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### Indigenous People: A "Historical Mistake Rectified"- Myth or Reality?

by  
Prof. Satish C. Shastri

#### 1. Introduction

Indiscriminate industrialisation, unbridled and unprecedented exploitation of the natural resources and exponential population growth. Construction of big dams and relentless deforestation has not only caused devastation of the vegetation cover but also played havoc with the forest dwellers or the indigenous people, "best friends of nature". Such activities have stripped of the forest dwellers of their inherent and sovereign rights to live in forests and to own, develop and manage their land and forest. And as such they have been totally marginalised.

It has also accepted by United Nations<sup>1</sup> and the Indian Parliament<sup>2</sup> that not to recognise and legalise the rights of indigenous people is a historical injustice done to them. An attempt is made in the following pages to examine whether "We, the People of India" have corrected the injustice or it continues.

*"... our dead never forget this beautiful earth, for it is the mother of the Red man. We are part of the earth and it is part of us. The perfumed flowers are our sister. The horse, the great eagle, these are our brothers...."*

*You teach your children that the ground beneath their feet is the ashes of our grand fathers. So that they will respect the land. Tell your children that the earth is rich with the lives of our kin. Teach your children what we have taught our children, that the earth is our mother. Whatever, befalls the earth befalls the sons of the earth.*

*... the earth does not belong to man: man belongs to the earth. This we know; all things are connected like the blood which unites one family. All things are connected.*

*... man did not weave the web of life: he is merely a strand in it: whatever he does to the web he does to himself..."*



Above quoted wise words is the reply of the Indian Seattle Chief to the white Chief of Washington for his offer to buy the land of Red Indians (aboriginals of USA tribal people) in 1854. These words have been quoted by Justice Chinappa Reddy in *S. Sachidanand Pandey v. State of W.B.*<sup>3</sup> from the Book "Mother Earth (of Red Indian)" which is like *Rig Veda* of India. It widely acclaims the bounties of nature and symbolises vividly natural forces viz. air, water, land, sky and vegetation cover as super natural powers that are responsible for the preservation and sustenance of mankind, animal kingdom, micro-organism and all other such things on this earth. Nowadays, it has been recognised that tribal people are the depositories of medicinal wisdom, and know how to live in harmony with nature and do not exploit nature and natural resources unnecessarily. Thus, they cause least possible damage to natural resources. They are still unknown to the advancements made by science and technology, newer inventions of mankind and great strides achieved though the help of scientific inventions and technological progress. Simple inventions (like machine, light, vehicles and concrete jungles) are things of wonder for them. Still they are

-serving the cause of environment and are known as *the best friends of nature*.

## **2. International Legal Regime**

In the international regime, the discussion starts with the Stockholm Conference but one will find that the Conference did not come out with any important solutions. The tribals and indigenous people attracted attention of the International's Commission on Environment and Development. The Commission's report<sup>4</sup> starts with the first concern that such people needed a special attention as the forces of economic development disrupt their traditional lifestyle. Highlighting their lifestyle, the report pointed out that it can offer modern societies many lessons in the management of resources in complex forest, mountain, and dryland ecosystem. The Commission also recommended for (a) the recognition of their traditional rights (b) to give them right to have a decisive voice in formulating policies about resource development in their area, and (c) the protection of traditional rights should be accompanied by positive measures to enhance the well being of the community in ways appropriate to the lifestyle of these groups.

The Earth Summit, 1992 proclaimed in Principle 22 that the "indigenous people and their community and local communities, have a vital role in environmental management and development because of




their knowledge and traditional practices. It further provided that the State should recognise and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

Similarly, the Convention on Biological Diversity, 1992<sup>5</sup> also recognised the customary use of biological resources according to traditional cultural practices. It was also declared that traditional practices are relevant to the conservation of biological diversity and therefore, national legislation to "respect, preserve the knowledge and practices of indigenous and local community" must be passed [Article 8(j)]<sup>6</sup>. It was recognised by the convention that indigenous people are closely depended on biological resources and have "knowledge, innovations and practices relevant to conservation of biological diversity and the sustainable use of components". Now, almost all the nations have ratified and adopted it.

Looking to the growing recognition of the rights of indigenous and tribal people, General Assembly of UNO declared the year 1993 as the International year for the World's Indigenous People (as per resolution of 18-12-1990). The International Labour Organisation Resolution, 1989, resolution 107 advocated for the integration/assimilation of its multicultural population (indigenous and tribal people) into the mainstream of the national life. Resolution No. 169 has declared that the distinctive cultural traditions of indigenous and tribal peoples must be protected by the national laws and place them on an equal footing in terms of their contribution to the making of the world's culture. It further declared various rights of indigenous people, such as — (a) right of ownership and possession over the lands which they have traditionally occupied (Article 14); (b) recognition and protection of their social, cultural religious and spiritual values and practice (Article 5); (c) obligation of the Government to consult with tribal people on all legislative or administrative measures affecting them and establish ways for tribal people to participate in decision made by the Government (Article 6); (d) right of tribal people to decide the priorities for any development affecting them or their land (Article 7); (e) rights of tribal people to their land's natural resources, minerals, benefit of their exploitation and right to be

compensated for damage (Article 15); (f) guarantee to respect tribal people's customs and laws (Article 8), etc. It

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has further been required that by necessary national law or policies, all the States must—

- (a) allow the indigenous people their full control over their land and own management;
- (b) involve them at national and local level in resource management;
- (c) protect intellectual and cultural property and preserve customary and administrative systems and practices; and
- (d) provide technical and financial assistance for capacity - building programmes which will increase the efficiency of indigenous people's resource management system.


The United Nations Development Programme (UNDP) has also, in 2001, adopted a Policy of Engagement relating to indigenous people. The UNDP has adopted a policy to seek participation of indigenous people in decision making process particularly those that may effect their human development and environment. It has also recognised their right of self-determination. It also advocates for the proper rehabilitation and reintegration of displaced indigenous people because of developmental activity, and their ownership rights pertaining to forest produces, forest land and intellectual rights including indigenous knowledge.

The permanent Forum on Indigenous Issues, which is a advisory body of the UN Economic and Social Council, has been established. It has a mandate to discuss indigenous issues relating to economic and social development, culture, education, environment, health, and human rights.

The Johannesburg Conference, 2002 emphatically advocated the interest of indigenous people and their important role in preserving and protecting the nature. The importance of this Summit increases due to its reference to the indigenous people.

The UN Declaration on the Rights of Indigenous People, 2007<sup>z</sup> sets up an important standard for treatment of indigenous people and restoration of their human rights. It declares that indigenous people have suffered from "*historic injustice*" and that they have been prevented from exercising their right to development in accordance with their own needs and interests. Further that they should be made free from discrimination of any kind. The Declaration comprehensively elaborates on the basic inherent rights of the indigenous people and mandates the World-States

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to adopt them and evolve legislative and administrative measures to implement them. The Declaration has enumerated numerous rights of indigenous people.

### **3. Indian Scenario**

At present, about 678 million tribal people, which forms 8.08 per cent of total Indian population, are spread all over the country. There are 630 identified tribes and but Orissa has the largest number of these tribes followed by the State of Rajasthan, Arunachal Pradesh, Assam, Manipur, Orissa, MP, Aandhra Pradesh, Karnathaka, Kerala, Bihar, West Bengal, Gujarat and Maharashtra. After Indian independence, attention



has been paid toward the welfare of the tribal people on one hand and about the measures to protect the unique cultural identity of the tribes on the others hand. In spite of various constitutional provisions, there was no national policy about the tribal people to translate the provisions into action. In 1952, came the Nehruman Panchsheel. It included five principles to guide the administration of Tribal of India. They were:

- (1) tribal should be allowed to development according to their own people genius;
- (2) tribal right in land and forest land should be respected;
- (3) tribal teams should be trained to undertake administration and development without outsiders being inducted;
- (4) tribal development should be undertaken without disturbing Tribal Social and Cultural Institutional; and
- (5) the index of tribal development should be the quality of their life and not the money spent.

### **A. The Constitutional Treatment**

The Constitution of India has recognised pre-existing rights of tribal people. It has classified tribal concentrated areas into three categories (a) Tribal Area (b) Scheduled Area (c) Areas not falling within these two. Administration and Control of Scheduled Areas and Scheduled Tribes have been provided under Schedule V of the Constitution. And administration of Tribal Areas in the State of Assam, Meghalaya, Tripura and Mizoram have been provided under Schedule VI. Further, the Governor of the State is been empowered to include, exclude or create autonomous regions and areas for Scheduled Tribes. Special regulations apply to the tribal areas and general laws may also



apply in modified form in the Scheduled areas. In areas covered under the third category, the general laws apply.

To protect the cultural identity and socio-economic independence, the Constitution of India has put the tribes under Fifth Schedule and Sixth Schedule. The tribal issue got prominence in the draft Constitution due to untiring efforts of Shri Jaipal Singh — a prominent tribal leader. The Constituent Assembly Debates reveal that there were difference of opinions for the protection to be provided in the Constitution but ultimately it was agreed not to isolate the tribes, but assimilate them in the national mainstream. The Founders of the Constitution, taking advantage of the experience of USA (Red Indians), made special provisions for the weaker sections of society including tribal people, the Scheduled Tribes various provisions were incorporated in Constitution of India to safeguard the interest of the Scheduled Tribes.

The Fifth Schedule of the Indian Constitution has provided the “provision as to administration and control of Scheduled Area and Scheduled Tribes” as required Article 244(1) of the Constitution. The Governor of the State has been appointed to govern the tribal people<sup>8</sup>. The Scheduled Sixth has special provisions for such administration of Tribal Areas in the States of Assam, Meghalaya, Tripura and Mizoram<sup>9</sup>.

The Supreme Court had an opportunity in *Samatha v. State of A.P.*<sup>10</sup> to explain the position of the administration of scheduled areas and handling the case of the Scheduled Tribes. The most important part of the judgment was that the court laid down certain principles which included:

- (i) The Fifth Schedule particularly aims at to protect and preserve the autonomy of the tribal people which, cannot be disturbed even by the executive. Further it

totally prohibits the transfer of tribal land to non-tribals to maintain their original character. Even the Government has to transfer, it has to transfer or assign to tribal people or a cooperative society consisting of the Scheduled Tribes only. It cannot be transferred to a non-tribal. However, the Government may transfer to a non-tribal for the public purpose.



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- (ii) Non-tribals (Philanthropist) through tribals and their cooperative societies (composed solely of Tribals) can work for exploitation of the minerals in scheduled area “through an appropriate scheme” to ameliorate socio-economic status of the tribals, without disturbing the ecology and forest of their area by the tribals themselves. It would provide an opportunity to the tribal people to improve their socio-economic status and source of their economic endowment and empowerment.
- (iii) As per the constitutional scheme, restriction on transfer of land to a non-tribal was a reasonable restriction<sup>11</sup> and such protection was necessary to protect interest of the tribal people.

It may be pointed out that since tribal people are class by themselves, special laws can be passed and other measures may be adopted. They cannot be equated with advanced group of persons. More important thing is that, this group of persons needs more freedom — more than what others have. And in the words of Amartya Sen<sup>12</sup> “these cannot be freedom without development” and for their development the State under a constitutional duty to adopt protective and benevolent measure for this backward lot. We should not protect the inequality which will hamper the overall development of tribal people. As per strict Rawlian<sup>13</sup> interpretation, it would be “fairness of justice” to provide special protection to the tribal people through various legislative measures. In this regard the Constitution of India has provided for the reservation of seats in the Lok Sabha on the population basis (Article 330) and similarly, in the State Legislative Assemblies [Article 331(1)]. To maintain the cultural identity and representation in the administration, Article 335 provides provision for claims of the member of Scheduled Tribes in the appointment of services. The State can make special laws in favour of educational and socially backward classes [Article 15(3)]. Article 16(4), empower the State to make special provision for the backward classes and who is not adequately represented in the services of the State. Further Article 46 enjoins the State to promote with special care the education and economic interest of the weaker section of the people, and in particular of the Scheduled Castes and Tribes and protect them from social injustice and all forms of exploitation.

In this regard the Scheduled Tribe and other Traditional Dwellers (Recognition of Forest Rights) Act, 2006, providing for self-



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governance and self-determination, is an instance of affirmative action programme. Further the Scheduled Tribes (Recognition of Forests Rights) Act, 2006 is an another example of affirmative action programme which has conferred and recognised the basic rights of the forest dwellers or indigenous people. In this connection the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 also

deserves attention. This legislation in order to protect the Tribes provides special provisions to handle their cases including a special court.

The Constitution (Eight-third Amendment) Act, 2003 brought in Article 338-A which provides for the establishment of the National Commission for Scheduled Castes and Scheduled Tribes to be appointed by the President of India. The Union of India and State Governments shall have to consult the Commission on all major policy matters affecting Scheduled Tribes. The Commission shall have a duty to recommend for measures to be taken for protection, welfare and socio-economic development of Scheduled Tribes. Further, the Commission has the powers of a Civil Court and investigate into the complaints with regard to the deprivation of rights and safeguard of the Scheduled Tribes. The National Commission has been appointed and has its office at New Delhi. Let us hope, the Commission will fulfil its legislative commitments.

The Constitution of India does not stop here, it has in Article 164(1) taken a special care of the tribals by the appointment of Minister for Tribal Welfare in the States of Bihar, Madhya Pradesh, Orissa, Chhattisgarh, States to take after the welfare of tribals. Further under Article 339(2) the Union Government can issue directives to the States to draw up and execute schemes specified in such directives as are essential for the welfare of Scheduled Tribes in the State. Special provisions can also made for the administration of the areas as Scheduled Areas (declared under Schedule V and VI of the Constitution). Such arrangement has been made in the North-Eastern part of the country, Bihar and other States.

In this connection it is relevant to mention about the proposed changes in the Constitution of India. The National Commission on the working of Constitution, 2002 in its recommendations, proposed:

"Social safeguards should be provided to protect the wholesome traditions of the cultural heritage and of the intellectual property rights of the tribal people."<sup>14</sup>

The report also acknowledged that:



The tribal communities are repositories of myriad cultural traditions-tribal lore, the arts and crafts, music, dance, and design, textiles, metallurgy and eco-friendly technology. There is a tremendous range of attainment in all these different aspects of their heritage. Knowledge of flora and fauna, herbal medicine and therapies, time reckoning, animal husbandry, veterinary practices, etc. represent additional areas of specialised knowledge in tribal societies in different part of country. It is of crucial importance that these variegated elements of tribal cultural heritage are protected from overrun or expropriated<sup>15</sup>.

Some of the significant recommendations of the commission are as follows—

- (a) Strong legal action should be taken to prevent alienation of lands belonging to the Tribal Communities and effective prior rehabilitation of tribals before displacement due to developmental projects.
- (b) Tribal communities must be associated with the management of forest resources, for not only their livelihood, but also be linked to forests.
- (c) The tribal community has to be associated with the management of forest resources for not only the livelihood, but also for protecting their ways of life and cultural identity which are indissolubly linked to forests.
- (d) As a means of improving the administration of areas inhabited by Scheduled



Tribes and promoting local authority, all areas governed by the Fifth Schedule must be transferred to the Sixth Schedule extending the applicability of the Sixth Schedule to tribal areas other than North Eastern States.

- (e) The Reports of the Working Groups for the Development of Scheduled Tribes, Scheduled Castes and Backward Classes and National Commission for Backward Classes should be implemented.

## **B. Government Policies**

The National Forest Policy declared in 1988 provided for the protection of the rights of Tribal people. The Policy Statement declared that: "Having regard to the symbiotic relationship between tribal people and forest, a primary task of all the agencies responsible for forests



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management including the forest development cooperation, should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forests." Further, it has been suggested to—

- (a) replace the contractors to cut the trees by *Tribal Cooperative*;
- (b) develop forest villages at par with revenue villages;
- (c) undertake integrated area development programmes to meet the needs of the tribal economy; and
- (d) introduce family welfare schemes to improve the status of tribal people.

In the draft of National Policy on Tribals<sup>16</sup>, 2004 for the first time, a special attention has been paid to rights of tribal people and their importance in preservation of the natural environment. It has recognised in the policy statement, that 'Scheduled Tribes in general are the repositories of indigenous knowledge and wisdom in certain aspects,' which must be protected and made use of. It has been declared that the traditional wisdom of tribal people in water harvesting, of indigenously developed irrigation Channels, construction of bridges in hills, adoption to desert life, utilisation of forest species like herbs shrubs for medicinal purposes, must be preserved and promoted. The policy has further recognised the intellectual property right of the tribes, provided that legal and intuitional arrangements must be made for its protection. The policy also have provisions for the health, education, language, land alienation, primitive tribal groups (PTGs), research in tribal affairs, their assimilation, forest villages, displacement and resettlement.

Again the first draft of National Policy on Resettlement and Rehabilitation which was announced in 1993, was subsequently revised number of times. Similarly, in 2003, the Draft National Policy on Resettlement and Rehabilitation for Projected Affected Families (gazetted on 17-2-2004) was announced and again, it was announced in May, 2005. Experiencing the drawback of the policy, the Union of India has again announced a new policy on 31-10-2007. Looking to the large number of displaced person, it is essential to have policy. Therefore, it is a laudable announcement on the part of the Government to come out with a policy for those who are facing the wrath of land acquisition for dams and developmental projects.

Coming to the Draft National Development, Displacement, Rehabilitation Policy, 2005, it aims at (a) to minimise development



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induced displacement, (b) displacement after prior "informed consent", (c) to ensure that displaced persons are significantly better off also in terms of human development and security, (d) to integrate rehabilitation concerns into the development planning and implementation process, (e) to ensure special care for protecting rights, and ensuring affirmative State action especially for the Scheduled Tribes. It also ensures compulsory obligation on the part of the Project Planning and Implementation Authorities to involve and consult the representative of the affected communities in all phases of planning, execution and monitoring of the Resettlement and Rehabilitation plan (R&R). Further Resettlement and Rehabilitation plan must have a predetermined "time frame" and must be completed as early as possible and before developmental plan completes. The project affected person must have first right to get employment in the project and specific benefits arising out of the project.

#### **4. Is the Mistake Rectified?**

In the light of the international covenants and declaration, it was realised that the Government of India must undo *the historical injustice* done to the tribal community and their right to forest land and forest produce. As a result of which The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006<sup>17</sup> was passed. The Act aims at "to recognise and vest the forest rights and occupation in forest land in forest dwelling Scheduled Tribes and other Traditional forest dwellers who have been residing in such forest for generations but whose rights could not be recorded. It also recognises that the forest rights on ancestral lands and their habital were not adequately recognised in the consolidation of State forests during the colonial period as well as in independent India resulting in historical injustice to the forest dwelling Scheduled Tribe who are integral to the very survival and sustainability of the forest ecosystem". It has also been realised that "it has become necessary to address the long standing insecurity of tenurial and access rights of forests dwelling Scheduled Tribes... including those who were forced to relocate their dwelling due to State development interventions".

Section 3 of the Act has conferred thirteen forest rights to the forest dwelling Scheduled Tribes and others on forest lands which includes<sup>18</sup> "right to hold and live in the forests", right to ownership,



access, to collect, use, and dispose of forest produce which has been traditionally collected, *rights including community tenures of habitat and habitation for primitive tribal groups and pre-agricultural communities*, right to settlement and conversion of all forest villages, old habitation and *right to in situ rehabilitation including alternative land*.

Section of 4 of the Act has specifically recognised that if the indigenous/tribal people are living in critical wildlife habitats of national parks and sanctuaries, and they are to be shifted, and such migration/shifting will not be allowed unless - (a) a resettlement or alternative package has been prepared and communicated that provides a secure livelihood... and fulfills the requirements of the affected persons/communities, (b) *the free informed consent* of the Gram Sabha of the area for the proposed resettlement obtained in writing, and (c) no resettlement shall take place until facilities and land allocation at the resettlement location are complete as per promised package". Further, once such resettlement takes place, there shall be no subsequent diversion from that place. Thus, for the first time, some right to



settlement and settlement procedure has been provided by the Act. Therefore, it can be said that the Act is a welcome venture in this field, may be late but laudable action. However, the legislation attracts some criticisms as well.

*One*, the Act does not distinguish between the persons who were living in forest from generation together and the people who occupied it recently and were not traditional forest dwellers. Thus, this clause recognised the forest rights of tribal/indigenous people with the person who have occupied forest land recently. Thus it would pollute the culture of indigenous people.

*Two*, Section 4 imposes restriction of area of 4 hectares which can be occupied by an individual or family. This indirectly dispossess the forest dwellers (indigenous people) of the land which was possessed by their ancestors for a long time. Further, the Act does not provide for the compensation for such divestment of the land in excess of 4 hectares. Thus, such forceful divestment would amount to denial of their inherent right to own the property and denial of human rights of livelihood.

*Three*, the Act has provided a list of 13 rights of the tribal people as if they have been given *denovo* or granted afresh. These rights were already in existence. Only some restricted rights have been recognised. These person are aboriginals and therefore have sovereign rights to own,



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possess, manage, use the land and its products/produces. This is a natural, and inherent right of. It is too late to ascertain and declare already existed rights. Thus, the Government has failed to implement the human rights of tribal and constitutional obligations relating to them.

*Four*, under Criminal Tribes Act, 1871 the Government of India has identified some of the tribes as "habitual criminal" under the Habitual Offenders Act, 1952 and they are being watched and harassed regularly by the police. In this regard the Act needs to be reviewed and must see tribal friendly amendment. Further the government has also established a National Commission on the Denotification of these tribes, but this Commission does not have the same powers which the National Commission on Scheduled Tribes enjoys. It also requires immediate action on the part of the Government.

*Fifth*, the Act has failed to take care of the Particularly Vulnerable Tribal groups, who are on the verge of extinction. Their protection and preservation has not been covered by the Act. Problem of their extinction is very serious and it necessitates immediate attention of the Indian Government. Though, the Government of India and State Governments have started some "Specific Programmes" for such PVT groups but non-action and non-implementation of these programmes have pushed and dragged them on the verge of extinction and complete disappearance. Therefore, it is suggested that the legislation must have some input of accountability for the non-performance of duty.


## **5. What Comes Out?**

Only passing of the law is not enough but indigenous/tribal people must also be made aware of their rights guaranteed by different laws. Further, without damaging their cultural and social identity, the Government and others must assume responsibilities to protect their rights, guarantee respect for their integrity safeguard their institutions, recognise their social, cultural, religious, and spiritual values and practices, recognise sovereign right to land and forest and lastly, the right to self-determination. We must remember that a forced migration and destruction of tribal

societies means the destruction of ways of life, philosophies, traditional knowledge, and traditions which are a rich source of culture which teach values based on cooperation, rationality and consensus, in contrast to the capitalist values of competition election and conflict. The indigenous people, the best friend and care take of the Indian natural resources, must be allowed to live in the habitat they have inhabited all through their generation.

In the end, it may be said that India has moved forward to care for the tribals and endorsed the international commitments. Thus, it can

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make a fall claim. But the reality is that the benefits of such exercises have yet to reach to the poor tribals who continue to live in hopeless and hapless situation. Thus the *mistake is yet to be ratified* and injustice to tribals continues. It is time that all out efforts should be made before the tribal community becomes another fairy tale.

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\* LL.M., Ph.D., MSL, (USA), Dean, Faculty of Juridical Sciences, MITS, Lakshmanagarh. 332311 (Raj)

1. See the UN Declaration on the Rights of Indigenous Peoples, 2007.
2. See "Aims and Objects" of the Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006
3. (1987) 2 SCC 295 : A.I.R. 1987 SC 1109, at 1112-1113.
4. *The Report of the International Commission on Environment and Development, Our Common Future*, 1987, 12.
5. Signed at Rio-de-Janeiro vide NA 92-7807 dated June, 1992 and came into force on 29-12-1993.
6. Also see Non-binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and sustainable Development of All Types of Forests, 1992 (Principle 12(d))
7. Adopted by General Assembly Resolution No. 61/295 on 13-9-2007. It is not a legally binding instrument under the International Law.
8. Schedule V Para 5(2). The Governor may make regulation for the peace and good governance... (a) to prohibit or restrict the transfer of land by or amongst members of the Scheduled Tribes, (b) regulate the allotment of land to members of Scheduled Tribes in such areas...
9. As per Articles 244(1) and 275(1). They are being governed as per Schedule VI of the Constitution.
10. (1997) 8 SCC 191 : A.I.R. 1997 SC 3297.
11. *P. Rami Reddy v. State of A.P.*, (1988) 3 SCC 433 : A.I.R. 1988 SC 1626. See also *Victorian Granites (P) Ltd. v. P. Rama Rao*, (1996) 10 SCC 665.
12. Amartya Sen, *Inequality Re-examined*, 1995.
13. Rawls, J. *A Theory of Justice*, 1971.
14. Vol. I, para 10.7.3, p. 364
15. Vol. I, para 10.7.3, at 304
16. Released in 2004.
17. It got the assent of the President on 29-12-2006 and notified in the *Gazette of India* (Extraordinary) dated 2-1-2007. The Act consists of 14 sections divided into VI Chapters.
18. "Other traditional forest dwellers means" who have at least three generations prior to 13-12-2005 primarily resided in and who depended on the forest or forest land for *bona fide* livelihood needs - Section 2(O)

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