and 6. Recognizing and realizing their rights is of utmost importance in the national interest, and it is necessary to protect them from exploitation and to advance their well-being<sup>7</sup>.

The Constitution provides safeguards and guarantees for the all-round development of tribal communities, focusing on their social, economic, legal, and political rights. These safeguards, including laws and regulations, protect tribal communities, preserve India's cultural diversity, and promote equality and justice. Article 15 of the Indian Constitution states that the state shall not discriminate against any citizen based on religion, race, caste, sex, place of birth, or any of them. Article 19(5) of the Constitution of India guarantees the tribal people the right to own property and enjoy it in any part of the country. Article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of the weaker sections of society, particularly the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and exploitation. Considering the prevailing miserable and appalling conditions of the Scheduled Tribes who have remained far behind and segregated from national life, it became imperative to adopt a policy of protective discrimination as an equalizer for

---

<sup>5</sup> Mohanty, H. (2020). *An Empirical Study on the Legislations of Tribal Rights and its Implementation Status: Good Practices and Lessons Learnt*, Ministry of Tribal Affairs: An Empirical Study on the Legislations of Tribal Rights and its Implementation Status: Good Practices and Lessons Learnt

<sup>6</sup> Govind Kelkar; Dev Nathan (1991), *Gender and Tribe: Women, Land and Forests in Jharkhand, Kali for Women*, ISBN 978-1-85649-035-1. 30

<sup>7</sup> Rath, G.C. [2006] "Tribal Development in India contemporary Debates", Sage Publication, New Delhi Pg.86

those who were too weak to compete with the advanced sections of society in the race of life<sup>8</sup>.

The constitution protects and safeguards scheduled castes, tribes, and weaker sections by insisting on their general rights as citizens. This aims to promote their educational and economic interests and remove social disabilities. The constitutional safeguards and guarantees provided to Scheduled Tribes are summarized below<sup>9</sup>:

## **II. CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED TRIBES**

(I) Article 46: Promotion of educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections: The state shall promote the academic and financial interests of the weaker sections of the people, especially the scheduled castes and scheduled tribes, and protect them from social injustice and all forms of exploitation with special care.

(II) Article 244: Administration of scheduled and Tribal area:

1) The provisions of the fifth schedule shall apply to the administration and control of the scheduled areas and scheduled tribes in any state specified in part 'A' or 'B' of the first schedule, other than the state of Assam.

2) The provisions of the sixth schedule shall apply to the administration of the tribal areas in the state of Assam.

(III) Article 330 Special provisions relating to certain classes Reservation of seats of scheduled castes and scheduled tribes in the people's house

1) Seats shall be reserved in the people's house for –

a) The schedule caste.

b) The scheduled Tribes except for scheduled tribes in the tribal areas of Assam.

c) The scheduled tribes in the autonomous districts of Assam.

2) The number of seats reserved in any state for the scheduled castes or the scheduled tribes under clause [I] shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that state in the House of the people as the population of the scheduled castes in the state or of the scheduled

---

<sup>8</sup> Shrama B.D. [2001], "Tribals Affairs in India: A crucial Transition", Sahyog pustak Kutir, Pg. 305

<sup>9</sup> Inder Kumar. (2020). Scheduled Tribes of India and their Constitutional safeguards, IOSR Journal of Humanities and Social Science, Vol. 25(12).

tribes in the state or part of the state, as the case may be, in respect of which seats are so reserved, bears to the total population of the state

(IV) Article 332 Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the state

1) Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except for the Scheduled Tribes in the tribal areas of Assam, in the Legislative Assembly of every state specified in part 'A' or part 'B' of the first schedule.

2) Seats shall also be reserved for the autonomous districts in the Legislative Assembly of Assam.

3) The number of seats reserved for the Scheduled Caste or Scheduled Tribes in the Legislative Assembly of any state under clause [1] shall be, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the state or of the Scheduled Tribes in the state or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the state.

4) The number of seats reserved for an autonomous district in the Legislative Assembly of the state of Assam shall be not less than the district's population bears to the state's total population.

5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district except in the case of the constituency consisting of the cantonment and municipality.

6) No person who is not a member of Scheduled Tribes of any autonomous district of the state of Assam shall be eligible for election to the Legislative Assembly of the state from any constituency of that district except the constituency comprising the cantonment and municipality of Shillong.

(V) Article 334 Reservation of seats and exceptional representation to cease after ten years

(VI) Article 335 Claims of scheduled castes and scheduled tribes to services and posts. The claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in making appointments to services and posts in connection with the affairs of the union or of a state.

(VII) Article 338 A national commission for Scheduled Castes and Scheduled Tribes to investigate, monitor, and evaluate all matters relating to the constitutional safeguards provided for the Scheduled castes and the Scheduled Tribes in the states

(VIII) Article 339 Appointment of a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the states.

(IX) Article 340 Appointment of a commission to investigate the conditions of socially and educationally backward classes and the difficulties under which they labor and to make recommendations to remove such problems and to improve their conditions.

(X) Article 342 To specify the tribes or tribal communities to be scheduled tribes

The awareness and application of constitutional protections and safeguards should be thoroughly examined. Numerous scholars have delved into the knowledge of constitutional rights among the Scheduled Tribes and found that, due to their low literacy levels and limited exposure to mainstream society, they are not well-informed about their constitutional provisions (Kamal Nayan Choubey, 2023<sup>10</sup>; Basak & Ghosh, 2018<sup>11</sup>; Suresh, 2017<sup>12</sup>; Chatia & Mishra, 2015<sup>13</sup>; Pommersheim, 2009<sup>14</sup>). Limited research has been conducted on the awareness and utilization of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 among Scheduled Tribes. Studies by Sikligar (1989)<sup>15</sup> and Siwach (2023)<sup>16</sup> have specifically focused on atrocities among Scheduled Tribes, analyzing the limited reported cases and highlighting the lack of public awareness about the availability of free legal aid services. Reports from the National Crime Record Bureau (NCRB) and assessments by the Ministry of Tribal Affairs are scarce. Moreover, there is a need to raise awareness about free legal aid services, which can play a vital role in empowering individuals to access their rights and combat discrimination. Against this background, this study aims to evaluate the awareness of various constitutional provisions, Scheduled Caste, and Scheduled Tribe (Prevention of

---

<sup>10</sup> Choubey, K. N. (2023). 15 Understanding Tribal India. *Indian Politics and Political Processes: Ideas, Institutions and Practices*.

<sup>11</sup> Basak, B., & Ghosh, K. (2018). Role of Tribal Women in the Decision Making Process: A Case Study in the Jalpaiguri District with Special Emphasis on Constitutional Amendment Acts. *Indian JL & Just.*, 9, 134.

<sup>12</sup> Suresh, D. D. (2017). Status of Scheduled Tribes in Telangana State Problems and Perspectives. *Available at SSRN 3771705*.

<sup>13</sup> Chantia, D. A., & Misra, D. P. (2015). Rights of scheduled tribe in India: Challenges and problems. *International Journal of Innovative Social Science & Humanities Research*, 2(1), 40-50.

<sup>14</sup> Pommersheim, F. (2009). *Broken landscape: Indians, Indian tribes, and the constitution*. Oxford University Press.

<sup>15</sup> Sikligar, P. C. (1998). Effectiveness of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 A Case Study of Rajasthan and Madhya Pradesh. *Economic Affairs (Calcutta)*, 43(4), 241.

<sup>16</sup> Siwach, J. R. (2023). Scheduled caste/scheduled tribes (Prevention of atrocities) act 1989: An appraisal. *Political Discourse*, 9(2), 137-148.

Atrocities) Act, 1989, and free legal aid service, specifically among the Banjaras tribes.

### **The Banjara Tribes**

The Banjaras, or Lambadi and Sugalis, generally live in Maharashtra, Tamil Nadu, Andhra Pradesh, northern Karnataka, and Telangana. The word Banjara is said to be derived from the Sanskrit word "Vana Chara," meaning wanderers of the jungle. They have been visible in the Indian scene for over seven hundred years. The community has several unheard and unwritten live stories in history. They are believed to have originated from the Marwar region of Rajasthan and were unsettled nomads of North India<sup>17</sup>. With the advent of British rule, the Lambadas were compelled to give up their traditional occupation of transporting goods due to the introduction of mechanized transport systems, roads, and rail lines. As a result, they lost their livelihood sources and were compelled to take up activities considered criminal by the colonial state. In post-independence India, they were de-notified<sup>18</sup>, and since then, significant changes have occurred in their occupational structure. Culturally, Lambadas represent a different ethnic community. Lambada women are known for wearing colorful embroidered attire and do not practice the custom of dowry in traditional marriages<sup>19</sup>. The language spoken by the Lambadis resembles that originated from Rajasthan. They live in settlements called Tandas and have a unique culture and dance form. The economy is mainly self-sufficient, unstructured, and non-specialized. Their social system is simple and more democratic. The total population of Banjaras is 5.6 million in the country, with nearly 10 percent living in the Telangana Region, three percent in Rayalaseema, and two percent in the Andhra region. The Banjara is an ethnic group among larger populations with unique cultural features and characteristics such as physical features, everyday language, habits, cultural homogeneity, unifying social organization, and habitats in the same territory.

### **III. METHODOLOGY**

The Constitution provides safeguards and guarantees for the all-round development of tribal communities, focusing on their social, economic, legal and political rights. The extent to which they are aware of and utilize these protections is the present study's focus. The study's main objective is to assess the awareness of fundamental rights and constitutional provisions for scheduled tribes and recommend measures to enhance understanding.

---

<sup>17</sup> Ravinder, and Venkateshwarlu (2020), A Historical Study and Migration of Banjara in Telangana, The International journal of analytical and experimental modal analysis, Vol. 12 (10), ISSN NO:0886-9367

<sup>18</sup> They were notified as Scheduled Tribes in The Scheduled Tribes (Amendment) Act 108 of 1976

<sup>19</sup> Vaditya, V. (2019). Cultural Changes and Marginalisation of Lambada Community in Telangana, India. Tribal Intellectual Collective India 31(2): 13-19

Erukunda Thanda (Tribal hamlet) was chosen for the current empirical analysis from Sankarpally Mandal, Ranga Reddy district, Telangana. The Thanda was originally part of Dondanpally village, Maharajpet Gram Panchayat, but it was separated from Dandanpally village in 2018 State Government Order to manage its welfare measures better to scheduled Tribes.

The village is near our campus, making accessing and gathering information easy. According to the 2011 Census, the town has 125 households and 300 populations, but we found approximately 300 households upon visiting the Erukunda Thanda. Using a simple random sampling method, 30 households were selected for the survey. We used a semi-structured interview schedule to gather information from the tribal households. The collected data was entered into an Excel sheet, and simple tables were generated to analyze the awareness level of the Banjaras on various constitutional provisions, Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, and free legal aid service.

#### IV. ANALYSIS

The data was primarily gathered from individuals aged 30 to 50 years in households, representing 73% of the respondents. Due to limitations, elderly individuals were assisted by their grandchildren in responding to questions about Constitutional awareness. Among the respondents, 55% were male and 45% were female. The male respondents were predominantly natives of Thanda, primarily engaged in government jobs, farming, driving, and running small businesses in the village, and some were unemployed. Except for a few native female respondents, the others came to Thanda through marriage. Most of the females were homemakers; others were engaged in farm labor and working as housekeeping staff in nearby educational institutions. A significant portion of the respondents (35%) were illiterate, 40% had received primary education, and 25% were graduates. The majority of them lived in joint or extended families. In the secluded community of Thanda, access to facilities is limited to a primary school. As a result, the residents primarily engaged in agricultural work, cultivating vegetables and flowers. The surplus produce is sold in the local market, while the flowers are commercially viable for boutiques. Although opportunities for labor employment arise from developments in and around Thanda, the community remains focused on their agricultural pursuits.

##### Socio-economic characteristics of respondents (N=45)

Socio-economic characteristics	frequency	percentage



Sex	Male	25	55.6
	Female	20	44.4
Age	Below 30 years	10	22.2
	30 -50	34	73.4
	50 and above	2	4.4
Education	Illiterate	16	35.5
	Primary	6	13.5
	Middle and high school	13	28.8
	Graduate	10	22.2
Occupation	House-wife	15	33.2
	Farmer	6	13.5
	Labour	10	22.2
	other	8	17.6
	unemployed	6	13.5

### **Awareness level**

In Erukunda Thanda, over half of the survey participants reported unfamiliarity with the constitution. Of those knowledgeable about the Constitution, a significant 42% were aware of their fundamental rights, with a similar proportion being familiar with the various constitutional provisions. Notably, individuals who have completed their education and are employed in government positions demonstrate a strong understanding of the SC and ST (Prevention of Atrocities) Act of 1989. This underscores the importance of education in empowering individuals and enabling them to assert their rights. Education forms an important component in the overall development of individuals, enabling them to have greater awareness and better comprehension of their social, political, legal, and cultural environment and also facilitating the improvement of their socioeconomic conditions. These hold true in the case of the

Scheduled Tribes in India (Chatia & Mishra, 2015)<sup>20</sup>.

Table 2

Constitutional Awareness		frequency	Percentage
Know about the Constitution or have heard about it (N=45)	Yes	20	44.4
	No	25	55.6
Fundamental Rights (N=20)	Yes, I am well aware	5	25
	Heard about it	11	55
	Not aware	4	20
Article 46 of the promotion of educational and economic interests (N=20)	Yes, I am well aware	3	15
	Heard about it	15	75
	Not aware	2	10
For all other constitutional provisions (Article 244, 330,332,334,335,338,339,340,342) (N=20)	Yes, I am well aware	4	20
	Heard about it	15	75
	Not aware	1	5

<sup>20</sup> Chantia, D. A., & Misra, D. P. (2015). Rights of scheduled tribe in India: Challenges and problems. *International Journal of Innovative Social Science & Humanities Research*, 2(1), 40-50.

Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (N=45)	Yes, I am aware	15	33.3
	Filed a case	0	0
	Not aware	30	66.7
Free Legal Aid Services (N=45)	aware but not used	14	31
	not aware	30	66.7
	well aware and accessed free legal aid services	1	2.3

Individuals within the Thanda community are not knowledgeable about the free legal aid services provided at the subordinate and district courts in the district. When asked about this, many of them indicated that they were unaware of this service, and also mentioned that the court is located far away from the Thanda. Given their status as daily wage laborers, it is challenging for them to take time off work to address legal issues in court. As a result, they tend to resolve minor issues through the village head, indicating the prevalence of informal social control in our democratic society.

## V. CONCLUSION AND SUGGESTION

It is crucial for every citizen to have knowledge about the Constitution in order to be able to assert their rights. Therefore, priority should be given to promoting literacy and awareness among tribal communities regarding the various constitutional provisions and legislations that

are designed for their protection and empowerment. Legal aid societies of educational institutions can partner with local communities to organize regular programs aimed at educating and empowering them. Additionally, law students can participate in teaching and learning initiatives, fostering socio-legal inclusion in society. By ensuring that individuals are well-educated and informed about the legal provisions, the entire family can contribute to the economic and legal development of the community. Implementing special employment strategies can provide additional work opportunities and income, potentially reducing migration and improving the quality of life for tribal households. It is also important to conduct comprehensive studies in all tribal areas to assess their level of awareness and to develop effective policies for their education and empowerment.

\*\*\*\*\*

## VI. ACKNOWLEDGEMENT:

We express our gratitude to the faculty, office staff, and members of the legal aid and community services club at ICFAI Law School, Hyderabad, for their support and assistance in conducting the survey and engaging with the tribal population in Erukunda Thanda. Additionally, we extend our appreciation to the Thanda administrators for granting us permission to gather information from the tribal population in Erukunda Thanda.

## VII. REFERENCES

1. Basak, B., & Ghosh, K. (2018). Role of Tribal Women in the Decision Making Process: A Case Study in the Jalpaiguri District with Special Emphasis on Constitutional Amendment Acts. *Indian JL & Just.*, 9, 134.
2. Chantia, D. A., & Misra, D. P. (2015). Rights of scheduled tribe in India: Challenges and problems. *International Journal of Innovative Social Science & Humanities Research*, 2(1), 40-50.
3. Choubey, K. N. (2023). 15 Understanding Tribal India. *Indian Politics and Political Processes: Ideas, Institutions and Practices*.
4. Govind Kelkar; Dev Nathan (1991), Gender and Tribe: Women, Land and Forests in Jharkhand, Kali for Women, ISBN 978-1-85649-035-1. 30
5. Inder Kumar. (2020). Scheduled Tribes of India and their Constitutional safeguards, IOSR Journal of Humanities and Social Science, Vol. 25(12).
6. Mohanty, H. (2020). An Empirical Study on the Legislations of Tribal Rights and its Implementation Status: Good Practices and Lessons Learnt, Ministry of Tribal Affairs: An Empirical Study on the Legislations of Tribal Rights and its Implementation Status: Good Practices and Lessons Learnt
7. Pommersheim, F. (2009). *Broken landscape: Indians, Indian tribes, and the constitution*. Oxford University Press.
8. Rath, G.C. [2006] "Tribal Development in India contemporary Debates", Sage Publication, New Delhi Pg.86
9. Ravinder, and Venkateshwarlu (2020), A Historical Study and Migration of Banjara in Telangana, The International journal of analytical and experimental modal analysis, Vol. 12 (10), ISSN NO:0886-9367

10. Shrama B.D. [2001], "Tribals Affairs in India: A crucial Transition", Sahyog pustak Kutir, Pg. 305
11. Suresh, D. D. (2017). Status of Scheduled Tribes in Telangana State Problems and Perspectives. *Available at SSRN 3771705*.
12. Vaditya, V. (2019). Cultural Changes and Marginalisation of Lambada Community in Telangana, India. *Tribal Intellectual Collective India* 31(2): 13-19
13. Sikligar, P. C. (1998). Effectiveness of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 A Case Study of Rajasthan and Madhya Pradesh. *Economic Affairs (Calcutta)*, 43(4), 241.
14. Siwach, J. R. (2023). Scheduled caste/scheduled tribes (Prevention of atrocities) act 1989: An appraisal. *Political Discourse*, 9(2), 137-148.

\*\*\*\*\*