



**LAW AND SOCIAL JUSTICE TO SCHEDULED TRIBES VIS-À-VIS
CONSTITUTION OF INDIA AND SOCIAL INCLUSION IN GOA.**

Mr. Vijay M. Gawas

(B.Com, LL.M, NET, M.A) Asst. professor-cum-Asst. Director, UGC, Centre for the Study of Social Exclusion and Inclusive Policy, Goa University, Taleigao Plateau, GOA – 403206

Abstract

This paper attempts to highlight the lack of tribal development as well as legal attention through governance in the state of Goa. In response to this, is it developed in a conceptual model of inclusive framework for which the methodology of research adopted is of observation for its assessment? During the course of survey done by visiting 50 households in Tiswadi -Taluka of North Goa District, which has been observed through various problems face by tribal people, is analyzed. This indicates that around 60% of the tribal populations statues of socio-economical condition is very weak, which expresses the degree of low social-economic development. This paper also takes into account the constitutional Rights of Scheduled Tribe which is a major factor in the state. The main objective is to find out accessibility of social justice to Scheduled tribe and to study the concluding effect. Besides this it also attempts to find out states initiative to prepared necessary welfare policy programmes through the enactments related to tribal people. In this research the secondary data from books, articles, journal, newspaper etc. have been used. This paper is prepared with the help of data which is collected from Directorate of tribal welfare, Government of Goa.

Keywords: Customary Law, Movement, Inclusive Framework, Legislative.



Scholarly Research Journal's is licensed Based on a work at www.srjis.com

Introduction

In Goa, the majority of tribal communities reside in the hilly areas of Sanguem, Quepem,

Canacona, Sattari, Ponda, Salcete, Bicholim, Marmagao, Dharbandora and Tiswadi talukas. The pre and immediate post Liberation Goa, was fully ignorant to upliftment of Socio-economic condition of Scheduled Tribe of Gawda, Kunbi and Velip Communities.

Historically, the Scheduled Tribes were Systematic exclusion of individual and group from one or more dimension of society such as structure of power and privileges, opportunities and resources. In course of human development exclusion has taken the form of segregating a group of people from the social, political, economic, cultural, educational and religious domains of societal life. After the Independent of India in 1950, the Constitution of Indian adopted and inserted significant principles of justice, equality, liberty and fraternity, guaranteeing the same to all citizens of India. The Constitutionally Safeguarded rights of Scheduled tribes are recognized because they are obviously tangible, but Indian Constitution has various dimensions of rights to protect the interest of Scheduled tribes and it is very easy to understand the dimension of constitutional Safeguard rights of Scheduled tribes. For past many decades, the issues of plight of tribal communities of Gawda, Kunbi and Velip existed in Goa. Even today most of the Scheduled tribes Communities still continued to be a marginalized from the society on ground of Socio-economic development in Goa. As a result there was deprivation of the mainstream of Constitutional benefits, fundamental rights and enough opportunities for participation of social, economic, political and cultural aspects of Scheduled tribes in Goa.

Tribal customary law of Goa and its status in ancient Period.

In ancient time the Gawda tribes had introduced the legal system in the form of various traditional institutions and practises which were through the customary. Accordingly to these institutions indicates mostly positive impacts.

It has resulted in a new identity search among most tribes of the Goa because of a feeling that modern institutions devalue their culture. The tribal people namely Gawda, Kubi and Velip communities never demanded for the recognition of their customary law. A major cause is what the people perceive as an effort to impose another culture on them.

Historically, the Indigenous people the Gawda, Kunbi and Velip Communities who are recognised as the first settlers, are the founders of the villages and inhabited in forest areas. And they were fully attached with land, forest, livestock and wildlife.

Over all the Gawda tribes had introduced a legal system in the form of traditional institution called as Gavapon or Gaonkary System in Vernacular language. The customary law of traditional institution into Gavapon or Gaonkary System are usually developed into

uncodified legal system and practiced by Scheduled tribe in Goa. In ancient time the custom and usage traditionally observed among scheduled tribe in Goa.

Under the customary law of Gavapon or Gaonkary System the main aim was to cultivate the land for agricultural purposes. It evolved to planted, organized and developed over many years with their own rule and regulation called as mand in Vernacular language.

In addition, the Concept of traditional institution of Gaonkary system had adopted a wider inclusive framework for Social-Economic development and legal framework within their own customary law.

During the Colonization process, there was worse effect on tribal's life, as they were forced and from the hills or take Shelter in dense forest areas. In common parlance, the tribal communities were perceived in isolated areas and they were leading a life of social exclusion in Goa. At the time of colonial period Portuguese destroyed the uncodified legal system which was practiced by Indigenous peoples in Goa. The following ingredients of willfully codified traditional institution by Portuguese ruler during colonial period are laid down as under:

A. Developed the customary law by Tribe in Goa.

The Tribal People of Gawda, Kunbi and Velip Communities had developed the legal system into this institution i.e Gaonkary system in Vernacular language. The development of customary law in traditional institution and members belong to Gawda tribes were handled systematically to Generate vast revenue from agricultural sources and distributed the same among the farmer. That all farmers belonging to tribal community had cultivated the crop on cooperative basis and such as there was no private ownership of lands, as the entire land was the common resources of the community.

The village headman of Gawda tribe use to pass the decisions on mand (holy place) and his decisions were binding on entire village of tribal communities. Prior that all tribal peoples were coming together on mand (holy place) and take the decision collectively on cultural activities. Among the tribal people appointed one Zalmi or Velip as priest to do spiritual things. During first and second colonization period there were many kingdoms which did not disturb the practice of customary law but this kingdom collected tax which generated revenue from this institution. After third colonization process was begun the Portuguese scholars took keen interest regarding generation of the revenue from the institutions. In ancient time, there was no ruler to govern the state directly to mark jurisdiction of boundary and no ownership of land in Goa. The Portuguese scholar had taken vast potential interest on these institutions of

Gavpan and they had come to know in clear cut terms so as to how these institutions can be overtaken and controlled.

B. Willfully Codified Traditional Institution into Code of Comunidade.

The Great Scholars of Portuguese like Filipe Nery Xavier et al were Successful to Codify of traditional institutions of Gavpan into code of Comunidade. The conspiracy between Portuguese ruler and affluence class to take over the tribal institution and lands under their own control. The large number of the tribal's land goes under control of comunidade and partially land was fully possessed by affluence class in Goa. In between this period the large quantum of tribal land was taken over possession by church, temples, and affluence class who are dominated over the tribal communities of Goa.

C. Nullified or exclusion of individual rights over Land.

After codification of Customary law i.e traditional institution of Gavpan into code of Comunidade and all the rights to tribal peoples was nullified. Because there was no legal control over land from tribal communities and their individual right being remain null and void. The key role played by church, comunidade, and affluence class who are taken over the possession of Lands from tribal communities of Goa.

D. Colonial Grand designed to forcibly convert and Capture of the Lands i.e. Colonial Control.

In Goa the affluent class has conceded to foreign invader with intention to take over control of lands belonged to tribal communities in Goa. With the entry of third colonization process, of the Portuguese rulers saw the vast revenue Generated into Local indigenous institutions. The higher class had tendency to concealed Diplomacy with Portuguese ruler, see to how to tackle the local indigenous peoples. The process of guiding policy was dictated by higher class to Portuguese ruler to destroy the Mand (holy place).

The colonial rulers were moved in appropriate direction given by higher class to destroy the Mand (holy place) and take over the control over the lands revenue.

Secondly, the Portuguese rulers were forcibly converting the local people's i.e Gawda tribes in seventeenth century with intention to take over the control of land in Goa. During the Portuguese colonial period, the priest who cleverly issued an ordinance from church and made an announcement to those who renounce himself and accept Christianity faith will be allotted small portion of village land. Automatically, the higher classes renounced Hinduism and accept Christian faith but local indigenous peoples were far away from the hidden policy of Portuguese Administrators. Very soon the Portuguese rulers in collaboration with the

higher class took over the possession of land and destroyed the customary law of indigenous peoples in Goa.

E. Denial of ownership rights of natural resources, land, forest and Temples.

The whole Portuguese Administration was controlled by higher class during colonial period in Goa. The important role were played by higher class who worked under Portuguese Administration and denied them the ownership rights over natural resources, land, forest and temples. Moreover, the higher classes advised the Portuguese administrators to issue various acts to control over temple lands.

Meanwhile, the Portuguese administrators had enacted law i.e. Devastan Mazan Act in 1883, which affected the tribal peoples became under this law, the right over the Temples were automatically became null and void.

Tribal Rights movement in Goa

In this current phase of the movement, thousands of grassroots tribal's took to the streets under the leadership of their movement in the state of Goa for fighting their own civil rights. Many of the issues faced by tribal today have their traces in the past. The history of Tribal's movement can provide an insight into many of the contemporary problems. The successful strategies for the future cannot be built without the strong foundation of the understanding of the past. In 19th Century tribal right Movement, in post liberation period have brought to fore wide range of tribal's concerns. There have been various ideological shades in the tribal's movement. The tribal's organisations have an elitist bias. The tribal from marginalized sections in rural areas have mobilised to fight for rights.

When India gained independence in 1947, the President of India promulgated Schedule Caste and Schedule Tribe Order in 1950. After liberation the first MGP (Maharashtra Gomantak party) Government, immediately after coming to power in 1964, had recommended to the Union Government to include three communities under list of scheduled tribe category.

The state had made a sincere effort to lead the socio-economic development programmes in Goa. Although, the rapid developmental activities were carried out by the Central government since after liberation of Goa, the original settler were marginalized from mainstream in socio-economic development in State¹⁴.

Thereafter, as per as the Constitution (Goa, Daman and Diu) Scheduled Tribes order, 1968 and as inserted by Act 18 of 1987, only five communities were notified as Scheduled Tribes namely Dhodia, Dubla, Naikda, Siddi and Verli, from Daman and Diu, and other three

communities were of Gawda, Kunbi and Velip were excluded in the list of scheduled tribe category

In 1970's and 1980's decades the first movement began from tribal communities of Gawda, Kunbi and Velip in Social, economic & political field and with interest of protection of human rights and Constitutional rights in the State of Goa.

Thus, in 1980, the Gawda, Kunbi, Velip and Dhangar Federation were formed and thereafter in the year of 1984, Goan Organizing Association (GOA) was formed. But after consideration of the tribal demand the state government decided that the tribal communities of Gawda, Kunabi and Velip are to be wrongly included in the list of OBC in 1980. Since then the process of development of tribal communities has stopped.

In according to the realities of living standards of Scheduled tribes of Gawda, Kunabi and Velip Communities are more complicated than the assumption about the risk of deliberate act of omission of low development. As a result of low income, dependency, unemployment and lack of development are generally seen as the main risk factors for social exclusion.

While analyses the process of four decades began from 1962 up to 2003, the tribal communities of Gawda, Kunbi and Velip are totally isolated from mainstream in socio-economic development in Goa. The socio-economic Condition of Scheduled tribes were very worse because when they are excluded from the constitutional Benefits in the list of Schedule Tribe Order 1968.

The members of new tribal's groups believe in fight against all forms of discrimination, harassment and consider tribal as an oppressed class. The castes and communalism is also one of the most effective weapons utilised by the patriarchal social order.

The state practice discriminatory attitudes towards tribal people of castes and classes but economic development of tribal's was a minimum necessary condition for tribal's liberation but it is not enough. The tribal peoples are fighting for rights in socio-economic, cultural, educational, political fields to achieve equity that would lead to equality. In Goa the tribal peoples were demanding equal career advancement and raising the bar for socioeconomic and political achievements. Tribal's issues have to be fought on a day to day basis. Gender inequality, injustice and discrimination are the major reasons why tribal are unable to show their skill and ability along with other Non-tribal's. Finally, the tribal leaders decided not to remain silent for the status of Scheduled tribes and all tribal community leaders took strong lead in the movement of tribes in Goa and were strongly supported by the communities in 1998 to 2000. On 10th March 2001 the Goa State Scheduled Tribes Action Committee was

formed. And thereafter December 2002, Schedule Caste and Scheduled Tribe amendment bill 2002 was passed in the parliament and three communities of Gawda, Kunbi and Velip were notified as Scheduled Tribes in the list of Schedule Caste and Schedule Tribe amendment order Act 2003 but till date they did not get any tangible benefit from state and Central Government.

Inclusive Framework under Constitutional of India for welfare of Scheduled tribes.

The Indian Constitution provides to safeguard to Scheduled Tribe which is socially isolated and economically backward in the society, because they shall enjoy economic benefits to improve their financial and social position. Under such circumstance the Scheduled tribes of Gawada, Kunabi and velip Communities not availed any constitutional benefits. The inclusive frameworks to lead the welfare of Scheduled tribe under Constitution of India, Some specific provisions which are made for inclusive framework to advance development of Scheduled Tribes are as under:

(1) Social Protection of Scheduled Tribe:

The Social protection provisions relating to fundamental rights have been qualified with reasonable restrictions in favour of Scheduled tribes. The significance Articles 14 “the state shall not deny to any person equality before the law or equal protection of the laws within the territory of India.

In Article 15 prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth. Therefore, enables a State government to make special provisions for advancement of members of Scheduled castes and Scheduled tribes under Articles 15 clause (4). And in article 16 provides for opportunities for all citizens in matters relating to employment or appointment or post in favour of Scheduled castes and Schedules tribes.

The following right should be protected under Articles 19 of Indian constitution as Right to freedom of speech: Right to assembly: Right to form and join associations/movements and to unionization. The Constitution of India has specified the Certain Rights like Right to life and security of life, Right to health, etc.

The framers of the Indian Constitution were anxious to ensure the betterment of the Scheduled Tribes and under Article 46 epitomizing the policy, called upon the state (Central & State government) to promote with special care the educational and economic interests of Scheduled castes and Scheduled tribes and protect them from social injustice and all forms of exploitation. It is a comprehensive article comprising both the development & regulatory functions.

Economic Provision for Empowerment of Scheduled Tribe.

In the state of Goa, three Communities namely Gawda, Kunabi and Velip were notified as Schedule Tribe in the year 2003. The Survey revealed that the total Scheduled tribe Population of the State was 1, 49,056 which is around 10.23% of the total Population of the State as per 2011 Census.

After notifying the Scheduled Tribe of Gawda, Kunabi and Velip in Goa, till date they did not get any Constitutional benefit. Therefore, the state Government has not prepared any other Economical development Programs or tribal development Strategy in Scheduled tribe area. Now the State Government needs to take Steps regarding for declaration Vth Schedule of Constitution indicating area where more tribal Population exist in Goa.

Yet, the Government of Goa has not taken any initiative Step for notifying the Vth Schedule area in Goa. The Vth Schedule area means the administration of the tribal people which has Constitution placed the responsibility for their welfare on popular governments through the President and Governors.

For planned development availability of financial resources as per Article 275 and executive machinery as per Article 244 and the fifth & sixth schedule of the Constitution have relevance? The First Proviso to Article 275(1) of the Constitution of India guarantees grants from the Consolidated Fund of India each year for promoting the welfare of Scheduled Tribes and in pursuance of this Constitutional obligation, the Ministry of Tribal Affairs provides funds through the Central Sector Scheme "Grants under Article 275(1) of the Constitution". The objective of the scheme is to meet the cost of such projects for tribal development as may be undertaken by the State Governments for raising the level of administration of Scheduled Areas therein to that of the rest of the State. The Fifth Schedule to the Indian Constitution lays down certain prescriptions in regard to the Scheduled Areas as well as the Scheduled Tribes in States other than Assam, Meghalaya, Tripura and Mizoram. With the provision in the fifth schedule which enables state to frame of administration to concretise the directives contained in Article 46 and the term scheduled areas encompassed all areas the President of India notifies under the fifth Schedule. The Governor has been made responsible for the peace and good government of scheduled areas. Under the fifth schedule a provision is made for setting up a tribal advisory council which is consulted by the Governor in relation to his regulation making powers, beside this Article 339(2) empowers the Centre to give directions to a State asking them to draw up and execute schemes to the welfare of Scheduled tribes. The state Government has reserved the only 10.23 % fund for tribal development for the total

tribal Population in Goa .Even the state Government has not set-up any Tribal Advisory Council for tribal development in Goa. The Tribal Advisory Councils is important to advice on matters pertaining to the welfare and advancement of the STs (Article 244(1)). In India there are nine States having scheduled Tribe areas, viz., Andhra Pradesh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Odissa, Rajasthan, Chhattisgarh and Jharkhand. Without the declaration of State of Goa under Vth Schedule area or setup the tribal Advisory Council is impossible to lead the tribal development programmm in Scheduled tribe area in Goa.

(2) **Political Reservation for Scheduled Tribe:** Of all empowerments with their importance, political empowerment may be considered more important one. The empowerment is meant for participating in political decision-making process and the process normally affects society. Under Articles 40 of Indian Constitution Which mandates the state to take steps to organize village Panchayat and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.

This was achieved only by the 73rd and 74th constitutional amendments to the Scheduled areas through the provisions of the Panchayat (Extension to the Scheduled areas) Act, 1996 to ensure effective participation of the tribal in the process of planning and decision-making. The Reservation of seats for Scheduled Castes and Scheduled Tribes under Articles 330, 332, and 334 of India constitution and this entire article has been amended five times, extending, the said period by ten years on each occasion.

Legislative Enactment

India has passed various laws to protect the rights and interests of the depressed class like Scheduled Castes and Scheduled Tribe in order to fulfill the Constitutional Provisions pertaining them. These include:

- (i) the Protection of Civil Rights (Anti-Untouchabilities) Act, 1955;
- (ii) the Bonded Labour (Abolition) Act, 1976;
- (iii) Scheduled Castes and Scheduled Tribes (Prevention Atrocities) Act, 1989 and Rules 1995.
- (iv) The Panchayat Raj Extension of the Scheduled areas Act, 1996.
- (v) The Scheduled Tribes and other Traditional forest dweller (Recognition of forest rights) Act,2006;
- (vi) Finally, to monitor enforcement of some of these laws, the Central government established the National Commission for Scheduled Castes.

Weakness of State Inclusive Framework polices to lead the development programmers in Tribal's Areas:

These discussions, including the growing evidence that reducing inequalities and growth may not need to be conflicting objectives and preamble of India constitution of India. Every Five Year Plan the economic development scheduled tribe in the state of Goa was actively shaped by the un-planning process. The ability of the state government led growth process to achieve broader Economical developmental which laid down preamble under constitution of India seems to be very weak and the broader, overarching vision for economic development is hard to find. The growing inequalities and inequality can hamper growth. These questions were arise with regard that state need to take leads in the tribal's economic empowerment and broader concept of inclusive growth with emerged in the state debate. This thus takes the debate on inclusion beyond a common focus on social protection, and investigates inclusiveness policies in the state of Goa. In this regard, the following weakness of Inclusive Framework polices to lead the development programmers of Scheduled Tribes in Goa have been recommended as under:

(i) Lack of constitutional Benefit to scheduled tribes in Goa.

India has already celebrated 68 year of Independent, besides Goa celebrated the golden jubilee of liberation but still the scheduled tribe of Gawda, kunbi and velip communities are not fully enjoying the Rights which deal under Constitution of India. The Constitutional makers incorporate some of the provisions to the constitution of India which provide status and opportunity to all including Scheduled Tribe. The main object of these rights is to provide to all the people including the Scheduled Tribes equal justice and social justice.

The state Government policy shows the Weakness of Inclusive Constitutional Framework due to ignorance of constitutional rights to Scheduled Tribes in Goa. Besides the Constitution also gives the direction to the legislatures to chalk out the various government policies and programmes for the benefits of Scheduled Tribes. Since liberation of Goa, no initiative was taken by state Government to notify V scheduled area, set up tribal Advisory Council and implement tribal-sub plan in Goa. The fundamental rights do not merely contain civil and political rights traditionally known as civil liberties but they also ensure social and economic justice which is also given to the people of India in general including the Scheduled Tribes in particular. The Directive Principles of State Policy also ensure justice to the vulnerable sections.

(ii) Lack of enactment of Laws by State Government:

The state Government has show lack of interested towards the Scheduled tribe Communities to pass the new laws in legislative Assembly for restoration of tribal lands. Even they are not showing any keen interest for bringing the various amendments of restoration of land and protection of interest of tribal peoples in Goa.

Majority of the tribal peoples face atrocity from Administration, Politician, businessman, forest officer, comunidade, higher class and private persons. The massive development and illegally possessed or acquired agricultural and Non-Agricultural land from tribal communities without paying the rate of market price. Therefore, the livelihood of scheduled tribe is jeopardy in the state of Goa.

(iii) Increase in inequality or discrimination in Administration Level.

The Nature of Administrators attitude for any tribal development approach is important factor but administration lead by Non-Tribal's has dominated the Government Machinery in Goa. Because mostly the Non-Tribal offices or administrators have not shown any keen interested to frame inclusive policy of tribal development, Scheme or any other project to lead in Scheduled tribe area.

The Constitutional inclusive framework should be provided with fundamental guarantee of Artciels 14 Right of equality and Articles 15 for prohibition of discrimination on ground of race, cast creed and religious etc. Under constitution of India and Indian legislative acts have several provisions to require the state as well as scheduled tribe and Schedule cast commission to identify and eliminate discrimination and ensure equality.

The important role for state and scheduled tribe commission should go toward achieving goals and targets to indicate the direction at reducing discrimination and ensuring that the social and economic needs of the most tribal communities are being addressed fairly, and at reducing discrimination.

(iv) Lack of Schemes, projects, Strategies and programmers in Goa.

The major drawback of Government of Goa is that it has not prepared an effective inclusive policy for the welfare of the Scheduled Tribe Communities. The State has not even taken initiative to frame the inclusive Policy of Programs, Strategy and Projects to lead in tribal areas. Thus, the discrimination is a main root of cause of social exclusion which has been deliberate strategy to neglect the development of tribal communities in Goa.

Even Director of Tribal Welfare and Tribal Minster of Goa is supposed to take the initiative for framing the various tribal welfare policies and development programmes taking into account most of the needy tribal people inhabiting a particular taluka, district and village.

The key role the state can play is to adopt the mechanism plan for the welfare of the Scheduled Tribes in Goa, and certain dimension-based approach to lead the tribal development programmes in Goa. The first phase is to promote development programmes through planned efforts in Scheduled Area in Goa. The second phase is to protect the interest of Scheduled Tribes through Constitutional, legal and administrative support in Goa.

(v) Lack of understanding the concept of inclusive policy.

Meanwhile, the emergency of understanding of the concept of inclusive policy by way voice, of dedicated and effective tribal leadership has exposed the double standards of state machinery mend for working for tribal development in Goa.

It is pertinent to analyse the numbers of factors which are responsible for deprivations suffered by these tribal communities even after 50 years of liberation of Goa. Eventually, it can be seen that all these Government Machinery, political parties including the National and Regional party never tried to understand the basic concept for inclusive policy to implement and worked for the betterment of the tribal population in Goa.

The concept of inclusive growth policy which leads to the socio-economic development programmes in tribal dominated area .with collaboration all of concerned departments to prepare inclusive programmes to improve the standard the living of Scheduled tribe in Goa.

Huge amount of funds were allocation for tribal peoples in various departments for utilization of this funds for tribal development with suitably tailored schemes or projects for welfare of tribal peoples in Goa.

Suggestions to adopt measure steps for Inclusive framework policy. In this regard, the following suggestions have been mention as under: The Directorate of tribal welfare must have maintained track data on tribal population base on socio-economic group. The Scheduled Tribes population in ruler areas has observed higher growth rate than total urban areas. The comparison of percentage of Scheduled Tribes population shows that Goa has higher percentage of total tribal population in rural area. Thus, the state tribal welfare department must take initiative to conduct survey to gauge the actual position or condition of scheduled tribe communities in remote area for social, economical, political, legal and cultural aspect, and also adopt stop to bring the tribal's in the mainstream of Tribal development in Goa.

(i) The state of Goa Government must give access to Scheduled tribe communities by providing to Scheduled Tribe. It is considered to be the main accelerator for the progress and the improvement of the status of Scheduled Tribes. The state government should appoint a special committee to conduct survey to identify those who are not getting the higher

education through professional, non-professional and vocational courses.

- (i) To make awareness among Scheduled Tribes regarding their Constitutional and other legal rights in village, District and state level.
- (ii) To Declare of Vth Schedule Tribal area in the state of Goa.
- (iii) To set up the Tribal Advisory Council in the state of Goa, this will be responsible for Prepare tribal development welfare Scheme and project through Tribal Sub-Plan.
- (iv) To strengthen implement the Scheduled tribes and other Traditional Forest Dweller (Recognition of Forest Rights) Act, 2006. Because those tribal peoples who traditionally are cultivated kumari land in forest and to Secure there Right of dwelling house.
- (v) To strengthen the grass root democratic institutions through (Panchayat Raj Institutions) and Gram Sabhas as per the provisions of 73 and 74 amendments and PESA Act, 1996.
- (vi) To Allocation special funds by way budgetary provisions done adequately for tribal development and their welfare
- (vii) To provide free legal aid to the members of the Scheduled Tribes in the state of Goa.
- (viii) To strengthen the SC/ST (Prevention of Atrocities) Act, 1989 in the state of Goa and provides the immediate relief and compensation to victim persons.

Conclusion: The Constitutional protections afforded to improve the conditions of the Scheduled Tribes are still need to be extended to them appropriately. Even today the Scheduled tribes of Gawda, Kunbi and Velip Communities were face such kind of discrimination, humiliation and injustice from the non-tribal communities in the state of Goa. The State should take initiative in securing the social justice as it is duty bound to implement the welfare programmes to be launched in the tribal area. It should also ensure to provide free legal aid and reservations done through in existing law, and Constitutional provisions by strictly adhering to protect the interests of Scheduled Tribes in Goa.

Reference.

- Amartya Sen. (2000). *Social Exclusion :Concept, Application, and Scrutiny*. Office of Environment and Social Development, Asian Development Bank, Social Development ...
- Ann Neviel. (2007). *Amartya K.Sen and Social Exclusion*. Lectures in Social policy at the Asia Pacific School of Economic and Goveremnt, Australian Natinal University.
- Bakshi, P. (2002). *The Cositutional of India*. Delhi: universal Law Publishing.

- Basu, D. D. (2002). *Introducation to the Consitution of India*. Agra: wadhwa and company law publishers.
- Corriea, L. d. (2006). *Goa History from 10,000 BC-AD 1958*. panji-Goa: Maur Publish Pvt.Ltd.
- Dr.Pradip Maske. (2011). *Statehood of Goa: A Hisotrical perspective*. panaji.
- Dr.Prakash Louis. (n.d.). *Social Exclusion: a Conceputal and Theoretical framwork*. Patna,Bihar.
- Durgadas Gaonkar. (2007). *Land ,Mining and Adivasis in Goa*. panaji.
- Gidely, & J. M.-S. (2010). *Social Exclusion : Context, Theory and Practices*. *The Australasian Journal of University-community Engagament*, .
- jain, Subhash C. (2000). *The Consitution of India :Selcet Issues &Perceptions*. New Delhi: Taxmann Publications.
- Kagzi, & jain, M. C. (2001). *The consitutional of India* (Vol. 1 & 2). New Delhi: India Law House.
- Naila Kabeer. (2004). *Social Exclusion:Concept,Finding and implication for the MDGs*. Brighton.
- Pylee. (2003). *consitutional Amendmets in India*. Delhi: universal law.
- Peace, R. (2001). *Social Exclusion:A Concept in Need of Defination, knowleged Management Group*. *Social Policy Journal of New Zealand* .
- Sebastian Rodrigues. (2008). *Portuguese Colonialism and Tribal land Alination*. Panaji.