
Reclaiming the Tribal Past: The Tharu Struggle for Constitutional Legitimacy

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Abstract

*This paper, **Reclaiming the Tribal Past: The Tharu Struggle for Constitutional Legitimacy**, examines the prolonged socio-political movement of the Tharu community of Bihar to secure recognition as a Scheduled Tribe (ST) under the Indian Constitution. Spanning over five decades, from the 1950s to 2003, the movement represents a significant case of identity reassertion shaped by education, comparative awareness, and organised collective mobilisation. Initially lacking political consciousness and access to formal education, the Tharus of Bihar remained unaware of the implications of their administrative classification. However, increased interaction with Tharus of Uttar Pradesh and Nepal, where the community already enjoyed Scheduled Tribe status, generated a sense of relative deprivation and political awakening. By analysing this struggle, the paper highlights how constitutional categories, state policies, and community mobilisation intersect in reshaping collective identity. The Tharu movement demonstrates that tribal identity is not merely inherited but actively negotiated within democratic frameworks of recognition and rights.*

Keywords: Tharu, Scheduled Tribe, Community, Government, Identity

Awakening and Political Consciousness (1970s)

The politics of recognition has played a central role in shaping postcolonial India's social structure. The constitutional provisions relating to Scheduled Castes (SCs) and Scheduled Tribes (STs) were designed to correct historical injustices and ensure social justice through affirmative action, political representation, and developmental safeguards. Yet, the process of identifying and listing communities within these constitutional categories has often been complex, contested, and deeply political. The struggle of the Tharu community in Bihar for inclusion in the Scheduled Tribe list offers a compelling case study of how identity, state classification, and collective mobilisation intersect in modern India.

The Tharus are an indigenous community inhabiting the Terai belt stretching across the Indo-Nepal border. While Tharus in neighbouring Uttar Pradesh were recognised as Scheduled Tribes, their counterparts in Bihar were excluded from the ST list for decades. This discrepancy created structural inequality within the same ethnic group, as constitutional recognition determines access to reservations in education and employment, welfare schemes, and political safeguards. For many years, limited access to education and minimal interaction with the wider political sphere prevented the Tharus of Bihar from fully understanding the implications of this administrative categorisation.

The spread of education in the 1960s and 1970s, along with increased contact with Tharus in Uttar Pradesh and Nepal, generated a new political consciousness. The community realised that despite sharing similar socio-cultural characteristics and historical roots, they were denied the constitutional benefits accorded to their counterparts across state boundaries. This awareness and comparison triggered a strong sense of "relative deprivation," this perceived inequality fuels collective action. Educated youth sought employment opportunities through reservations; economically weaker sections demanded state assistance; and the emerging Tharu elite recognised the broader legal and financial implications of ST status. Srinivasan and Ranjan note, "*The educated youth wanted this for job, the uneducated for financial*

support from the state agency and the rich Tharus for more legal/financial benefits based on state assistance".ⁱ

Organised Mobilisation: Indian Tharu Welfare Federation

To coordinate their efforts, Tharu elites and community leaders established the **Indian Tharu Welfare Federation (Bhartiya Tharu Kalyan Mahasangh)** on March 19, 1971.ⁱⁱ Various smaller organisations later merged under its banner. The formation of the Indian Tharu Welfare Federation in 1971 marked a turning point, transforming scattered grievances into a coordinated rights-based movement. Through memoranda, peaceful demonstrations, and sustained engagement with state and central authorities, the Tharus articulated constitutional, historical, and socio-cultural grounds for their inclusion in the ST list. The federation also mobilised financial and physical contributions from across caste and sub-caste divisions.

The Tharu leadership and organisations such as the **Bhartiya Tharu Kalyan Mahasangh** presented several arguments. The basis of the demand of federation included:

1. Tharus in Uttar Pradesh already had ST status despite similar socio-cultural traits and shared habitation in the Terai belt extending from Kumaon and Garhwal to West Champaran in Bihar.
2. Bihar State Government had formally recommended their inclusion.
3. They were listed as an aboriginal tribe under the Bihar Tenancy Act (1885).
4. The **Kaka Kalelkar Backward Classes Commission** recommended their inclusion in the ST list.
5. The **Mungeri Lal Backward Classes Commission** strongly supported their claim.

This marked a unified, rights-based movement. The struggle was no longer fragmented but systematic and sustained. Repeated reminders were sent to the Central Government throughout the 1970s, 1980s, and 1990s. Delegations met Members of Parliament, Ministers, and even the Prime Minister.ⁱⁱⁱ In a 1987 conference convened under the Union Home Minister, the proposal for including Tharu (along with Kol and Kavar communities) received favourable consideration.

State-Level Support and Recommendations

The movement for the inclusion of the Tharus of Bihar in the Scheduled Tribe (ST) list gained significant momentum when it began receiving formal support from the state government. While the struggle originated as a community-driven initiative led by educated elites and grassroots organisations, state-level endorsement played a crucial role in legitimising and advancing the demand at the national level.

A major breakthrough occurred on February 27, 1976, when the Government of Bihar formally recommended to the Union Government (Ministry of Home Affairs) that the Tharus of Bihar be included in the list of Scheduled Tribes. This recommendation was not merely symbolic; it reflected the state's acknowledgment of the socio-economic backwardness, distinct cultural identity, and tribal characteristics of the Tharu community.^{iv} The state government recognised that despite sharing ethnic, historical, and geographical continuity with Tharus in neighbouring Uttar Pradesh, who were already recognised as Scheduled Tribes, the Tharus of Bihar had been placed in a different administrative category, leading to unequal access to constitutional safeguards.

The Bihar government's support was also evident in administrative actions taken prior to final central approval. On October 23, 1978, the Welfare Department and Forest Department of Bihar issued a circular directing all state departments to treat the Tharus at par with other Scheduled Tribes with respect to schemes and facilities.^v This interim measure reflected a progressive stance by the state authorities (MLAs, MPs), aiming to mitigate the disadvantages faced by the community while the matter remained pending at the national level.^{vi} Although such circulars could not substitute for constitutional recognition,

since inclusion in the ST list requires parliamentary amendment under Articles 341(2) and 342(2) of the Constitution, they demonstrated the state's political will to address the community's grievances.^{vii}

State-level commissions further strengthened the case. The Kaka Kalelkar Backward Classes Commission had earlier recommended the inclusion of the Tharus in Bihar's Scheduled Tribe list, acknowledging their tribal features and socio-economic marginalisation. Similarly, the Mungeri Lal Backward Classes Commission supported their claim, reinforcing the argument that the Tharus met the criteria generally associated with Scheduled Tribes. These endorsements provided intellectual and institutional backing to the community's movement and supplied the state government with documented grounds for recommendation.^{viii}

Throughout the 1980s and 1990s, the Government of Bihar continued to send reminders and communications to the Central Government, emphasising that the prolonged exclusion of the Tharus from the ST list had generated widespread dissatisfaction. State representatives participated in national-level discussions, including conferences convened by the Union Home Ministry, where the proposal for inclusion of the Tharu community, alongside Kol and Kavar, received favourable consideration.^{ix} The presence of Bihar's Welfare Commissioner and senior officials in such meetings underscored the state's active involvement in pursuing the matter.

Importantly, the state's advocacy highlighted the inconsistency created by differential classification within the same ethnic group across state boundaries. This disparity strengthened the moral and administrative justification for inclusion. By repeatedly affirming its support, forwarding recommendations, and participating in consultative processes with the Registrar General of India and the Union Government, Bihar played a mediating role between community aspirations and constitutional procedure.

In essence, state-level support transformed the Tharu demand from a local agitation into a formally endorsed claim within India's constitutional framework. Although the final decision required parliamentary action at the national level, the sustained backing of the Bihar government was instrumental in paving the way for the eventual recognition of the Tharus as a Scheduled Tribe in 2003.

Final Recognition (2003): Inclusion of the Tharus of Bihar as a Scheduled Tribe

After more than five decades of sustained struggle, memoranda, demonstrations, and negotiations with both state and central authorities, the Tharus of Bihar finally achieved constitutional recognition in 2003. The long-pending demand was fulfilled through the enactment of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 2002. This amendment formally revised the list of Scheduled Tribes and included the Tharu community of Bihar under the Second Schedule (Part III – Bihar, Serial No. 33).

The official notification was published in the Gazette of India (Extraordinary, Part II, Section I) on January 8, 2003. With this parliamentary approval, mandated under Articles 341(2) and 342(2) of the Constitution, the Tharus of Bihar were granted full Scheduled Tribe status. Along with the Tharus, the Kol and Kavar communities were also included in the ST list.

This recognition marked not merely an administrative change but the culmination of a historic movement for justice and identity restoration. It ensured access to constitutional safeguards, including reservations in education and employment, political representation, and welfare schemes. For the Tharu community, January 8 became a symbol of victory and dignity, commemorated annually as Vijay Diwas in celebration of their long-awaited constitutional legitimacy.

Conclusion

The Tharu movement demonstrates how identity is not static but continuously reshaped through socio-political engagement. Their transformation—from limited political awareness to organised constitutional

mobilization, illustrates the dynamic relationship between community identity, state recognition, and democratic struggle. After 53 years of sustained effort, the Tharus of Bihar secured not just legal recognition but also a renewed collective self-understanding grounded in rights, dignity, and constitutional equality.

End Notes

ⁱ Srinivasan A. and Ranjan A., Frontier Identity in the Terai: Tharu. In Saxena & Srivastava (et al.) (Eds.), *Schedule Tribes and Development*, Serial Publication, 2006, pp. 101-133.

ⁱⁱ An interview of Dr. Shardha Prasad during field visit in West Champaran.

ⁱⁱⁱ From a letter by President (Thakur Prasad) of Bhartiya Tharu Kalyan Mahasangh to Secretary of Lok sabha, New Delhi, 4th November 1978.

^{iv} Government of Bihar, Welfare Department and Forest Department No. 1/M 1-2074 K 9895 dated October 23, 1978. (From Bhartiya Tharu Kalyan Mahasangh Office, West Champaran).

^v *Ibid.*

^{vi} Copies of letter to Bihar State Government by MP Dr. B. L. Shailesh dated; 7/11/1987, Kali Prasad Pandey (MP) letter to CM of Bihar dated; 16/07/1988, Bhola Ram Toofani (Minister) letter to CM of Bihar dated; 19/09/1992. (While interviewing the President of Bhartiya Tharu Kalyan Mahasangh, also had the opportunity to visit Delhi several times along with the delegates state that Late MLA Triloki Harijan, Mr. Chandramohan Rai, Mr. Dilip Verma and MPs late Bhola Raut, late Mahendra Baitha, late Madan Jaiswal, late Madhukar Jha etc. cooperated a lot in this work.)

^{vii} Letter No. BC.12016/3/84-SC&BCD-I (R. Cell), *Government of India, Ministry of Home Affairs*, dated: 27/10/1984. (Letter from Home minister (P.V Narsingh Rao), India to Tarikh Anwar (Member of Parliament). AND Letter No. BC.12016/3/85-SC&BCD.I(R. Cell), *Government of India, Ministry of Home Affairs*, date: 08/05/1985. (Letter to President of Bhartiya Tharu Kalyan Mahasangh by Y. P. Marwaha (Assistant Director). AND Letter No. BC.12016/3/86-SC&BCD-I (R. Cell), Government of India, Welfare Department, Dated: 18/07/1986.

^{viii} *Letter by Delegates of Bhartiya Tharu Kalyan Mahasangh to Prime Minister (Indira Gandhi)*, dated: 05/03/1981

^{ix} Government of Bihar, Department of Personnel and Administrative Reforms (Synthesis), dated: 09/02/1989.